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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN76

Prevailing Rate Systems; Special Appropriated Fund Wage Schedules for U.S. Insular Areas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This rule amends the special appropriated fund wage schedules for U.S. insular areas in OPM regulations to designate the Department of Defense (DOD) as the sole lead agency for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Midway, and the U.S. Virgin Islands.

DATES: Effective June 19, 2019.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On February 13, 2019, the Office of Personnel Management (OPM) issued a proposed rule (84 FR 3729) that amends the special appropriated fund wage schedules for U.S. insular areas in § 532.259(a) of title 5, Code of Federal Regulations, to designate DOD as the sole lead agency for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Midway, and the U.S. Virgin Islands. The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee responsible for advising OPM on matters concerning the pay of Federal Wage System employees, recommended by consensus that we adopt these changes. The 30-day comment period ended on March 15, 2019, during which OPM received no comments.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review;'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

Accordingly, the Office of Personnel Management amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. Section 532.259 is amended by revising paragraph (a) to read as follows:

§ 532.259 Special appropriated fund wage schedules for U.S. insular areas.

(a) The lead agency shall establish and issue special wage schedules for U.S. civil service wage employees in certain U.S. insular areas. The Department of Defense is the lead agency for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Midway, and the U.S. Virgin Islands. These schedules shall provide rates of pay for nonsupervisory, leader, supervisory, and production facilitating employees.

* * * * *

[FR Doc. 2019–10335 Filed 5–17–19; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1124; Product Identifier 2017–SW–073–AD; Amendment 39–19637; AD 2019–09–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. This AD requires inspecting the jettisoning mechanism of the left-hand (LH) and right-hand (RH) cabin sliding plug doors. This AD is prompted by a report that during a scheduled inspection a cabin door failed to jettison. The actions of this AD are intended to correct an unsafe condition on these products.

DATES: This AD is effective June 24, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 24, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1124.

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–2017–1124; 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 AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177;

telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On May 8, 2018, at 83 FR 20751, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, with a cabin sliding plug door installed in accordance with Airbus Helicopters modification (MOD) 0722338, except helicopters with a plug door jettison system installed in accordance with MOD 0725366. The NPRM proposed to require inspecting the jettisoning mechanism of the LH and RH cabin sliding plug doors. The proposed requirements were intended to prevent the cabin sliding door from failing to jettison, which could prevent helicopter occupants from evacuating the helicopter during an emergency.

The NPRM was prompted by EASA AD No. 2017–0022, dated February 8, 2017, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters (previously Eurocopter) Model AS332C, AS332C1, AS332L, and AS332L1 helicopters equipped with a cabin sliding plug door modified in accordance with MOD 0722338. Helicopters with Eurocopter MOD 0725366 are exempt from the EASA AD's requirements.

EASA advises that the emergency jettison test of a cabin lateral sliding plug door failed during a scheduled inspection and test of the door's jettison mechanism. According to EASA, an investigation revealed that the jettison handle cable interfered with the cable clamps. EASA states that this condition could lead to jamming of the door jettisoning mechanism, preventing jettisoning of the affected door during an emergency, possibly obstructing evacuation of the occupants. The EASA AD consequently requires repetitive inspections of the jettisoning mechanism of the LH and RH door, followed by corrective actions if needed.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

FAA's Determination

Theses helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to our bilateral agreement with the European Union, EASA has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires that the initial inspection occur during the next jettisoning test of the doors or within 110 flight hours, whichever occurs first, and thereafter during certain maintenance tasks. This AD requires a one-time inspection within 110 hours TIS or prior to flying over water.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin No. AS332–52.00.56, Revision 0, dated January 30, 2017, which specifies pulling on the inner jettison handle to determine whether the cables come into contact with the cable clamps. If there is contact, this service information specifies changing the position of the cable clamps to prevent interference.

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.

Other Related Service Information

We also reviewed Eurocopter Service Bulletin No. 332–52.00.28, Revision 1, dated April 29, 1998, which contains procedures to improve the door jettison system. Eurocopter identifies compliance with this service information as MOD 0725366.

Costs of Compliance

We estimate that this AD affects 19 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect that inspecting the jettisoning mechanism and changing the orientation of the cable clamps, if necessary, requires 4 work-hours. No parts are required for a total cost of $340 per helicopter and $6,460 for the U.S. fleet.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–09–03 Airbus Helicopters: Amendment 39–19637; Docket No. FAA–2017–1124; Product Identifier 2017–SW–073–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, certificated in any category, with a cabin sliding plug door installed in accordance with Airbus Helicopters modification (MOD) 0722338, except helicopters with a plug door jettison system installed in accordance with MOD 0725366.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a cabin sliding door to jettison, which could prevent helicopter occupants from evacuating the helicopter during an emergency.

(c) Effective Date

This AD becomes effective June 24, 2019.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 110 hours time-in-service (TIS) or before the next operation over water, whichever occurs first, inspect the jettisoning mechanism of the left-hand and right-hand cabin doors for correct operation:

(1) Pull the jettisoning handle and determine whether the cable clamp contacts the top or bottom horizontal cables, using as a reference the photographs under paragraph 3.B.2 of Airbus Helicopters Alert Service Bulletin ASB No. AS332–52.00.56, Revision 0, dated January 30, 2017 (ASB).

(2) If there is contact between a cable clamp and a horizontal cable, before further flight, install both cable clamps as depicted in the bottom photograph under paragraph 3.B.2 of the ASB.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) Eurocopter Service Bulletin No. 332–52.00.28, Revision 1, dated April 29, 1998, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0022, dated February 8, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2017–1124.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5200, Doors.

(i) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin ASB No. AS332–52.00.56, Revision 0, dated January 30, 2017.

(ii) [Reserved]

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on May 1, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–10307 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0953; Product Identifier 2018–SW–079–AD; Amendment 39–19636; AD 2019–09–02]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2018–17–01 for Bell Model 212, 412, 412CF, and 412EP helicopters. AD 2018–17–01 required replacing certain oil and fuel check valves and prohibited installing these valves on any helicopter. This AD retains the requirements of AD 2018–17–01 but expands those requirements for all model helicopters. This AD was prompted by the discovery that we omitted a helicopter model from one of the required actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 4, 2019.

We must receive any comments on this AD by July 5, 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.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0953; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any

comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Jurgen E. Priester, Aviation Safety Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5159; email *jurgen.e.priester@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2018–17–01 (83 FR 42205, August 21, 2018) (''AD 2018–17–01''), for Bell Model 212, 412, 412CF, and 412EP helicopters with an engine oil check valve part number (P/N) 209–062–520–001 or fuel check valve P/N 209–062–607–001 manufactured by Circor Aerospace, marked ''Circle Seal'' and with a manufacturing date code of ''10/11'' (October 2011) through ''03/15'' (March 2015), except a check valve marked ''TQL'' next to the manufacturing date code, installed. AD 2018–17–01 resulted from a report that certain P/N 209–062–520–001 check valves manufactured by Circor Aerospace as replacement parts have been found cracked or leaking on several Bell Model 427 and Model 429 helicopters. At the time we issued AD 2018–17–01, we understood that these check valves may also be installed as engine oil check valves on Bell Model 212, 412CF and 412EP helicopters. Similar check valves, P/N 209–062–607–001, may be installed as fuel check valves on Bell Model 212, 412, 412CF, and 412EP helicopters. These check valves may have a condition induced during assembly that can cause the valve body to crack, resulting in oil or fuel leakage. This condition could result in loss of lubrication or fuel to the engine, failure of the engine or a fire, and subsequent loss of control of the helicopter. Consequently, AD 2018–17–01 required replacing the engine oil check valves on Model 212, 412CF, and 412EP helicopters and replacing the fuel check valves on Model 212, 412, 412CF, and 412EP helicopters. AD 2018–17–01 also prohibited installing an affected check valve on any helicopter.

Ex Parte Contact

On August 27, 2018, before the comment period for AD 2018–17–01 closed, we received a comment from the Japan Civil Aviation Bureau (JCAB). We responded to the JCAB and briefly discussed AD 2018–17–01 by email. The JRCB's comment during these discussions is addressed below. A copy of each email contact can be found in the rulemaking docket for AD 2018–17–01 at *http://www.regulations.gov* in Docket No. FAA–2018–0738.

Comments

We gave the public the opportunity to comment on AD 2018–17–01 after it became effective. We received comments from one commenter.

The JCAB requested that we clarify why the requirement in AD 2018–17–01 to replace the engine oil check valves does not apply to Model 412 helicopters, when the Bell service information requires replacing the engine oil check valve in that model.

The omission of Model 412 helicopters from the requirement to replace the engine oil check valve was an error. We are issuing this AD to correct that error and to require replacing the engine oil check valve in all applicable model helicopters.

Related Service Information

We reviewed Bell Alert Service Bulletin (ASB) 212–15–153, Revision A, dated October 6, 2017 (212–15–153), and Bell ASB 212–15–155, Revision A, dated October 6, 2017 (212–15–155), for Model 212 helicopters; Bell ASB 412–15–165, Revision A, dated October 6, 2017 (412–15–165), and Bell ASB 412–15–168, Revision A, dated October 6, 2017 (ASB 412–15–168), for Model 412 and 412 EP helicopters; and Bell ASB 412CF–15–57, Revision A, dated October 6, 2017 (412CF–15–57), and Bell ASB 412CF–15–59, Revision A, dated October 6, 2017 (412CF–15–59), for Model 412CF helicopters. ASB 212–15–153, ASB 412–15–165, and ASB 412CF–15–57 contain procedures for inspecting and replacing engine oil check valve P/N 209–062–520–001. ASB 212–15–155, ASB 412–15–168, and ASB 412CF–15–59 contain procedures for inspecting and replacing fuel check valve P/N 209–062–607–001. Revision A of the service information clarifies that check valves identified with ''TQL'' are not affected by the ASB procedures.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

AD Requirements

This AD requires within 25 hours time-in-service (TIS), replacing each fuel check valve and each engine oil check valve. This AD also prohibits installing on any helicopter a check valve P/N 209–062–520–001 or P/N 209–062–607–001 manufactured by Circor Aerospace, marked ''Circle Seal'' and with a manufacturing date code of ''10/11'' (October 2011) through ''03/15'' (March 2015), except for a check valve marked ''TQL'' next to the manufacturing date code.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because we believe action is needed within 25 hours TIS, a short interval for helicopters used in firefighting and logging operations. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0953 and product identifier 2018–SW–079–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects 186 (93 Model 212 and 93 Model 412) helicopters of U.S. Registry. We estimate that operators will incur the following costs to comply with this AD:

At an average labor rate of $85 per work-hour, replacing one check valve (engine oil or fuel) will require about 1 work-hour and a parts cost of $85. For replacing four valves (two engine oil valves and two fuel valves), we estimate

a total cost of $680 per helicopter and $126,480 for the U.S. fleet.

According to Bell's service information some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by Bell. Accordingly, we have included all 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.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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) 2018–17–01, Amendment 39–19355 (83 FR 42205) and adding the following new AD:

2019–09–02 Bell Helicopter Textron, Inc. (Bell): Amendment 39–19636; Docket No. FAA–2018–0953; Product Identifier 2018–SW–079–AD.

(a) Effective Date

This AD is effective June 4, 2019.

(b) Affected ADs

This AD replaces AD 2018–17–01, Amendment 39–19355 (83 FR 42205, August 21, 2018).

(c) Applicability

This AD applies to Bell Model 212, 412, 412CF, and 412EP helicopters, certificated in any category, with an engine oil check valve part number (P/N) 209–062–520–001 or fuel check valve P/N 209–062–607–001 manufactured by Circor Aerospace, marked ''Circle Seal'' and with a manufacturing date code of ''10/11'' (October 2011) through ''03/15'' (March 2015), except a check valve marked ''TQL'' next to the manufacturing date code, installed.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Codes: 7900 Engine Oil System and 2800 Aircraft Fuel System.

(e) Unsafe Condition

This AD defines the unsafe condition as a cracked or leaking check valve, which could result in loss of lubrication or fuel to the engine, failure of the engine or a fire, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 25 hours time-in-service, replace each fuel check valve and each engine oil check valve.

(2) After the effective date of this AD, do not install on any helicopter a check valve P/N 209–062–520–001 or P/N 209–062–607–001 manufactured by Circor Aerospace, marked ''Circle Seal'' and with a manufacturing date code of ''10/11'' (October 2011) through ''03/15'' (March 2015), except for a check valve marked ''TQL'' next to the manufacturing date code.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i) of this AD.

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

(i) Related Information

For more information about this AD, contact Jurgen E. Priester, Aviation Safety Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5159; email *jurgen.e.priester@faa.gov.*

Issued in Fort Worth, Texas, on May 1, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–10310 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0740; Product Identifier 2016–SW–045–AD; Amendment 39–19631; AD 2019–08–10]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Bell Helicopter Textron Canada Limited (Bell) Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, and 407 helicopters. This AD requires inspecting and cleaning the oil supply restrictor (restrictor) to the freewheel assembly. This AD was prompted by reports of a blocked oil line restrictor in the freewheel lubrication system. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective June 24, 2019.

ADDRESSES: For service information identified in this final rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0740; 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 AD, the Transport Canada AD, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On August 21, 2018, at 83 FR 42232, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, and 407 helicopters. The NPRM proposed to require inspecting and cleaning the freewheel oil supply system, and if there is blockage in the restrictor, disassembling and inspecting the freewheel assembly for condition and wear. Additionally, for Model 206A, 206B, 206L, 206L–1, 206L–3, and 206L–4 helicopters, the NPRM proposed to require replacing the reducer with a filter, part number 50–075–1. The proposed requirements were intended to detect blockage in the restrictor, which could cause failure of the freewheel assembly, failure of the main rotor mast, and subsequent loss of control of the helicopter.

The NPRM was prompted by Transport Canada AD No. CF–2016–13, dated May 2, 2016 (AD No. CF–2016–13), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Bell Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, and 407 helicopters. Transport Canada advises that they have received two reports of torsional overload failure of the main rotor mast caused by a blocked restrictor in the freewheel lubrication system. Transport Canada states the restrictor may become contaminated during maintenance, causing blockage. Transport Canada further states that a blocked restrictor could cause the freewheel assembly to malfunction and result in failure of the main rotor mast and loss of control of the helicopter.

Additionally, the Canadian AD advises that although certain later versions of these helicopters are equipped with a filter in the freewheel lubrication system that is designed to trap contaminants and prevent blockage of the restrictor, installation of the filter does not guarantee the restrictor will remain free of contaminants. According to Transport Canada, one occurrence of restrictor blockage resulted from contaminants being introduced downstream from the filter, which subsequently caused failure of the freewheel assembly. For these reasons, AD No. CF–2016–13 requires inspecting and cleaning the restrictors and filters, and depending on helicopter model, replacing the reducer with a filter. Additionally, AD No. CF–2016–13 requires a repetitive on-condition cleaning and inspection of the freewheel oil supply system.

The NPRM stated the incorrect date of May 16, 2016, for AD No. CF–2016–13. The correct issue date is May 2, 2016. We have corrected the date throughout this Final Rule.

In addition, the ''Costs of Compliance'' section in the preamble of the NPRM incorrectly provides the estimated cost ''per inspection cycle.'' However, the inspection and cleaning requirements are one-time requirements. ''Per inspection cycle'' has been removed in this section of the Final Rule. In this regard, we have added a section titled ''Differences Between this AD and the Transport Canada AD'' to this Final Rule to advise that the Transport Canada AD contains repetitive requirements and this AD does not.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all of the information provided by Transport Canada and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the Transport Canada AD

The Transport Canada AD includes a repetitive on-condition cleaning and inspection of the freewheel oil supply system any time the freewheel oil supply system is opened upstream of the restrictor. This AD does not require this type of repetitive on-condition cleaning and inspection because it could be difficult to track.

Related Service Information

Bell has issued Alert Service Bulletin (ASB) 206–14–132 for Model 206A/B and TH–67 helicopters; ASB 206L–14–174 for Model 206L, 206L–1, 206L–3, and 206L–4 helicopters; and ASB 407–14–106 for Model 407 helicopters. Each ASB is Revision A and dated February 9, 2016. This service information specifies removing, cleaning, inspecting, and reinstalling certain freewheel assembly components. ASB 206–14–132 and ASB 206L–14–174 also contain procedures for replacing the reducer with a filter if not already installed.

Costs of Compliance

We estimate that this AD affects 2,227 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD.

At an average labor rate of $85 per work-hour, inspecting and cleaning the freewheel oil supply system requires about 1 work-hour, for a cost per helicopter of $85 and $189,295 for the U.S. fleet.

If required, inspecting the freewheel assembly requires about 1 work-hour, for a cost per helicopter of $85.

If required, replacing a restrictor with a filter requires about 1 work-hour and required parts cost $125, for a cost per helicopter of $210.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

(2) Is not a ''significant rule'' under 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–08–10 Bell Helicopter Textron Canada Limited (Bell): Amendment 39–19631; Docket No. FAA–2018–0740; Product Identifier 2016–SW–045–AD.

(a) Applicability

This AD applies to Bell Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, and 407 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a blocked oil line restrictor. This condition could cause failure of the freewheel assembly, which could result in failure of the main rotor mast and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective June 24, 2019.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 100 hours time-in-service:

(1) For all helicopters:

(i) Inspect the oil line restrictor for blockage. If there is any blockage in the restrictor, before further flight, inspect the freewheel assembly clutch, inner shaft, outer shaft, forward seal, cap, and bearings for wear, corrosion, nicks, scratches, and cracks; the splines for wear, cracks, chipped teeth, and broken teeth; the housing for flaking; and for free rotation and engagement of the clutch and bearing. If there is any damage that exceeds allowable limits or if the clutch or bearing does not engage or freely rotate, before further flight, repair or replace the freewheel assembly.

(ii) Clean, inspect, and flush each removed fitting, restrictor, tube, hose, and filter with dry cleaning solvent. Do not approve for return to service until each restrictor is free from contamination.

(2) For Model 206A, 206B, 206L, 206L–1, 206L–3, and 206L–4 helicopters with a reducer, replace the reducer with a filter part number 50–075–1.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Bell Helicopter Alert Service Bulletin (ASB) 206–14–132, ASB 206L–14–174, and ASB 407–14–106, all Revision A and dated February 9, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2016–13, dated May 2, 2016. You may view the Transport Canada AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2018–0740.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive System.

Issued in Fort Worth, Texas, on May 3, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–10305 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0037; Airspace Docket No. 19–ACE–2]

RIN 2120–AA66

Amendment of Class E Airspace; Denison, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Denison Municipal Airport, Denison, IA. This action is due to the decommissioning of the Denison non-directional radio beacon (NDB). Additionally, the geographic coordinates are being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, August 15, 2019. The Director of the Federal Register approves this incorporation by

reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 700 feet above the surface at Denison Municipal Airport in support of standard instrument approach procedures for IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 5622; February 22, 2019) for Docket No. FAA–2019–0037 to amend Class E airspace extending upward from 700 feet above the surface at Denison Municipal Airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Modifying the Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Denison Municipal Airport, Denison, IA and within 2.0 miles each side of the 124° bearing from the Denison Municipal Airport extending from the 6.5-mile radius to 10.9 miles southeast of the airport. This action is necessary due to the decommissioning of the Denison NDB and for the safety and management of instrument flight rules (IFR) operations at the airport. Additionally, the geographic coordinates are being updated to coincide with the FAA's aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Denison, IA [Amended]

Denison Municipal Airport, IA
(Lat. 41°59′12″ N, long. 95°22′50″ W).

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Denison Municipal Airport and within 2.0 miles, each side of the 124° bearing from the Denison Municipal Airport extending from the 6.5-mile radius to 10.9 miles southeast of the airport.

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–10175 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0107; Airspace Docket No. 19–ASW–4]

RIN 2120–AA66

Amendment of Class E Airspace; Morgan City, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace extending upward from 700 feet above the surface at Morgan City, LA. This action due to the cancellation of the standard instrument approach procedures at the heliport making the airspace no longer necessary.

DATES: Effective 0901 UTC, October 10, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E airspace extending upward from 700 feet above the surface at Morgan City, LA.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 9260; March 14, 2019) for Docket No. FAA–2019–0107 to remove Class E airspace extending upward from 700 feet above the surface at Morgan City, LA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be removed from the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by: Removing the Class E airspace extending upward from 700 feet or more above the surface of the earth at Morgan City, LA.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW LA E5 Morgan City, LA [Removed]

Issued in Fort Worth, Texas, on May 10, 2019.

Johanna Forkner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–10358 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. FDA–2018–N–3066]

Medical Devices; Classification of Accessories Distinct From Other Devices; Finalized List of Accessories Suitable for Class I; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final classification action; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of April 12, 2019. That document was published with the instruction to add a section to the incorrect subpart. This correction is being made to improve the accuracy of the final classification action.

DATES: Effective May 20, 2019, and applicable May 13, 2019.

FOR FURTHER INFORMATION CONTACT: Lisa Granger, Office of Policy and Planning, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3330, Silver Spring, MD 20993, 301–796–9115.

SUPPLEMENTARY INFORMATION: In FR Doc. 2019–07290 appearing on page 14865 in the **Federal Register** of Friday, April 12, 2019, the following correction is made:

§ 886.4355 [Corrected]

■ 1. On page 14870, in the second column, in part 886, amendatory instruction 11 is corrected to read as follows:

''11. ''Add § 886.4355 to subpart E to read as follows:''

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10399 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0228]

RIN 1625–AA09

Drawbridge Operation Regulation; Delaware River, Burlington, NJ and Bristol, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily modifying the operating schedule that governs the SR 413/Burlington-Bristol Bridge across the Delaware River, mile 117.8, between Burlington, NJ and Bristol, PA. This temporary modification will allow the drawbridge to be maintained closed-to-navigation and is necessary to accommodate bridge maintenance.

DATES: This temporary final rule is effective from June 19, 2019, through 7:59 a.m. on September 17, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Type USCG–2018–0228 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email *Michael.R.Thorogood@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On April 26, 2018, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Delaware River, Burlington NJ and Bristol, PA'' in the **Federal Register** (83 FR 18226). This temporary deviation was in place to facilitate bridge maintenance and painting of the vertical lift span of the drawbridge from May 1, 2018, through September 30, 2018. During the planned maintenance period, a work platform reduced one half of the bridge span vertical clearance to approximately 58 feet above mean high water in the closed position and approximately 132 feet above mean high water in the open position.

On August 9, 2018, the Coast Guard published a cancellation of the temporary deviation entitled ''Drawbridge Operation Regulation; Delaware River, Burlington NJ and Bristol, PA'' in the **Federal Register** (83 FR 18226). The temporary deviation was cancelled due to delays in performing bridge maintenance outside the navigation span, thereby eliminating the need for maintaining the temporary deviation. Due to the cancellation of the work, the platform was not installed and the bridge is operating under its regular operating schedule in 33 CFR 117.716(a). In accordance with 33 CFR 117.35(e), the drawbridge was returned to its regular operating schedule immediately at the end of the cancellation date of the temporary deviation.

On March 1, 2019, the Coast Guard published a notice for proposed rulemaking entitled ''Drawbridge Operation Regulation; Delaware River, Burlington, NJ and Bristol, PA'' in the **Federal Register** (84 FR 6992). We received no comments on this rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The SR 413/Burlington-Bristol Bridge across the Delaware River, mile 117.8, between Burlington, NJ and Bristol, PA, is a vertical lift span bridge, and has a vertical clearance of 61 feet above mean high water in the closed position and 135 feet above mean high water in the open position. The current operating schedule for the drawbridge is published in 33 CFR 117.716(a).

The Burlington County Bridge Commission, who owns and operates the SR 413/Burlington-Bristol Bridge across the Delaware River, mile 117.8, between Burlington, NJ and Bristol, PA, has requested this modification to allow the drawbridge to be maintained in the closed-to-navigation position to facilitate maintenance and painting of the vertical lift span of the drawbridge.

Under this temporary final rule, the drawbridge will be maintained in the closed-to-navigation position and open on signal if at least a two-hour notice is given, from June 19, 2019, through 7:59 a.m. on September 17, 2019. At all other times, the drawbridge will operate per 33 CFR 117.716 (a).

This temporary final rule is necessary to facilitate safe and effective bridge maintenance and painting of the vertical lift span of the drawbridge, while providing for the reasonable needs of navigation. Multiple work platforms will reduce the entire bridge span vertical clearance to approximately 58 feet above mean high water in the closed position and approximately 132 feet above mean high water in the open position. Maintenance personnel, equipment and materials will be located inside the work platforms while maintenance and painting is being performed. To facilitate an opening of the bridge, equipment and materials will need to be secured inside or removed from the work platforms and

personnel will need to vacate the work platforms.

IV. Discussion of Comments, Changes and the Temporary Final Rule

The Coast Guard provided a comment period of 30 days and no comments were received. No changes were made to the regulatory text of this temporary final rule.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact that vessels can still transit the bridge on signal if at least two-hour notice is given.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards.

The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year.

Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.716 by adding paragraph (c) to read as follows:

§ 117.716 Delaware River.

* * * * *

(c) The draw of the SR 413 (Burlington-Bristol) Bridge, mile 117.8, between Burlington, NJ and Bristol, PA, shall open on signal if at least a two-hour notice is given from June 19, 2019,

through 7:59 a.m. on September 17, 2019.

K.M. Smith,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2019–10462 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0343]

Safety Zone; Marine Events Within the Eighth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a Safety Zone for the St. John the Baptist Independence day fireworks display from 8:45 p.m. through 9:45 p.m. on July 3, 2019, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District identifies the regulated area for this event on the Lower Mississippi River, by Reserve Louisiana. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.801, Table 5, line 2 will be enforced from 8:45 p.m. through 9:45 p.m. on July 3, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email *Benjamin.P.Morgan@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone described in 33 CFR 165.801, Table 5, line 2, as the St. John the Baptist Independence day fireworks display event from 8:45 p.m. through 9:45 p.m. on July 3, 2019. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District, § 165.801, specifies the location of the regulated area for the St. John the Baptist Independence day fireworks display between mile markers 137.5 and 138.5 on the Mississippi River near Reserve, Louisiana. During the enforcement period, as reflected in § 165.801(a)–(d), if you are the operator of a vessel in the safety zone, you must comply with directions from the Captain of the Port Sector New Orleans or a designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the local notice to mariners and marine information broadcasts.

Dated: May 14, 2019.

K.M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2019–10353 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0358]

RIN 1625–AA00

Safety Zone; Kanawha River, Charleston, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Kanawha River from mile marker 58.1 to mile marker 59.1. This temporary safety zone is necessary to protect persons, vessels, and the marine environment from potential hazards associated with the Live on the Levee fireworks display. Entry into this safety zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 9:15 p.m. through 10:15 p.m. on May 24, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0358 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Wesley Cornelius, Marine Safety Unit Huntington, U.S. Coast Guard; telephone 304–733–0198, email *Wesley.P.Cornelius@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. It is impracticable to publish an NPRM because we must establish this safety zone by May 24, 2019, and we lack sufficient time to provide reasonable comment period and then consider those comments before issuing the rule. The NPRM process would delay the establishment of the safety zone until after the date of the event and compromise public safety.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with a fireworks display taking place over this section of the Kanawha River will be a safety concern for anyone within a one-mile stretch of the waterway. This rule is needed to protect persons, vessels, and the marine environment in the navigable waters within the safety zone before, during, and after the scheduled fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone for the Live on the Levee fireworks display from 9:15 p.m. until 10:15 p.m. on May 24, 2019. The safety

zone covers all navigable waters of the Kanawha River from mile marker (MM) 58.1 to MM 59.1, in Charleston, WV. The duration of this safety zone is intended to protect persons, vessels, and the marine environment in these navigable waters during the fireworks display.

No vessel or person is permitted to enter this safety zone without obtaining permission from the COTP or a designated representative. A designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Ohio Valley. To seek permission to enter, contact the COTP or designated representative via radio on channel 16 or by telephone at 1–800–253–7465. If permission is granted, all persons and vessels shall transit at their slowest safe speed and comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of any changes in the date and times of enforcement through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Safety Marine Information Broadcasts (SMIBs), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This rule involves a temporary safety zone lasting only one hour and thirty minutes that will prohibit entry on a one-mile stretch of the Kanawha River on one evening. Moreover, the Coast Guard will issue a BNMs via VHF–FM marine channel 16 about the safety zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0358 to read as follows:

§ 165.T08–0358 Safety Zone; Kanawha River, Charleston, WV.

(a) *Location.* The following area is a safety zone: All navigable waters of the Kanawha River from mile marker (MM) 58.1 to MM 59.1.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Ohio Valley (COTP) in the enforcement of the safety zone.

(c) *Enforcement period.* This section will be enforced from 9:15 p.m. through 10:15 p.m. on May 24, 2019.

(d) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. No vessel or person is permitted to enter this safety zone without obtaining permission from the COTP or a designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by via radio on channel 16 or by telephone at 1–800–253–7465. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(e) *Informational broadcast.* The COTP or a designated representative will inform the public of any changes in the date and times of enforcement through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Safety Marine Information Broadcasts (SMIBs), as appropriate.

Dated: May 15, 2019.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2019–10467 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0369]

RIN 1625–AA87

Security Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard establishes two security zones. One of the zones is a temporary fixed security zone for the receiving facility's mooring basin while the Liquefied Natural Gas Carrier (LNGC) CADIZ KNUTSEN is moored at the facility. The other zone is a moving security zone encompassing all navigable waters within a 500-yard radius around the LNGC CADIZ KNUTSEN while the vessel transits with cargo in the La Quinta Channel and Corpus Christi Ship Channel in Corpus Christi, TX. The security zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by Liquified Natural Gas (LNG) cargo aboard the vessel. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi.

DATES: This rule is effective without actual notice from May 20, 2019 until May 20, 2019. For the purposes of enforcement, actual notice will be used from May 14, 2019, until May 20, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0369 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Margaret Brown, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *Margaret.A.Brown@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Corpus Christi
DHS Department of Homeland Security
FR Federal Register
LNGC Liquefied Natural Gas Carrier
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish these security zones by May 14, 2019 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with Liquefied Natural Gas Carrier (LNGC) CADIZ KNUTSEN between May 14, 2019 and May 20, 2019 will be a security concern while the vessel is moored at the receiving facility and within a 500-yard radius of the vessel while the vessel is loaded with cargo.

IV. Discussion of the Rule

This rule establishes two security zones around LNGC CADIZ KNUTSEN from May 14, 2019 through May 20, 2019. A fixed security zone will be in effect in the mooring basin bound by 27°52′53.38″ N, 097°16′20.66″ W on the northern shoreline; thence to 27°52′45.58″ N, 097°16′19.60″ W; thence to 27°52′38.55″ N, 097°15′45.56″ W; thence to 27°52′49.30″ N, 097°15′45.44″ W; thence west along the shoreline to 27°52′53.38″ N, 097°16′20.66″ W, while LNGC CADIZ KNUTSEN is moored. A moving security zone will cover all navigable waters within a 500-yard radius of the LNGC CADIZ KNUTSEN while the vessel transits outbound with cargo through the La Quinta Channel and Corpus Christi Ship Channel. No vessel or person will be permitted to enter the security zones without obtaining permission from the COTP or a designated representative.

Entry into these security zones is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi. Persons or vessels desiring to enter or pass through the zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs) of the enforcement times and dates for these security zones.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and location of the security zone. This rule will impact a small designated area of the Corpus Christi Ship Channel and La Quinta Channel while the vessel is moored at the receiving facility and during the vessel's transit while loaded with cargo. Moreover, the Coast Guard will issue BNMs via VHF–FM marine channel 16 about the zones and the rule allows vessels to seek permission to enter the zones.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human

environment. This rule involves a temporary fixed security zone while LNGC CADIZ KNUTSEN is moored at the receiving facility mooring basin bound by 27°52′53.38″ N, 097°16′20.66″ W on the northern shoreline; thence to 27°52′45.58″ N, 097°16′19.60″ W; thence to 27°52′38.55″ N, 097°15′45.56″ W; thence to 27°52′49.30″ N, 097°15′45.44″ W; thence west along the shoreline to 27°52′53.38″ N, 097°16′20.66″ W, and a temporary moving security zone while the vessel transits with cargo within the La Quinta Channel and Corpus Christi Ship Channel, that will prohibit entry within 500-yard radius of LNGC CADIZ KNUTSEN. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0369 to read as follows:

§ 165.T08–0369 Security Zone; Corpus Christi Ship Channel, Corpus Christi, TX.

(a) *Location.* The following areas are security zones:

(1) The mooring basin bound by 27°52′53.38″ N, 097°16′20.66″ W on the northern shoreline; thence to 27°52′45.58″ N, 097°16′19.60″ W; thence to 27°52′38.55″ N, 097°15′45.56″ W; thence to 27°52′49.30″ N, 097°15′45.44″ W; thence west along the shoreline to 27°52′53.38″ N, 097°16′20.66″ W, while LNGC CADIZ KNUTSEN is moored.

(2) All navigable waters encompassing a 500-yard radius around the Liquefied Natural Gas Carrier (LNGC) CADIZ KNUTSEN while transiting outbound with cargo through the La Quinta Channel and Corpus Christi Ship Channel.

(b) *Effective period.* This rule is effective without actual notice from May 20, 2019 until May 20, 2019. For the purposes of enforcement, actual notice will be used from May 14, 2019, until May 20, 2019.

(c) *Period of enforcement.* This section will be enforced from the time LNGC CADIZ KNUTSEN moors and while the vessel is transiting outbound through the La Quinta Channel and Corpus Christi Ship Channel from May 14, 2019 through May 20, 2019.

(d) *Regulations.* (1) The general regulations in § 165.33 of this part apply. Entry into these zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs) of the enforcement times and date for these security zones.

Dated: May 13, 2019.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2019–10354 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0276]

Safety Zone; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone regulations for the Tacoma Freedom Fair Air Show on Commencement Bay from noon until 4 p.m. on both July 3, 2019 and July 4, 2019. This action is necessary to ensure the safety of the public from inherent dangers associated with these annual aerial displays. During the enforcement period, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port or her designated representative.

DATES: The regulations in 33 CFR 165.1305 will be enforced from noon until 4 p.m. on both July 3, 2019, and July 4, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Amy Hamilton, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.1305 for the Tacoma Freedom Fair Air Show from noon until 4 p.m. on both July 3, 2019 and July 4, 2019. This action is being taken to provide for the safety of life on navigable waters during the air show.

The safety zone resembles a rectangle protruding from the shoreline along Ruston Way and will be marked by the event sponsor. The specific coordinates of the safety zone location is listed in 33 CFR 165.1305.

As specified in § 165.1305(c), during the enforcement period, no vessel may enter this regulated area without approval from the Captain of the Port Sector Puget Sound (COTP) or a COTP designated representative. The Captain of the Port may be assisted by other federal, state and local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of enforcement of the safety zone via the Local Notice to Mariners and marine

information broadcasts on the day of the event. If the COTP determines that the safety zone need not be enforced for the full duration stated in this notice of enforcement, she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: May 14, 2019.

L.A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.

[FR Doc. 2019–10417 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 0

RIN 2900–AQ60

Core Values, Characteristics, and Customer Experience Principles of the Department

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs' (VA) regulations concerning the standards of ethical conduct and related responsibilities of its employees by adding a new section to the subpart for VA's Core Values and Characteristics, which includes VA's Customer Experience Principles. VA's Customer Experience Principles add to the foundational values and organizational characteristics that define VA employees and articulate what VA stands for, respectively, and these principles are a set of guidelines that will be applied Department-wide to all VA employees. This final rule establishes VA's Customer Experience Principles and ensures their proper application to the VA workforce.

DATES: This final rule is effective on May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Justin Madigan, Action Officer, Veterans Experience Office (30), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–5939. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: This rulemaking amends 38 CFR part 0 to add Customer Experience Principles to Subpart A. Maintaining a sustained organizational commitment to, and institutionalized focus on, the voice of the customer is a critical component of modernizing VA to meet the needs and expectations of Veterans, their families, caregivers, and survivors. VA is privileged to serve a vast and diverse population: In Fiscal Year (FY) 2018 VA had 9.15 million enrollees in VA health care; 4.74 million Veterans receiving VA disability compensation (as of September 30, 2018); 3.12 million active VA home loan participants (as of September 30, 2018); and 946,829 VA education beneficiaries (FY17). With hundreds of facilities and over 350,000 employees, VA must provide consistent and exceptional experiences to every customer across all the different ways in which Veterans, servicemembers, their families, caregivers, and survivors interact with VA. Codifying these principles will ensure that they receive the proper emphasis at all levels within VA, are clearly understood by the workforce, and, most importantly, become an enduring part of the VA culture. Adding Customer Experience Principles to the Core Values and Characteristics further demonstrates that VA is a people-centric organization.

Administrative Procedure Act

This final rule establishes internal guidelines relating to agency practice or procedure and sets forth general statements of agency policy. Accordingly, it is exempt from the prior notice-and-comment requirements of the Administrative Procedure Act pursuant to 5 U.S.C. 553(b)(A). Also, because this final rule only establishes internal guidelines relating to agency practice or procedure and sets forth general statements of agency policy, VA finds application of the delayed-effective-date requirement of 5 U.S.C. 553(d) is unnecessary, and consequently there is good cause to exempt this rule from that requirement in accordance with 5 U.S.C. 553(d)(3).

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a). In any event, the Secretary hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Orders 12866, 13563 and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://*

www.va.gov/orpm/, by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.'' This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers

There are no Catalog of Federal Domestic Assistance program numbers for this rule.

List of Subjects in 38 CFR Part 0

Conflict of interests, Employee ethics and related responsibilities, Government employees.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on April 8, 2019, for publication.

Dated: May 14, 2019.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, Department of Veterans Affairs amends 38 CFR part 0 as follows:

PART 0—VALUES, STANDARDS OF ETHICAL CONDUCT, AND RELATED RESPONSIBILITIES

■ 1. The authority citation for 38 CFR part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501; see sections 201, 301, and 502(a) of E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Revise the heading of Subpart A to read as follows:

Subpart A—Core Values, Characteristics, and Customer Experience Principles of the Department

■ 3. Revise § 0.600 to read as follows:

§ 0.600 General.

This section describes the Core Values, Characteristics, and Customer Experience Principles that serve as internal guidelines for employees of the Department of Veterans Affairs (VA). These Core Values, Characteristics, and Customer Experience Principles define VA employees, articulate what VA stands for, and underscore its moral obligation to veterans, their families, and other beneficiaries. They are intended to establish one overarching set of guidelines that apply to all VA Administrations and staff offices, confirming the values already instilled in many VA employees and enforcing their commitment to provide the best experience possible to veterans, servicemembers, their families, caregivers, and survivors.

■ 4. Add § 0.603 to read as follows:

§ 0.603 Customer Experience principles.

VA will provide the best customer experience in its delivery of care, benefits, and memorial services to veterans, servicemembers, their families, caregivers, and survivors. The delivery of exceptional customer experience is the responsibility of all VA employees and will be guided by VA's Core Values and Characteristics. Customer experience is the product of interactions between an organization and a customer over the duration of their relationship. VA measures these interactions through Ease, Effectiveness, and Emotion, all of which impact the overall trust the customer has in the organization.

(a) *Ease.* VA will make access to VA care, benefits, and memorial services smooth and easy.

(b) *Effectiveness.* VA will deliver care, benefits, and memorial services to the customer's satisfaction.

(c) *Emotion.* VA will deliver care, benefits, and memorial services in a manner that makes customers feel honored and valued in their interactions with VA. VA will use customer experience data and insights in strategy development and decision-making to ensure that the voice of veterans, servicemembers, their families, caregivers, and survivors inform how VA delivers care, benefits, and memorial services.

[FR Doc. 2019–10261 Filed 5–17–19; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

[Docket No. 2019–08991]

Forms of Identification; Correction

AGENCY: Postal Service™.

ACTION: Final rule; correction.

SUMMARY: The Postal Service is correcting a final rule that appeared in the **Federal Register** on May 2, 2019. The document amended *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) for clarity and consistency in the standards regarding forms of identification.

DATES: Effective June 23, 2019.

FOR FURTHER INFORMATION CONTACT: Karen Key at (202) 268–7492, Catherine Knox at (202) 268–5636, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: In FR Doc. 2019–08991 appearing on page 18731 in the **Federal Register** of Thursday, May 2, 2019, the following corrections are made:

Exhibit 10.3 [Corrected]

■ 1. On page 18735, in the chart labeled Exhibit 10.3, column five, labeled ''U.S. University,'' is corrected to remove the check marks from the row labeled ''Money Order'' and the row labeled ''Sure Money (DineroSeguro)'' so that it appears as below:

EXHIBIT 10.3—PRIMARY FORMS OF ACCEPTABLE PHOTO IDENTIFICATION FOR PRODUCTS AND SERVICES [CORRECTED]

Products/Services	U.S. Gov't	U.S/Foreign passport	Matricula consular Mexico	NEXUS Canada	U.S. University	U.S. Corp.
Caller Service	✓	✓	✓	✓	✓	✓
Certified Mail Services	✓	✓	✓	✓	✓	
Change-of-Address (COA)	✓	✓	✓	✓	✓	

EXHIBIT 10.3—PRIMARY FORMS OF ACCEPTABLE PHOTO IDENTIFICATION FOR PRODUCTS AND SERVICES [CORRECTED]—Continued

Products/Services	U.S. Gov't	U.S/Foreign passport	Matricula consular Mexico	NEXUS Canada	U.S. University	U.S. Corp.
Collect on Delivery (COD)	✓	✓	✓	✓	✓	
Commercial Mail Receiving Agency	✓	✓	✓	✓	✓	
Firm Holdout	✓	✓	✓	✓		✓
Hold For Pickup	✓	✓	✓	✓	✓	
Hold Mail	✓	✓	✓	✓	✓	
Insured Mail Services	✓	✓	✓	✓	✓	
Money Order	✓	✓	✓	✓		
Parcel Return Service	✓	✓	✓	✓		✓
PO Box	✓	✓	✓	✓	✓	✓
Premium Forwarding Service	✓	✓	✓	✓		
Priority Mail Express	✓	✓	✓	✓	✓	
Registered Mail Services	✓	✓	✓	✓	✓	
Sure Money (DineroSeguro)	✓	✓	✓	✓		
USPS Signature Services	✓	✓	✓	✓	✓	

Dated: May 15, 2019.

Brittany M. Johnson,

Attorney, Federal Compliance.

[FR Doc. 2019–10430 Filed 5–17–19; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2018–0606; FRL–9992–73–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to Regional Haze State Implementation Plan; Revisions to Regional Haze Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of State Implementation Plan (SIP) revisions submitted by the State of Wyoming on April 5, 2018, addressing regional haze. The revisions modify the sulfur dioxide (SO_2) emissions reporting requirements for Laramie River Station Units 1 and 2. We are also finalizing revisions to the nitrogen oxides (NO_X) emission limits for Laramie River Units 1, 2 and 3 in the Federal Implementation Plan (FIP) for regional haze in Wyoming. The revisions to the Wyoming regional haze FIP also establish a SO_2 emission limit averaged annually across both Laramie River Station Units 1 and 2. These units are operated by, and owned in part by, Basin Electric Power Cooperative (Basin Electric). The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: This rule is effective June 19, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2018–0606. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Proposed Action
II. Background
A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule
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F. Requirements for Regional Haze SIPs Submitted Under 40 CFR 51.309
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I. Proposed Action

On January 30, 2014, the EPA promulgated a final rule titled, ''Approval, Disapproval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze,'' approving, in part, a regional haze SIP revision submitted by the State of Wyoming on January 12, 2011.[1] In the final rule, the EPA also disapproved, in part, the Wyoming regional haze SIP, including the NO_X BART emission limit of 0.21 lb/MMBtu (30-day rolling average) for Laramie River Units 1, 2 and 3, and promulgated a FIP that imposed a NO_X BART emission limit of 0.07 lb/MMBtu (30-day rolling average) for each of the three Laramie River Units, among other actions.

On October 11, 2018, the EPA proposed to revise the FIP per the terms of the settlement agreement by amending the NO_X and SO_2 emission limits for Laramie River.[2] Specifically,

[1] 79 FR 5032 (January 30, 2014).

[2] 83 FR 51403 (October 11, 2018). Letter from Eileen T. McDonough, U.S. Department of Justice, to Elizabeth Morrisseau, Wyoming Attorney General's Office, and Christina F. Gomez, Denise W. Kennedy, and Patrick R, Day, Holland & Hart LLC (notification that both the EPA and the Department of Justice (DOJ) determined not to withdraw their consent to the Settlement Agreement) (April 24, 2017); Settlement Agreement between Basin Electric Power Cooperative, the State of Wyoming, and the EPA (April 24, 2017); First Amendment to Settlement Agreement (pursuant to Paragraph 15 of the Agreement, extended the deadline for the EPA to determine whether to withdraw or consent to the Settlement Agreement in Paragraph 1 to May 3,

Continued

the EPA proposed to: (1) Revise the NO_X emission limit and associated compliance date for Unit 1; (2) through a BART alternative, revise the NO_X emission limits for Units 2 and 3, and add a SO_2 emission limit averaged annually across Units 1 and 2 along with the associated compliance dates; and (3) require selective catalytic reduction (SCR) on Unit 1 and selective non-catalytic reduction (SNCR) on Units 2 and 3.[3]

The EPA also proposed to approve SIP revisions submitted by the State of Wyoming on April 5, 2018, that amended the SO_2 emissions reporting requirements for Laramie River Units 1 and 2 as they pertain to the Western Backstop Sulfur Dioxide Trading Program under 40 CFR 51.309. Wyoming was one of several states that elected to participate in the backstop trading program. The approved SIP revisions ensure that SO_2 emission reductions under the settlement agreement are not counted as reductions under the backstop trading program, and address how Basin Electric is required to calculate reportable SO_2 emissions, when Basin Electric is required to use the revised SO_2 emissions calculation method, and how the reported SO_2 emissions will be used within the context of the SO_2 emissions milestone inventory.

II. Background

A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule

In section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes ''as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.''[4]

The EPA promulgated a rule to address regional haze on July 1, 1999.[5] The Regional Haze Rule (RHR) revised the existing visibility regulations[6] to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in the EPA's visibility protection regulations at 40 CFR 51.300 through 51.309. The EPA revised the RHR on January 10, 2017.[7]

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility.[8] Regional haze SIPs must assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A state must submit its SIP and SIP revisions to the EPA for review and approval. Once approved, a SIP is enforceable by the EPA and citizens under the CAA; that is, the SIP is federally enforceable. If a state elects not to make a required SIP submittal, fails to make a required SIP submittal, or if we find that a state's required submittal is incomplete or not approvable, then we must promulgate a FIP to fill this regulatory gap.[9]

B. Best Available Retrofit Technology (BART)

Section 169A of the CAA directs states as part of their SIPs, or the EPA when developing a FIP in the absence of an approved regional haze SIP, to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states' implementation plans to contain such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain existing major stationary sources built between 1962 and 1977 procure, install and operate the ''best available retrofit technology'' as determined by the states through their SIPs, or as determined by the EPA when it promulgates a FIP. Under the RHR, states (or the EPA) are directed to conduct BART determinations for such ''BART-eligible'' sources that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.[10] Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART.[11]

C. BART Alternatives

An alternative program to BART must meet requirements under 40 CFR 51.308(e)(2) and (3). In order to demonstrate that the alternative program achieves greater reasonable progress than source-specific BART, a state, or the EPA if developing a FIP, must demonstrate that its SIP meets the requirements in 40 CFR 51.308(e)(2)(i) through (v). The state or the EPA must conduct an analysis of the best system of continuous emission control technology available and the associated reductions for each source subject to BART covered by the alternative program, commonly referred to as a ''BART benchmark.'' Visibility improvement under the BART benchmark is compared to improvement

2017); Second Amendment to Settlement Agreement (pursuant to Paragraph 15 of the Agreement, amended the date in Paragraph 5.b.ii. for the SO_2 emission limits for Laramie River Units 1 and 2 to commence December 31, 2018) (September 14, 2018); Letter from Eileen T. McDonough, U.S. Department of Justice, to Erik Petersen, Wyoming Attorney General's Office, and Christina F. Gomez, Denise W. Kennedy, and Patrick R, Day, Holland & Hart LLC (notification regarding recent partial government shut-down and Paragraph 15 of the Settlement Agreement regarding extension of deadlines caused by lapse in appropriations) (March 28, 2019); (Settlement Agreement).

[3] Although we are finalizing revisions to the Wyoming regional haze FIP, Wyoming may always submit a new regional haze SIP to the EPA for review, and we would welcome such a submission. The CAA requires the EPA to act within 12 months on a SIP submittal from the time that it is determined to be complete. If Wyoming were to submit a SIP revision meeting the requirements of the CAA and the regional haze regulations, we would propose approval of the State's plan as expeditiously as practicable.

[4] 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, the EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas whose visibility they consider to be an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this section, we mean a ''mandatory Class I Federal area.''

[5] 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

[6] The EPA had previously promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* reasonably attributable visibility impairment (RAVI). 45 FR 80084, 80084 (December 2, 1980).

[7] 82 FR 3078 (January 10, 2017).

[8] 42 U.S.C. 7410(a), 7491, and 7492(a); CAA sections 110(a), 169A, and 169B.

[9] 42 U.S.C. 7410(c)(1).

[10] 40 CFR 51.308(e). The EPA designed the Guidelines for BART Determinations Under the Regional Haze Rule (Guidelines) 40 CFR Appendix Y to Part 51 ''to help States and others (1) identify those sources that must comply with the BART requirement, and (2) determine the level of control technology that represents BART for each source.'' Guidelines, Section I.A. Section II of the Guidelines describes the four steps to identify BART sources, and Section III explains how to identify BART sources (*i.e.,* sources that are ''subject to BART'').

[11] 40 CFR 51.308(e)(2). *WildEarth Guardians* v. *EPA,* 770 F.3d 919 (10th Cir. 2014).

under an alternative using one of the three tests described below to determine whether that alternative achieves greater reasonable progress than source-specific BART. Where the alternative program has been designed to meet requirements other than BART, simplifying assumptions may be used to establish a BART benchmark.

Pursuant to 40 CFR 51.308(e)(2)(i)(E), the state or the EPA must also provide a determination that the alternative program achieves greater reasonable progress than BART under 40 CFR 51.308(e)(3) or otherwise based on the clear weight of evidence. Title 40 CFR 51.308(e)(3), in turn, provides specific tests applicable under specific circumstances for determining whether the alternative achieves greater reasonable progress than BART. If the distribution of emissions for the alternative program is not substantially different than for BART, and the alternative program results in greater emissions reductions of each of the pollutants covered by the alternative, then the alternative program may be deemed to achieve greater reasonable progress. If the distribution of emissions is significantly different, the differences in visibility between BART and the alternative program must be determined by conducting air quality modeling and evaluating visibility impacts on the best and worst 20 percent of days at each impacted Class I area. The modeling demonstrates ''greater reasonable progress'' if both of the two following criteria are met: (1) Visibility does not decline in any Class I area; and (2) there is overall improvement in visibility when comparing the average differences between BART and the alternative program across all the affected Class I areas. Alternatively, pursuant to 40 CFR 51.308(e)(2)(i)(E), states may show that the alternative achieves greater reasonable progress than the BART benchmark ''based on the clear weight of evidence'' determinations.[12]

Generally, a SIP or FIP addressing regional haze must include emission limits and compliance schedules for each source subject to BART. In addition to the RHR's requirements, general SIP requirements mandate that the SIP or FIP include all regulatory requirements related to monitoring, recordkeeping, and reporting for the alternative's enforceable requirements. See CAA section 110(a); 40 CFR part 51, subpart K.

D. Reasonable Progress Requirements

In addition to BART requirements, as mentioned previously, each regional haze SIP or FIP must contain measures as necessary to make reasonable progress towards the national visibility goal. Finally, the SIP or FIP must calculate reasonable progress goals (RPGs) for each Class I area within the state for the plan implementation period (or ''planning period''), based on the measures included in the long-term strategy for making reasonable progress.[13] If an RPG provides for a slower rate of improvement in visibility than the rate under which the national goal of no anthropogenic visibility impact would be attained by 2064, the SIP or FIP must demonstrate, based on the four reasonable progress factors, why that faster rate is not reasonable and the slower rate provided for by the SIP or FIP's state-specific RPG is reasonable.[14]

E. Consultation With Federal Land Managers (FLMs)

The RHR requires that a state, or the EPA if promulgating a FIP that fills a gap in the SIP with respect to this requirement, consult with FLMs before adopting and submitting a required SIP or SIP revision, or a required FIP or FIP revision.[15] Further, the EPA, or state when considering a SIP revision, must include in its proposal a description of how it addressed any comments provided by the FLMs.

F. Requirements for Regional Haze SIPs Submitted Under 40 CFR 51.309

The EPA's RHR provides two paths to address regional haze. One is 40 CFR 51.308, requiring states to perform source-specific BART determinations (or adopt a BART alternative that achieves greater visibility improvement than BART) and determine what additional measures are necessary to make reasonable progress. The other method for addressing regional haze is through 40 CFR 51.309, and is an option for nine states termed the ''Transport Region States,'' which include: Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah and Wyoming. By meeting the requirements under 40 CFR 51.309, a Transport Region State can be deemed, for the purposes of the first implementation period, to be making reasonable progress toward the national goal of achieving natural visibility conditions for the 16 Class I areas on the Colorado Plateau.[16]

Section 309 requires those Transport Region States that choose to participate to adopt regional haze strategies that are based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas on the Colorado Plateau. The purpose of the GCVTC was to assess information about the adverse impacts on visibility in and around the 16 Class I areas on the Colorado Plateau and to provide policy recommendations to the EPA to address such impacts. The GCVTC determined that all Transport Region States could potentially impact the Class I areas on the Colorado Plateau. The GCVTC submitted a report to the EPA in 1996 for protecting visibility for the Class I areas on the Colorado Plateau, and the EPA codified these recommendations as an option available to states as part of the RHR.[17]

The EPA determined that the GCVTC strategies would provide for reasonable progress in mitigating regional haze if supplemented by an annex containing quantitative emission reduction milestones and provisions for a trading program or other alternative measure.[18] In September 2000, the Western Regional Air Partnership (WRAP), which is the successor organization to the GCVTC, submitted an annex to the EPA. The annex contained SO_2 emissions reduction milestones and detailed provisions of a backstop trading program to be implemented automatically if voluntary measures failed to achieve the SO_2 milestones. The EPA codified the annex on June 5, 2003, at 40 CFR 51.309(h).[19]

Five western states, including Wyoming, submitted implementation plans under section 309 in 2003.[20] The EPA was challenged by the Center for Energy and Economic Development (CEED) on the validity of the annex provisions. In *CEED* v. *EPA,* the U.S. Court of Appeals for the District of Columbia vacated the EPA's adoption of

[12] 40 CFR 51.308(e)(2).

[13] 40 CFR 51.308(d).

[14] 40 CFR 51.308(d)(1)(ii).

[15] 40 CFR 51.308(i).

[16] The Colorado Plateau is a high, semi-arid tableland in southeast Utah, northern Arizona, northwest New Mexico and western Colorado. The 16 mandatory Class I areas are: Grand Canyon National Park, Mount Baldy Wilderness, Petrified Forest National Park, Sycamore Canyon Wilderness, Black Canyon of the Gunnison National Park Wilderness, Flat Tops Wilderness, Maroon Bells Wilderness, Mesa Verde National Park, Weminuche Wilderness, West Elk Wilderness, San Pedro Park Wilderness, Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capital Reef National Park and Zion National Park.

[17] 64 FR 35714, 35749 (July 1, 1999).

[18] 64 FR 35714, 35749, 35756 (July 1, 1999).

[19] 68 FR 33764, 33767 (June 5, 2003).

[20] Five states—Arizona, New Mexico, Oregon, Utah and Wyoming—and Albuquerque-Bernalillo County, New Mexico, initially exercised this option by submitting plans to the EPA in December 2003. Oregon elected to cease participation in 2006, and Arizona elected to cease participation in 2010. In 2012, the EPA approved Wyoming's SIP submittals that included the Western Backstop Sulfur Dioxide Trading Program. 77 FR 73926 (Dec. 12, 2012).

the WRAP annex.[21] In response to the court's decision, the EPA rescinded the annex requirements adopted under 40 CFR 51.309(h), but left in place the stationary source requirements in 40 CFR 51.309(d)(4).[22] The requirements under 40 CFR 51.309(d)(4) contain general requirements pertaining to stationary sources and market trading, and allow states to adopt alternatives to source-specific BART.

Thus, rather than requiring source-specific BART controls as explained previously in Section II.B, states have the flexibility to adopt an emissions trading program or other alternative program if the alternative provides greater reasonable progress than would be achieved by the application of BART, pursuant to 40 CFR 51.308(e)(2). Under 40 CFR 51.309, some states can satisfy the SO_2 BART requirements by adopting SO_2 emissions milestones and a backstop trading program. Under this approach, states must establish declining SO_2 emissions milestones for each year of the program through 2018. The milestones must be consistent with the GCVTC's goal of 50 to 70 percent reduction in SO_2 emissions by 2040. The backstop trading program would be implemented if a milestone is exceeded and the program is triggered.[23]

G. Modeling

The EPA routinely uses models as a part of our analytical methodology to provide for regularity, uniformity and to inform our decision-making process. The CAMx model is one such dispersion model and in particular it is a photochemical grid model [24] that uses and produces complex scientific data, including emissions from all sources, with a realistic representation of formation, transport, and processes that cause visibility degradation, estimating downwind concentrations paired in space and time. The EPA's guidance supports use of this particular model for this application.[25] The CAMx model simulates air quality over many geographic scales and treats a wide variety of inert and chemically active pollutants, including ozone, particulate matter, inorganic and organic $PM_{2.5}$/PM_{10}, mercury and other toxics. CAMx also has plume-in-grid and source apportionment capabilities.[26] At this point in time, use of a photochemical grid model is the best available method for predicting visibility improvement.

CAMx has a scientifically current treatment of chemistry to simulate transformation of emissions into visibility-impairing particles of species such as ammonium nitrate and ammonium sulfate and is often employed in large-scale modeling when many sources of pollution and/or long transport distances are involved. Photochemical grid models like CAMx include all emissions sources and have realistic representation of formation, transport and removal processes of the particulate matter that causes visibility degradation.

The starting point for assessing visibility impacts for different levels of emissions from Laramie River was the Three-State Air Quality Modeling Study (3SAQS) modeling platform that provides a framework for addressing air quality impacts in Colorado, Utah and Wyoming. The 3SAQS is a publicly available platform intended to facilitate air resources analyses. The 3SAQS developed a base year modeling platform using the year 2008 to leverage work completed during the West-wide Jump-start Air Quality modeling study (WestJump), which covered the entire western United States. For the Laramie River modeling, AECOM reduced the modeling domain to an area within 500 kilometers of the facility and performed additional modeling to refine the modeling domain from the 3SAQS 12-kilometer (km) grid resolution to a finer 4-km grid resolution. The refined spatial resolution was used to more accurately simulate the concentration gradients of gas and particulate species in the plumes emitted from the source facilities.

The CAMx modeling analysis established specific model configurations and other inputs. The model requires configuration and input data such as defined horizontal and vertical modeling domains,[27] gridded meteorological data, emissions data, and a set of files for the physical and chemical reaction calculations.[28] Meteorological inputs were developed using the Weather Research and Forecast (WRF) Model.[29] The Sparse Matrix Operator Kernal Emissions (SMOKE) model was used for emissions inputs. SMOKE is an emissions processing system that converts emission inventory data into the formatted emissions files required by an air quality simulation model.[30] Collectively the three models are referred to as the CAMx modeling system.[31]

The three modeling scenarios conducted were:

- Baseline Scenario. This scenario included the actual emission rates for all three units of LRS during the 2001 to 2003 period.[32]
- EPA FIP Scenario (BART). This scenario included the emission rates for all three units of Laramie River Station that correspond to the EPA proposed FIP control strategy.[33]
- Basin Electric Scenario (BART alternative). This scenario included the emission rates for all three units of Laramie River Station that correspond to an alternative control strategy proposed by Basin Electric.[34]

For the two-prong test, an existing projected 2020 emissions database was used to estimate emissions of sources within the modeling domains. The existing 2020 database was derived from the 3SAQS study, which projected emissions from 2008 to 2020. Since the BART alternative emissions reductions would not be fully in place until the end of 2018, the 2020 emissions projections are more representative of the air quality conditions that will be obtained while the BART alternative is being implemented than the 2008 database. In the three 2020 CAMx modeling scenarios, Laramie River emissions were

[21] *Ctr. for Energy & Econ. Dev.* v. *EPA,* 398 F.3d 653, 654 (D.C. Cir. 2005).

[22] 71 FR 60612 (October 13, 2006).

[23] 40 CFR 51.309(d)(4)(v).

[24] CAMx User's Guide: Comprehensive Air Quality Model with extensions, Version 6.50, Ramboll Environment and Health, 773 San Marin Drive, Suite 2115, Novato, California 94998. *http://www.camx.com* (April 2018) (CAMx User's Guide).

[25] *Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze*, EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC (December 3, 2014). (We note that the regional haze section of this guidance explains that other portions of the guidance are applicable to regional haze, p. 149.). *https://www3.epa.gov/ttn/scram/guidance/guide/Draft_O3-PM-RH_Modeling_Guidance-2014.pdf.* 40 CFR pt. 51, app. Y: IV.D.5 (how to determine visibility impacts from the BART determination); 40 CFR 51.308(e)(3) (use of dispersion modeling for BART alternatives).

[26] Photochemical Air Quality Modeling (*https://www.epa.gov/scram/photochemical-air-quality-modeling*). CAMx is a photochemical grid model, which the EPA describes as follows: Photochemical air quality models have become widely recognized and routinely utilized tools for regulatory analysis and attainment demonstrations by assessing the effectiveness of control strategies. These photochemical models are large-scale air quality models that simulate the changes of pollutant concentrations in the atmosphere using a set of mathematical equations characterizing the chemical and physical processes in the atmosphere. These models are applied at multiple spatial scales, including from local, regional, national and global.

[27] AECOM, *Laramie River Station Power Plant Visibility Impacts for Two Emissions Control Scenarios: Final Report* (Final Report), p. 2–1, 2–3 (May 2016).

[28] Final Report, p. 2–1, 2–5—2–7.

[29] Final Report, p. 2–4.

[30] Final Report, p. 2–4—2–5. In addition to the emission inputs via SMOKE, emissions from the Laramie River Station and other sources were input into the model as further described in the Protocol and Final Report.

[31] Final Report, p. 1–1.

[32] Final Report, p. 3–4.

[33] Final Report, p. 3–4—3–5.

[34] Final Report, p. 3–5—3–6.

modeled to represent the baseline, the BART 2014 FIP, and the proposed BART alternative.

The CAMx-modeled concentrations for sulfur, nitrogen, and primary particulate matter (PM) were tracked using the CAMx Particulate Source Apportionment Technology (PSAT) tool so that the concentrations and visibility impacts due to Laramie River could be separated out from those due to the total of all other modeled sources. AECOM computed visibility impairment due to Laramie River using the EPA's Modeled Attainment Test Software (MATS) tool which bias corrects CAMx outputs to available measurements of PM species and uses the revised Interagency Monitoring of Protected Visual Environments (IMPROVE) equation to calculate the 20 percent best and 20 percent worst days for visibility impacts.[35] Finally, a typical year modeling scenario (2008) was developed to enable calculation of the Relative Response Factors (RRF),[36] which were developed from monitoring data and used along with the EPA's MATS to correct for bias in the visibility results.[37]

H. Regulatory and Legal History of the 2014 Wyoming SIP and FIP

On January 30, 2014, the EPA promulgated a final rule titled, ''Approval, Disapproval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze,'' approving, in part, a regional haze SIP revision submitted by the State of Wyoming on January 12, 2011.[38] In the final rule, the EPA also disapproved, in part, the Wyoming regional haze SIP, including the SIP NO_X BART emission limit of 0.21 lb/MMBtu (30-day rolling average) for each of the three Laramie River Units, and promulgated a FIP that imposed a NO_X BART emission limit of 0.07 lb/MMBtu (30-day rolling average) at each of the three Laramie River Units.

The Laramie River Station is in Platte County, Wyoming, and is comprised of three 550 megawatt (MW) dry-bottom, wall-fired boilers (Units 1, 2 and 3) burning subbituminous coal for a total net generating capacity of 1,650 MW. All three units are within the statutory definition of BART-eligible units and were determined to be subject to BART by Wyoming.

Basin Electric, the State of Wyoming, and others challenged the final rule. Basin Electric and Wyoming challenged our action as it pertained to the NO_X BART emission limits for Laramie River Units 1, 2 and 3.[39] After mediated discussions through the U.S. Court of Appeals for the Tenth Circuit's Mediation Office, Basin Electric, Wyoming and the EPA reached a settlement in 2017 that, if fully implemented, would address all of Basin Electric's challenges to the 2014 final rule and Wyoming's challenges to the portion of the 2014 final rule regarding NO_X BART emission limits for Laramie River Units 1, 2 and 3.[40] [41]

The settlement agreement required the EPA to propose a FIP revision to include three major items:

- First, an alternative (BART alternative) to the NO_X BART emission limits in the EPA's 2014 FIP that includes:
  - Revised NO_X emission limits for Laramie River Units 2 and 3 of 0.15 lb/MMBtu (30-day rolling average) commencing December 31, 2018, with an interim limit of 0.18 lb/MMBtu (30-day rolling average) commencing the date that the EPA's final revised FIP becomes effective and ending December 31, 2018; and
  - A new SO_2 emission limit for Laramie River Units 1 and 2 of 0.12 lb/MMBtu (annual) averaged annually across the two units commencing December 31, 2018.
- Second, a revised NO_X emission limit for Laramie River Unit 1 of 0.06 lb/MMBtu on a 30-day rolling average commencing July 1, 2019, with an interim limit of 0.18 lb/MMBtu on a 30-day rolling average commencing the date that the EPA's final revised FIP becomes effective and ending June 30, 2019.[42]
- Third, installation of SCR on Laramie River Unit 1 by July 1, 2019, (thereby revising the compliance date of the existing FIP) and installation of SNCR on Units 2 and 3 by December 30, 2018.

In accordance with other terms of the 2017 settlement, Wyoming submitted a SIP revision to the EPA on April 5, 2018, to revise the SO_2 annual reporting requirements for Laramie River Units 1 and 2 as they pertain to the backstop trading program under 40 CFR 51.309. Specifically, Wyoming determined that Basin Electric must use SO_2 emission rates of 0.159 lb/MMBtu for Laramie River Unit 1 and 0.162 lb/MMBtu for Laramie River Unit 2 and multiply those rates by the actual annual heat input during the year for each unit to calculate and report emissions under the SO_2 backstop trading program. The revisions ensure that the SO_2 emissions reductions that are part of the BART alternative for Units 1 and 2 are not double-counted as reductions under the backstop trading program.

III. Public Comments and EPA Responses

We received seven comment submissions during the public comment period. After reviewing the comments, the EPA determined that four of the comments are outside the scope of our proposed action and fail to identify any material issue necessitating a response. One of the comments was a request to extend the comment period.[43] The remaining two comment letters—one from the National Parks Conservation Association, Powder River Basin Resource Council, Sierra Club, and Wyoming Outdoor Council (submitted collectively as the ''Conservation Organizations'') and one from Basin Electric Power Cooperative—are summarized below with our responses.

According to the Conservation Organizations, the EPA failed to demonstrate that the BART alternative will achieve greater reasonable progress toward eliminating visibility impairment than would the implementation of BART and, as a result, the EPA may not finalize its proposed FIP revision for the following reasons:[44]

Comment: The Conservation Organizations argue that the EPA's modeling is based on NO_X emission rates that underestimate the visibility benefits of BART and overestimate the visibility benefits of the BART alternative. More specifically, the commenters argue, the EPA incorporated an inflated NO_X emission rate for SCR in the BART scenario while failing to justify a low NO_X emission rate for SNCR in the BART alternative, thereby biasing the analysis in favor of the BART alternative. According to the

[35] Visibility impairment is calculated based on the summation of extinction due to each visibility impairing pollutant. The concentration of each visibility impairing pollutant is either measured or obtained from the model estimates. These concentrations are then used to calculate the total visibility impairment based on the light absorbing or scattering characteristic of each pollutant specie and adjustment for relative humidity. The deciview is ''an atmospheric haze index that expresses changes in visibility'' and ''is like the decibel scale for sound'' because it ''represents a common change in perception.'' 64 FR at 35725.

[36] Final Report, p. 3–1—3–3.

[37] Final Report, p. 4–1—4–5.

[38] 79 FR 5032 (January 30, 2014).

[39] *Basin Electric Cooperative* v. *EPA,* No. 14–9533 (10th Cir. March 31, 2014) and *Wyoming* v. *EPA,* No. 14–9529 (10th Cir. March 28, 2014).

[40] 81 FR 96450 (December 30, 2016).

[41] Settlement Agreement.

[42] These limits were voluntarily requested by Basin Electric.

[43] In response to the request, the EPA decided to extend the comment period for the proposed rule until December 10, 2018; 83 FR 55656 (November 7, 2018).

[44] See 40 CFR 51.308(e).

commenters, the comparison of the two scenarios must use a rational assessment of the emissions rates achievable with the controls constituting ''the best system of continuous emission control technology available'' for the relevant source(s), (*i.e.,* the BART benchmark and the BART alternative).[45] The EPA failed to conduct a rational assessment, the Conservation Organizations argue, when the EPA assumed SCR could achieve a controlled NO_X annual emission rate of 0.05 lb/MMBtu when determining the BART scenario but using a controlled NO_X annual emission rate of 0.04 lb/MMBtu under the BART alternative scenario thereby appearing to underestimate the visibility benefits of SCR in the BART benchmark.[46] Likewise, according to the commenters, the EPA failed to justify its assumption for the BART alternative NO_X emission rate of 0.128 lb/MMBtu at Units 2 and 3 based on the operation of SNCR thereby appearing to overestimate the visibility benefits of the BART alternative. Specifically, it is not reasonable, according to the commenters, to apply the same percentage reduction from the NO_X baseline emissions of 0.16 lb/MMBtu (as assumed for the proposed FIP revision) and 0.19 lb/MMBtu (as assumed in the 2014 FIP), because the control effectiveness of SNCR declines as baseline emission rates are reduced. Moreover, high furnace temperatures at Laramie River Station will further limit the possible NO_X reduction.[47]

Response: We disagree with the commenters' assertion that the EPA's modeling is based on NO_X emission rates that underestimate the visibility benefits of BART and overestimate the visibility benefits of the BART alternative. We also disagree that our selection of NO_X emission rates biased the analysis in favor of the BART alternative.

Regarding the NO_X emission rate achievable with SCR, we disagree that we incorporated an inflated NO_X emission rate or an ''apples-to-oranges'' comparison in the BART scenario. Instead, we used the emission limits that would be enforceable under the BART and BART alternative scenarios, respectively. For the BART scenario, we used the NO_X emission limit of 0.07 lb/MMBtu (30-day rolling average) which we determined to be BART in our 2014 FIP, reflecting the installation and operation of SCR.[48] [49] [50] For the BART alternative scenario, we used the enforceable NO_X emission limit of 0.06 lb/MMBtu (30-day rolling average) that Basin Electric voluntarily agreed to for Unit 1 as part of the settlement agreement.[51] While the 0.06 lb/MMBtu NO_X limit for Unit 1 is not a component of the BART alternative, it is part of the package of revised emission limits that is now being considered as a replacement for the 2014 BART determinations. In order to meet the 0.06 lb/MMBtu (30-day) limit, Basin Electric will incur additional costs that were not included in the 2014 FIP's BART determination.[52] We are unaware of any provision of the CAA or RHR that would prevent a source from voluntarily requesting, and subsequently being required to comply with, a more stringent enforceable emission rate than prescribed under BART, as is the case here.

Regarding the NO_X emission rate achievable with SNCR, we disagree that we failed to justify our assumption that SNCR can achieve an emission rate of 0.128 lb/MMBtu (annual) at Units 2 and 3.[53] As noted in the modeling protocol underlying the BART alternative, the annual emission rate of 0.128 lb/MMBtu is derived from the baseline annual emission rate of 0.16 lb/MMBtu multiplied by an assumed 20 percent reduction with SNCR (*i.e.,* 0.16 lb/MMBtu × [1 − 20%/100%] = 0.128 lb/MMBtu).[54] As the EPA recognized in our 2014 FIP and we continue to recognize now, ''the effectiveness of SNCR is highly dependent upon the characteristics of each boiler, and those characteristics include furnace temperature, furnace carbon monoxide (CO) concentration, NO_X level and other factors, but furnace temperature, CO concentration, and NO_X level are most important.'' [55] Therefore, it is difficult to predict the *exact* percent reduction in NO_X that can be achieved by SNCR at a given boiler. Accordingly, in support of the 2014 FIP we used an approximation of the NO_X reduction achievable based on the NO_X inlet concentration given as a range: 30 percent for NO_X greater than 0.25 lb/MMBtu, 25 percent for NO_X between 0.20 and 0.25 lb/MMBtu, and 20 percent for NO_X under 0.20 lb/MMBtu.[56] [57] Thus, the assumption that SNCR can reduce NO_X by 20 percent when baseline NO_X emissions are under 0.20 lb/MMBtu—whether at a baseline of 0.19 lb/MMBtu or 0.16 lb/MMBtu—is consistent with our 2014 FIP. Put more simply, we do not expect any meaningful difference in the control effectiveness of SNCR between an inlet NO_X emission rate of 0.19 lb/MMBtu and 0.16 lb/MMBtu. Moreover, the assumption that SNCR can reduce NO_X by 20 percent from an annual baseline of 0.16 lb/MMBtu is consistent with the updated chapter of the EPA's Control Cost Manual (CCM) for SNCR.[58] Based on observed data taken from utility boilers equipped with SNCR, Figure 1.1c of the SNCR chapter shows a relationship between the inlet NO_X emissions (x; lb/MMBtu) and the NO_X reduction (y; %) of y = 22.554x + 16.725.[59] For a baseline emission rate of 0.16 lb/MMBtu, the CCM equation

[45] 40 CFR 51.308(e)(2)(i)(C) and (D).

[46] *Laramie River Station Power Plant Visibility Impacts for Two Emissions Control Scenarios: Final Report.* AECOM. p. 3–4—3–5, (May 2016).

[47] 79 FR 5160 (January 30, 2014).

[48] 83 FR 51407 (October 11, 2018), 79 FR 5039 (January 30, 2014). 40 CFR pt. 51, app. Y: IV, V (BART determinations and enforceable limits); 40 CFR 51.308(e)(3) (BART determinations).

[49] Shortly after publication of our FIP, various parties filed petitions for review of EPA's final action in the U.S. Court of Appeals for the Tenth Circuit Order (*Wyoming* v. *EPA,* No. 14–9529 and consolidated cases). Upon the motions of various petitioners, the Court ordered several provisions stayed pending completion of its review. The Court issued its order on September 9, 2014 (Doc. 01019307361), which stayed the emission limits for the Laramie River Station Units 1, 2 and 3.

[50] On an annual basis, the 30-day rolling average emission limit of 0.07 lb/MMBtu corresponded to an actual emission rate of 0.05 lb/MMBtu which is the emission rate referenced by the commenters in their comment. Regarding the relationship between 30-day emission limits and annual emission rates, refer to the 2014 final rule which states: When establishing a 30-day emission limit for SCR, the annual rate must be adjusted upward to account for: (1) A margin for compliance, (2) a shorter averaging period, and (3) start-up and shutdown emissions. 79 FR 5167 (January 30, 2014). See also 84 FR 10433 (March 21, 2019).

[51] In accordance with the relationship between 30-day emission limits and annual emission rates (see 79 FR 5167, January 30, 2014), the EPA assumed that the 30-day rolling average emission limit of 0.06 lb/MMBtu corresponds to an annual emission rate of 0.04 lb/MMBtu which is the emission rate referenced by the commenters in their comment.

[52] Costs are one of the five factors taken into account when determining BART.

[53] 83 FR 51403 (October 11, 2018), 79 FR 5032 (January 30, 2014). 40 CFR pt. 51, app. Y ¶ IV, V (BART determinations and enforceable limits); 40 CFR 51.308(e)(3) (BART determinations).

[54] *Photochemical Modeling Protocol for the Visibility Assessment of Basin Electric Laramie River Power Plant,* and references, p. 5–1—5–2, (Protocol). Prepared for Basin Electric, AECOM, p. 2–4, (September 2015).

[55] 79 FR 5159 (January 30, 2014).

[56] *Cost of NO_X Controls on Wyoming EGUs.* Andover Technology Partners. p. 4 (October 28, 2013).

[57] The EPA provided further justification for the assumed percent reductions when responding to comments in the 2014 FIP. See 79 FR 5159–5161 (January 30, 2014).

[58] EPA Control Cost Manual, Section 4, Chapter 1, Selective Noncatalytic Reduction. (May 2016).

[59] Figure 1.1c shows significant scatter in data points yielding a trend line with an r-squared value of 0.46 (based on simple linear regression). This reinforces the observation that the effectiveness of SNCR is highly dependent upon the characteristics of each boiler and is therefore difficult to predict with a high degree of accuracy.

yields an estimated NO_X reduction of 20.3 percent, which is nearly identical to our assumed reduction of 20 percent.

In our 2014 FIP, we also addressed the impact of furnace temperature on the effectiveness of SNCR. We concluded that the high furnace temperatures would have a negative impact on reagent utilization,[60] we maintained that a 20 percent reduction in NO_X would be achievable.[61] Here again, the commenter has not provided any new information or analysis that would support a different conclusion regarding high furnace temperatures, and we are not aware of any such information.

In turn, the baseline annual emission rate of 0.16 lb/MMBtu is based on actual emissions data taken from the EPA's Clean Air Markets Division database for calendar year 2014, the most recent calendar year for which emissions data was available when the modeling protocol for the BART alternative was developed in 2015.[62] Finally, we are neither aware of any new information nor has the commenter provided any new information or analysis that would support a different conclusion regarding the annual emission rate achievable with SNCR.

Accordingly, and in consideration of the points we make above, we find that we have provided a rational assessment of the emissions rates achievable with SCR and SNCR control technologies for both the BART and BART alternative scenarios.

Comment: The Conservation Organizations argue that the EPA used an outdated and unrepresentative temporal allocation of Laramie River Station's SO_2 and NO_X emissions, which they assert may underestimate the plant's impacts in summer and winter months. Specifically, the modeling protocol allocated total annual emissions based on a fairly constant level of operations without seasonality. However, the commenters assert the data available in the EPA's Clean Air Markets Division database show SO_2 and NO_X emissions since January 2015 exhibit strong seasonality. By neglecting to reflect this changing temporal emissions profile, the modeling fails to accurately project visibility impacts, according to the commenters, and therefore the EPA lacks a basis to determine that the BART alternative is better than BART. Additionally, the commenters' assert that AECOM inexplicably projected future year (2020) emissions using the 2007 National Emission Inventory (NEI), Modeling Protocol, at 2–11, rather than the more current 2011 NEI. The EPA must explain whether the use of an outdated emissions inventory may have impacted AECOM's modeling results.

Response: We disagree. As noted previously, the CAMx modeling leveraged the 3SAQS[63] as the starting point to assess visibility impacts from Laramie River Station. The 3SAQS developed a base year modeling platform for the year 2008 that was in turn used in the CAMx modeling for Laramie River Station. Emissions for all sources are the same in the 3SAQS 2008 study, except for Laramie River Station emissions. The modeling uses annual average 2001–2003 emissions for two reasons.[64] First, using 2001–2003 annual emissions provides consistency with the baseline emissions used in the CALPUFF modeling when establishing BART in the 2014 FIP. Second, it allows the modeling to show the visibility benefits of all NO_X and SO_2 reductions that have or will occur between 2001–2003 and the future modeled year of 2020. In turn, the temporal profile is taken from the same years as the annual emissions (2001–2003) as it is intended to reflect temporal variation in daily emissions during that time. It would not be logical to apply a temporal profile reflective of 2015–2018 emissions data for the years 2001–2003 as the commenter proposes. Furthermore, as a practical matter, the 2015–2018 emissions data referenced by the commenter was not available when AECOM began development of the CAMX protocol in 2014, and so could not have been used to establish the temporal profile for Laramie River Station.

Regarding the year of the NEI used to project emissions to the future year of 2020, the initial 3SAQS platform used a base year of 2008, which was in turn the basis of the CAMx modeling.[65] A subsequent 3SAQS platform, using a base year of 2011 with 2011 NEI data, was developed. However, the 2011 3SAQS modeling platform was not yet available when AECOM began preparation of the CAMx modeling protocol in 2014.[66] Even still, for the reasons stated above, actual annual emissions from 2001–2003 were used for Laramie River Station. As such, the question of whether future year emissions were projected from the 2007 or 2011 NEI is relevant only to other sources included in the modeling, and the same emissions for the other sources were used in all three scenarios. Therefore, any errors in the emissions from other sources were mitigated by the fact that the CAMx results were used to compare the relative visibility improvements in BART and the BART alternative.

Finally, even if the EPA had used a more recent temporal profile or emissions inventory as suggested by the commenters, the commenters do not provide any evidence or analysis to support a conclusion that doing so would alter the outcome of the analysis (*i.e.,* that the BART alternative achieves greater reasonable progress).

Comment: Third, the commenters state that, for the reasons summarized below and detailed in a memorandum submitted with their comments,[67] the results from the EPA's Comprehensive Air Quality Model with Extensions (CAMx) modeling do not rationally support the EPA's proposed determination that the BART alternative would achieve greater reasonable progress than BART:

- The Badlands National Park experiences the greatest visibility impact from Laramie River Station emissions of all modeled Class I areas and would suffer adverse visibility impacts from the implementation of the BART alternative when compared to BART. Other modeled Class I areas up to or exceeding 500 kilometers (km) away offset the negative impact of the BART alternative on visibility in Badlands National Park.
- the CAMx modeling software lacks the necessary precision to make accurate concentration predictions when the sulfate concentrations are so small (on the order of 10^{-4} to 10^{-5} micrograms per cubic meter). While the model will produce a numerical value at

[60] Reagent utilization is the ratio of moles of reagent reacted to the moles injected.

[61] 79 FR 5159–5161 (January 30, 2014).

[62] Air Markets Program Data. *https://ampd.epa.gov/ampd/.*

[63] ENVIRON. 2014. Three-State Air Quality Modeling Study (3SAQS). Final Modeling Protocol 2008 Emissions and Air Quality Modeling Platform. ENVIRON International Corporation, Novato, California (April 2014).

[64] *Air Quality Modeling Protocol: Wyoming Regional Haze Federal Implementation Plan,* U.S. EPA, p. 6 (January 2014) and *BART Air Modeling Protocol, Individual Source Visibility Assessments for BART Control Analyses,* p. 7 (September 2006).

[65] Use of the most recent NEI is consistent with the EPA's SIP inventory guidance. ''Draft Emissions Inventory Guidance for Implementation of Ozone [and Particulate Matter] National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' (April 11, 2014) (2014 Draft Emissions Inventory Guidance''), pp. 13, 38 (which similarly requires use of the most current emission for regional haze reporting purposes).

[66] Memorandum from Intermountain West Data Warehouse—Western Air Quality Study Oversight Committee, Recommendations on the Use of the Intermountain West Data Warehouse for Air Quality 2011b Model Platform (May 17, 2016).

[67] Gebhart, Howard D. *Technical Comments—Laramie River Station CAMx BART Modeling Expert Report* (November 30, 2018).

this scale, the EPA's use of those values as precise measurements of sulfate concentrations under the modeled scenario is out of step with accepted protocols in the field of air dispersion modeling and fails to account for the inherent uncertainty in the model. Thus, the visibility benefit claimed for the BART alternative is not supportable.

• the results of the EPA's modeling[68] indicating measurable visibility impacts at the Yellowstone-region Class I areas because of the BART alternative are inconsistent with published data on pollutant trajectories that show sources in eastern Wyoming, where Laramie River Station is located, influence visibility in the western Wyoming Yellowstone area only once in approximately every 3 years.[69] Furthermore, the back-trajectories indicate that on the rare days when emissions would reach the Yellowstone region, they would first pass through and impact the Bridger and Fitzpatrick wilderness areas; yet on the days when the AECOM 2016 modeled visibility impacts at Yellowstone, it modeled zero impact at Bridger/Fitzpatrick.

Response: We disagree with the commenters' assertion that the CAMx modeling results do not support the EPA's proposed determination that the BART alternative would achieve greater reasonable progress than BART.

First, with respect to the commenters' assertions regarding the inclusion of Class I areas up to or exceeding 500 km, the inclusion of these Class I areas is consistent with previous analysis using CAMx simulations.[70] Whereas CALPUFF simulations have often been limited to 300 km (unless further considerations are taken into account in evaluating that modeling), due to the increasing potential for model error across long distances, CAMx more readily allows for the inclusion of more distant Class I areas.[71] Furthermore, while we recognize that visibility impact at Badlands National Park under the BART alternative scenario (0.0138 deciviews) was greater than the impact under the BART scenario (0.0131 deciviews) on the 20 percent best days,[72] the regional haze regulations do not require greater visibility improvements at every Class I area when comparing the BART alternative to BART. Instead, the regulations require that (1) visibility does not decline in any Class I area,[73] and (2) there is an overall improvement in visibility, determined by comparing the average differences between BART and the BART alternative over all affected Class I areas. Consistent with regulations, we determined that none of the Class I areas experienced a decline in visibility from the baseline under the BART alternative scenario, and there was a greater improvement in visibility under the BART alternative compared to BART averaged over all affected areas.[74]

Second, with respect to the commenters' concerns regarding the precision of the CAMx modeling software, CAMx has a scientifically current treatment of chemistry to simulate transformation of emissions into visibility-impairing particles and its use for modeling cumulative air quality impacts in the U.S., including for regional haze SIPs, is well-established; CAMx has been used in several previous EPA assessments for evaluating greater reasonable progress.[75] While we agree with the commenters that modeling uncertainties such as correctly simulating the meteorological data fields are inherent to all air quality models and are not unique to CAMx,[76] we disagree that the visibility improvements associated with either the BART alternative or the BART scenario are not supportable due to these inherent and unavoidable uncertainties. The only changes among the modeling scenarios was due to different emission rates for the Laramie River Station. The uncertainties inherent in the model apply to both the BART and the BART alternative, and thus, while there is some uncertainty in the absolute visibility impacts and benefits, our use of CAMx here provides an accurate assessment of the relative improvement expected from two different control scenarios and whether the BART alternative is better than BART. Additionally, while commenters suggest the concentrations are out of step with accepted protocols, they fail to cite a specific protocol.

Indeed, given the highly complex nature of predicting how chemicals combine in the atmosphere and impact visibility, it is not surprising that the CAMx model performance is not completely precise and accurate. Comments with regard to CAMx precision and accuracy have been addressed in previous applications of CAMx for evaluating regional haze in FIPs and in SIPs.[77] Consistent with those applications of CAMx and the EPA's regulations and guidance, the CAMx modeling performed for this action used several approaches that specifically address concerns about precision and accuracy:

• CAMx modeled concentration results were processed in order to isolate the changes to visibility conditions as a result of emissions

[68] *Laramie River Station Power Plant Visibility Impacts for Two Emissions Control Scenarios: Final Report,* and references, p. 6–1—6–2, AECOM, (May 2016).

[69] Gebhart, Howard D. *Technical Comments—Laramie River Station CAMx BART Modeling Expert Report* (November 30, 2018).

[70] 81 FR 66332 (September 27, 2016), 77 FR 33642 (June 7, 2012). Indeed, as explained on the CAMx website, since 1996, CAMx has been employed extensively by local, state, regional and federal government agencies, academic and research institutions, and private consultants for regulatory assessments and general research throughout the U.S. and the world. CAMx has been used in more than 20 countries on nearly every continent. *http://www.camx.com/about/us-camx-applications.aspx.* Many of these applications have been under the Clean Air Act (*Regional Haze/U.S. Regional Planning Organizations (RPOs):* Midwest (MRPO); Western (WRAP/WestJump); Central (CENRAP); Southeast (VISTAS); Oregon/Washington (Columbia River Gorge); *BART Modeling:* Texas BART screening analysis, Arkansas cumulative BART modeling; *1-Hour Ozone:* OTAG, NO_X SIP Call (eastern U.S.), Texas (SIPs for Houston, Dallas-Fort Worth, East Texas), Paso/Juarez trans-border analysis, LADCO (Great Lakes region), Pennsylvania (SIP for Pittsburgh); *8-Hour Ozone:* Texas (Houston, Dallas-Ft Worth, San Antonio, Austin, East Texas, Waco), Oklahoma (Oklahoma City, Tulsa), Colorado (Denver), New Mexico, Missouri/Illinois (St. Louis), LADCO (Great Lakes region), Florida (Tampa, Orlando, Jacksonville), Arizona (Phoenix), Southern California (Los Angeles), Louisiana (Baton Rouge), Central California (CCOS); *Local PM:* Pennsylvania (Allegheny County, $PM_{2.5}$), Utah (Salt Lake City, $PM_{2.5}$), LADCO (Great Lakes region, $PM_{2.5}$), Missouri/Illinois (St. Louis $PM_{2.5}$ SIP), Idaho (Boise PM_{10} SIP), Southern California (Los Angeles PM_{10}, $PM_{2.5}$); *Regional Strategies:* 2001 EPA analysis of Heavy-Duty Diesel Rule, (Eastern U.S.), 2005 EPA analysis of Clean Air Interstate Rule (Eastern U.S.), 2010 EPA analysis of Interstate Transport Rule (Eastern U.S.), 2010 EPA ozone non-attainment area designation modeling (national), 2014 EPA ozone NAAQS proposal PA/RIA (national), where the modeling domains were similar in size to the one used here, and much larger in size, covering an entire region of the U.S. or all of the U.S.

[71] 77 FR 33642 (June 7, 2012) and Technical Support Document for Demonstration of the Transport Rule as a BART Alternative (December 2011). See CAMx User's Guide, for example, p. 1–2 (wide regional domain), 6–2 (Figure 6.1, map of the Eastern U.S. showing regional modeling domain).

[72] 83 FR 51410 (October 11, 2018), Table 6.

[73] Contrary to commenters' assertion that the modeling results for Badlands National Park suggest the results do not show the BART alternative is better than BART, the visibility at Badlands National Park does not decline under the BART alternative scenario on the 20 percent worst days: Compare visibility impacts for BART alternative scenario (0.0176 deciviews) and BART scenario (0.0177 deciviews).

[74] 83 FR 51410 (October 11, 2018), Table 6 and Table 7.

[75] 82 FR 46903 (October 10, 2017) (Final action for the Coronado Generating Station in the Regional Haze Plan for Arizona, BART alternative better than BART); 81 FR 296 (January 5, 2016) (Final action for Texas and Oklahoma Regional Haze Plans where for Texas CAMx source apportionment modeling was performed to determine which, if any, of the facilities had significant impacts.) 77 FR 33642 (June 7, 2012) (Final action for the Cross-State Air Pollution Rule (CSAPR) as a BART alternative.).

[76] Gebhart, Howard D. *Technical Comments—Laramie River Station CAMx BART Modeling Expert Report* (November 30, 2018).

[77] 82 FR 46903 (October 10, 2017).

controls applied to the Laramie River Station.[78] To convert model concentrations into visibility estimates and account for quantifiable model bias, the EPA's Modeled Attainment Test Software (MATS) is used.[79] MATS is primarily intended as a tool to implement modeling for several CAA programs, including visibility for regional haze.[80] The use of MATS also helps mitigate model bias by pairing model estimates with actual measured conditions and adjusts the model predictions based on the measured concentrations.[81]

• The CAMx Particulate Source Apportionment Technology (PSAT), one of the extension tools in CAMx,[82] was used in conjunction with MATS to isolate Laramie River Station's visibility impacts for each of the three modeled scenarios.[83] PSAT was used in the modeling analysis to tag and track the chemical transformations and transport of particulate matter (PM) precursor emissions from the Laramie River Station within the modeling domain, which is useful to understand model performance.[84] PSAT was used for each of three scenarios to track and account for particulate matter concentrations that originate or are formed as a result of emissions form Laramie River Station.[85] This approach substantially reduces the model numerical errors (sometimes referred to as ''artifacts'' associated with very small modeled pollutant concentrations) in the estimates of visibility impairment caused by the Laramie River Station and improves the precision in the model estimates of visibility benefits. As explained in the Appendix to the Final Report, AECOM also evaluated modeling artifacts and based on several factors determined that the PSAT analysis was not affected by modeling artifacts and thus could be appropriately used in assessing the merits of the scenarios.[86] The PSAT configuration setup used the following tracers: sulfur (sulfate tracers), nitrogen (nitrate and ammonium tracers) and primary PM (elemental carbon, organic aerosol, crustal PM tracers).[87] The results of the CAMx PSAT analysis are described in detail in the supporting documentation.[88]

• Concerns about model accuracy and bias are further addressed in the modeling analysis by using the scaling factors called RRF to correct model results for bias.[89] In the RRF approach, the impacts of each emissions control scenario on sulfate and nitrate are estimated by multiplying the model percent change in sulfate and nitrate in each control strategy simulation by the measured concentrations of sulfate and nitrate at the Class I areas.[90] This is the same approach that is used in all regulatory applications of CAMx for regional haze, ozone, and $PM_{2.5}$ SIPs and FIPs.[91]

Additionally, both qualitative and quantitative model performance evaluations were performed to determine whether the meteorological fields were sufficiently accurate for the model to properly characterize the transport, chemistry, and removal processes. The model performance evaluation study concluded that the application exhibited reasonably good model performance that was as good or better than other recent prognostic model applications used in air quality planning.[92] Finally, a number of quality assurance files were prepared and used to check for errors in the emission inputs.[93]

While the CAMx PSAT, RRF and other methodologies do not fully eliminate all model error, these techniques do correct for errors and bias consistently for each emissions control scenario evaluated here, and this increases confidence that the model results are reliable in estimating greater relative benefits for the BART alternative scenario compared to the BART scenario. Additionally, the EPA's chosen visibility modeling need not be perfect, but only reasonable,[94] and it was reasonable to use the CAMx model, which is a satisfactory predictive tool, to ascertain whether it is more likely than not that the BART alternative is better than the BART scenario, information essential to inform the EPA's analysis and decision-making. Moreover, 40 CFR 51.308(e)(3) allows for a straight numerical test regardless of the magnitude of the computed differences and does not specify a minimum delta deciview difference between the modeled scenarios that must be achieved for a BART alternative to achieve greater reasonable progress than BART. Furthermore, the BART versus BART alternative visibility impacts presented here represent average impacts from two periods (the 20 percent best days and 20 percent worst days). Thus, some of the individual day impacts are much larger than reflected in the average and ''measure'' larger impacts than implied here.

Finally, we disagree with the commenters' statement that pollutant trajectories for air masses reaching the Yellowstone region are not accurately reflected in the modeling. The commenter claims that ''[p]ublished back-trajectories list the frequency of transport for Laramie River Station emissions toward Yellowstone and nearby areas at essentially zero (less

[78] Final Report, p. ES–1.

[79] *Modeled Attainment Test Software User's Manual.* Abt Associates for EPA (April 2014). (MATS User's Manual) *https://www3.epa.gov/ttn/scram/guidance/guide/MATS_2-6-1_manual.pdf.*

[80] MATS User's Manual, p. 9.

[81] Final Report, p. 4–1, ES–2.

[82] CAMx Users Guide, p. 1–4.

[83] Final Report, p. ES–2.

[84] *Ibid.* p. 7–1.

[85] Final Report, p. 5–1.

[86] Appendix A to Final Report.

[87] Protocol p. 3–7.

[88] *Laramie River Station Power Plant Visibility Impacts for Two Emissions Control Scenarios: Final Report* Prepared for Basin Electric, AECOM (May 2016), and letter from Holland and Hart regarding modeling explanation.

[89] *Photochemical Modeling Protocol for the Visibility Assessment of Basin Electric Laramie River Power Plant.* (Protocol). Prepared for Basin Electric, AECOM, p. 4–3 (September 2015).

[90] *Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone,* $PM_{2.5}$, *and Regional Haze*, EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, p. 95–96. (December 3, 2014) and *Modeling Guidance for Demonstrating Air Quality Goals for Ozone,* $PM_{2.5}$ *and Regional Haze.* EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC (November 29, 2018).

[91] *Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone,* $PM_{2.5}$, *and Regional Haze*, EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, p. 95–96. (December 3, 2014) and *Modeling Guidance for Demonstrating Air Quality Goals for Ozone,* $PM_{2.5}$ *and Regional Haze.* EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC (November 29, 2018).

[92] Protocol p. 3.1, summarizing and citing the findings in ''Western Regional Air Partnership (WRAP) West-wide Jump Start Air Quality Modeling Study'', WRF Application/Evaluation, February 29, 2012 (ENVIRON and Alpine 2012) (*https://www.wrapair2.org/pdf/WestJumpAQMS_2008_Annual_WRF_Final_Report_February29_2012.pdf*). The modeling analysis for this final action used the modeling platform from the West-wide Jump Start Air Quality Modeling Study (WestJumpAQMS), and the model performance evaluation study concluded that the WestJumpAQMS application exhibited reasonably good model performance that was as good or better than other recent prognostic model applications used in air quality planning and it was therefore reasonable to proceed with their use as inputs for the WestJumpAQMS photochemical grid modeling. That study was conducted by the WRAP to develop a regional photochemical grid model (PGM) modeling platform for the western states. The WRAP intended that the PGM modeling platform would be used in several CAA applications, including visibility. Meteorological data are key inputs for CAMx photochemical grid modeling and these data include wind speed and direction, temperature, water vapor concentrations (mixing ratio), sunlight intensity, clouds and precipitation, and vertical mixing. For PGMs such meteorological inputs are generated using prognostic meteorological models that solve the fundamental equations of the atmosphere. p. ES1–ES2.

[93] Protocol p. 2–3—2–4 and Final report.

[94] *See WildEarth Guardians,* 770 F.3d 919, 931 (citing *San Luis & Delta-Mendota Water Auth.* v. *Jewell,* 747 F.3d 581, 620–21 (9th Cir. 2014) (upholding the use of EPA's approval of the SO_2 backstop trading program and that use of an imperfect analysis is not arbitrary or capricious).

than one day every 3 years)'' and argues that therefore, the CAMx modeling overestimates the benefits of any emissions control scenarios in the Yellowstone region. To support this claim, the commenter provided an extended abstract titled ''Preliminary Back Trajectory Analysis of GrandTReNDS Reactive Nitrogen'' that was presented at a 2014 Air & Waste Management Association conference. However, we find the extended abstract does not support the commenters' claims for several reasons. The commenters' extended abstract relied on mean 24-hour data, and the abstract concluded that ''[s]trong diurnal patterns in the winds in this region mean 24-hour data are probably not adequate for source apportionment analyses'' [95] and noted that the commenter intended to address this limitation by using 4 kilometer (km) resolution weather research and forecast (WRF) data that would be available in the future, which were both used in the CAMx modeling. Finally, we note that on page 13 of the extended abstract, the plots show relatively greater transport from eastern Wyoming to Yellowstone on the lowest concentration days at Yellowstone, which is consistent with the finding in the CAMx modeling that the Laramie River Station can contribute to visibility impairment on the best visibility days at Yellowstone.

Furthermore, the CAMx modeling uses the finer and more accurate 4 km resolution WRF meteorological modeling that was evaluated against surface meteorological observations of wind speed, wind direction, temperature and humidity.[96] Contrary to the commenters' assertions, the 4 km WRF CAMx modeling results indicate that there were days on which wind trajectories transported emissions from the Laramie River Station to the Yellowstone region.[97] Thus, we do not find that there is adequate evidence to support the commenters' assertion that the Laramie River Station does not contribute to visibility impairment in the Yellowstone region.

Comment: Finally, the commenters argue that multiple features of the EPA's modeling exacerbate the uncertainty inherent in CAMx and compound the unreliability of the results on which the EPA relies upon in its BART alternative determination, including: [98]

- The inherent inaccuracies of the CAMx model are multiplied at large transport distances, which further undermines the EPA's reliance on extremely small modeled visibility benefits and associated changes in pollutant concentrations to conclude that the BART alternative improves visibility at these locations;
- the EPA utilized modeled results from Yellowstone to quantify purported visibility benefits at multiple Class I areas that lack their own IMPROVE monitors, which further compounds the errors introduced by the Yellowstone results; and
- the use of the particulate source apportionment technology (PSAT) to track emissions in the EPA's modeling further compounded the unreliability of modeled visibility ''benefits'' arising from the BART alternative as PSAT has been shown to overestimate the true sulfate contribution assigned to individual emission sources. Accordingly, PSAT likely introduced ''false positives'' in the model results by modeling visibility impacts from changing emissions at Laramie River Station under the BART alternative that would not bear out in reality.

Response: We disagree with the commenters' arguments that multiple features of our modeling, including large transport distances, lack of IMPROVE monitors, and the use of PSAT exacerbated the uncertainty inherent in CAMx and compounded the unreliability of the results on which we relied upon in our BART alternative determination. In fact, we utilized multiple tools, as discussed previously, to further evaluate the modeling results to determine whether the results represent ''real'' modeled visibility differences.

Specifically, it is true that in some geographic areas, single IMPROVE monitors represent multiple Class I areas, based on expected similarities between the airsheds (Figure 1). This approach is consistent with the EPA's Guidance for Tracking Progress Under the Regional Haze Rule that areas without a monitor are assigned a representative monitor,[99] and other requirements to include all Class I areas in the modeling domain.[100] Therefore, the Yellowstone IMPROVE monitor was used to represent several other Class I areas in the analysis. We note that the IMPROVE data from the nearby Class I area is used for the RRF correction for model bias for Class I areas that do not have a dedicated IMPROVE monitor. This nearby monitor approach is used by the EPA and states for all regulatory and planning requirements for Class I areas that lack IMPROVE monitors, and the estimates represent visibility improvements at these Class I areas.[101] Furthermore, without data showing the monitors are not representative, we have no reason to find that this assumption should not apply.

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[95] *Preliminary Back Trajectory Analysis of GrandTReNDS Reactive Nitrogen.* Gebhart, Kristi A., Prenni, Anthony J., Barna, Michael G., Schichtel, Bret A.; National Park Service and Malm, William C., Day, Derek E., Sullivan, Amy P., Levin, Ezra J.T., Collett Jr., Jeffrey L., Benedict, Katherine B.; Colorado State University. Air and Waste Management Association Annual Meeting. Extended Abstract #33458. (June 26, 2014).

[96] *Western Regional Air Partnership (WRAP) West-wide Jump Start Air Quality Modeling Study (WestJumpAQMS).* ENVIRON International Corporation. (February 29, 2012).

[97] We evaluated the CAMx PSAT plots to identify days on which the model plume was transported from Laramie River Station to Class I areas in western Wyoming. Specifically, the model results showed that Laramie River Station impacted these Class I areas on the following days: May 23–28, June 30, July 26, August 5–8, August 16–18, August 23, September 8–9, October 11–12, November 21. See also plots of the CAMx PSAT modeling results in electronic and physical form in the docket #EPA–R08–OAR–2018–0606.

[98] Gebhart, Howard D. *Technical Comments—Laramie River Station CAMx BART Modeling Expert Report* (November 30, 2018).

[99] Appendix A, Table A–2 of *Guidance for Tracking Progress Under the Regional Haze Rule* (September 2003).

[100] 40 CFR 51.308(d)(2)(ii), (e)(3). 40 CFR pt. 51, app. Y: I.B, I.C,2, I.F.2.(c), IV.D.5. 2014 Guidance pp. 17–19.

[101] 40 CFR 51.308(d)(2) (the regional haze rule provides that for Class I areas without onsite monitoring data, the state must establish baseline and assessment values using the most representative available monitoring data, in consultation with the Administrator or his or her designee). Also, consistent with the additional requirements in § 51.308(d)(4), Wyoming's regional haze plan contains a *monitoring strategy* for measuring, characterizing, and reporting of regional haze visibility impairment that is *representative* of all mandatory Class I Federal areas within the State. Our 2012 proposed rule explained that Chapter 9 of the Wyoming regional haze SIP relies on the IMPROVE network for compliance purposes, in addition to any additional visibility impairment monitoring that may be needed in the future, 77 FR 33022, 33048 (June 4, 2012) (Wyoming 2011 SIP Submittal, Chapter 9, pp. 178–180, adopted by reference at 40 CFR 52.2620(e)(25) (Wyoming State Implementation Plan for Regional Haze for 309(g)). Specifically, as was done for the CAMx modeling for action, some Class I areas share a single monitor because of the proximity of the areas to each other: Bridger and Fitzpatrick are represented by the BRID1 monitor site; North Absaroka and Washakie are represented by the NOAB1 monitor site; and Yellowstone, Teton and Grand Teton are represented by the YELLO2 monitor. *Id.* at 33029. Finally, if commenters had concerns about the use of representative monitors, their opportunity to comment and challenge the EPA's action was prior to our final action on the State's 2011 SIP submittal. 79 FR 5032 (January 30, 2014) (EPA's final action on Wyoming's 2011 SIP submittal). The CAMx modeling protocol and Final Report are consistent with this approach, as it explains that the contractor used Table A–2 in Appendix A of EPA's Guidance for Tracking Progress Under the Regional Haze Rule (2003), which specifies the same representative sites. Final Report, p. 4–4.

Figure 1. Map Depicting Federal Class I Areas and Representative IMPROVE Monitors in Wyoming.

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We disagree with the comment that PSAT has been shown to overestimate the true sulfate contribution assigned to individual emission sources and that PSAT likely introduced ''false positives'' in the model results of impacts from changing emissions at Laramie. The commenter did not cite any specific sources or studies that PSAT can introduce false positives. Moreover, we note that PSAT was subject to testing and evaluation by the model developer,[102] as well as for this particular application.[103] While the CAMx model and PSAT can at times be biased either high or low for sulfate, the model relative response factor approach, which has the effect of anchoring the future estimated visibility results to a ''real'' measured ambient value,[104] is used to help correct for model bias. Additionally, we note that any errors in the CAMx model will apply to both the BART and the BART alternative scenarios. Thus, the effects of any systematic errors in the model are mitigated by the fact that the CAMx and PSAT results are being used to compare the relative visibility improvements in the BART and BART alternative.

As supported by our preceding responses, it was reasonable for the EPA to: (1) Use the CAMx modeling results as the basis for our determination; and (2) rely on the results of the CAMx model that predicted a visibility improvement associated with the BART alternative relative to BART.[105]

Our responses regarding the uncertainties associated with the CAMx model across large distances and ''extremely small'' modeled visibility benefits are found elsewhere in this document.

Finally, the commenters fail to provide an alternative analysis or basis demonstrating that any changes made to the commenters' perceived uncertainties inherent in CAMx or otherwise would alter the outcome of the BART alternative analysis.

In addition to the conservation organizations' comments, we also received several comments from Basin Electric:

Comment: First, the commenter stated that the EPA's BART alternative, under the two-prong test found at 40 CFR 51.308(e)(3), results in greater reasonable progress and demonstrated compliance with each of the five elements of the BART alternative.[106] Specifically, the commenters agree with the EPA's findings that the CAMx modeling demonstrated that emission reductions associated with the BART alternative in the proposed FIP revision will provide greater reasonable progress towards natural visibility conditions than the implementation of BART alone. Furthermore, reliance on the CAMx model, including the inclusion of Laramie River Unit 1 NO_X emissions, actual anticipated emissions, Modeled Attainment Test Software (MATS), and PSAT plots, was appropriate according to the commenter.

Response: For the reasons explained elsewhere in this action, we agree with the commenter's assertion that, under the two-pronged test found at 40 CFR 51.308(e)(3), the BART alternative results in greater reasonable progress than BART and complies with each of the five elements of the BART alternative.

[102] CAMx User's Guide, p. 7–7—7–12.

[103] Appendix A to Final Report.

[104] *Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze,* EPA Office of Air Quality Planning and Standards, Research Triangle Park, NC, p. 95–96 (December 3, 2014).

[105] Congress' concern about modeling science led it to require the EPA to establish uniform modeling techniques and update the models periodically as modeling science develops. Due to the highly technical nature of the modeling techniques, the EPA's modeling expertise makes it particularly well suited to apply and make determinations based on the results of the modeling analysis.

[106] 40 CFR 51.308(e)(2).

Comment: Second, the commenter encouraged the EPA to consider, as part of its approval of the revised FIP, the factors set forth in the weight of evidence test under 40 CFR 51.308(e)(2)(i)(E), including: (1) Earlier emission reductions, (2) reductions in SO_2 emissions, (3) additional NO_X emissions reductions at Unit 1, (4) overall greater reasonable progress, (5) greater visibility benefit with lower costs, and (6) avoidance of litigation risk.

Response: While we appreciate the commenters' encouragement to conduct an additional analysis, the regional haze rule requires the BART alternative to achieve greater reasonable progress under either: (1) A determination under 40 CFR 51.308(e)(3) based on greater emission reductions if the distribution of emissions is not substantially different than BART; (2) a determination under 40 CFR 51.308(e)(3) based on the use of dispersion modeling if the distribution of emissions is significantly different; or (3) a determination under 40 CFR 51.308(e)(2)(i)(E) based on the clear weight of evidence.[107] Thus, only one analysis is necessary to determine that the BART alternative achieves greater reasonable progress than BART.

Furthermore, we cannot, in fact, incorporate a new key analysis, such as a weight of evidence determination, into our final rulemaking without first introducing it through the public rulemaking process as part of a proposed rule.

Comment: Third, the commenter asserts that the regional haze regulations support consideration of costs in the determination of a BART alternative. Since under the CAA, a BART determination must ''take into consideration the cost of compliance'' and a determination of reasonable progress toward achieving the national goal of improving visibility must ''consider the cost of compliance,'' so, too, should BART alternatives be predicated on consideration of compliance costs and any differential between the costs of BART and the costs of the BART alternative. Thus, the commenter encourages the EPA to consider that the BART alternative will achieve greater visibility benefits for less cost than BART.

Response: The EPA disagrees that we should perform a cost analysis of the BART alternative emission control strategy. While the cost of compliance is a factor under both the BART and reasonable progress analyses (CAA 169A(g)(2) and (1), respectively), the regulatory ''greater reasonable progress'' requirements for BART alternatives focus on whether an alternative will achieve greater visibility improvement than BART (*see* 40 CFR 51.308(e)(2)(i)). Specifically, the test on which the EPA is relying to demonstrate that the BART alternative here makes greater reasonable progress than BART (40 CFR 51.308(e)(3)) is based solely on visibility impacts of the alternative versus BART.

Comment: Finally, the commenter identifies an error to the NO_X emission reduction for Unit 1 found in Table 4 of the proposed rule. The NO_X emission reduction for Unit 1 in Table 4 is shown as 4,880 tons per year but should be 5,179 tons per year, as correctly reflected in the text, according to the commenter.

Response: While the modeled NO_X emissions reductions of 5,179 tons per year were correctly used in the modeling analysis,[108] we agree with the commenter that the NO_X emission reduction for Unit 1 in Table 4 of the proposed rule should read 5,179 tons per year as reflected in the text at the bottom of page 51408. We appreciate the commenter bringing this inadvertent error in the text of the proposed rule to our attention.

IV. Final Action

In this action, the EPA is finalizing approval of SIP amendments, shown in Table 1, to the Wyoming Air Quality Standards and Regulations, Chapter 14, *Emission Trading Program Regulations,* Section 3, *Sulfur dioxide milestone inventory,* revising the backstop trading program SO_2 emissions reporting requirements for Laramie River Units 1 and 2.

TABLE 1—LIST OF WYOMING AMENDMENTS THAT EPA IS APPROVING

Approved amended sections in April 5, 2018 submittal
Chapter 14, Section 3: (d), (e).

We are also finalizing amendments to the Wyoming regional haze FIP contained in 40 CFR 52.2636 to remove the 2014 FIP's NO_X emission limits and instead incorporate the BART alternative and associated NO_X and SO_2 emission limits for Laramie River Units 1, 2 and 3, revise the NO_X emission limit for Unit 1, and add control technology requirements. Specifically, the EPA is revising the NO_X emission limits and control technologies for Laramie River Units 1, 2 and 3 and adding SO_2 emission limits for Laramie River Units 1 and 2 in Table 2 of 40 CFR 52.2636(c)(1). We are also adding associated compliance dates in 40 CFR 52.2636(d)(4) for Laramie River Units 1, 2 and 3. Finally, we are referencing SO_2 in the following sections: *Applicability* (40 CFR 52.2636(a)); *Definitions* (40 CFR 52.2636(b)); *Compliance determinations for NO_X* (40 CFR 52.2636(e)); *Reporting* (40 CFR 52.2636(h)); and *Notifications* (40 CFR 52.2636(i)). We are not amending any other regulatory text in 40 CFR 52.2636.

Although we are finalizing revisions to the Wyoming regional haze FIP, Wyoming may always submit a new regional haze SIP to the EPA for review, and we would welcome such a submission. The CAA requires the EPA to act within 12 months on a SIP submittal from the time that it is determined to be complete. If Wyoming were to submit a SIP revision meeting the requirements of the CAA and the regional haze regulations, we would propose approval of the State's plan as expeditiously as practicable.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SIP amendments described in Section IV of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the state implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[109]

VI. Statutory and Executive Order Reviews

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 [110] and was therefore not submitted to the Office of

[107] 40 CFR 51.308(e)(2)(i)(E).

[108] *Laramie River Station Power Plant Visibility Impacts for Two Emissions Control Scenarios: Final Report.* AECOM (May 2016).

[109] 62 FR 27968 (May 22, 1997).

[110] 58 FR 51735, 51738 (October 4, 1993).

Management and Budget (OMB) for review. This final rule revision applies to only one facility in the State of Wyoming. It is therefore not a rule of general applicability.

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

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

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA).[111] A ''collection of information'' under the PRA means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.[112] Because this final rule revises the NO_X and SO_2 emission limits and associated reporting requirements for one facility, the PRA does not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This rule does not impose any requirements or create impacts on small entities as no small entities are subject to the requirements of this rule.

E. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local and tribal governments and the private sector. Under section 202 of UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for actions with ''Federal mandates'' that may result in expenditures to state, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more (adjusted for inflation) in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 of UMRA do not apply when they are inconsistent with applicable law. Moreover, section 205 of UMRA allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory actions with significant federal intergovernmental mandates, and informing, educating and advising small governments on compliance with the regulatory requirements.

Under Title II of UMRA, the EPA has determined that this action does not contain a federal mandate that may result in expenditures that exceed the inflation-adjusted UMRA threshold of $100 million [113] by state, local or tribal governments or the private sector in any one year. The revisions to the 2014 FIP would reduce private sector expenditures. Additionally, we do not foresee significant costs (if any) for state and local governments. Thus, because the revisions to the 2014 FIP reduce annual expenditures, this final rule is not subject to the requirements of sections 202 or 205 of UMRA. This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

Executive Order 13132, *Federalism,*[114] revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires the EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' [115] ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' [116] Under Executive Order 13132, the EPA may not issue a regulation ''that has federalism implications, that imposes substantial direct compliance costs, . . . and that is not required by statute, unless [the federal government provides the] funds necessary to pay the direct [compliance] costs incurred by the State and local governments,'' or the EPA consults with state and local officials early in the process of developing the final regulation.[117] The EPA also may not issue a regulation that has federalism implications and that preempts state law unless the agency consults with state and local officials early in the process of developing the final regulation.

This action does not have federalism implications. The FIP revisions will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, Executive

[111] 44 U.S.C. 3501 *et seq.*

[112] 5 CFR 1320.3(c).

[113] Adjusted to 2014 dollars, the UMRA threshold becomes $152 million.

[114] 64 FR 43255, 43255–43257 (August 10, 1999).

[115] 64 FR 43255, 43257.

[116] *Ibid.*

[117] *Ibid.*

Order 13132 does not apply to this action.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments,'' requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' [118] This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule. However, the EPA did send letters to each of the Wyoming tribes explaining our regional haze proposed FIP revision and offering consultation; however, no tribe asked for consultation.[119]

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997). The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires federal agencies to evaluate existing technical standards when developing a new regulation. Section 12(d) of NTTAA, Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to consider and use ''voluntary consensus standards'' in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This action involves technical standards. The EPA has decided to use the applicable monitoring requirements of 40 CFR part 75. Part 75 already incorporates a number of voluntary consensus standards. Consistent with the agency's Performance Based Measurement System (PBMS), part 75 sets forth performance criteria that allow the use of alternative methods to the ones set forth in part 75. The PBMS approach is intended to be more flexible and cost-effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. At this time, the EPA is not recommending any revisions to part 75. However, the EPA periodically revises the test procedures set forth in part 75. When the EPA revises the test procedures set forth in part 75 in the future, the EPA will address the use of any new voluntary consensus standards that are equivalent. Currently, even if a test procedure is not set forth in part 75, the EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified; however, any alternative methods must be approved through the petition process under 40 CFR 75.66 before they are used.

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

Executive Order 12898 establishes federal executive policy on environmental justice.[120] Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

I certify that the approaches under this final rule will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous/tribal populations. As explained previously, the Wyoming Regional Haze FIP, as revised by this action, will result in a significant reduction in emissions compared to current levels. Although this revision will allow an increase in future emissions as compared to the 2014 FIP, the revisions to the FIP, as a whole, will still result in overall NO_X and SO_2 reductions compared to those currently allowed. In addition, the area where Laramie River Station is located has not been designated nonattainment for any NAAQS. Thus, the FIP will ensure a significant reduction in NO_X and SO_2 emissions compared to current levels and will not create a disproportionately high and adverse human health or environmental effect on minority, low-income, or indigenous/tribal populations.

L. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability.

M. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 2019. Pursuant to CAA section 307(d)(1)(B), this section is subject to the requirements of the CAA section 307(d) as it promulgates a FIP under CAA section 110(c). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

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

Dated: May 6, 2019.

Andrew R. Wheeler,

Administrator.

40 CFR part 52 is amended as follows:

[118] 65 FR 67249, 67250 (November 9, 2000).

[119] Letters to tribal governments (September 5, 2018).

[120] 59 FR 7629 (February 16, 1994).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart ZZ—Wyoming

■ 2. Section 52.2620 is amended by:

■ a. In paragraph (c), revising the table entry for ''Section 3'' under the centered table heading ''Chapter 14. Emission Trading Program Regulations.''; and

■ b. In paragraph (e), revising the table entry for ''(20) XX''.

The revisions read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule/citation date	Comments
*	*	*	*	*	*
Chapter 14. Emission Trading Program Regulations					
*	*	*	*	*	*
Section 3	Sulfur dioxide milestone inventory	2/5/2018	6/19/2019	[Insert **Federal Register** citation], 5/20/2019.	
*	*	*	*	*	*

* * * * *

(e) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule/citation date	Comments
*	*	*	*	*	*
(20) XX	Addressing Regional Haze Visibility Protection For The Mandatory Federal Class I Areas Required Under 40 CFR 51.309.	4/5/2018	6/19/2019	[Insert **Federal Register** citation], 5/20/2019.	
*	*	*	*	*	*

■ 3. Section 52.2636 is amended by:

■ a. Revising paragraphs (a)(2) and (b)(4) and (12);

■ b. Adding paragraph (b)(13);

■ c. Revising paragraph (c)(1) introductory text, Table 2, and paragraphs (d)(2) and (3);

■ d. Adding paragraph (d)(4);

■ e. Revising the heading for paragraph (e) and paragraphs (e)(1)(i) and (e)(1)(ii)(A) through (C);

■ f. Adding paragraph (e)(1)(ii)(D); and

■ g. Revising paragraphs (h)(1) and (i)(1).

The revisions and additions read as follows:

§ 52.2636 Implementation plan for regional haze.

(a) * * *

(2) This section also applies to each owner and operator of the following emissions units in the State of Wyoming for which the EPA disapproved the State's BART determination and issued a SO_2 and/or NO_X BART Federal Implementation Plan:

(i) Basin Electric Power Cooperative Laramie River Station Units 1, 2, and 3;

(ii) PacifiCorp Dave Johnston Unit 3; and

(iii) PacifiCorp Wyodak Power Plant Unit 1.

(b) * * *

(4) *Continuous emission monitoring system* or *CEMS* means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of SO_2 and/or NO_X emissions, diluent, or stack gas volumetric flow rate.

* * * * *

(12) SO_2 means sulfur dioxide.

(13) *Unit* means any of the units identified in paragraph (a) of this section.

(c) * * *

(1) The owners/operators of emissions units subject to this section shall not emit, or cause to be emitted, PM, NO_X, or SO_2 in excess of the following limitations:

* * * * *

TABLE 2 TO § 52.2636

[Emission limits and required control technologies for BART units for which the EPA disapproved the State's BART determination and implemented a FIP]

Source name/BART unit	NO_X Required Control Technology	NO_X emission limit—lb/MMBtu (30-day rolling average)	SO_2 emission limit—lb/MMBtu (averaged annually across Units 1 and 2)
Basin Electric Power Cooperative Laramie River Station/Unit 1 [1].	Selective Catalytic Reduction (SCR) [2]	[4] 0.18/0.06	0.12
Basin Electric Power Cooperative Laramie River Station/Unit 2 [1].	Selective Non-catalytic Reduction (SNCR) [3]	0.18/0.15	
Basin Electric Power Cooperative Laramie River Station/Unit 3 [1].	Selective Non-catalytic Reduction (SNCR) [3]	0.18/0.15	N/A
PacifiCorp Dave Johnston Unit 3	N/A	* 0.07	N/A
PacifiCorp Wyodak Power Plant/Unit 1	N/A	0.07	N/A

[1] The owners and operators of Laramie River Station Unit 1 shall comply with the NO_X emission limit of 0.18 lb/MMBtu on June 19, 2019 and ending June 30, 2019. The owners and operators of Laramie River Station Unit 1 shall comply with the NO_X emission limit of 0.06 lb/MMBtu on July 1, 2019. The owners and operators of the Laramie River Station Units 2 and 3 shall comply with the NO_X emission limit of 0.18 lb/MMBtu on June 19, 2019 and ending on December 30, 2018. The owners and operators of Laramie River Station Units 2 and 3 shall comply with the NO_X emission limit of 0.15 lb/MMBtu on December 31, 2018. The owners and operators of Laramie River Station Units 1 and 2 shall comply with the SO_2 emission limit of 0.12 lb/MMBtu averaged annually across the two units on December 31, 2018.

[2] By July 1, 2019.

[3] By December 30, 2018.

[4] These limits are in addition to the NO_X emission limit for Laramie River Station Unit 1 of 0.07 MMBtu on a 30-day rolling average.

* (Or 0.28 and shut-down by December 31, 2027).

* * * * *

(d) * * *

(2) The owners and operators of Laramie River Station Unit 1 shall comply with the NO_X emission limit of 0.18 lb/MMBtu on June 19, 2019 and ending June 30, 2019. The owners and operators of Laramie River Station Unit 1 shall comply with the NO_X emission limit of 0.06 lb/MMBtu on July 1, 2019. The owners and operators of the Laramie River Station Units 2 and 3 shall comply with the NO_X emission limit of 0.18 lb/MMBtu on June 19, 2019 and ending on December 30, 2018. The owners and operators of Laramie River Station Units 2 and 3 shall comply with the NO_X emission limit of 0.15 lb/MMBtu on December 31, 2018. The owners and operators of Laramie River Station Units 1 and 2 shall comply with the SO_2 emission limit of 0.12 lb/MMBtu averaged annually across the two units on December 31, 2018.

(3) The owners and operators of the other BART sources subject to this section shall comply with the emissions limitations and other requirements of this section by March 4, 2019.

(4)(i) The owners and operators of PacifiCorp Dave Johnston Unit 3 will meet a NO_X emission limit of 0.07 lb/MMBtu (30-day rolling average) by March 4, 2019; or

(ii) Alternatively, the owners and operators of PacifiCorp Dave Johnston Unit 3 will permanently cease operation of this unit on or before December 31, 2027.

(e) *Compliance determinations for SO_2 and NO_X.*

(1) * * *

(i) *CEMS.* At all times after the earliest compliance date specified in paragraph (d) of this section, the owner/operator of each unit shall maintain, calibrate and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2 and/or NO_X, diluent, and stack gas volumetric flow rate from each unit. The CEMS shall be used to determine compliance with the emission limitations in paragraph (c) of this section for each unit.

(ii) * * *

(A) For any hour in which fuel is combusted in a unit, the owner/operator of each unit shall calculate the hourly average NO_X emission rates in lb/MMBtu at the CEMS in accordance with the requirements of 40 CFR part 75. At the end of each operating day, the owner/operator shall calculate and record a new 30-day rolling average emission rate in lb/MMBtu from the arithmetic average of all valid hourly emission rates from the CEMS for the current operating day and the previous 29 successive operating days.

(B) At the end of each calendar year, the owner/operator shall calculate the annual average SO_2 emission rate in lb/MMBtu across Laramie River Station Units 1 and 2 as the sum of the SO_2 annual mass emissions (pounds) divided by the sum of the annual heat inputs (MMBtu). For Laramie River Station Units 1 and 2, the owner/operator shall calculate the annual mass emissions for SO_2 and the annual heat input in accordance with 40 CFR part 75 for each unit.

(C) An hourly average SO_2 and/or NO_X emission rate in lb/MMBtu is valid only if the minimum number of data points, as specified in 40 CFR part 75, is acquired by both the pollutant concentration monitor (SO_2 and/or NO_X) and the diluent monitor (O_2 or CO_2).

(D) Data reported to meet the requirements of this section shall not include data substituted using the missing data substitution procedures of subpart D of 40 CFR part 75, nor shall the data have been bias adjusted according to the procedures of 40 CFR part 75.

* * * * *

(h) * * *

(1) The owner/operator of each unit shall submit quarterly excess emissions reports for SO_2 and/or NO_X BART units no later than the 30th day following the end of each calendar quarter. Excess emissions means emissions that exceed the emissions limits specified in paragraph (c) of this section. The reports shall include the magnitude, date(s) and duration of each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.

* * * * *

(i) * * *

(1) The owner/operator shall promptly submit notification of commencement of construction of any equipment which is being constructed

to comply with the SO_2 and/or NO_X emission limits in paragraph (c) of this section.

* * * * *

[FR Doc. 2019–09922 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R08–UST–2018–0729; FRL–9991–41–Region 8]

Colorado; Final Approval of State Underground Storage Tank Program Revisions and Codification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Colorado's Underground Storage Tank (UST) Program submitted by the State. The EPA has determined that these revisions satisfy all requirements needed for program approval. This action also codifies the EPA's approval of Colorado's State program and incorporates by reference those provisions of the State's regulations that we have determined meet the requirements for approval. The State's federally authorized and codified UST program, as revised pursuant to this action, will remain subject to the EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions.

DATES: This rule is effective July 19, 2019, unless the EPA receives adverse comment by June 19, 2019. If the EPA receives adverse comment, it will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of July 19, 2019, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
2. *Email: Hendrix.Mark@epa.gov.*
3. *Mail:* Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P–R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
4. *Hand Delivery or Courier:* Deliver your comments to Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P–R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

Instructions: Direct your comments to Docket ID No. EPA–R08–UST–2018–0729. The EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The Federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the documents that form the basis for this action and associated publicly available materials from 8:30 a.m. to 4:00 p.m., Monday through Friday, at the following location: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone number (303) 312–6561. Interested persons wanting to examine these documents should make an appointment with the office at least 2 days in advance.

FOR FURTHER INFORMATION CONTACT: Mark Hendrix, (303) 312–6561, *Hendrix.Mark@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mark Hendrix at (303) 312–6561.

SUPPLEMENTARY INFORMATION:

I. Approval of Revisions to Colorado's Underground Storage Tank Program

A. Why are revisions to state programs necessary?

States that have received final approval from the EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the Federal underground storage tank program. When the EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to the EPA for approval. Most commonly, states must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) part 280. States can also initiate changes on their own to their underground storage tank program and these changes must then be approved by the EPA.

B. What decisions has the EPA made in this rule?

On July 6, 2018, in accordance with 40 CFR 281.51(a), Colorado submitted a complete program revision application seeking the EPA's approval of Colorado's revisions corresponding to the EPA final rule published on July 15, 2015, (80 FR 41566), which revised the 1988 UST regulations and the 1988 State program approval (SPA) regulations (2015 Federal Revisions). As required by 40 CFR 281.20, the State application contains the following: A transmittal letter from the Governor requesting approval, a description of the program and operating procedures, a demonstration of the State's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of the EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant State statutes and regulations. We have reviewed the State application and determined that the revisions to Colorado's UST program are equivalent to, consistent with, and no less stringent than, the corresponding Federal requirements in subpart C of 40 CFR part 281, and that the Colorado program provides for adequate enforcement of

compliance (40 CFR 281.11(b)). Therefore, the EPA grants Colorado final approval to operate its UST program with the changes described in the program revision application and as outlined below in Section I.G of this document.

C. What is the effect of this action on the regulated community?

This action does not impose additional requirements on the regulated community because the regulations being approved by this rule are already in effect in the State of Colorado, and are not changed by this action. This action merely approves the existing State regulations as meeting the Federal requirements and renders them federally enforceable.

D. Why is EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and we anticipate no adverse comment. Colorado did not receive any comments during its comment period when the rules and regulations being considered were proposed at the State level.

E. What happens if the EPA receives comments that oppose this action?

Along with this direct final rule, the EPA is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that serves as the proposal to approve the State's UST program revisions and provides an opportunity for public comment. If the EPA receives comments that oppose this approval, the EPA will withdraw this direct final rule by publishing a document in the **Federal Register** before it becomes effective. The EPA will base any further decision on approval of the State application on the proposal to approve after considering all comments received during the comment period. The EPA will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

F. For what has Colorado previously been approved?

On April 23, 2007, the EPA finalized a rule approving the UST program that Colorado proposed to administer in lieu of the Federal UST program. The State's program has not previously been codified.

G. What changes are we approving with this action and what standards do we use for review?

In order to be approved, each state program application must meet the general requirements in 40 CFR 281.11, and specific requirements in the following subparts of 40 CFR part 281: Subpart B (Components of a Program Application); subpart C (Criteria for No Less Stringent); and subpart D (Adequate Enforcement of Compliance). This also is true for proposed revisions to approved state programs.

As more fully described below, the State has made the changes to its approved UST program to reflect the 2015 Federal Revisions. The EPA is approving the State's changes because they are equivalent to, consistent with, and no less stringent than the Federal UST program and because the EPA has confirmed that the Colorado UST program will continue to provide for adequate enforcement of compliance as described in 40 CFR 281.11(b) and part 281, subpart D after this approval.

The Colorado Department of Labor and Employment, Division of Oil and Public Safety (Department) is the lead implementing agency for the UST program in Colorado, except in Indian country.

The Department continues to have broad statutory authority to regulate the installation, operation, maintenance, and closure of USTs, as well as UST releases under Colorado Revised Statutes (C.R.S.) (2018), Title 8 Labor and Industry, Article 20 Fuel Products, selected provisions from Sections 8–20–101, *et seq.* and Article 20.5 Petroleum Storage Tanks, Sections 8–20.5–101, *et seq.* The Colorado UST Program enforcement authority arises from the powers and duties granted to the Department Director (Director), which grants are found in C.R.S. Sections 8–20–102(1), 8–20–104, 8–20–209(1), 8–20.5–107, 8–20.5–202(1), 8–20.5–208(4) and 8–20.5–209. C.R.S. Sections 8–20–104 and 8–20.5–107 provide the Director with broad enforcement authority. Under C.R.S. Section 8–20–209(1), any duly authorized agent or employee of the Division of Oil and Public Safety has the authority to enter an UST facility during regular business hours for inspections. In the case of a release, C.R.S. Section 8–20.5–208(4) provides the Director the authority to take such action as necessary, including the authority to enter any property, premises, or place where an UST is located for inspection, to conduct monitoring and testing, and to require an owner to furnish records, conduct monitoring or testing and provide access to tanks. C.R.S. Sections 8–20–228 and 8–20.5–209 provide the Director with specific corrective action authority. Notices of violation may be issued, and penalties for non-compliance with Colorado's UST Act may be assessed under C.R.S. Section 8–20.5–107. A delivery prohibition tag may be placed on each tank that has been determined to meet any of the criteria for delivery prohibition as described in 7 Code of Colorado Regulations 1101–14, Section 6–2–1.

Specific authorities to regulate the installation, operation, maintenance, and closure of USTs, as well as UST releases are found under C.R.S. Section 8–20–228, 8–20.5–102(1) and (2), and Title 8, Article 20.5, Part 2 Underground Storage Tanks, in addition to the regulatory provisions of 7 CCR 1101–14, Article 2, Underground Storage Tanks, as amended effective May 1, 2018; Reporting and recordkeeping requirements are found under 7 CCR 1101–14, Section 2–3–7. The aforementioned statutory and regulations sections satisfy the requirements of 40 CFR 281.40 and 281.41.

Through a Memorandum of Agreement between the State of Colorado and the EPA, signed by the EPA Region 8 Regional Administrator on February 13, 2018, the State maintains procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The State agrees to comply with public participation provisions contained in 40 CFR 281.42, including: The provision that the State will not oppose intervention under Rule 24 of the Colorado Rules of Civil Procedure for Courts of Record in Colorado on the grounds that the applicant's interest is adequately represented by the State; and the right of aggrieved parties to be admitted as party to agency proceedings under C.R.S. Title 24, Article 4, Part 1, Section 24–4–105(2)(c). Colorado has met the public participation requirements found in 40 CFR 281.42.

To qualify for final approval, revisions to a state's program must be ''equivalent to, consistent with, and no less stringent'' than the 2015 Federal Revisions. In the 2015 Federal Revisions the EPA addressed UST systems deferred in the 1988 UST regulations and added, among other things, new operation and maintenance requirements; secondary containment requirements for new and replaced tanks and piping; operator training requirements; and a requirement to ensure UST system compatibility before storing certain biofuel blends. In

addition, the EPA removed past deferrals for emergency generator tanks, field constructed tanks, and airport hydrant systems.

The EPA analyzes revisions to approved state programs pursuant to the criteria enumerated in 40 CFR 281.30 through 281.39, and has concluded that the Department has revised its regulations to help ensure that the State's UST program continues to be equivalent to, consistent with, and no less stringent than the 2015 Federal Revisions. In particular, the Department has amended the Code of Colorado Regulations to incorporate the revised requirements of 40 CFR part 280, including the requirements added by the 2015 Federal Revisions. The State, therefore, has ensured that the criteria found in 40 CFR 281.30 through 281.38 are met.

Title 40 CFR 281.39 describes the state operator training requirements that must be met in order to be considered equivalent to, consistent with, and no less stringent than Federal requirements. Colorado has promulgated and is implementing its own operator training provisions under Code of Colorado Regulations 7 CCR 1101–14 Section 2–3–1, *et seq.* After a thorough review, the EPA has determined that Colorado's operator training requirements are equivalent to, consistent with, and no less stringent than Federal requirements.

As part of the State Application, the Colorado Attorney General certified that the State revisions meet the ''equivalent to, consistent with, and no less stringent'' criteria in 40 CFR 281.30 through 281.39. The EPA is relying on this certification in addition to the analysis submitted by the State in making our determination.

For further information on the EPA's analysis of the State's application, see the chart in the Technical Support Document (TSD) contained in the docket for this rulemaking.

H. Where are the revised rules different from the Federal rules?

Broader in Scope Provisions

Where an approved state program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally approved program and are not federally enforceable (40 CFR 281.12(a)(3)(ii)). The following regulatory requirements are considered broader in coverage than the Federal program, as these State-only regulations are not required by Federal regulation and are implemented by the State in addition to the federally approved program:

7 Code of Colorado Regulations (CCR) 1101–14, Section 1–5 Definitions ''motor fuel'' because, and to the extent that the State includes fuel products not restricted to use as fuel in UST systems.

7 CCR 1101–14, Sections 2–2–3(a) and 2–2–3(j) are broader in scope because fees are not imposed by the Federal program.

7 CCR 1101–14, Section 2–3–7(d) is broader in scope because the State requires extra documentation and recordkeeping to support the reimbursement of funds from the State Petroleum Storage Tank fund.

More Stringent Provisions

Where an approved state program includes requirements that are considered more stringent than required by Federal law, the more stringent requirements become part of the federally approved and enforceable program (40 CFR 281.12(a)(3)(i)).

The following regulatory requirements are considered more stringent than the Federal program, and on approval, they become part of the federally approved program and are federally enforceable:

Under 7 Code of Colorado Regulations (CCR) 1101–14:

At Section 1–5, definition of ''replace'' and 2–2–1(b) introductory paragraph, third sentence, Colorado has a shorter threshold for the length of piping that triggers a designation of replacement than the Federal program.

At Section 2–2–1(c)(1)(ii), Colorado maintains more restrictive overfill prevention equipment requirements than the Federal program.

At Sections 2–2–2–3(a), 2–3–6–2(a)(1) and (2), and 2–3–6–2(a)(7) and (c), Colorado has State-only inspection requirements that are additional to those found in the Federal program.

At Sections 2–2–1(d)(1), introductory paragraph—(d)(1)(iii), the State has additional criteria for defining new dispenser systems, which would regulate as new more types of dispenser systems than Federal.

At Sections 2–2–3(a) and (b), Colorado has an additional State-only annual tank registration requirement.

At Sections 2–3–7(b)(9), 2–4–3(e), 4–1(a) and (e), and in the lack of a State analog to Federal § 280.50(b)(1), Colorado maintains reporting requirements additional to those found in the Federal program.

Colorado does not have an analog to the Federal recordkeeping timeline requirement found at § 280.45(b)(1) and (3); therefore, the State requirement for maintaining the records until the UST system is permanently closed or undergoes a change in service must be observed, which is more stringent than the 3 years required under the Federal program for these types of records.

At Sections 2–4–1(a), (f), and (g), 2–4–3(a)–(c), and due to the lack of a State analog to the last sentence of § 280.70(a) and the exception to the spill and overfill requirements at § 280.70(c), the Colorado program sets forth additional requirements relative to the State's temporary tank closure requirements that are not found in the Federal regulations.

At Section 2–3–1–6(c), Colorado has additional requirements for the identification and designation of Class A and B operators.

At Section 7–3(d)(2)(i), the State has an additional filing option for the required financial responsibility filing and a shorter timeline under which the filing must take place than the Federal program.

I. How does this action affect Indian country (18 U.S.C. 1151) in Colorado?

The EPA's approval of Colorado's program does not extend to Indian country as defined in 18 U.S.C. 1151. Indian country generally includes all lands within the exterior boundaries of the following Indian reservations located within Colorado: The Ute Mountain Ute and Southern Ute Indian Reservations; any land held in trust by the United States for an Indian tribe; and any other areas that are ''Indian country'' within the meaning of 18 U.S.C. 1151. Any lands removed from an Indian reservation status by Federal court action are not considered reservation lands even if located within the exterior boundaries of an Indian reservation. The EPA will retain responsibilities under RCRA for underground storage tanks in Indian country. Therefore, this action has no effect in Indian country. *See* 40 CFR 281.12(a)(2).

II. Codification

A. What is codification?

Codification is the process of placing a state's statutes and regulations that comprise the State's approved UST program into the CFR. Section 9004(b) of RCRA, as amended, authorizes the EPA to approve state UST programs to operate in lieu of the Federal program. The EPA codifies its authorization of state programs in 40 CFR part 282 and incorporates by reference state regulations that the EPA will enforce under sections 9005 and 9006 of RCRA and any other applicable statutory provisions. The incorporation by reference of state authorized programs in the CFR should substantially enhance

the public's ability to discern the current status of the federally approved state program and state requirements that can be federally enforced. This effort provides clear notice to the public of the scope of the approved program in each state.

B. What is the history of codification of Colorado's UST program?

The EPA has not previously incorporated by reference and codified Colorado's approved UST program. Through this action, the EPA is incorporating by reference and codifying Colorado's State program in 40 CFR 282.55 to include the program and the approved revisions.

C. What codification decisions have we made in this rule?

In this rule we are finalizing the Federal regulatory text that incorporates by reference the federally authorized Colorado UST program. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the Colorado rules described in the amendments to 40 CFR part 282 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and/or in hard copy at the EPA Region 8 office (see the **ADDRESSES** section of this preamble for more information).

One purpose of this **Federal Register** document is to codify Colorado's approved UST program. The codification reflects the State program that would be in effect at the time the EPA's approved revisions to the Colorado UST program addressed in this direct final rule become final. If, however, the EPA receives substantive comment on the proposed rule, then this codification will not take effect, and the State rules that are approved after the EPA considers public comment will be codified instead. By codifying the approved Colorado program and by amending the Code of Federal Regulations (CFR), the public will more easily be able to discern the status of the federally approved requirements of the Colorado program.

The EPA is incorporating by reference the Colorado approved UST program in 40 CFR 282.55. Section 282.55(d)(1)(i)(A) incorporates by reference for enforcement purposes the State's regulations.

Section 282.55 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the UST program under Subtitle I of RCRA. These documents are not incorporated by reference.

D. What is the effect of the EPA's codification of the federally authorized state UST program on enforcement?

The EPA retains the authority under sections 9003(h), 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake corrective action, inspections, and enforcement actions, and to issue orders in approved states. If the EPA determines it will take such actions in Colorado, the EPA will rely on Federal sanctions, Federal inspection authorities, and other Federal procedures rather than the State analogs. Therefore, though the EPA has approved the State procedures listed in 40 CFR 282.55(d)(1)(ii), the EPA is not incorporating by reference Colorado's procedural and enforcement authorities.

E. What state provisions are not part of the codification?

The public also needs to be aware that some provisions of the State's UST program are not part of the federally approved state program. Such provisions are not part of the RCRA Subtitle I program because they are ''broader in coverage'' than Subtitle I of RCRA. Title 40 CFR 281.12(a)(3)(ii) states that where an approved state program has provisions that are broader in coverage than the Federal program, those provisions are not a part of the federally approved program. As a result, state provisions which are ''broader in coverage'' than the Federal program are not incorporated by reference for purposes of enforcement in part 282. Title 40 CFR 282.55(d)(1)(iii) lists for reference and clarity the Colorado statutory and regulatory provisions which are ''broader in coverage'' than the Federal program and which are not, therefore, part of the approved program being codified. Provisions that are ''broader in coverage'' cannot be enforced by EPA. The State, however, will continue to implement and enforce such provisions under State law.

III. Statutory and Executive Order (EO) Reviews

This action only applies to Colorado's UST program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable EOs and statutory provisions as follows:

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

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, Oct. 4, 1993) and 13563 (76 FR 3821, Jan. 21, 2011). This action approves and codifies state requirements for the purpose of RCRA Section 9004 and imposes no additional requirements beyond those imposed by state law. Therefore, this action is not subject to review by OMB.

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

This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as this final approval of Colorado's revised underground storage tank program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Unfunded Mandates Reform Act and Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Because this action approves and codifies preexisting requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

D. Executive Order 13132: Federalism

This action will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, Aug. 10, 1999), because it merely approves and codifies state requirements as part of the State RCRA Underground Storage Tank Program without altering the relationship or the distribution of power and responsibilities established by RCRA.

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

This action also is not subject to Executive Order 13045 (62 FR 19885, Apr. 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks.

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

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

G. National Technology Transfer and Advancement Act

Under RCRA section 9004(b), the EPA grants a state's application for approval as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

H. Executive Order 12988: Civil Justice Reform

As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

I. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

The EPA has complied with Executive Order 12630 (53 FR 8859, Mar. 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

J. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

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

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule approves preexisting State rules which are at least equivalent to, consistent with, and no less stringent than existing Federal requirements and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

L. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801–808, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). However, this action will be effective July 19, 2019 because it is a direct final rule.

Authority: This rule is issued under the authority of Sections 2002(a), 7004(b), and 9004, 9005 and 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6974(b), and 6991c, 6991d, and 6991e.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Incorporation by reference, Hazardous substances, State program approval, Underground storage tanks.

Dated: April 29, 2019.

Debra Thomas,

Acting Regional Administrator, EPA Region 8.

For the reasons set forth in the preamble, EPA is amending 40 CFR part 282 as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

■ 2. Add § 282.55 to read as follows:

§ 282.55 Colorado State-Administered Program.

(a) The State of Colorado is approved to administer and enforce an underground storage tank program in lieu of the Federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Colorado Department of Environmental Quality (DEQ), Division of Environmental Response and Remediation (DERR), was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA published the notice of final determination approving the Colorado underground storage tank base program effective on April 23, 2007. A subsequent program revision application was approved by EPA and became effective on July 19, 2019.

(b) Colorado has primary responsibility for administering and enforcing its federally approved underground storage tank program. However, EPA retains the authority to exercise its corrective action, inspection, and enforcement authorities under Sections 9003(h), 9005, and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991b(h),6991d and 6991e, as well as under any other applicable statutory and regulatory provisions.

(c) To retain program approval, Colorado must revise its approved program to adopt new changes to the Federal Subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Colorado obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart, and notice of any change will be published in the **Federal Register**.

(d) Colorado has final approval for the following elements of its program application originally submitted to the EPA and approved effective April 23, 2007, and the program revision application approved by the EPA effective on July 19, 2019:

(1) *State statutes and regulations*—(i) *Incorporation by reference.* The material cited in this paragraph (d)(1), and listed in appendix A to this part, is incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* (See § 282.2 for incorporation by reference approval and inspection information.) You may obtain copies of the Colorado regulations and statutes that are incorporated by reference in this paragraph (d)(1) from Colorado's Secretary of State, 1700 Broadway, Denver, CO 80290; Attn: Code of Colorado Regulations and Administrative Rules; Phone number: (303) 894–2200 ext. 6418; email: *rules@sos.state.co.us;* website: *https://www.sos.state.co.us/CCR/Welcome.do.*

(A) ''EPA-Approved Colorado Statutory and Regulatory Requirements Applicable to the Underground Storage Tank Program'' dated February 2019.

(B) [Reserved]

(ii) *Legal basis.* The EPA evaluated the following statutes and regulations which provide the legal basis for the State's implementation of the underground storage tank program, but they are not being incorporated by reference and do not replace Federal authorities:

(A) The statutory provisions include:

(*1*) *Colorado Revised Statutes (2018), Title 8 Labor and Industry, Article 20 Fuel Products:* Sections 8–20–102(1), 8–20–104 except 8–20–104(4)(b) and (7), 8–20–209(1), 8–20–223.5(1) and (2), 8–20–228.

(*2*) *Colorado Revised Statutes (2018), Title 8 Labor and Industry, Article 20.5 Petroleum Underground Storage Tanks:* Sections 8–20.5–101, except (2), (10)(a)(III), (16) and references to aboveground storage tanks (ASTs); 8–20.5–102; 8–20.5–105; 8–20.5–106; 8–20.5–107; 8–20.5–202(1), (1.5), (2), (3), and (4); 8–20.5–203; 8–20.5–204; 8–20.5–205; 8–20.5–206; 8–20.5–208; and 8–20.5–209.

(*3*) *Colorado Revised Statutes (2018), Title 24 Government—State Administration, Article 4 Rule-Making and Licensing Procedures by State Agencies:* Section 24–4–105(2)(c).

(B) The regulatory provisions include:

(*1*) *Code of Colorado Regulations (May 1, 2018), 7 CCR 1101–14* ''*Department of Labor and Employment, Division of Oil and Public Safety, Storage Tank Regulations,*'' *Article 6 Enforcement:* Section 6–1 Enforcement Program; Subsections 6–1–1 Notice of Violation; 6–1–2 Enforcement Order; 6–1–3 Informal Conference; Section 6–2 Underground Storage Tank Delivery Prohibition Subsections 6–2–1 Criteria for Delivery Prohibition; 6–2–2 Red Tag Mechanisms Used to Identify Ineligible USTs; 6–2–3 Notification Processes for UST Owners/Operators and Product Deliverers; 6–2–4 Reclassifying Ineligible USTs as Eligible to Receive Product; 6–2–5 Delivery Prohibition Deferral in Rural and Remote Areas; 6–2–6 Delivery Prohibition Deferral in Emergency Situations; 6–2–7 Removal of Red Tag from Emergency Generator Tank Systems.

(*2*) [Reserved]

(iii) *Provisions not incorporated by reference.* The following specifically identified statutes and rules applicable to the Colorado underground storage tank program that are broader in coverage than the Federal program, are not part of the approved program, and are not incorporated by reference in this part for enforcement purposes:

(A) *Code of Colorado Regulations (May 1, 2018), 7 CCR 1101–14* ''*Department of Labor and Employment, Division of Oil and Public Safety, Storage Tank Regulations*'': Sections 1–5 ''motor fuel''; 2–2–3(a); 2–2–3(j); and 2–3–7(d).

(B) *Colorado Revised Statutes (2018), Title 8 Labor and Industry, Article 20 Fuel Products:* Sections 8–20–209(2), 8–20–212, 8–20–215, 8–20–218, 8–20–223.5(3), 8–20–230, and 8–20–231; Article 20.5 Petroleum Storage Tanks, Sections 8–20.5–102(3) and (4), and 8–20.5–207.

(2) *Statement of legal authority.* The Attorney General's Statement, signed by the Attorney General of the State of Colorado Department of Law on December 7, 2001, and by the Assistant Attorney General on November 23, 2016, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application on November 13, 2002, and as part of the program revision application on November 1, 2016, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application on November 13, 2002, and as part of the program revision application on November 1, 2016, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 8 and the Colorado Department of Labor and Employment, Division of Oil and Public Safety, signed by the EPA Regional Administrator on February 13, 2018, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Appendix A to part 282 is amended by adding the entry for Colorado in alphabetical order by State to read as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Colorado

(a) The statutory provisions include: *Colorado Revised Statutes (2018), Title 8 Labor and Industry, Article 20.5 Petroleum Storage Tanks, Part 1 Administration:* Section 8–20.5–101(16) definition of ''tank''.

(b) The regulatory provisions include:

(1) *Code of Colorado Regulations (May 1, 2018), 7 CCR 1101–14* ''*Department of Labor and Employment, Division of Oil and Public Safety, Storage Tank Regulations*'':

Article 1 General Provisions:

Section 1–5 Definitions, except ''aboveground storage tank'' (AST), ''aboveground storage tank (AST) system,'' ''fire resistant tank,'' ''motor fuel,'' the phrase ''or above ground'' in the definition of ''operator,'' Item (3) in the definition of ''owner'' relative to ASTs, and paragraph relative to ASTs in the definition of ''secondary containment''; 1–6 Glossary of Acronyms and Initializations;

Article 2 Underground Storage Tanks:

Section 2–1 UST Program Scope and Applicability; Subsections 2–1–1 Applicability; 2–1–2 Determination of ownership and use;

Section 2–2 UST Design, Construction, Installation and Registration; Subsections 2–2–1 Design and Performance standards for new and replaced UST systems; 2–2–2 Installation; 2–2–2–1 Installation Application; 2–2–2–2 Installation Requirements; 2–2–2–3 Installation Inspection; 2–2–3 UST System Registration; 2–2–4 Upgrading existing UST System; 2–2–5 Repairs;

Section 2–3 Operation; Subsections 2–3–1 Operator training; 2–3–1–1 Classes of Operators; 2–3–1–2 Class A Operator; 2–3–1–3 Class B Operator; 2–3–1–4 Class C

Operator; 2–3–1–5 Acceptable Training and Certification Processes; 2–3–1–6 Training and Certification Deadlines and Schedules; 2–3–1–7 Retraining Requirements; 2–3–1–8 Documentation; 2–3–2 Spill and Overfill Prevention; 2–3–3 Corrosion Protection; 2–3–4 Release Detection; 2–3–4–1 General requirements for all UST systems; 2–3–4–2 Requirements for regulated substance UST Systems; 2–3–4–3 Requirements for Piping; 2–3–4–4 Requirements for hazardous substance UST systems; 2–3–5 Periodic testing of spill prevision equipment and containment sumps used for interstitial monitoring of piping and periodic inspection of overfill prevention equipment; 2–3–6 Compliance inspections; 2–3–6–1 Monthly Compliance Inspections; 2–3–6–2 Annual Operational Compliance Inspections; 2–3–6–3 Inspections Conducted by the Director; 2–3–7 Reporting and Record Keeping;

Section 2–4 Closure of UST Systems; Subsections 2–4–1 Temporary Closure; 2–4–2 Permanent Closure; 2–4–3 Site Assessment;

Section 2–5 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems; Subsections 2–5–1 Definitions; 2–5–2 General requirements; 2–5–3 Additions, exceptions, and alternatives for UST systems with field-constructed tanks and airport hydrant systems;

Article 4 Release Identification And Reporting:

Sections 4–1 Suspected Releases; 4–2 Response to Suspected Releases; 4–3 Confirmed Releases;

Article 5 Release Response:

Section 5–1 Response to Confirmed Releases; Subsections 5–1–1 Acute human health hazards; 5–1–2 Chronic and secondary human health hazards and other environmental impacts; Section 5–2 Site Characterization;

Section 5–3 Corrective Action;

Section 5–4 No Further Action Request;

Article 7 Financial Responsibility Requirements For Owners/Operators Of Petroleum Underground Storage Tanks:

Section 7–1 Applicability;

Section 7–2 Financial Responsibility Mechanisms;

Section 7–3 Maintenance of Financial Responsibility.

(c) Copies of the Colorado statutes and regulations that are incorporated by reference are available from the following offices:

Statutes—Colorado Revisor of Statutes, 200 E. Colfax Avenue, Denver, CO 80203; Attn: Office of Legislative Legal Services; Phone number: (303) 866–2045; website: *https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes.*

Regulations—Colorado's Secretary of State, 1700 Broadway, Denver, CO 80290; Attn: Code of Colorado Regulations and Administrative Rules; Phone number: (303) 894–2200 ext. 6418; email: *rules@sos.state.co.us;* website: *https://www.sos.state.co.us/CCR/Welcome.do.*

* * * * *

[FR Doc. 2019–10413 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[GN Docket Nos. 18–122, 17–183; FCC 18–91]

Expanding Flexible Use of the 3.7 to 4.2 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final action; announcement of deadline date.

SUMMARY: In this document, the International Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology announce the deadline and other details for filing the certifications and information required by the Commission's, Order and Notice of Proposed Rulemaking (*Order*), FCC 18–91. This document is consistent with the *Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the deadline and other details for filing the certifications and information required by the *Order.*

DATES: The deadline date for submission of information is May 28, 2019.

FOR FURTHER INFORMATION CONTACT: Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces the deadline and other details for filing the certifications and information required by the *Order,* FCC 18–91,[1] published at 83 FR 42043, August 20, 2018.

On July 13, 2018, the Commission released an *Order* that contained information collection requirements for earth station and satellite licensees regarding their current use of the 3.7–4.2 GHz band.[2] The Commission and the public will use the information collected to evaluate future use of the band.[3] On January 28, 2019, the Office of Management and Budget approved these information collection requirements in accordance with the Paperwork Reduction Act.[4] In this document (Public Notice), the International Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology announce the deadline and other details for filing the certifications and information required by the *Order.*[5]

Required Earth Station Filings

Earth-station certifications. Operators of fixed-satellite service (FSS) earth stations in the 3.7–4.2 GHz band that are licensed or registered (authorized) in the International Bureau Filing System (IBFS), including temporary-fixed or transportable earth stations,[6] must certify the accuracy of all information reflected on their licenses or registrations in IBFS. The certification must include the relevant call sign(s), file numbers, and applicant or registrant name, along with the following signed statement: ''The undersigned, individually and for the applicant, licensee, or registrant, hereby certifies that all information reflected in his or her licenses or registrations in IBFS, including any attached exhibits, are true, complete and correct to the best of his or her knowledge and belief, and have been made in good faith.'' The certification must be signed by an authorized representative for the licensee or registrant.

Earth station operators that filed for new or modified licenses or registrations between April 19, 2018 and October 31, 2018, using the processes outlined in the Earth Station Filing Window Public Notices,[7] are exempt from this certification requirement.[8]

Temporary fixed or transportable earth stations. Operators of temporary-fixed or transportable FSS earth stations in the 3.7–4.2 GHz band that are licensed or registered (authorized) in IBFS must also provide the following

[1] Filers may seek confidential treatment for information they submit, pursuant to 47 CFR 0.459.

[2] *Expanding Flexible Use of the 3.7 to 4.2 GHz Band,* Order and Notice of Proposed Rulemaking, 33 FCC Rcd 6915, 6923–25, paras. 16–25 (2018) (*Order* or *Notice,* as applicable).

[3] *See, e.g., Order,* 33 FCC Rcd 6923, para. 17.

[4] Notice of Office of Management and Budget Action, ICR Ref. No. 201811–3060–018 (Jan. 28, 2019), available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201811-3060-018;* Federal Communications Commission, Expanding Flexible Use of the 3.7 to 4.2 GHz Band, 84 FR 13141, Apr. 4, 2019.

[5] Filers may seek confidential treatment for information they submit, pursuant to 47 CFR 0.459.

[6] A temporary-fixed or transportable earth station is a fixed earth station that remains at a location for less than six months. *See* 47 CFR 25.277. These stations operate on a temporary basis and are variable in nature. A satellite news gathering truck is a common example of a temporary-fixed or transportable earth station.

[7] *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7–4.2 GHz Band; 90-Day Window to File Applications for Earth Stations Currently Operating in 3.7–4.2 GHz Band,* Public Notice, 31 FCC Rcd 3841 (IB/PSHSB/WTB Apr. 19, 2018); *International Bureau Announces 90-Day Extension of Filing Window, to October 17, 2018, to File Applications for Earth Stations Currently Operating in 3.7–4.2 GHz Band, Filing Options for Operators with Multiple Earth Station Antennas,* Public Notice, 31 FCC Rcd 6115 (IB June 21, 2018); *International Bureau Announces Two-Week Extension of Filing Window for Earth Stations Currently Operating in 3.7–4.2 GHz Band,* Public Notice, DA 18–1061 (IB Oct. 17, 2018).

[8] *See Order,* 33 FCC Rcd 6923, para. 19.

information regardless of when they were licensed or registered:

- Earth station call sign (or IBFS file number if a registration filed between April 19, 2018, and October 31, 2018, is pending);
- Address where the equipment is typically stored;
- The area within which the equipment is typically used;
- How often the equipment is used and the duration of such use (*i.e.,* please provide examples of typical deployments, *e.g.,* operation *x* days a week at sports arenas within a radius of *y* miles of its home base);
- Number of transponders typically used in the 3.7–4.2 GHz band and extent of use on both the uplink and downlink; and
- Licensee/registrant and point of contact information.[9]

All earth station operators, including those exempt from the requirements of this Public Notice, are required to update their information in IBFS in the event of a change in contact information or any of the operational parameters.[10]

Required Space Station Data

Operators with existing FSS space station licenses with coverage of the United States or grants of United States market access in the 3.7–4.2 GHz band must provide the following information:

- Satellite call sign, name, and orbital location;
- Expected end-of-life for satellite;
- The approximate dates that any additional C-band (3.7–4.2 GHz band) satellites with a currently pending application in IBFS are planned for launch to serve the United States market (note whether this satellite is a replacement);
- Any additional C-band satellites that do not have a currently pending application in IBFS that are planned for launch to serve the United States market and the approximate date of such launch (note whether this satellite is a replacement);
- For each transponder on each satellite operating in the 3.7–4.2 GHz range that is operational and legally authorized to serve customers in the United States, provide the following for the most recent month, *i.e.,* for March 2019:
- The frequency range of the transponder and the transponder number;[11]
- The total capacity (megahertz) and in terms of the number of megahertz on each transponder that are currently under contract (also provide this data for one month in 2016);
- For each day in March 2019, the average percentage of each transponder's capacity (megahertz) utilized and the maximum percentage of capacity utilized on that day. Parties may supplement this required daily data for March 2019 with historical trend data over recent months up to three years (provide the date range at which the data was collected) to show utilization variances; and
- For all data reported regarding capacity under contract and capacity utilization, specify the percentage (if any) only for customers outside of the United States.
- The center frequency and bandwidth of the Telemetry Tracking and Command (TT&C) beam(s); and
- The call sign and geographic location (using NAD83 coordinates) of each TT&C receive site.

Filing Procedures

All information required by the *Order,* and repeated in the Public Notice, must be submitted electronically in IBFS, *https://licensing.fcc.gov/myibfs,* using the ''Pleadings and Comments'' link. Fixed, temporary fixed, and transportable earth station licensees must file certifications as a pleading type ''C-band certification'' for each call sign. Temporary fixed and transportable earth station licensees and space station licensees must file the additional earth station and space station data requested above using the pleading type ''Other'' for each call sign.

Paperwork Reduction Act Notice

We have estimated that your response to this collection of information will take 6 hours per response (*additional information on temporary fixed earth stations in 3.7–4.2 GHz*) and 40 hours per response (*additional information on space stations in 3.7–4.2 GHz*).[12] Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, Office of Managing Director, AMD PERM, Washington, DC 20554, Paperwork Reduction Act Project (3060 0678). We will also accept your PRA comments via the internet if you send an email to *PRA@fcc.gov.* Please DO NOT SEND COMPLETED CERTIFICATIONS OR DATA TO THIS ADDRESS.

You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number and/or we fail to provide you with this document. This collection has been assigned an OMB control number of 3060–0678.

This document is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, 44 U.S.C. 3507.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2019–10412 Filed 5–17–19; 8:45 am]

BILLING CODE 6712–01–P

[9] *See Order,* 33 FCC Rcd 6923–24, paras. 19–21.

[10] *See* Sections 25.117 (Modifications of station license), 25.118 (Modification not requiring prior authorization), and 25.171 (Contact information reporting requirements).

[11] For purposes of this information collection, ''transponder number'' refers to a standard 36 megahertz wide transponder and that transponder numbering (1–24) is based on the former center-frequency requirement for C-band space stations. *See* 47 CFR 25.211(a) (2014). Although this rule is no longer in effect, most satellites providing service to the United States in the 3.7–4.2 GHz band are configured in accordance with the transponder plan described in the rule.

[12] The earth station certification requirement is not considered information for purposes of the Paperwork Reduction Act and as such is not included in the estimated burden hours. *See* 5 CFR 1320.3(h)(1).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02]

RIN 0648–HMS–A001

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit from the default limit of one large medium or giant BFT to three large medium or giant BFT for June 1 through August 31, 2019. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS)

Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective June 1, 2019, through August 31, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978–281–9260 or Larry Redd, 301–427–8503.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (Amendment 7) (79 FR 71510, December 2, 2014), and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The baseline quota for the General category is 555.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The baseline subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. This action would adjust the daily retention limit for the second time period in 2019, June through August.

Adjustment of General Category Daily Retention Limit

Unless changed, the General category daily retention limit starting on June 1 would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit would apply to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT.

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8). NMFS has considered these criteria and their applicability to the General category BFT retention limit for June through August 2019. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen and provided by BFT dealers continue to provide NMFS with valuable data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date (including landings and catch rates during the last several years) and the likelihood of closure of the General category if no adjustment is made (§ 635.27(a)(8)(ii)). Commercial-size BFT are anticipated to migrate to the fishing grounds off the northeast U.S. coast by early June. Based on General category catch rates during the June through August time period over the last several years, it is unlikely that the June through August subquota will be filled with the default daily retention limit of one BFT per vessel. NMFS set the June through August 2018 time period limit at three fish initially and reduced it to one fish effective August 23 through August 31. Due to a combination of fish availability and extremely favorable fishing conditions, NMFS needed to close the General category fishery in the September subquota time period and the October through November time period (including two subsequent reopenings and closures of the October through November time period) to allow for harvest of the subsequent subquotas without exceeding the adjusted General category quota while simultaneously maintaining equitable distribution of fishing opportunities. NMFS is setting the June through August 2019 limit in such a way that NMFS believes, informed by past experience, increases the likelihood that the fishery will remain open throughout the subperiod and year.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). The adjusted retention limit would be consistent with the quotas established and analyzed in the 2018 BFT quota final rule, which implemented the ICCAT quota consistent with ATCA, and with objectives of the 2006 Consolidated HMS FMP and amendments and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.,* fish caught at each age) that was assumed in the latest stock assessment.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full General category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)). Adjustment of the retention limit is also supported by the Environmental Analysis for the 2011 final rule regarding General and Harpoon category management measures, which increased the General category maximum daily retention limit from three to five fish.

Despite elevated General category limits, the vast majority of successful trips (*i.e.,* General or Charter/Headboat trips on which at least one BFT is landed under General category quota) land only one or two BFT. For instance, the landings data for 2018 show that, under the three-fish limit that applied June 1 through August 22, the proportion of trips that landed one, two, or three bluefin tuna was as follows: 84 percent landed one; 12 percent landed two; and 4 percent landed three. In the last few years, NMFS has received conflicting comments that a high daily retention limit (specifically five fish) is needed to optimize General category fishing opportunities and account for seasonal distributions by enabling vessels to make overnight trips to distant fishing grounds. Others have

noted that a higher General category limit at the start of the June–August period would reduce the likelihood of effort shifting into the Harpoon category, which has a relatively small quota. NMFS also has received general comment that a lower limit increases the likelihood that opportunities will extend through the late fall and the end of the calendar year, as well as improve market conditions. Although this may sometimes be true, 2018 landings data did not indicate that the fall fishery could have been extended substantially through implementation of a lower limit starting June 1. Requests tend to vary depending on actual fish behavior, weather, and availability (*i.e.,* abundance and proximity to shore) in any given year.

NMFS anticipates that some underharvest of the 2018 adjusted U.S. BFT quota will be carried forward to 2019 to the Reserve category, in accordance with the regulations, this summer when complete BFT catch information for 2018 is available and finalized. Because such quota would be available to be transferred from the Reserve category to the General category, and such transfers have occurred in the past, the carryover of underharvest would make it more likely that General category quota will remain available through the end of 2019 for December fishery participants, despite the transfer of 19.5 mt from the 28.9-mt General category December 2019 subquota period to the January 2019 period (83 FR 67140, December 28, 2018); 26 mt from the Reserve category effective February 8, 2019 (84 FR 3724, February 13, 2019); and 25 mt from the Reserve category effective February 25, 2019 (84 FR 6701, February 28, 2019).

General category landings were relatively high in the summer and fall of 2018, due to a combination of fish availability, favorable fishing conditions, and higher daily retention limits. NMFS transferred 60 mt from the Reserve category (83 FR 447843, September 21, 2018), transferred 40 mt from the Harpoon category and 15 mt from the Reserve category (83 FR 50857, October 10, 2018), and later transferred 9.9 mt from the Harpoon category and 129.2 mt from the Reserve category (83 FR 62512, December 4, 2018). Although NMFS needed to close the September and the October-November fisheries to prevent further overharvest of the adjusted 2018 General category subquotas, NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota in 2019, through more proactive inseason management such as retention limit adjustments and/or the timing and amount of quota transfers (based on consideration of the determination criteria regarding inseason adjustments), as practicable. NMFS will closely monitor General category catch rates associated with the various authorized gear types (*e.g.,* harpoon, rod and reel) during the June through August period and actively adjust the daily retention limit as appropriate to enhance scientific data collection from, and ensure fishing opportunities in, all respective time-period subquotas as well as ensure available quota is not exceeded.

A limit lower than three fish at the start of the June through August period could result in diminished fishing opportunities for those General category vessels using harpoon gear based on past fish behavior early in the season. Lower limits may also result in effort shifts from the General category to the Harpoon category, which could result in premature closure of the Harpoon category, and potentially additional inseason adjustments. General category harpoon gear participants land approximately five to seven percent of the General category landings each year and these landings occur early in the season. A three-fish retention limit for an appropriate period of time will provide a greater opportunity to harvest the June through August subquota with harpoon gear without exceeding it while also maintaining equitable distribution of fishing opportunities for harpoon and rod and reel participants. NMFS also considered general input on 2019 General category limits from the HMS Advisory Panel at its September 2018 meeting.

Based on these considerations, we have determined that a three-fish General category retention limit is warranted for the beginning of the June–August 2019 subquota period. This limit would provide a reasonable opportunity to harvest the full U.S. BFT quota (including the expected increase in available 2019 quota based on 2018 underharvest), without exceeding it, while maintaining an equitable distribution of fishing opportunities; help optimize the ability of the General category to harvest its full quota; allow the collection of a broad range of data for stock monitoring purposes; and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments. Therefore, NMFS increases the General category retention limit from the default limit (one) to three large medium or giant BFT per vessel per day/trip, effective June 1, 2019, through August 31, 2019.

Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example (and specific to the June through August 2019 limit), whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of three fish may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeting fishing for BFT, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT fishing commercially for BFT. For information regarding the HMS Charter/Headboat commercial sale endorsement, see 82 FR 57543, December 6, 2017.

Monitoring and Reporting

NMFS will actively monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat vessel owners are required to report their own catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov,* by using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and

amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. The timing of this rulemaking will allow approximately two weeks' prior notice to the regulated community. Affording additional prior notice and an opportunity for public comment on the change in the daily retention limit from the default level for the June through August 2019 subquota period would be impracticable. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, responsive adjustment to the General category BFT daily retention limit from the default level is warranted to allow fishermen to take advantage of availability of fish and of quota. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information about fishery conditions and this year's landings. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriate to the amount of quota available for the period.

Fisheries under the General category daily retention limit will commence on June 1 and thus prior notice would be contrary to the public interest. Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may result in low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *hmspermits.noaa.gov.* With quota available and fish available on the grounds, and with no expected impacts to the stock, it would be contrary to the public interest to require vessels to wait to harvest the additional fish allowed through this action. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment.

Adjustment of the General category retention limit needs to be effective June 1, 2019, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. Foregoing opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP and amendments. Therefore, the AA finds there is also good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 15, 2019.

Kelly L. Denit,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–10455 Filed 5–15–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 97
Monday, May 20, 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–2018–1034; Product Identifier 2018–NE–38–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2008–22–24 which applies to certain Rolls-Royce plc (RR) RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 model turbofan engines. AD 2008–22–24 requires initial and repetitive ultrasonic inspections of installed low-pressure compressor (LPC) fan blade roots on-wing and during overhaul, and relubrication according to accumulated life cycles. Since we issued AD 2008–22–24, RR determined the need to expand the inspections to engines operating under additional flight profiles and to extend the inspection intervals for certain affected engines. This proposed AD would require initial and repetitive inspections to detect cracks on the installed LPC fan blade roots on-wing or at engine overhaul. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 1, 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, Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1034; 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 mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Matthew Smith, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7735; fax: 781–238–7199; email: *mathew.c.smith@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–1034; Product Identifier 2018–NE–38–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We issued AD 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008), (''AD 2008–22–24''), for certain RR RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 model turbofan engines. AD 2008–22–24 requires initial and repetitive ultrasonic inspections of installed LPC fan blade roots on-wing and during overhaul, and relubrication according to accumulated life cycles. AD 2008–22–24 resulted from the discovery of cracks in LPC fan blade roots. We issued AD 2008–22–24 to detect cracks in LPC fan blade roots, which if not detected, could lead to uncontained multiple fan blade failure and damage to the airplane.

Actions Since AD 2008–22–24 Was Issued

Since we issued AD 2008–22–24, it was reported that some engines were operated outside the profiles initially specified, and RR introduced new flight profiles to mitigate the risk of overflying the recommended flight profiles. Consequently, RR extended the inspection intervals for engines operating within RB211–535E4–B–37 flight profiles C, D and E. Additionally, RR introduced inspection instructions for engines operating within RB211–535E4–C–37 flight profile F and RB211–535E4–37 flight profile G. Also since we issued AD 2008–22–24, the European Union Aviation Safety Agency (EASA) has issued AD 2018–0202R1, dated September 25, 2018, which requires initial and repetitive ultrasonic inspections of installed LPC fan blade roots.

Related Service Information Under 1 CFR Part 51

We reviewed Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AC879, Revision 9, dated April 23, 2018 and Rolls-Royce Service Bulletin (SB) RB.211–72–C946, Revision 4, dated June 22, 2010. Rolls-Royce NMSB RB.211–72–AC879 describes procedures for performing inspections of high cyclic life LPC fan

blade roots on-wing or at overhaul, and re-lubrication of the LPC fan blade roots during overhaul. Rolls-Royce SB RB.211–72–C946 introduces a revised LPC fan blade featuring a redefined dry film lubricant application. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2008–22–24. The proposed AD would extend these requirements to engines operating under additional flight profiles and add the RB211–535E4–C–37 model turbofan engines to the applicability of this AD. This proposed AD would require initial and repetitive inspections of LPC fan blade roots on-wing or at engine overhaul, and replacement of blades that exceed the criteria in the Rolls-Royce Alert NMSB RB211–72–AC879, Revision 9, dated April 23, 2018.

Costs of Compliance

We estimate that this proposed AD affects 512 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of LPC fan blade set	7 workhours × $85 per hour = $595	$0	$595	$304,640

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of LPC fan blade	4 work-hours × $85 per hour = $340	$77,916	$78,256

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008), and adding the following new AD:

Rolls-Royce plc: Docket No. FAA–2018–1034; Product Identifier 2018–NE–38–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by July 1, 2019.

(b) Affected ADs

This AD replaces AD 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008).

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211–535E4–37, RB211–535E4–B–37, RB211–535E4–C–37, and RB–211–535E4–B–75 model turbofan engines except those with fan blades that have all incorporated Rolls-Royce Service Bulletin (SB) RB.211–72–C946, Revision 4, dated June 22, 2010 (or any earlier revision).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by small cracks found in the low-pressure compressor (LPC) fan blade roots on the conclave root flank during an engine overhaul. We are issuing this AD to detect cracks in the LPC fan blade roots. The unsafe condition, if not addressed, could result in uncontained LPC fan blade release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For engine models being used in the flight profiles indicated in Table 1 to paragraph (g)(1) of this AD, perform initial and repetitive ultrasonic inspections of the affected fan blades in accordance with the Accomplishment Instructions, paragraphs 3.A., 3.B., and 3.C., of Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) RB211–72–AC879, Revision 9, dated April 23, 2018, as follows:

(i) Perform an initial ultrasonic root or surface wave inspection of each LPC fan blade before exceeding the inspection threshold as indicated in Table 1 to paragraph (g)(1) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

(ii) Thereafter, perform a repetitive ultrasonic root or surface wave inspection of each LPC fan blade at intervals not to exceed engine flight cycles (EFCs) since the previous inspection using the applicable EFCs specified in Table 1 to paragraph (g)(1) of this AD.

TABLE 1 TO PARAGRAPH (g)(1)—FLIGHT PROFILE INSPECTION INTERVALS

Model	Flight profile	Initial inspection threshold, EFCs since new	Reinspection interval; root probe method	Reinspection interval; surface wave probe method
535 E4–37	B and G	15,000 EFCs	850 EFCs	700 EFCs.
535E4–C–37	F	15,000 EFCs	850 EFCs	700 EFCs.
535E4–B–37	E and C	20,000 EFCs	1,200 EFCs	1,000 EFCs.
535E4–B–75	All	20,000 EFCs	1,200 EFCs	1,000 EFCs.
535E4–37	A	20,000 EFCs	1,400 EFCs	1,150 EFCs.
535E4–B–37	D	20,000 EFCs	1,500 EFCs	1,200 EFCs.

(2) For engine models that, after the effective date of this AD, change flight profiles, inspect the affected fan blades before exceeding the initial threshold of the new flight profile or reinspection interval, as applicable, or within 200 EFCs after changing flight profiles, whichever occurs later, without exceeding the previous flight profile initial inspection threshold or reinspection interval.

(3) If, during any inspection required by paragraph (g)(1) or (2) of this AD, any crack is found in the affected fan blades that exceeds the criteria in the Accomplishment Instructions, paragraphs 3.A., 3.B., or 3.C., of Rolls-Royce Alert NMSB RB211–72–AC879, Revision 9, dated April 23, 2018, before the next flight, replace the LPC fan blade with a LPC fan blade eligible for installation.

(h) Optional Terminating Action

Modification of any RR RB211–535E4–37, RB211–535E4–B–37, RB211–535E4–C–37, and RB–211–535E4–B–75 model turbofan engine in accordance with Rolls-Royce SB RB.211–72–C946, Revision 4, dated June 22, 2010, constitutes terminating action to this AD.

(i) Credit for Previous Actions

Any initial ultrasonic inspection accomplished before the effective date of this AD that uses Rolls-Royce NMSB No. RB.211–72–C879, Revision 8, dated November 18, 2015, or earlier versions, meets the requirement of the initial inspection, as applicable. Any repetitive ultrasonic inspection accomplished before the effective date of this AD that uses RR NMSB No. RB.211–72–C879, Revision 8, dated November 18, 2015, or earlier versions, meets the requirement of that single repetitive inspection, as applicable. Further repetitive inspections, as mandated by paragraph (g) of this AD, are still required.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(k) Related Information

(1) For more information about this AD, contact Matthew Smith, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7735; fax: 781–238–7199; email: *matthew.c.smith@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2018–0202R1, dated September 25, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–1034.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011–44–1332–242424; fax: 011–44–1332–249936. You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on May 13, 2019.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–10233 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0274; Product Identifier 2019–NE–07–AD]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all International Aero Engines AG (IAE) V2525–D5 and V2528–D5 model turbofan engines. This proposed AD was prompted by reports of cracked turbine exhaust cases (TECs). This proposed AD would require initial and repetitive inspections of the affected TEC and,

depending on the results of the inspections, its replacement with a part eligible for installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 5, 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 International Aero Engines AG, 400 Main Street, East Hartford, CT, 06118; phone: 800–565–0140; email: *help24@pw.utc.com*; internet: *http://fleetcare.pw.utc.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2019–0274; 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 listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *Martin.Adler@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0274; Product Identifier 2019–NE–07–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We learned of cracks along the rear mount stiffener rails on three IAE V2525–D5 and V2528–D5 model turbofan engine TECs that were found during routine inspections. After an investigation, IAE concluded that the cracks were due to corrosion pitting at a high-stress location. This condition, if not addressed, could result in failure of the TEC, engine separation, and loss of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed IAE Non-Modification Service Bulletin (NMSB) V2500–ENG–72–0694, Revision No. 2, dated July 2, 2018. The NMSB describes procedures for detecting any cracks that develop along the rear mount stiffener rail on the TEC. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require initial and repetitive inspections of the affected TEC and, depending on the results of the inspections, its replacement with a part eligible for installation.

Costs of Compliance

We estimate that this proposed AD affects 173 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect turbine exhaust case	3 work-hours × $85 per hour = $255	$0	$255	$44,115

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace turbine exhaust case	2 work-hours × $85 per hour = $170	$725,000	$725,170

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII,

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

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

Regulatory Findings

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):

International Aero Engines AG: Docket No. FAA–2019–0274; Product Identifier 2019–NE–07–AD.

(a) Comments Due Date

We must receive comments by July 5, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all International Aero Engines AG (IAE) V2525–D5 and V2528–D5 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine section.

(e) Unsafe Condition

This AD was prompted by reports of a cracked turbine exhaust case (TEC). We are issuing this AD to prevent failure of the TEC. The unsafe condition, if not addressed, could result in engine separation and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) At the next engine shop visit, but not later than 4,000 flight cycles (FCs) after the effective date of this AD, perform an eddy current inspection (ECI) and high sensitivity fluorescent penetrant inspection (FPI) of the TEC front and rear mount stiffener rails for cracking indications as follows:

(i) Perform an ECI using the Accomplishment Instructions, Part I—For Engines Installed on Aircraft, paragraphs 2 through 19 inclusive, or Part II—For Engines Not Installed on Aircraft, paragraphs 2 through 18 inclusive, of IAE Non-Modification Service Bulletin (NMSB) V2500–ENG–72–0694, Revision No. 2, dated July 2, 2018 (''IAE NMSB V2500–ENG–72–0694'').

(ii) If a rejectable indication was found during the ECI, perform a local high sensitivity FPI to confirm a crack.

(iii) If a rejectable indication was found during the ECI, but no crack(s) were confirmed using the local high sensitivity FPI, then clean, blend and repeat the ECI in the local area of the part. Use the Accomplishment Instructions, Part I—For Engines Installed on Aircraft, paragraph 20.A.(3), or Part II—For Engines Not Installed on Aircraft, paragraph 19.A.(3), of IAE NMSB V2500–ENG–72–0694 to perform the cleaning and blending. Use the Accomplishment Instructions, Part I—For Engines Installed on Aircraft, paragraphs 2 through 19 inclusive, or Part II—For Engines Not Installed on Aircraft, paragraphs 2 through 18 inclusive, of IAE NMSB V2500–ENG–72–0694 to perform the repeat ECI.

(iv) If a rejectable indication was again found during the repeat ECI, then repeat the local high sensitivity FPI inspection in the local area of the part. If the local high sensitivity FPI does not confirm a crack, follow the instructions in the Accomplishment Instructions, Part I—For Engines Installed on Aircraft, paragraph 20.A.(5)(a), or Part II—For Engines Not Installed on Aircraft, paragraph 19.A.(5)(a), of IAE NMSB V2500–ENG–72–0694.

(2) If no cracks were found, within 2,000 FCs since the last inspection, and thereafter, repeat the inspections of paragraphs (g)(1)(i) through (iv) of this AD.

(3) If a crack was confirmed during the FPI and visual inspection required by paragraphs (g)(1)(ii) or (iv), before further flight, remove the part from service and replace with a part eligible for installation.

(h) Credit for Previous Actions

You may take credit for the inspections required by paragraph (g)(1) of this AD if you performed these inspections before the effective date of this AD, using IAE NMSB V2500–ENG–72–0694, Revision No. 1, dated February 7, 2018; or IAE NMSB V2500–ENG–72–0694, Original Issue, dated January 5, 2018.

(i) No Reporting Requirement

No reporting requirement contained within the NMSB referenced in paragraph (g) of this AD is required by this AD.

(j) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(k) Special Flight Permit

A special flight permit is not permitted if the crack indication extends past the mount stiffener rail or if there is evidence of an FPI indication on the outer diameter of the case.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (m)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/ certificate holding district office.

(m) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *Martin.Adler@faa.gov*.

(2) For service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 800–565–0140; email: *help24@pw.utc.com*; internet: *http://fleetcare.pw.utc.com*. You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on May 13, 2019.

Robert J. Ganley,

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

[FR Doc. 2019–10231 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0268; Product Identifier 2019–NE–08–AD]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2500 model turbofan engines. This proposed AD was prompted by an inspection that determined that material anomalies exist in certain low-pressure turbine (LPT) stage 6 disks. This proposed AD would require removal from service of the affected LPT stage 6 disks and their replacement with a part eligible for installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 5, 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 International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 800–565–0140; email: *help24@pw.utc.com*; internet: *http://fleetcare.pw.utc.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2019–0268; 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 listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Scott Hopper, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7154; fax: 781–238–7199; email: *scott.hopper@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0268; Product Identifier 2019–NE–08–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We received reports based on an inspection of material anomalies in certain LPT stage 6 disks. A manufacturer produced 18 V2500 LPT stage 6 disks from ATI, a supplier of material ingots, in late 2017. Six of those disks were rejected prior to shipment by MTU Aero Engines, a disk supplier, for melt defects at final inspection. The other twelve disks that initially passed inspection are now considered suspect. Four disk were recovered and quarantined prior to entering into service. This AD addresses the eight remaining affected disks. The material anomaly may reduce the life of the LPT stage 6 disks; therefore, all affected disks must be removed from service within the times specified in this AD. This condition, if not addressed, could result in failure of the LPT, uncontained release of the LPT stage 6 disk, damage to the engine, and damage to the airplane.

Related Service Information

We reviewed IAE Alert Service Bulletin (ASB) V2500–ENG–72–A0697, Revision No. 1, dated November 27, 2018. The ASB describes procedures for removal of the affected LPT stage 6 disks.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require removal and replacement of the affected LPT stage 6 disks.

Costs of Compliance

We estimate that this proposed AD affects 1 engine installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the disk	130 work-hours × $85 per hour = $11,050	$155,560	$166,610	$166,610

Authority for This Rulemaking

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

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

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

Regulatory Findings

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):

International Aero Engines AG: Docket No. FAA–2019–0268; Product Identifier 2019–NE–08–AD.

(a) Comments Due Date

We must receive comments by July 5, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 model turbofan engines with the following engine serial numbers: V10631, V12329, V12494, V13107, V18679, V18681, V18684, and V18690.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by an inspection that determined that material anomalies exist in certain low-pressure turbine (LPT) stage 6 disks. We are issuing this AD to prevent failure of the LPT stage 6 disk. The unsafe condition, if not addressed, could result in uncontained release of the LPT stage 6 disk, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

At the next piece part exposure after the effective date of this AD, but not to exceed 5,000 cycles from new, remove from service LPT stage 6 disks, part number 3A2996, and with any of the following serial numbers: MAP04258; MAP04259; MAP04260, MAP04430, MAP04431, MAP08718, MAP08719; and MAP08721. Replace the affected LPT stage 6 disk with a part eligible for installation.

(h) Definition

For the purpose of this AD, piece-part exposure is when the LPT stage 6 disk is removed from the engine and completely disassembled.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov*.

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

(j) Related Information

(1) For more information about this AD, contact Scott Hopper, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7154; fax: 781–238–7199; email: *scott.hopper@faa.gov*.

(2) For service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 800–565–0140; email: *help24@pw.utc.com*; internet: *http://fleetcare.pw.utc.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on May 13, 2019.

Robert J. Ganley,

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

[FR Doc. 2019–10232 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0273; Airspace Docket No. 19–AGL–10]

RIN 2120–AA66

Proposed Revocation of Class E Airspace; Tecumseh, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace extending upward from 700 feet above the surface at Meyers-Divers' Airport and Tecumseh Products Airport, Tecumseh, MI. The FAA is proposing this action due to the cancellation of the instrument procedures; and the airspace is no longer required.

DATES: Comments must be received on or before July 5, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0273; Airspace Docket No. 19–AGL–10, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would remove Class E airspace extending upward from 700 feet above the surface at Meyers-Divers' Airport and Tecumseh Products Airport, Tecumseh, MI, that is no longer required.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0273/Airspace Docket No. 19–AGL–10.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by removing Class E airspace extending upward from 700 feet above the surface at Meyers-Divers' Airport and Tecumseh Products Airport, Tecumseh, MI.

The FAA is proposing this action due to the cancellation of the instrument approach procedures at the airport making the airspace no longer necessary.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and

unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Tecumseh, MI [Removed]

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–10185 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0349; Airspace Docket No. 19–AGL–14]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Rockford, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace and Class E airspace areas extending upward from 700 feet or more above the surface of the earth at Chicago/Rockford International Airport (formerly Greater Rockford Airport) in Rockford, IL. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the GILMY locator outer marker (LOM). The airport name would be updated to coincide with the FAA's aeronautical database. The GILMY LOM and Greater Rockford ILS localizer are no longer needed in the description of the Class D and E–5 airspace and will be removed. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before July 5, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0349; Airspace Docket No. 19–AGL–14, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and E5 airspace at Chicago/Rockford International Airport, in support of standard instrument approach procedures for IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0349; Airspace Docket No. 19–AGL–14.'' The postcard

will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air-traffic/publications/airspace-amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class D airspace extending upward from the surface of the earth to and including 3,200 feet MSL within a 4.6-mile radius of the Chicago/Rockford International Airport by removing the extension to the south out to the GILMY LOM. Also, propose amending Class E airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Chicago/Rockford International Airport and removing the extension to the south associated with the Greater Rockford ILS localizer. This action would enhance safety and the management of IFR operations at the airport. Also, the airport name would be adjusted to coincide with the FAA's aeronautical database. The Greater Rockford ILS localizer and the GILMY LOM are no longer needed to describe the airspaces and will be removed.

Class D and E airspace designations are published in paragraphs 5000 and 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D.

AGL IL D Rockford, IL [Revised]

Chicago/Rockford International Airport, IL (Lat. 42°11′43″ N long. 89°05′50″ W)

That airspace extending upward from the surface of the earth to and including 3,200 feet MSL within a 4.6-mile radius of the Chicago/Rockford International Airport.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Rockford, IL [Amended]

Chicago/Rockford International Airport, IL (Lat. 42°11′43″ N long. 89°05′50″ W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Chicago/Rockford International Airport.

Issued in Fort Worth, Texas, on May 10, 2019.

Johanna Forkner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–10357 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0336; Airspace Docket No. 19–AGL–11]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Minocqua-Woodruff, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace areas extending upward from 700 feet or more above the surface of the earth at Lakeland/Nobel F. Lee Memorial Field Airport in Minocqua-Woodruff, WI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Arbor Vitae non-directional radio beacon (NDB).

The geographic coordinates for the airport in the associated airspace would be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before July 5, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0336; Airspace Docket No. 19–AGL–11, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Witucki, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace at Lakeland/Nobel F. Lee Memorial Field Airport in support of standard instrument approach procedures for IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0336; Airspace Docket No. 19–AGL–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air-traffic/publications/airspace-amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 700 feet above the surface within a 6.6-mile radius (reduced from 7 miles) of the Lakeland/Nobel F. Lee Memorial Field Airport and removing the extension to the southeast associated with the Arbor Vitae non-directional radio beacon. This action would enhance safety and the management of IFR operations at the airport. Also, the geographic coordinates would be adjusted to coincide with the FAA's aeronautical database.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic

impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL WI E5 Minocqua-Woodruff, WI [Amended]

Minocqua-Woodruff, Lakeland/Nobel F. Lee Memorial Field Airport, WI
(Lat. 45°55′41″ N, long. 89°43′51″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Lakeland/Noble F. Lee Memorial Field Airport.

Issued in Fort Worth, Texas, on May 9, 2019.

John Witucki,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2019–10183 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101 and 102

[Docket No. FDA–2019–D–0892]

The Use of an Alternate Name for Potassium Chloride in Food Labeling; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled ''The Use of an Alternate Name for Potassium Chloride in Food Labeling.'' The draft guidance, when finalized, will explain our intent to exercise enforcement discretion for the declaration of the name ''potassium chloride salt,'' as an alternative to ''potassium chloride,'' in the ingredient statement on the labels of foods that contain potassium chloride as an ingredient.

DATES: Submit either electronic or written comments on the draft guidance by July 19, 2019 to ensure that we consider your comment on the draft guidance before we begin work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–0892 for ''The Use of an Alternate Name for Potassium Chloride in Food Labeling.'' 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.'' We will review this copy, including the claimed confidential information, in our 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)).

Submit written requests for single copies of the draft guidance to the Office of Nutrition and Food Labeling, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Andrea Krause, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2371.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''The Use of an Alternate Name for Potassium Chloride in Food Labeling.'' We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations. This draft guidance is not subject to Executive Order 12866.

This draft guidance, if finalized, is intended to explain to food manufacturers our intent to exercise enforcement discretion for the declaration of the name ''potassium chloride salt'' in the ingredient statement on food labels as an alternative to the common or usual name ''potassium chloride.'' This flexibility in declaring potassium chloride in the ingredient statement on food labels may help inform consumers of the use of potassium chloride as at least a partial substitute for sodium chloride, thereby leading to the selection of foods with lower sodium content and decreasing the amount of sodium consumed. This draft guidance is consistent with FDA's Nutrition Innovation Strategy (accessed at *https://www.fda.gov/food/labelingnutrition/ucm602651.htm*) to reduce the burden of chronic disease in the United States through improved nutrition, by empowering consumers with information, and supporting and fostering industry innovation in developing and promoting healthfulness of food options.

Americans consume, on average, 3,400 milligrams (mg) of sodium per day, nearly 50 percent more than the 2,300 mg/day limit recommended by the ''2015–2020 Dietary Guidelines for Americans'' (Ref. 1). Over 70 percent of sodium consumed comes from processed and prepared foods, which makes it difficult for consumers to control their sodium intake (Ref. 2). High levels of sodium intake are associated with increased blood pressure, which increases risk of cardiovascular disease (Refs. 3 to 6); researchers have estimated that reductions in sodium intake have the potential to prevent tens of thousands of premature deaths and illnesses each year (Ref. 7). Thus, associations between sodium intake and health outcomes support the need to engage in population-based efforts to lower excessive dietary sodium intakes. This draft guidance, when finalized, may facilitate development of lower sodium food options and is consistent with our previous actions to encourage stakeholders to reduce sodium levels in food products.

Sodium reduction techniques include the use of replacement ingredients to replicate the taste and preservative function of sodium chloride in foods. One such ingredient is potassium chloride. Potassium chloride is an ingredient that is generally recognized as safe when used under conditions specified in our regulations at 21 CFR 184.1622. The food industry has used potassium chloride to reduce sodium chloride in prepared and processed foods. In most instances, potassium chloride is used as a partial substitute for sodium chloride. Adequate potassium intake is beneficial in lowering blood pressure, and potassium intake is generally low in comparison to Federal recommendations (Refs. 8 and 9).

Under the Federal Food, Drug, and Cosmetic Act (FD&C Act), the label of a food fabricated from two or more ingredients must bear the common or usual name of each such ingredient (section 403(i)(2) of the FD&C Act (21 U.S.C. 343(i)(2))). A common or usual name is the name by which an article is known to the American public. Common or usual names are generally established by common usage, though in some cases they may be established by regulation. See 21 CFR 102.5(d). The common or usual name of potassium chloride has been established by common usage as ''potassium chloride.''

The draft guidance takes into consideration a citizen petition from NuTek Food Science, dated June 27, 2016 (Docket No. FDA–2016–P–1826), requesting that we issue guidance recognizing ''potassium salt'' as an additional common or usual name for potassium chloride (Ref. 10). However, ''potassium salt'' is not a name in common usage for potassium chloride, and we are unaware of evidence that would support a regulation establishing ''potassium salt'' as the common or usual name.

In contrast, the name ''potassium chloride salt'' may signal to consumers that potassium chloride is a substitute for salt. Informing consumers that potassium chloride is a substitute for sodium chloride (salt) could result in consumers selecting food options with less sodium. This, in turn, could encourage industry to continue to reduce sodium levels in processed foods by substituting potassium chloride for some sodium chloride, thereby decreasing overall sodium intake, increasing potassium intake, and benefitting public health. Because ''potassium chloride salt'' includes the entire common or usual name of the ingredient, we consider it unlikely that consumers will confuse it with sodium chloride or other potassium-containing salts. Therefore, we tentatively intend to exercise enforcement discretion for the declaration of ''potassium chloride salt'' in the place of ''potassium chloride'' in the ingredient statement on labels of foods containing potassium chloride as an ingredient.

II. Other Issues for Consideration and Request for Information

We will review any consumer data and other information that is submitted to us to determine whether ''potassium chloride salt'' has become an alternate common or usual name for potassium chloride in the future.

We invite comment on the following questions. Please provide the reasoning behind your comments, including, where available, any data or other supporting information.

1. How would use of the name ''potassium chloride salt'' in the ingredient statement as an alternative to ''potassium chloride'' improve consumer understanding of this ingredient? What other methods or approaches could improve consumer understanding? Please provide any relevant data or information to support your answer.

2. What alternate names to ''potassium chloride salt'' would better promote consumer understanding of potassium chloride? Please provide any relevant data or information to support your answer.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

IV. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

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3. Institute of Medicine, ''Dietary Reference Intakes for Water, Potassium, Sodium Chloride and Sulfate.'' Washington DC: The National Academies Press. 2005.
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7. Coxson, P.G., N.R. Cook, M. Joffres, et al., ''Mortality Benefits From US Population-wide Reduction in Sodium Consumption: Projections from 3 Modeling Approaches.'' *Hypertension,* 61:564–570, 2013.
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9. Jackson, S.L., M.E. Cogswell, L. Zhao, et al., ''Association Between Urinary Sodium and Potassium Excretion and Blood Pressure Among Adults in the United States: National Health and Nutrition Examination Survey, 2014.'' *Circulation,* 137:237–246, 2018.
10. Petition from Brian L. Boor, President and Chief Operating Officer, NuTek Food Science, LLC, to Division of Dockets Management, Food and Drug Administration, Docket No. FDA–2016–P–1826, dated June 27, 2016.*

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10401 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–125135–15]

RIN 1545–BM90

Ownership Attribution for Purposes of Determining Whether a Person Is Related to a Controlled Foreign Corporation; Rents Derived in the Active Conduct of a Trade or Business

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that provide rules regarding the attribution of ownership of stock or other interests for purposes of determining whether a person is a related person with respect to a controlled foreign corporation (CFC) under section 954(d)(3). In addition, the proposed regulations provide rules for determining whether a CFC is considered to derive rents in the active conduct of a trade or business for purposes of computing foreign personal holding company income (FPHCI). The regulations would affect United States persons with direct or indirect ownership interests in certain foreign corporations.

DATES: Written or electronic comments and requests for a public hearing must be received by July 19, 2019.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–125135–15), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–125135–15), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–125135–15).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Rose E. Jenkins at (202) 317–6934; concerning submissions of comments and requests for a public hearing, Regina L. Johnson at 202–317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to 26 CFR part 1 under sections 954 and 958 of the Internal Revenue Code (Code). Section 954(a) defines foreign base company income (FBCI), which is a category of subpart F income. Subpart F income generally is income earned by a CFC that is taken into account in computing the amount that a United States shareholder (as defined in section 951(b)) of the CFC must include in income under section 951(a)(1)(A). FBCI includes foreign personal holding company income, as defined in section 954(c), as well as certain types of income from sales and services. The determination of whether certain types of sales and services income constitute FBCI depends, in part, on whether the income is earned from a transaction that involves a related person, as defined under section 954(d)(3). See section 954(d) and (e). The definition of related person under section 954(d)(3) is also relevant in determining whether certain income qualifies for an exception to FPHCI. See, for example, sections 954(c)(2)(A), 954(c)(3), and 954(c)(6). As provided in section 952(a)(2), subpart F income also includes insurance income (as defined under section 953), and the rules in

section 953 similarly reference the definition of related person in section 954(d)(3). The definition of related person under section 954(d)(3) is also relevant in determining whether an exception to the definition of United States property applies for purposes of section 956. See section 956(c)(2)(L)(ii)(II). Additionally, certain provisions outside of subpart F [1] reference the definition of related person in section 954(d)(3). See, for example, sections 267A, 904(d)(2)(I), 988(a)(3)(C), 1297(b)(2), and 1471(e)(2).

Section 954(d)(3) provides that a person is a related person with respect to a CFC if the person is (i) an individual who controls the CFC; (ii) a corporation, a partnership, a trust, or an estate that controls or is controlled by the CFC; or (iii) a corporation, a partnership, a trust, or an estate that is controlled by the same person or persons that control the CFC. With respect to a corporation, control means the ownership, directly or indirectly, of stock possessing more than 50 percent of (i) the total voting power of all classes of stock entitled to vote or (ii) the total value of stock of the corporation. With respect to a partnership, trust, or estate, control means the ownership, directly or indirectly, of more than 50 percent (by value) of the beneficial interests in the partnership, trust, or estate. Section 954(d)(3) states that ''rules similar to the rules of section 958 shall apply'' for purposes of determining ownership. Section 958 provides rules for determining direct, indirect, and constructive stock ownership and states that such rules ''shall apply'' for purposes of section 954(d)(3) to the extent that the effect is to treat a person as a related person within the meaning of section 954(d)(3). See section 958(b). Sections 954(d)(3) and 958 were added to the Code in 1962, as part of the legislation that enacted the subpart F regime, and section 954(d)(3) provided as originally enacted that ''the rules for determining ownership of stock prescribed by section 958 shall apply.'' Revenue Act of 1962 (Public Law 87–834, 76 Stat. 960). The change in the language of section 954(d)(3) to provide for the application of rules ''similar to the rules of'' section 958 was made in 1986, but no corresponding change was made to the language in section 958. Tax Reform Act of 1986 (Public Law 99–514, 100 Stat. 2085).

Final regulations published in the **Federal Register** on May 15, 1964 (T.D. 6734, 29 FR 6385), cross-referenced section 958 and the regulations thereunder for purposes of determining ownership under section 954(d)(3) as then in effect. Final regulations published in the **Federal Register** on September 7, 1995 (T.D. 8618, 60 FR 46500), and corrected on December 4, 1995 (60 FR 62024), revised the regulations, in part to provide that the principles of section 958, modified to apply to domestic as well as foreign entities, applied for purposes of determining direct and indirect ownership under section 954(d)(3). Thus, under current § 1.954–1(f)(2)(iv), the principles of section 958(a) and (b) apply, without regard to whether an entity is foreign or domestic, to determine direct and indirect ownership for section 954(d)(3) purposes. The existing regulations do not provide any additional guidance beyond this general statement. These proposed regulations would revise the existing regulations under section 954(d)(3) to provide some specific guidance on the application of principles similar to the constructive ownership rules in section 958(b).

This document also proposes to revise rules under section 954(c). FPHCI, as defined in section 954(c), generally includes rents. Section 954(c)(1)(A). However, rents are excluded from FPHCI if they are received from a person other than a related person and derived in the active conduct of a trade or business within the meaning of section 954(c)(2)(A) and § 1.954–2(c) (the active rents exception). These regulations propose to revise the rules under section 954(c) to provide guidance on the treatment of amounts (including royalties) paid or incurred by a CFC in connection with the CFC's rental income for purposes of the active rents exception.

Explanation of Provisions

1. Definition of Related Person in Section 954(d)(3)

Section 1.954–1(f)(1), like section 954(d)(3), provides that a person is a related person with respect to a CFC if the person is (i) an individual who controls the CFC; (ii) a corporation, a partnership, a trust, or an estate that controls or is controlled by the CFC; or (iii) a corporation, a partnership, a trust, or an estate that is controlled by the same person or persons that control the CFC. Section 1.954–1(f)(2) provides that, with respect to a corporation, control means the ownership, directly or indirectly, of stock possessing more than 50 percent of the total voting power of all classes of stock entitled to vote or the total value of stock of the corporation. With respect to a trust or estate, control means the ownership, directly or indirectly, of more than 50 percent (by value) of the beneficial interests of the trust or estate. With respect to a partnership, control means the ownership, directly or indirectly, of more than 50 percent (by value) of the capital or profits interest in the partnership.

Section 954(d)(3) provides that rules similar to the rules of section 958 apply for purposes of determining whether a person is a related person. Similarly, current § 1.954–1(f)(2)(iv) states that the principles of section 958 apply to determine direct or indirect ownership for purposes of § 1.954–1(f) and further provides that the principles of section 958 apply without regard to whether a corporation, partnership, trust, or estate is foreign or domestic or whether an individual is a citizen or resident of the United States.

Under section 958(a)(1), stock is considered owned by a person if it is owned directly or indirectly through certain foreign entities under section 958(a)(2). In relevant part, section 958(b) provides that section 318(a) (relating to the constructive ownership of stock) applies for purposes of section 954(d)(3), subject to certain modifications, to the extent that the effect is to treat a person as a related person within the meaning of section 954(d)(3). Section § 1.958–2 sets forth the rules in section 318(a) as modified by section 958(b).

Section 318 provides rules that attribute the ownership of stock to certain family members, between certain entities and their owners, and to holders of options to acquire stock. Section 318(a)(1) provides rules attributing stock ownership among members of a family, and section 318(a)(2) provides rules attributing stock ownership ''upward'' from an entity to the owner of an entity. In addition, section 318(a)(3) provides specific rules that attribute the ownership of stock ''downward'' from the owner of an entity to the entity. In particular, section 318(a)(3)(A) provides that stock owned, directly or indirectly, by or for a partner in a partnership or a beneficiary of an estate is considered owned by the partnership or estate. This provision applies to all partners and beneficiaries without regard to the size of their interest in the partnership or estate. See also § 1.958–2(d)(1)(i). Section 318(a)(3)(B) similarly provides, subject to certain exceptions, that stock owned, directly or indirectly, by or for a beneficiary of a trust (or a person who is considered an owner of a trust) is considered owned by the trust. See also § 1.958–2(d)(1)(ii). In comparison, section 318(a)(3)(C) attributes stock

[1] References in this preamble to subpart F are references to subpart F, part III, subchapter N, chapter 1 of the Code.

owned, directly or indirectly, by or for a person to a corporation only if 50 percent or more in value of the stock in the corporation is owned, directly or indirectly, by the person. See also § 1.958–2(d)(1)(iii). Section 318(a)(4) provides that a person that has an option to acquire stock is considered to own the stock. See also § 1.958–2(e).

The Department of the Treasury (Treasury Department) and the IRS are concerned that, in certain situations, the application of the section 318(a)(3)(A) and (B) constructive ownership rules, if incorporated into § 1.954–1(f) by the reference to section 958, could produce inappropriate results when defining related person for purposes of section 954(d)(3). For example, if two otherwise unrelated domestic corporations each owned interests in a partnership, the partnership would be treated under section 318(a)(3)(A) as owning any stock owned directly or indirectly by the unrelated domestic corporations. Thus, for purposes of section 954(d)(3), the partnership would be treated as controlling any corporations, including CFCs, in which one of the domestic corporations owned more than 50 percent of the stock, regardless of the size of the domestic corporation's ownership interest in the partnership, such that a CFC of one of the domestic corporations would be treated as related to a CFC of the other domestic corporation.

Treatment of the domestic corporations' CFCs as related persons with respect to one another under section 954(d)(3) could be relied upon by taxpayers, for example, to treat payments of interest between the otherwise unrelated CFCs as interest that is eligible for the exception from FPHCI in section 954(c)(6). Similarly, a sale of personal property between a CFC of one domestic corporation and a CFC of the other domestic corporation could give rise to foreign base company sales income under section 954(d). The Treasury Department and the IRS do not believe that either of these results is appropriate when the domestic corporations each own 50 percent or less of the partnership because the domestic corporations (and thus their CFCs) do not have a significant relationship to each other, for purposes of section 954(d)(3), which itself refers to ownership of ''more than 50 percent'' of stock or other ownership interests, and subpart F more generally.

Similarly, when two unrelated domestic corporations each own exactly 50 percent of the stock of a joint venture corporation, that joint venture corporation would be treated under section 318(a)(3)(C) as owning other stock owned by the domestic corporations (including stock of CFCs) and, accordingly, could be treated as controlling the domestic corporations' CFCs, such that a CFC of one of the domestic corporations would be treated as related to a CFC of the other domestic corporation. The Treasury Department and the IRS do not believe that section 954(d)(3) was intended to treat the CFCs of the domestic corporations as related persons with respect to each other or with respect to the joint venture corporation in these circumstances, given that no person owns more than 50 percent of both the joint venture corporation and one of the CFCs directly or indirectly, as directly or indirectly would commonly be understood. Accordingly, the Treasury Department and the IRS interpret section 954(d)(3) to qualify the application of the constructive ownership rules in section 318(a)(3).

Concerns about the application of the downward attribution rules of section 318(a)(3) similar to those discussed in this Part 1 were raised in connection with proposed regulations under section 385 (REG–108060–15) (the section 385 proposed regulations) published by the Treasury Department and the IRS in the **Federal Register** on April 8, 2016 (81 FR 20912), as discussed in the preamble to the final regulations under section 385 (TD 9790) (the section 385 final regulations) published by the Treasury Department and the IRS in the **Federal Register** on October 21, 2016 (81 FR 72858). See Part III.B.2.c.v of the Summary of Comments and Explanation of Revisions (81 FR 72866–72867). Accordingly, the section 385 final regulations revised the rules in the section 385 proposed regulations concerning the definition of an expanded group to provide that section 318(a)(3) generally does not apply for such purpose. See § 1.385–1(c)(4)(iii)(A).

As noted in the Background section of this preamble, until 1986, section 954(d)(3) and section 958(b) both provided for the rules in section 958(b) to apply for purposes of section 954(d)(3). Although section 958(b) was not changed in 1986, when section 954(d)(3) was amended to provide that rules ''similar to'' those in section 958 would apply, the change to section 954(d)(3) indicates that Congress intended for the Treasury Department and the IRS to prescribe rules regarding the incorporation of section 958(b) into the definition of a related person under section 954(d)(3) with such modifications as may be appropriate. For the foregoing reasons, and consistent with the section 385 final regulations, the Treasury Department and the IRS propose, pursuant to the grant of regulatory authority to the Secretary under section 7805(a), to revise § 1.954–1(f) to provide that the rules of section 318(a)(3) and § 1.958–2(d) do not apply for purposes of section 954(d)(3) and § 1.954–1(f). Section 1.958–2 is also proposed to be revised to cross-reference the limitations on its applicability in § 1.954–1(f). However, the revision to § 1.954–1(f) does not preclude a corporation, partnership, trust, or estate from being treated as controlled by the same person or persons that control the CFC under the other rules that remain applicable for purposes of section 954(d)(3) and § 1.954–1(f). For example, if one domestic corporation (USP1) held 51 percent of the stock of a joint venture corporation, while an unrelated domestic corporation (USP2) held 49 percent of its stock, the joint venture corporation would continue to be a related person with respect to a CFC in which USP1 owned 51 percent of the stock (CFC1) as a result of USP1's direct ownership of more than 50 percent of both entities, notwithstanding the fact that the joint venture corporation would no longer be treated as owning the stock of CFC1 owned by USP1.

The Treasury Department and the IRS also are concerned that the application of the option attribution rule in section 318(a)(4) in the context of section 954(d)(3) could lead to inappropriate results. If, for example, two otherwise unrelated domestic corporations owned 51 percent and 49 percent, respectively, of the total value of the stock of a joint venture CFC, and the 49-percent owner also held an option to acquire an additional 2 percent of the corporation, the 49-percent owner could take the position that it, as well as the 51-percent owner, controlled the CFC for purposes of section 954(d)(3). Based on this position, payments of interest between the joint venture CFC and another CFC of the 49-percent owner would be eligible for the exception from FPHCI in section 954(c)(6). The Treasury Department and the IRS have determined that it would be inappropriate to allow taxpayers to effectively elect related person status using options in this manner. Accordingly, these proposed regulations provide that section 318(a)(4) does not apply to treat a person that has an option to acquire stock or an equity interest, or an interest similar to such an option, as owning the stock or equity interest for purposes of the section 954(d) related person definition if a principal purpose for the use of the

option or similar interest is to cause a person to be treated as a related person with respect to a CFC (the option anti-abuse rule).

Section 7(d) of Notice 2007–9, 2007–1 C.B. 401, stated that regulations containing a similar rule would be issued, providing that if a principal purpose for the use of the option or similar interest is to qualify dividends, interest, rents, or royalties paid by a foreign corporation for the section 954(c)(6) exception, the dividends, interest, rents, or royalties received or accrued from such foreign corporation will not be treated as being received or accrued from a CFC payor and, therefore, will not be eligible for the section 954(c)(6) exception. Notice 2007–9 indicated that section 7(d) would be effective for taxable years of foreign corporations beginning after December 31, 2006. Accordingly, these proposed regulations also contain, pursuant to the grant of regulatory authority to the Secretary under section 954(c)(6), the rule described in Notice 2007–9 (the Notice 2007–9 option anti-abuse rule), which is proposed to apply for taxable years of CFCs beginning after December 31, 2006, and ending before the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and for the taxable years of United States shareholders in which or with which such years end. Section 7(d) of Notice 2007–9 will be obsoleted upon finalization of these proposed regulations.

Comments with respect to the section 385 proposed regulations also raised concerns regarding the application of section 318(a)(4) to options in a joint venture corporation. See Part III.B.2.c.vi of the Summary of Comments and Explanation of Revisions (81 FR 72867). The section 385 final regulations address those comments by providing that section 318(a)(4) applies only to options that are reasonably certain to be exercised as described in § 1.1504–4(g). See § 1.385–1(c)(4)(iii)(C). Comments are requested as to whether the concerns of the Treasury Department and the IRS concerning the application of section 318(a)(4) for purposes of the definition of related person in section 954(d)(3) would be better addressed by the proposed option anti-abuse rule or a rule similar to § 1.385–1(c)(4)(iii)(C).

2. Active Rent Exception to FPHCI

Although rents generally are included in FPHCI under section 954(c)(1)(A), rents derived in the active conduct of a trade or business and received from a person that is not a related person are excluded from FPHCI under the active rents exception in section 954(c)(2)(A) and § 1.954–2(b)(6). The section 954 regulations provide the exclusive rules for determining whether rents are derived in the active conduct of a trade or business for purposes of section 954(c)(2)(A). Specifically, § 1.954–2(c) provides four alternative ways for rents to be derived in the active conduct of a trade or business, one of which applies to rents derived by a CFC from leasing property as a result of performing marketing activities. Under this rule, the CFC derives rents in the active conduct of a trade or business when the CFC satisfies an ''active marketing'' test, which, among other things, requires the CFC to operate in a foreign country or countries an organization that is regularly engaged in the business of marketing, or marketing and servicing, the leased property, and that is ''substantial'' in relation to the amount of rents derived from the property. See § 1.954–2(c)(1)(iv). Pursuant to a safe harbor in the regulations, an organization is ''substantial'' if its active leasing expenses equal or exceed 25 percent of the adjusted leasing profit. See § 1.954–2(c)(2)(ii). The regulations generally define active leasing expenses to mean, subject to certain exceptions, deductions that are properly allocable to rental income and that would be allowable under section 162 if the CFC were a domestic corporation. See § 1.954–2(c)(2)(iii). The regulations generally define adjusted leasing profit to mean the gross income of the lessor from rents, reduced by certain items. See § 1.954–2(c)(2)(iv).

A CFC may derive rent from leasing property that it does not own. In that case, the CFC likely will make payments to the owner of the property, which may be characterized as rent. For purposes of applying the safe harbor, the regulations provide that rents paid or incurred by the CFC with respect to the rental income (i) are not taken into account in determining active leasing expenses (in other words, are excluded from the definition of active leasing expenses); and (ii) are taken into account for purposes of determining adjusted leasing profit (in other words, reduce the CFC's gross income for purposes of determining adjusted leasing profit). Section 1.954–2(c)(2)(iii)(B) and (iv)(A). These rules reflect the principle that when a lessor CFC derives rents from property that it does not own, the substantiality of the CFC's marketing organization should be determined under the safe harbor on the basis of the CFC's income and expenses net of any payments that it makes for the use of the property.

The Treasury Department and the IRS are aware that in cases in which a lessor CFC derives rent from leasing property that it does not own, the CFC may make payments to the owner of the property that are characterized as royalties rather than rent. For purposes of the safe harbor, there is no reason to distinguish between payments made by the CFC for the use of property based on their characterization as rents or royalties. For example, if a CFC pays $100 for the transfer of a computer program, and in turn transfers the computer program to an unrelated person for $150 in a transaction that is treated as a lease under § 1.861–18, the determination of whether the CFC satisfies the safe harbor in § 1.954–2(c)(2)(ii) should not depend on whether the transaction pursuant to which the CFC received the computer program is characterized under § 1.861–18 as a license, under which the CFC pays royalties, or a lease, under which the CFC pays rents. In both cases, the CFC's $100 payment for use of the computer program should be excluded from active leasing expenses and reduce the CFC's adjusted leasing profit, in order to ensure that only expenses related to the marketing organization are taken into account in assessing its substantiality. Accordingly, the Treasury Department and the IRS propose to revise § 1.954–2(c)(2)(iii)(B) and § 1.954–2(c)(2)(iv)(A) to apply generally to amounts paid or incurred, including both rents and royalties, by the lessor CFC for the right to use the property (or a component thereof) that generated the rental income.

3. Proposed Applicability Dates

These regulations generally are proposed to apply for taxable years of CFCs ending on or after the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and for the taxable years of United States shareholders in which or with which such taxable years end. However, pursuant to the authority under section 7805(b)(1)(C), the Notice 2007–9 option anti-abuse rule is proposed to apply for taxable years of CFCs beginning after December 31, 2006, and ending before the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and for the taxable years of United States shareholders in which or with which such years end. Furthermore, pursuant to the authority under section 7805(b)(1)(B), the rules in proposed § 1.954–1(f)(2)(iv)(B)(*1*) and (*3*) will apply to taxable years of CFCs ending on or after May 17, 2019, and to taxable years of United States shareholders in

which or with which such taxable years end, with respect to amounts that are received or accrued by a CFC on or after May 17, 2019 to the extent the amounts are received or accrued by the CFC in advance of the period to which such amounts are attributable with a principal purpose of avoiding the application of § 1.954–1(f)(2)(iv)(B)(*1*) or (*3*) with respect to such amounts. As discussed in Part 1 of this Explanation of Provisions, these rules would prevent taxpayers from effectively electing related person status in inappropriate situations, including to qualify payments for the exception from FPHCI in section 954(c)(6). Accordingly, the Treasury Department and the IRS have determined that an immediate applicability date for these rules is appropriate to address the possibility of acceleration of payments to a period before these rules are adopted as final regulations. Until the effective date of the final regulations, CFCs may rely on the rules in proposed § 1.954–1(f)(2)(iv) for taxable years ending on or after May 17, 2019, provided that they consistently apply the rules in §§ 1.954–1(f)(2)(iv) and 1.958–2(d) and (e) for all such taxable years.

Special Analyses

Executive Orders 13563 and 12866 direct agencies to assess 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Treasury Department will submit the final regulations to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) for Executive Order 12866 review consideration. The Treasury Department requests comment and any potential data regarding the expected impacts of this proposed regulation, including whether the impacts of this proposed regulation will have an annual effect on the economy of $100 million or more.

Because this rulemaking is an interpretive rule and does not impose a collection of information on small entities, under 5 U.S.C. 603(a) the provisions of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business. The Treasury Department requests comment on the impacts of this proposed regulation on small entities and businesses.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules, as well as whether modifications to the attribution rules similar to those proposed to be made to § 1.954–1(f) should apply for purposes other than the definition of related person under section 954(d)(3) and § 1.954–1(f). All comments will be available at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Rose E. Jenkins of the Office of Associate Chief Counsel (International). However, other personnel from the Treasury Department and the IRS participated in the development of these proposed regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.954–1 also issued under 26 U.S.C. 954(b) and (c). Section 1.954–2 also issued under 26 U.S.C. 954(b) and (c).

* * * * *

■ **Par. 2.** Section 1.954–0 is amended in paragraph (b) by adding entries for §§ 1.954–1(f)(3), (f)(3)(i) through (iii), (g), and (g)(1) through (4) and 1.954–2(c)(2)(v) through (viii), (d)(2)(v), (i), and (i)(1) through (3) to read as follows:

§ 1.954–0 Introduction.

* * * * *

(b) * * *

§ 1.954–1 Foreign base company income.

* * * * *

(f) * * *

(3) Applicability dates.

(i) General rule.

(ii) Option rule in paragraph (f)(2)(iv)(B)(*2*) of this section.

(iii) Anti-abuse rule.

(g) Distributive share of partnership income.

(1) Application of related person and country of organization tests.

(2) Application of related person test for sales and purchase transactions between a partnership and its controlled foreign corporation partner.

(3) Examples.

(4) Effective date.

§ 1.954–2 Foreign personal holding company income.

* * * * *

(c) * * *

(2) * * *

(v) Leased in foreign commerce.

(vi) Leases acquired by the CFC lessor.

(vii) Marketing of leases.

(viii) Cost sharing arrangements (CSAs).

* * * * *

(d) * * *

(2) * * *

(v) Cost sharing arrangements (CSAs).

* * * * *

(i) Applicability dates.

(1) Paragraphs (c)(2)(v) through (vii).

(2) Paragraphs (c)(2)(iii)(B) and (c)(2)(iv)(A) of this section.

(3) Other paragraphs.

■ **Par. 3.** Section 1.954–1 is amended by revising paragraph (f)(2)(iv) and adding paragraph (f)(3) to read as follows:

§ 1.954–1 Foreign base company income.

* * * * *

(f) * * *

(2) * * *

(iv) *Direct or indirect ownership.* For purposes of section 954(d)(3) and this paragraph (f), to determine direct or indirect ownership—

(A) The principles of § 1.958–1 and section 958(a) apply without regard to whether a corporation, partnership, trust, or estate is foreign or domestic or whether an individual is a citizen or resident of the United States; and

(B) The principles of § 1.958–2 and section 958(b) apply, except that—

(*1*) Neither section 318(a)(3), nor § 1.958–2(d) or the principles thereof, applies to attribute stock or other interests to a corporation, partnership, estate, or trust; and

(*2*) Neither section 318(a)(4), nor § 1.958–2(e) or the principles thereof, applies to treat dividends, interest,

rents, or royalties received or accrued from a foreign corporation as received or accrued from a controlled foreign corporation payor if a principal purpose of the use of an option to acquire stock or an equity interest, or an interest similar to such an option, that causes the foreign corporation to be a controlled foreign corporation payor is to qualify dividends, interest, rents, or royalties paid by the foreign corporation for the section 954(c)(6) exception. For purposes of this paragraph (f)(2)(iv)(B)(*2*), an interest that is similar to an option to acquire stock or an equity interest includes, but is not limited to, a warrant, a convertible debt instrument, an instrument other than debt that is convertible into stock or an equity interest, a put, a stock or equity interest subject to risk of forfeiture, and a contract to acquire or sell stock or an equity interest.

(*3*) Neither section 318(a)(4), nor § 1.958–2(e) or the principles thereof, applies to treat a person that has an option to acquire stock or an equity interest, or an interest similar to such an option, as owning the stock or equity interest if a principal purpose for the use of the option or similar interest is to treat a person as a related person with respect to a controlled foreign corporation under this paragraph (f). For purposes of this paragraph (f)(2)(iv)(B)(*3*), an interest that is similar to an option to acquire stock or an equity interest includes, but is not limited to, a warrant, a convertible debt instrument, an instrument other than debt that is convertible into stock or an equity interest, a put, a stock or equity interest subject to risk of forfeiture, and a contract to acquire or sell stock or an equity interest.

(3) *Applicability dates*—(i) *General rule.* Except as otherwise provided in this paragraph (f)(3), paragraph (f)(2)(iv) of this section applies to taxable years of controlled foreign corporations ending on or after the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and taxable years of United States shareholders in which or with which such taxable years end.

(ii) *Option rule in paragraph (f)(2)(iv)(B)(2) of this section.* Paragraph (f)(2)(iv)(B)(*2*) of this section applies to taxable years of controlled foreign corporations beginning after December 31, 2006, and ending before the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and taxable years of United States shareholders in which or with which such taxable years end.

(iii) *Anti-abuse rule.* Paragraphs (f)(2)(iv)(B)(*1*) and (*3*) of this section apply to taxable years of controlled foreign corporations ending on or after May 17, 2019, and to taxable years of United States shareholders in which or with which such taxable years end, with respect to amounts that are received or accrued by a controlled foreign corporation on or after May 17, 2019 to the extent the amounts are received or accrued in advance of the period to which such amounts are attributable with a principal purpose of avoiding the application of paragraph (f)(2)(iv)(B)(*1*) or (*3*) of this section with respect to such amounts.

* * * * *

■ **Par. 4.** Section 1.954–2 is amended by:

■ 1. Revising paragraphs (c)(2)(iii)(B) and (c)(2)(iv)(A).

■ 2. Revising the heading of paragraph (i).

■ 3. Redesignating paragraph (i)(2) as paragraph (i)(3).

■ 4. Adding new paragraph (i)(2).

The revisions and addition read as follows:

§ 1.954–2 Foreign personal holding company income.

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(B) Deductions for amounts (including rents and royalties) paid or incurred by the lessor for the right to use the property (or a component thereof) that generated the rental income;

* * * * *

(iv) * * *

(A) Amounts (including rents and royalties) paid or incurred by the lessor for the right to use the property (or a component thereof) that generated the rental income;

* * * * *

(i) *Applicability dates.* * * *

(2) *Paragraphs (c)(2)(iii)(B) and (c)(2)(iv)(A) of this section.* Paragraphs (c)(2)(iii)(B) and (c)(2)(iv)(A) of this section apply for taxable years of controlled foreign corporations ending on or after the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and for the taxable years of United States shareholders in which or with which such taxable years end.

* * * * *

■ **Par. 5.** Section 1.958–2 is amended by revising paragraph (d)(1) introductory text and the first sentence of paragraph (e) and adding paragraph (h) to read as follows:

§ 1.958–2 Constructive ownership of stock.

* * * * *

(d) * * *

(1) * * * Except as otherwise provided in paragraph (d)(2) of this section and § 1.954–1(f)—

* * * * *

(e) * * * Except as otherwise provided in § 1.954–1(f), if any person has an option to acquire stock, such stock shall be considered as owned by such person. * * *

* * * * *

(h) *Applicability date.* Paragraphs (d)(1) and (e) of this section apply for taxable years of controlled foreign corporations ending on or after the date of publication in the **Federal Register** of the Treasury decision adopting these rules as final regulations, and for the taxable years of United States shareholders in which or with which such taxable years end.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2019–10464 Filed 5–17–19; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2016–0013]

RIN 1218–AD00

The Control of Hazardous Energy (Lockout/Tagout)

AGENCY: Occupational Safety and Health Administration (OSHA), DOL.

ACTION: Request for Information (RFI).

SUMMARY: The control of hazardous energy is regulated under OSHA's control of hazardous energy (Lockout/Tagout) standard. The standard's purpose is to protect workers from the dangers of hazardous energy. This RFI seeks information regarding two areas where modernizing the Lockout/Tagout standard might better promote worker safety without additional burdens to employers: control circuit type devices and robotics. OSHA's Lockout/Tagout standard currently requires that all sources of energy, including energy stored in the machine itself, be controlled during servicing and maintenance of machines and equipment using an energy-isolating device (EID). Control circuit type devices are specifically excluded from

OSHA's definition of an EID and are thus not a compliant method of controlling hazardous energy during service and maintenance activities. But technological advances since the standard was issued in 1989 suggest that, at least in some circumstances, control circuit type devices may be at least as safe as EIDs. OSHA requests information, data, and comments that would assist the agency in determining under what conditions control circuit type devices could safely be used for the control of hazardous energy. OSHA may also consider changes to the Lockout/Tagout standard that address hazardous energy control for new robotics technologies. Employers are increasingly using robots and robotic components in their workplaces. OSHA would like to know more about what hazards and benefits this presents with respect to control of hazardous energy, safeguards that can be used, increased efficiencies that result, and any other information related to ensuring employee safety in interfacing with robots. OSHA will use the information received in response to this RFI to determine what action, if any, it may take to reduce regulatory burdens while maintaining worker safety.

DATES: Submit comments on or before August 19, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: Submit comments and additional materials, identified by Docket No. OSHA–2016–0013, by any of the following methods:

Electronically: Submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Facsimile: OSHA allows facsimile transmission of comments and additional material that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of these documents. Instead of transmitting facsimile copies of attachments that supplement these documents (for example, studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. These attachments must identify clearly the sender's name, the date, subject, and docket number (OSHA–2016–0013) so that the Docket Office can attach them to the appropriate document.

Regular mail, express mail, hand delivery, or messenger (courier) service: Submit comments and any additional material (for example, studies or journal articles) to the OSHA Docket Office, Docket No. OSHA–2016–0013 or RIN 1218–AD00, Technical Data Center, Room N3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627). All additional materials must clearly identify your electronic submission by name, date, and docket number so that OSHA can attach them to your comments. Due to security procedures, there may be delays in receiving materials that are sent by regular mail. For more information about security procedures concerning the delivery of materials by express delivery, hand delivery, and messenger or courier service, please contact the OSHA Docket Office. The hours of operation for the OSHA Docket Office are 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency's name and the docket number for this RFI (OSHA–2016–0013). When submitting comments or recommendations on the issues that are raised in this RFI, commenters should explain their rationale and, if possible, provide data and information to support their comments or recommendations. Comments and other material, including any personal information, will be placed in the public docket without revision, and will be publicly available online at *https://www.regulations.gov.* Therefore, commenters should not submit statements that they do not want made available to the public or include any comments that may contain personal information (either about themselves or others) such as Social Security Numbers, birth dates, and medical data.

Docket: To read or download submissions or other material in the docket, go to *https://www.regulations.gov* or the OSHA Docket Office at the above address. The *https://www.regulations.gov* index lists all documents in the docket. However, some information (*e.g.,* copyrighted material) is not available to publicly read or download through the website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Copies of this **Federal Register** *notice:* Electronic copies are available at *https://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, is also available at OSHA's web page at *https://www.osha.gov.*

References and Exhibits (optional): Documents referenced by OSHA in this RFI, other than OSHA standards and **Federal Register** notices, are in Docket No. OSHA–2016–0013 (Lock-out/Tag-out Update). The docket is available at *https://www.regulations.gov,* the Federal eRulemaking Portal. For additional information on submitting items to, or accessing items in, the docket, please refer to the ''ADDRESSES'' section of this RFI. Most exhibits are available at *https://www.regulations.gov;* some exhibits (*e.g.,* copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

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I. Introduction

OSHA is considering whether to initiate rulemaking to revise its control of hazardous energy standard for general industry. One aim of this RFI is to seek public comment on modernization of the control of hazardous energy standard without compromising worker safety. OSHA is requesting information from the public on its control of hazardous energy standard to help the agency determine how to best protect employees.

OSHA's control of hazardous energy (Lockout/Tagout) standard covers the servicing and maintenance of machines and equipment in which the unexpected energization or start-up of machines or equipment, or release of stored energy, could harm employees.[1] These hazards exist not only for the employees working directly with the machines or equipment, but also for the employees nearby. The Lockout/Tagout standard

[1] 29 CFR 1910.147(a)(1)(i).

was developed to address these hazards by establishing minimum performance requirements for the control of hazardous energy.[2]

The Lockout/Tagout standard currently requires that all hazardous energy from power sources and energy stored in the machine itself be controlled using energy isolating devices (EIDs) when an employee is performing servicing or maintenance of a machine or equipment.[3] OSHA's definition of EIDs excludes push buttons, selector switches, and other control circuit type devices.[4] Nevertheless, OSHA recognizes that there have been safety advancements to control circuit type devices since OSHA adopted the standard in 1989. Accordingly, OSHA is revisiting the Lockout/Tagout standard to consider whether to allow the use of control circuit type devices instead of EIDs for some tasks or under certain conditions. OSHA seeks information, data, and comments that would help the agency determine under which conditions, if any, control circuit type devices could safely be used. OSHA is also considering changes to the Lockout/Tagout standard that would reflect new industry best practices and technological advances for hazardous energy control in the robotics industry. OSHA invites information, data, and comments on these and any other issues or concerns that regulated employers, affected employees, and other interested parties may have regarding the existing Lockout/Tagout standard.

II. Background

A. Control Circuit Type Devices and Other Alternative Methods to Lockout/Tagout

The OSHA standard currently requires employers to use an EID to control hazardous energy during the servicing and maintenance of machines and equipment. Over the years, some employers have stated that they believe that control circuit type devices that use approved components, redundant systems, and control-reliable circuitry are as safe as EIDs. OSHA recognizes that recent technological advances may have resulted in safety improvements to control circuit type devices.

In April 2016, OSHA granted a permanent variance to Nucor Steel Connecticut Incorporated (NSCI), permitting the use of a control circuit type device for the control of hazardous energy under the specific conditions presented in NSCI's request for a variance.[5] NSCI, a manufacturer of steel wire rod and coiled rebar, had proposed the implementation of a complete system that would provide an alternative means of compliance to the requirements of 1910.147(d)(4)(i) and (ii) with regard to grinding rolls on a roll mill stand. The engineered system used a ''trapped key'' concept and monitored safety-rated power relays in combination with administrative procedures. The trapped key system was designed to replace a locked out EID and to function similarly to a lockout device, in that only the employee in possession of the key could restart the machine undergoing maintenance. The single key was controlled through administrative group lockout procedures that NSCI asserted matched the requirements of 29 CFR 1910.147.[6]

OSHA evaluated whether the device provided an equivalent level of employee personal control over machine re-energization, ability to account for exposed employees, and verification of isolation to that required by the OSHA standard.[7] OSHA reached three conclusions. First, OSHA concluded that the alternate device allowed energy control measures to remain under the personal control of the exposed employee through control of the trapped key using a group lockbox. Second, OSHA concluded that employees were able to verify de-energization. Third, OSHA concluded that authorized employees were easily identified before equipment restart.

After reviewing the alternative safety measures proposed in NSCI's application, and its responses to OSHA's follow-up questions,[8] OSHA granted the employer a variance permitting use of this device exclusively for this task. 81 FR 20680. OSHA granted the variance based on a safety evaluation of the complete system, not just its individual components. Specifically, OSHA evaluated whether the alternative system could, as a whole, be considered as protective as an energy isolating device. OSHA concluded that the proposed trapped key system was as effective as full lockout during this task in ensuring against internal and external failures that could lead to the release of hazardous energy. The agency determined that internal failures, such as welded relay contacts or errors in the safety relays, would not cause a critical failure without alerting employees. With respect to vulnerability from outside failures, such as attempts to bypass the system, OSHA determined that the system also provided equivalent protection to full lockout for these types of failures.

Although control circuit type devices may not permit easy visual confirmation of their application, in this instance, the system allowed the exposed employee to verify the effectiveness of the system through attempted startup of the machine. In addition, the safety system was designed to revert to a safe mode in the event of a failure, the status of the safety system was monitored by multiple safety relays, and any faults would be signaled to operators. After completing an analysis of the company's variance request and accompanying documentation, OSHA determined the proposed system was an effective alternative to full lockout for the task identified in the request.

As a result of the evaluation of this recent variance request, OSHA has determined that there may be a basis for amending the Lockout/Tagout standard to allow the use of control circuit type devices for hazardous energy control under certain conditions. Based on preliminary research and alliance-partner feedback, OSHA believes the use of control circuit type devices is typically limited to the types of tasks that do not meet the minor servicing exception in the Lockout/Tagout standard but that also do not require either extensive disassembly of the machine or worker entrance into hazardous areas that may be difficult to escape quickly. An example of such a task is machine setup. OSHA is requesting information about how employers have been using these devices, including information about the types of circuitry and safety procedures being used and the limitations of their use, to determine under what other conditions control circuit type devices could safely be used.

As part of this RFI, OSHA is also evaluating criteria used by consensus standards to determine the safety effectiveness of control circuits. For example, the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) both have standards with detailed requirements for control circuit devices used for protection from machine hazards.[9] The ISO and IEC

[2] *Id.* 1910.147(a)(1)(i).

[3] *Id.* 1910.147(a)(2)(i); 1910.147(a)(3)(i); 1910.147(c)(i).

[4] *Id.* 1910.147(b).

[5] OSHA–2014–0022–0013/FR 2016–08004.

[6] OSHA–2014–0022/FR 2015–30483.

[7] 29 CFR 1910.147(c)(8); 1910.147(d)(4); 1910.147(d)(6).

[8] *https://www.regulations.gov/document?D=OSHA-2014-0022-0007, https://www.regulations.gov/document?D=OSHA-2014-0022-0009.*

[9] See, *e.g.,* ANSI/ISO 12100:2012 Safety of machinery—General principles for design—Risk assessment and risk reduction; ISO 13849–

standards evaluate the safety of a control system by considering its design and function. The IEC standards evaluate whether a system can achieve a certain ''safety integrity level,'' while the ISO 13849–1 consensus standard evaluates ''performance levels'' for each safety function. The ISO 13849–2 consensus standard also has safety categories that describe both the performance level required for that category and the characteristics of the error-checking of a system in that category. The highest safety category requires both the highest performance level of the control system and the most extensive error checking. Additionally, to determine the level of safety of a control system, both the IEC and the ISO standards consider the reliability of the system as a whole and its components, the operating environment, and the effects of failure.

OSHA promulgated the current version of 29 CFR 1910.147 on September 1, 1989. OSHA relied heavily on a 1982 consensus standard published by the American National Standards Institute (ANSI).[10] The 1989 preamble stated that the ANSI standard was ''[o]f great assistance to OSHA'' and that ''[t]he consensus standard was utilized by OSHA as the primary basis for development of its proposed standard.'' 54 FR 36645. ANSI reaffirmed the 1982 consensus standard ''without any changes in content'' in 1988 and again in 1992.

But by 2014, the Z244.1 committee recognized that, with the rapid advancement of technology, ''[a]dvanced control systems provide new opportunities for addressing energy control where conventional lockout is not feasible, where energy is required to perform a task, where repetitive cycling of an energy-isolating device increases risk, and where energy is required to maintain equipment in a safe state, etc.'' As a result, ANSI revised its standard to include ''distinct requirements for controlling hazardous energy through three different approaches: lockout (the primary approach), tagout and alternative methods.''

In 2016, the committee released a new consensus standard, ANSI/ASSPP Z244.1—2016 The Control of Hazardous Energy Lockout, Tagout and Alternative Methods. The standard's Introduction states that it ''provides for decision-making flexibility regarding hazardous energy control methodology. Alternative methods, when used, are based upon risk assessment and application of the classic hazard control hierarchy (clause 8.1.2). However, lockout continues to be emphasized as the primary hazardous energy control method.'' The ANSI standard requires that lockout or tagout ''be used unless the user can demonstrate an alternative method will provide effective protection for persons. When lockout or tagout is not used, then alternative methods shall be used only after the hazards have been assessed and risks documented.'' Thus, before using an alternative method, the employer is required to complete a practicability/justification analysis, a risk assessment, and other applicable evaluations. An accompanying chart and table in the standard go through the risk assessment process and the hazard control hierarchy.

OSHA is seeking information, comments, and data on the effectiveness of these approaches to control system safety and any limitations or potential issues regarding their use for some tasks that currently require lockout/tagout.

B. Addressing New Robotics Technology in Relation to Lockout/Tagout

Because robots may contain hazardous energy, the Lockout/Tagout standard can apply to their servicing and maintenance. OSHA has previously focused on industrial robots, defined as ''programmable multifunctional mechanical devices designed to move material, parts, tools, or specialized devices through variable programmed motions to perform a variety of tasks.'' [11] OSHA is now studying the evolution of the use of robots in the workplace and how this affects employee protections related to the control of hazardous energy in the context of the Lockout/Tagout standard.

The traditional robot model involves a large device that welds metal pieces or moves panels or assemblies. This type of robot has a fixed base and an arm that moves freely. It is kept separate from workers during its operating stage and stays behind a locked door or within a locked compartment as it works. During periods of maintenance or adjustment, these robots' movements are supposed to be limited or greatly slowed to reduce or eliminate the potential for worker injury.

The technological innovations of a new generation of robots, however, suggest that this may be changing. Unlike traditional robots, newer robots are more mobile and may be allowed to roam freely in a specified area, even if that area is separate from employees. Collaborative robots go a step further by working with human workers. In some cases, such robots are worn directly by the employees themselves, for example, as exoskeletons.

Due to these advances in robotics, OSHA is seeking information, comments, and data about any new risks of exposure to hazardous energy that employees may face as a result of increased interaction with robots. OSHA is seeking information, comments, and data on whether the agency should consider changes to the Lockout/Tagout standard that would address these new risks, as well as to account for any reduction in risks or other benefits to worker safety, associated with using robots.

C. Economic Impacts

In addition to the specific questions posed in Part III of this RFI, OSHA welcomes data and information on the potential economic impacts should OSHA decide to make changes to the Lockout/Tagout standard. When responding to the questions in this RFI, OSHA requests, whenever possible, that stakeholders discuss potential economic impacts in terms of:

a. Quantitative benefits (*e.g.,* reductions in injuries, fatalities, and property damage);

b. Costs (*e.g.,* compliance costs or decreases in productivity); and

c. Offsets to costs (*e.g.,* increases in productivity, less need for maintenance and repairs).

OSHA also invites comment on any unintended consequences and consistencies or inconsistences with other policies or regulatory programs that might result if OSHA revises the 29 CFR 1910.147 standard.

OSHA welcomes all comments but requests that stakeholders discuss

1:2015(E) Safety of machinery—Safety-related parts of control systems—Part 1: General principles for design; ISO 13849–2:2012(E) Safety of machinery—Safety-related parts of control systems—Part 2: Validation; ISO/TR 22100–1:2015(E) Safety of machinery—Relationship with ISO 12100—Part 1: How ISO 12100 relates to type-B and type-C standards; ISO/TR 22100–2:2013(E) Safety of machinery—Relationship with ISO 12100—Part 2: How ISO 12100 relates to ISO 13849–1; ISO 14118:2000(E) Safety of machinery—Prevention of unexpected start-up; ISO/TR 14121–2:2012(E) Safety of machinery—Risk assessment— Part 2:Practical guidance and examples of methods; IEC 62040–1:2017–04 PRV(en-fr) FINAL DRAFT INTERNATIONAL STANDARD Uninterruptible power systems (UPS)—Part 1: Safety requirements; IEC 62061:2005–01+AMD1:2012–11+AMD2:2015–06 CSV(en-fr) CONSOLIDATED VERSION Safety of machinery—Functional safety of safety-related electrical, electronic and programmable electronic control systems; IEC 61508–1:2010 INTERNATIONAL STANDARD Functional safety of electrical/electronic/programmable electronic safety-related systems—Part 1: General requirements.

[10] See ANSI Z244.1, American National Standard for Personnel Protection—Lockout/Tagout of Energy Sources—Minimum Safety Requirements.

[11] OSHA, *Robotics: Overview,* available at *https://www.osha.gov/SLTC/robotics/index.html.*

economic impacts in as specific terms as possible. For example, if a provision or policy change would necessitate additional employee training, it is most helpful to OSHA to receive information on the following:

1. The training courses necessary;
2. The topics training would cover;
3. The types of employees who would need training and what percent (if any) of those employees currently receive the training;
4. The length and frequency of training;
5. Any retraining necessary; and
6. The training costs, whether conducted by a third-party vendor or by an in-house trainer.

For discussion of equipment-related costs, OSHA is interested in all relevant factors including:

1. The prevalence of current use of the equipment;
2. The purchase price;
3. Cost of installation and training;
4. Cost of equipment maintenance and operation and upgrades; and
5. Expected life of the equipment.

The agency also invites comment on the time and level of expertise required if OSHA were to implement potential changes this RFI discusses, even if dollar-cost estimates are not available.

III. Request for Information, Data, and Comments

OSHA is seeking information, data, and comments to help the agency determine what action, if any, it should take to modernize the control of hazardous energy standard while maintaining or improving worker safety. OSHA also seeks information, data, and comments that will inform the agency's analysis of the technological and economic feasibility of any such action.

OSHA would like data, information, and comments on the following questions:

Control Circuit Type Devices

1. In what work processes should OSHA consider allowing the use of control circuit type devices for hazardous energy control?

2. What are the limitations to using control circuit type devices? Do they have specific weaknesses or failure points that make them unsuitable for hazardous energy control?

3. If OSHA were to allow the use of control circuit type devices or other methods to control hazardous energy, would your firm choose to use them? Why or why not? Do you anticipate that these devices would save your firm money? For example, would these devices simplify operations or maintenance? Are there fewer steps needed to implement the controls? How frequently do you employ some form of lockout/tagout system in your facility?

4. Are there any specific conditions under which the use of control circuit type devices would not be advisable?

5. When the Lockout/Tagout standard was originally drafted, OSHA rejected the use of control circuit type devices for hazardous energy control due to concerns that the safety functions of these devices could fail as a result of component failure, program errors, magnetic field interference, electrical surges, or improper use or maintenance. Have new technological advances to control circuit type devices resolved these concerns? How so?

6. Are there issues with physical feedback for control circuit type devices?

7. What are the safety and health issues involving maintenance, installation, and use of control circuit type devices? Have you found that alternative safety measures themselves cause any new or unexpected hazards or safety problems? Please provide any examples if you have them.

8. Do control circuit type devices address over-voltage or under-voltage conditions that may signal power-off, power-on, or false negatives on error checking?

9. How do control circuit systems detect if a component of a control circuit device breaks, bends, or otherwise goes out of specification? How do the systems signal this to the exposed employee? Could these types of failures create a hazard while the system continues to signal that conditions are safe?

10. What level of redundancy is necessary in determining whether a control circuit type device could be used instead of an EID?

11. Lockout/tagout on EIDs ensures that machines will not restart while an employee is in a hazardous area. How do control circuit type devices similarly account for employees working in areas where they are exposed to hazardous machine energy?

12. How do control circuit type devices permit an employee to maintain control over his/her own safety?

13. How do control circuit type devices permit employees to verify that energy has been controlled before beginning work in danger zones? How do the devices account for exposed employees before equipment is restarted?

14. Control circuit type devices have a number of claimed benefits compared to energy isolating devices, including workers' greater willingness to use such devices, better efficiency, less downtime, and the lack of a requirement to clear programming on computer controlled devices. Are there any other benefits to using control circuit type devices? Are there certain situations where these devices are especially advantageous? For example, where machine tasks require frequent repetitive access, is the process faster and/or less physically demanding than applying mechanical lock(s)?

15. What other methods or devices, if any, are being used with control circuit type devices to control the release of hazardous energy, especially in cases where the control circuit devices are only used to prevent machine start-up? Are there control circuit type devices that require additional methods or devices to fully control the release of hazardous energy? What improvements to safety or health does the use of these devices or methods provide?

16. What are the unit costs for installing and using control circuit type devices or other alternative methods of hazardous energy control? Are the costs of installing and using control circuit type devices or other alternative methods of controlling hazardous energy dependent on the capacity or efficiency of the devices? If so, please include details on the effects of capacity on these unit costs including the capacity of any equipment you use in your facility. Are these devices generally integrated into newly purchased machinery, or are they purchased and installed separately? What steps need to be taken, and how long do those steps take, for these systems to be engaged in a manner that fully protects workers from the release of hazardous energy?

17. What additional actions is your firm taking to protect workers when they are servicing machinery with control circuit type devices in order to meet OSHA's Lockout/Tagout standard requirements? For example, does your firm purchase and use physical devices that you feel do not enhance worker protections but nonetheless are required by the OSHA standard? What are these items and how much do they cost? Please explain why you feel these items do not enhance worker protections.

18. The American National Standards Institute (ANSI), the International Organization for Standardization (ISO), and the International Electrotechnical Commission (IEC) all have standards that may be applicable to control circuit type devices.[12] Should OSHA consider

[12] These include, but are not limited to, ANSI B11.19–2010 American National Standard for Machines—Performance Criteria for Safeguarding, ISO 12100, ISO 14118, ISO 14121, IEC 62040, IEC 62061, and IEC 61508.

adopting portions of any ANSI, ISO, or IEC standard that specifies requirements for control circuit devices as part of an updated OSHA standard? Are there recommendations in the consensus standards that you choose not to follow? If so, please explain why. Are there any requirements in these standards that would impose significant cost burdens if OSHA were to include those requirements in a revised Logout/Tagout standard? Are there provisions of one consensus standard when compared to the others that you perceive as having lower costs to implement and use on a day-to-day basis while providing protection to workers that is equal to or greater than that provided by the other standards? If so, please explain.

19. ISO categorizes ''the ability of safety-related parts of control systems to perform a safety function under foreseeable conditions'' into one of five levels, called performance levels.[13] These performance levels ''are defined in terms of probability of dangerous failures per hour.'' Should OSHA consider requiring a specific performance level in determining whether a control circuit type device could be a safe alternative to an EID?

20. Can System Isolation Equipment, as discussed in the UL consensus standard UL6420 Standard for Equipment Used for System Isolation and Rated as a Single Unit,[14] provide protection equal to that obtained through lockout/tagout?

21. The ANSI/ASSE Z244.1 consensus standard encourages the use of risk assessment and hazard control hierarchy as alternative methods of hazardous energy control. Should OSHA consider incorporating these methods in any new standard with respect to the use of control circuit type devices?

22. Do you currently utilize the services of a specialized safety engineer or employment safety administrator to test for competency and/or ensure that the hazardous energy control system is operational? If so, how many hours does this individual spend on these tasks? Do you anticipate you would need to make use of these services if OSHA revised the Lockout/Tagout requirements to align with the consensus standards? Based on data from the Bureau of Labor Statistics, OSHA estimates that an occupational health and safety specialist makes $33.14 an hour or $68,930 annually plus benefits.[15] If you have used the services of such specialists, how does this compare with your experience?

23. How much training do you currently provide on Lockout/Tagout requirements? How long does training on this subject take and how often do employees receive training on the subject? If OSHA were to revise the Lockout/Tagout standard to permit use of control circuit type devices in some circumstances, would newly hired workers require more training or less than under the current standard? What format do you use to provide training on the Lockout/Tagout standard at your facility (*i.e.,* small group classroom session, self-guided computer modules, etc.)? If you have used third-party training vendors to provide similar training, what are the costs? If training is provided in-house, what sort of employee provides the training (*i.e.,* a first-line supervisor, a safety and health specialist, etc.)?

Robotics

24. Should OSHA consider making revisions to the Lockout/Tagout standard that address advances to robotics technology with respect to hazardous energy control? If so, what revisions should OSHA consider?

25. What are the aspects of design and build, the features, or the specifications of modern robots that are relevant to an evaluation of whether a robot has the potential to release hazardous energy while in the presence of employees? How do you use robotics? Are robotics isolated from nearby employees? Near employees? Directly employed or worn by employees?

26. Are you aware of any instances where workers have been injured or killed by the release of hazardous energy when working with robotic technologies? Please provide examples if you have them.

27. Robots operate using software. What processes or tools exist to ensure that this software is safely operating (including protection from malware, tampering, and other threats) or displaying signs that a robot could malfunction and lead to a release of hazardous energy while in the presence of employees? Should OSHA consider making revisions to the Lockout/Tagout standard with respect to the safe functioning of robotics software? If so, what revisions should OSHA consider? To the extent that there are such revisions, how much would they increase the costs of or development hours for the software?

28. Are you currently using some form of lockout/tagout to control hazardous energy in robots? What steps do you take? How long do those steps take? Do you use any specially purchased equipment or materials for this process? How frequently do you take steps to control hazardous energy releases in your industrial robots? How does the process compare to the steps undertaken to comply with OSHA's Lockout/Tagout standard? How many labor hours do these additional steps require? Do these steps require any additional equipment? If so, what does this equipment cost?

29. Should OSHA consider adopting portions of the ANSI/RIA R15.06–2012 standard on Industrial Robots and Robot Systems, which outlines the safety requirements for risk assessments of robotic system installations? Are there any requirements in the ANSI/RIA standard that would be prohibitively expensive for your company to implement? Are there any requirements that do not provide sufficient protections for workers?

30. Is there another standard, besides ANSI/RIA R15.06–2012 Industrial Robots and Robot Systems—Safety Requirements, that OSHA should consider in developing requirements for the control of hazardous energy involving robotics?

Specific Questions Regarding Economic Impacts

31. Please describe in detail how a standard for the control of hazardous energy that incorporates the use of control circuit type devices or new robotic technology could create more jobs; eliminate outdated, unnecessary, or ineffective requirements; or produce other economic benefits. Please provide information supporting your view, including data, studies and articles.

32. The Regulatory Flexibility Act (5 U.S.C. 601, as amended) requires OSHA to assess the impact of proposed and final rules on small entities. OSHA requests comments, information, and data on how many and what kinds of small businesses, or other small entities, in general industry employment could be affected if OSHA decides to revise

[13] See ISO 13849–1:2015 Safety of Machinery—Safety-Related Parts of Control Systems—Part 1: General Principles of Design.

[14] UL6420 ''applies to isolating equipment incorporating electromechanical contactors remotely controlled and monitored to provide remote isolation status indication with a defined integrity level. This equipment is intended for use as an additional isolating means on the load side of the required supply-disconnecting device and over current protection. This standard applies to isolating equipment that is to be used in circuits of which the rated voltage does not exceed 1000 Vac or 1500 Vdc.'' See *https://standardscatalog.ul.com/standards/en/standard_6420.*

[15] Bureau of Labor Statistics, Occupational Employment Statistics, May 2016 National Occupational Employment and Wage Estimate for SOC 29–9010 Occupational Health and Safety Specialists and Technicians, *https://www.bls.gov/oes/current/oes_nat.htm.* Accessed March 14, 2018.

provisions in 29 CFR 1910.147. Describe any such effects. Where possible, please provide detailed descriptions of the size and scope of operation for affected small entities and the likely technical, economic, and safety impacts for those entities.

33. In addition, are there any reasons that the benefits of reducing exposure to hazardous energy might be different in small firms than in larger firms? Are there any reasons why the costs for controlling hazardous energy would be higher for small employers than they would be for larger employers? Are there provisions that would be especially costly to small employers? Please describe any specific concerns related to potential impacts on small entities that you believe warrant special attention from OSHA. Please describe alternatives that might serve to minimize those impacts while meeting the requirements of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.*

IV. Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 653, 655, and 657, Secretary's Order 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR part 1911.

Signed at Washington, DC, on May 7, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–10247 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2019–4]

Group Registration of Works on an Album of Music

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is proposing to create a new group registration option for musical works, sound recordings, and certain other works contained on an album. The proposed rule will expand the registration options currently available to register multiple musical works or sound recordings under one application. In particular, this proposed group registration option will permit the registration of multiple musical works and/or sound recordings distributed together, regardless of whether such distribution occurs via physical or digital media.

DATES: Comments on the proposed rule must be made in writing and received by the U.S. Copyright Office no later than 11:59 p.m. EDT on July 19, 2019.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *http://copyright.gov/rulemaking/gram.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at *regans@copyright.gov,* Robert Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, by email at *rkas@copyright.gov,* Erik Bertin, Deputy Director, Registration Policy & Practice, by email at *ebertin@copyright.gov,* or John R. Riley, Attorney-Advisor, by email at *jril@copyright.gov.* All can be reached by telephone at 202–707–8040.

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Copyright Office (''Office'') is proposing to create a new group registration option for musical works, sound recordings, and associated literary, pictorial, and graphic works contained on an album. When Congress enacted the Copyright Act, it authorized the Register of Copyrights to specify by regulation the administrative classes of works for the purpose of seeking a registration and the nature of the deposit required for each such class. In addition, Congress gave the Register the discretion to allow registration of groups of related works with one application and one filing fee, a procedure known as ''group registration.'' [1] Pursuant to this authority, the Register issued regulations permitting the Office to issue group registrations for certain limited categories of works, provided that certain conditions have been met.[2]

As the legislative history explains, allowing ''a number of related works to be registered together as a group represent[ed] a needed and important liberalization of the law.'' [3] Congress recognized that requiring applicants to submit separate applications for certain types of works may be so burdensome and expensive that authors and copyright owners may forgo registration altogether, since copyright registration is not a prerequisite to copyright protection, although registration must be made before instituting a civil infringement action.[4] For musical works, not appearing in the Office's records can have additional repercussions, as ''the copyright owner must be identified in the registration or other public records of the Copyright Office'' to be entitled to certain statutory royalties for the reproduction and distribution of non-digital phonorecords under the section 115 license.[5] Further, if copyright owners do not submit their works for registration, the public record will lack information concerning those works, diminishing the value of the Office's records.

When multiple works are included in one submission, however, it can be more difficult to adequately capture information about each work, particularly within the technological constraints of the current electronic registration system. The Office must also consider the potential effect any group registration option may have on its overall administration of the copyright registration system, to avoid an adverse effect on the timeframe for examining other types of works.[6] Therefore, group registration options require careful balancing of the copyright owners' desire for more liberal registration options, the need for an accurate public record, and the need for an efficient method of facilitating the examination of each work.

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[1] *See* 17 U.S.C. 408(c)(1).

[2] *See generally* 37 CFR 202.3(b)(5), 202.4; *see also* 83 FR 65612 (Dec. 21, 2018) (proposed group registration of short online literary works).

[3] H.R. Rep. No. 94–1476, at 154 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5659, 5770; S. Rep. No. 94–473, at 136 (1975).

[4] *See* 17 U.S.C. 411(a); *Fourth Estate Pub. Benefit Corp.* v. *Wall-Street.com, LLC,* 139 S. Ct. 881, 886 (2019).

[5] 17 U.S.C. 115(c)(1)(A).

[6] *See* 84 FR 3693, 3694 (Feb. 13, 2019) (establishing limit on number of works in the group of unpublished works in light of projected examination costs); 83 FR 2542, 2544 (Jan. 18, 2018) (establishing limit on number of photographs that may be included in a group in light of the projected costs of examining claims for that group).

II. Existing Registration Options for Musical Works and/or Sound Recordings on an Album

A sound recording and the musical work embodied in the sound recording are considered separate works. Under the Copyright Office's existing regulations and registration practices, a single musical work and the recording of that work may be registered with one application and one filing fee if the composition and recording are embodied in the same phonorecord and if the same party has been named as the claimant for both works.[7] In addition, copyright owners have three main options for registering multiple musical works and sound recordings with one application and one filing fee: (1) Registering multiple unpublished works as a group of related works; (2) registering a collective work together with the individual contributions included within that work; or (3) registering multiple published works as a unit of publication.[8] These options are summarized below.

A. Unpublished Works

Multiple sound recordings, musical works, or other creative works may be registered with one application and fee under the group registration option for unpublished works if (1) all of the works are unpublished; (2) the works are registered in the same administrative class; (3) all of the works are by the same author or the same joint authors; (4) the author or joint authors are named as the copyright claimant; and (5) the authorship statement for each work and each claimant is exactly the same.[9] Up to ten sound recordings and ten musical works, *i.e.,* twenty total works, may be registered under this option if each musical work and sound recording is fixed in the same phonorecord and if the copyright claimant for both works is the same person or organization.[10] This may be beneficial to authors and copyright owners as a group registration covers each copyrightable work in the group, though this option is only available if registration is made before the works have been published.

B. Collective Works and Contributions to Collective Works

Applicants may presently register multiple musical works and/or sound recordings with one application and filing fee, if they are part of a ''collective work'' and if certain requirements have been met. A collective work is a type of compilation where there is a ''work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.'' [11] The authorship in a collective work comes from the original selection, coordination, and arrangement of the independent works.[12] But not all groupings of works qualify for registration as a collective work. For example, while some courts have held that albums consisting of selected sound recordings of musical works are ''compilations,'' [13] an album would not be considered a collective work if it does not contain a sufficient number of contributions or a sufficient amount of creative selection, coordination, or arrangement.[14]

A collective work registration will extend to the individual works on an album if the following requirements have been met. First, each individual work must contain a sufficient amount of original authorship. Second, the copyright in the collective work and the individual component works must be owned by the same party.[15] And third, the individual works must not have been previously published or registered and must not be in the public domain.[16] But a collective work is considered a single work for purposes of calculating statutory damages, therefore, registering a collective work together with the individual works contained in it may have important consequences in an infringement action.[17]

In practice, most music albums are registered as collective works by record companies that authored or own the collective work and the sound recordings on the album. By contrast, musical works contained within an album are generally authored and/or owned by a wider variety of songwriters, composers, and music publishers. These works are not typically covered by the collective work registration, because the authors or owners of the musical works are often not the author or owner of the collective work, that is, the album. In such cases, the musical works must be registered separately from the album, and the applicant generally must submit a separate application for each work. The collective work option is therefore of limited value to songwriters, composers, and music publishers.

B. Unit of Publication

Certain applicants may also register multiple musical works and sound recordings as a single work, with one application and filing fee, by using the ''unit of publication'' option.[18] This is an administrative procedure that allows an applicant to register a number of works that were physically packaged or bundled together as a single unit by the claimant and first published on the same date.[19]

A registration issued under this option covers each work in the unit that is owned by the copyright claimant. A unit of publication is different from a collective work because it does not require compilation authorship, and the unit does not need to contain ''a number of contributions, constituting separate and independent works in themselves.'' [20] This option may be used to register ''a package of separately fixed component works that are physically bundled together for distribution to the

[7] *See* 37 CFR 202.3(b)(1)(iv). For purposes of registration, a ''claimant'' may be the author of the musical work and the sound recording or a person or organization that owns all of the exclusive rights in those works. *Id.* at 202.3(a)(3).

[8] *See* U.S. Copyright Office, *Circular 34: Multiple Works* (Mar. 2019), *https://www.copyright.gov/circs/circ34.pdf.*

[9] 37 CFR 202.4(c).

[10] *Id.* at 202.3(b)(1)(iv), 202.4(c)(2).

[11] 17 U.S.C. 101 (definition of collective work); *see also id.* (''The term 'compilation' includes collective works.'').

[12] *See* U.S. Copyright Office, *Compendium of U.S. Copyright Office Practices, Third Edition* sec. 312.2 (3d ed. 2017) (citing *Feist Publ'ns., Inc.* v. *Rural Tel. Serv. Co. Inc.,* 499 U.S. 340, 348 (1991)) (''*Compendium (Third)*'').

[13] *See, e.g., Bryant* v. *Media Rights Prods.,* 603 F.3d 135, 140–41 (2d Cir. 2010) (''An album falls within the Act's expansive definition of compilation. An album is a collection of preexisting materials—songs—that are selected and arranged by the author in a way that results in an original work of authorship—the album.''); *Vargas* v. *Viacom Int'l, Inc.,* 2018 U.S. Dist. LEXIS 204474, at *15–16 (S.D.N.Y. Nov. 30, 2018).

[14] *See, e.g., Compendium (Third)* sec. 312.2 (noting that ''selection[s] consisting of less than four items will be scrutinized for sufficient authorship'' and that selections ''that [are] mechanical or routine,'' or are ''commonplace'' will not trigger copyright protection).

[15] *See Morris* v. *Bus. Concepts, Inc.,* 259 F.3d 65, 70–71 (2d Cir. 2001), *abrogated on other grounds by Reed Elsevier, Inc.* v. *Muchnick,* 559 U.S. 154, 160 (2010); *King Records, Inc.* v. *Bennett,* 438 F. Supp. 2d 812, 843 (M.D. Tenn. 2006) (''[T]he copyright of a collection of sound recordings in the form of an album extends copyright protection to both the album and the individual sound recordings contained therein, regardless of whether the sound recordings are individually listed on the certificate of registration.'').

[16] *Compendium (Third)* sec. 509.2; U.S. Copyright Office, *Circular 34: Multiple Works* 2–3.

[17] *See* 17 U.S.C. 504(c)(1) (A copyright owner may be entitled to recover ''an award of statutory damages for all infringements involved in the [infringement] action, with respect to any one work,'' and ''[f]or the purposes of this subsection, all the parts of a compilation . . . constitute one work.''); *see also UMG Recordings, Inc.* v. *MP3.com, Inc.,* 109 F. Supp. 2d 223, 224–25 (S.D.N.Y. 2000).

[18] *See* 37 CFR 202.3(b)(4).

[19] *Compendium (Third)* secs. 1103, 1107.2.

[20] 17 U.S.C. 101 (definition of collective work); *Compendium (Third)* sec. 1103.

public as a single, integrated unit,'' such as a ''CD packaged with cover art and a leaflet containing lyrics'' or a ''box set of music CDs.'' [21] This registration accommodation has long-allowed one application to not only extend to any collective work that is included within the unit (*e.g.,* a compilation of sound recordings), but also the cover art, liner notes, and any other separately fixed work contained in the unit and owned by the same claimant.

Because the unit of publication option is restricted to works that were first published in a physical unit, this option is not available for works first published, or published solely, on a digital album distributed over the internet, an increasingly common practice.[22] The Office has declined to extend the unit of publication option to digital products, explaining that ''[t]he unit of publication option was always intended to be a narrow accommodation to account for a particular scenario: Where a physical product bundles together multiple types of works of authorship as a single 'unit,' and those separate works are not published individually.'' [23] It makes little sense to require separate applications for each work of authorship in this situation, because this could result in duplicative deposits.[24] When considering digital products, the calculus is different. There is less concern over burdening applicants (or the Office) with duplicative deposits, but it is typically more difficult for the Office to verify whether multiple works have been packaged and distributed as a unit, or if they were distributed as ''a single digital file or in multiple digital files, or could readily be published only as a bundle, or both in a bundle and individually.'' [25]

In concluding that it would be inappropriate to make the unit of publication option generically available to digital products, the Office noted its intention to ''create a new group registration option to accommodate [digital music albums],'' citing ''the inability to register multiple musical works fixed and/or distributed on an album,'' including those released first (or only) in digital formats.[26] This proposed rule follows through on this statement by proposing a new group registration option for multiple musical works, as well as sound recordings and other works distributed in the same album, subject to the eligibility criteria outlined below.

III. The Proposed Rule

While the options described above remain useful to facilitate the registration of many musical works and sound recordings, in practice, the varying eligibility requirements can result in uneven registration options (and associated fees) for musical work copyright owners versus sound recording copyright owners (since the collective work option is more typically available for the latter), and for physical versus digital-only albums (since the unit of publication option may only be used to register physical products).

To address these issues, the Office is proposing to create a group registration option specifically for works by the same author(s) that are contained on the same album. This option will be known as ''Group Registration of Works on an Album of Music'' or ''GRAM.'' This alternative is intended to expand registration options for the authors and other owners of musical works, sound recordings, and associated literary, pictorial, or graphic works in a manner that provides more flexibility for the registration of multiple works on a particular album. Each work in the group will be registered as a separate work, and each work should be eligible for a separate award of statutory damage awards in an infringement action.

A. Eligibility Requirements

As proposed, applicants that fail to satisfy the eligibility requirements outlined below will not be permitted to use this option to register works.

1. Definition of an ''Album''; Works That May Be Included in This Option

The proposed rule limits the group registration option to musical works, sound recordings, and any associated literary, pictorial, or graphic works on an album of music, such as liner notes and cover artwork.[27] For the purposes of this registration option, the proposed rule defines ''album'' as ''a single physical or electronic unit of distribution containing at least two musical works and/or sound recordings embodied in phonorecords, including any associated literary, pictorial, or graphic works distributed with the unit.'' [28]

This definition is intended to encompass groups of musical works and/or sound recordings released to the public,[29] and includes both physical units of distribution such as CDs, cassettes, and vinyl records as well as digital releases that are available for download as an album (*e.g.,* multiple digital tracks offered at a unified album price). The proposed rule does not distinguish between an album that can only be purchased in its entirety, such as a multi-track CD, and an album uploaded to a digital music service that is offered to the public both in its entirety and as individual songs that may also be individually downloaded without purchasing the album as a whole. In all cases, the musical works and/or sound recordings must be fixed and distributed together in an audio form. Works embodied in a visually perceptible form, such as books of sheet music, would not be eligible.

The proposed rule may be used to register up to twenty musical works or twenty sound recordings contained in an album. It may also be used to register up to twenty musical works and twenty sound recordings, *i.e.,* forty total works, if the works are fixed in the same phonorecord, if the works are created by the same author or have at least one common author, and if the claimant for each work in the group is the same. The Office recognizes that some albums contain more than twenty musical works and sound recordings, but

[21] *Compendium (Third)* sec. 1107.1.

[22] *See, e.g.,* Keith Caulfield, *Chance the Rapper's 'Coloring Book' is First Streaming-Exclusive Album to Chart on Billboard 200,* Billboard (May 22, 2016), *https://www.billboard.com/articles/columns/chart-beat/7378361/chance-the-rapper-coloring-book-first-streaming-exclusive;* Jason Bullinger, *Led Zeppelin Releases Three Digital Only Albums* (Sept. 28, 2018), *http://www.altrevolt.com/led-zeppelin-releases-three-digital-only-albums/.*

[23] 82 FR 45625, 45627 (Sept. 29, 2017).

[24] *Id.* (providing example of individual pieces of a board game).

[25] *Id.*

[26] *Id.* at 45628.

[27] The proposed rule would not apply to any motion pictures or other audiovisual works that may be included on an album, because the Office has concluded that including such works would disproportionately increase the amount of time needed to examine each application. Such motion pictures or audiovisual works would have to be registered separate from the works registered through a GRAM registration. The Office understands that many digital albums increasingly contain audiovisual content and welcomes comments on this provision.

[28] The Office recognizes that in the music industry, the word ''album'' sometimes is used to refer to a larger collection of tracks, in contrast to smaller bundles of tracks, such as EPs. For this rule, there is no policy reason to treat smaller bundles differently. *See What is the Difference Between a Single, an EP and an Album,* TuneCore, *https://support.tunecore.com/hc/en-us/articles/115006689928-What-is-the-difference-between-a-Single-an-EP-and-an-Album-* (last visited May. 1, 2019) (noting that a single is one track and an album has two or more tracks); *What is the Difference Between Single, EP and Albums?,* CDBaby, *https://support.cdbaby.com/hc/en-us/articles/360008275672-What-is-the-difference-between-Single-EP-and-Albums-* (last visited May 1, 2019) (same); *see also Billboard 200,* Wikipedia, *https://en.wikipedia.org/wiki/Billboard_200* (last visited May 1, 2019) (noting Billboard 200 list ranks LPs and EPs together as ''albums''). Conversely, the Office may reassess this option in the future if ''albums'' stop being a popular means for releasing multiple tracks together.

[29] If all the works on the album have not been previously published, applicants should register the works as a group registration of unpublished works.

believes this number will make this option available to the majority of albums actually sold in the market.[30] This option also benefits copyright owners that are seeking to register two or three works that likely would not meet the statutory requirements for a collective work.

Based upon the Office's experience registering music albums, most claims will involve registration of a dozen or fewer works. As discussed below, applicants will be required to submit their claims through the existing online registration system. The Office does not currently have the ability to charge differential prices to offset the additional work involved in examining these claims. The Office will closely monitor the number of musical works and sound recordings that are submitted to determine if this option has an adverse effect on processing times for other types of claims handled by the Performing Arts Division. If the average number of works proves to be closer to twenty, or if these claims increase overall processing times, the Office may need to revisit the proposed limit, or its associated fee.

This proposed rule will also permit the registration of associated literary, pictorial, and graphic works in the album, including cover art, liner notes, and/or posters. As noted above, the physical packaging requirement of the unit of publication accommodation has limited the opportunity to register such ancillary works released together in the digital environment. This proposed rule is intended to address that limitation by allowing such works to be registered together with the musical works and/or sound recordings, subject to the additional eligibility requirements discussed below.

The proposed rule does not limit the number of literary, pictorial, or graphic works that may be included in the claim, for two reasons. To qualify for this option, the works must be created or co-created by the author of the musical works and/or sound recordings. This typically occurs when musical works, sound recordings, and other album content are created by the same singer-songwriter, or when sound recordings and related album material are created as a work made for hire. The Office expects that the vast majority of GRAM claims will be limited to music and/or sound recordings, and relatively few will include any associated literary, pictorial, or graphic works. If these types of works are included in the claim, the Office expects that they will take less time to examine than the musical works or sound recordings. If these assumptions prove to be incorrect, the Office may revisit this issue and impose a numerical limit on the amount of associated material that may be included in each claim.

Finally, the group registration option cannot be used to register sound recordings that were fixed before February 14, 1972, because, as a general rule, those works are not eligible for full federal copyright protection.[31] And unlike the registration for a collective work, this group registration option will not cover the authorship involved in selecting, coordinating, and arranging the works into the album as a whole, consistent with the general scope of a group registration.[32] To register the authorship involved in selecting and arranging the works, the applicant would need to separately register the album as a collective work or compilation.

2. Author and Claimant

Under the proposed rule, all of the works claimed in the group must have a common author, although authorship for each work claimed need not be identical. This requirement may be satisfied if the works were created by the same author. In the case of a joint work, this requirement may be satisfied if each work was co-created by the same co-author, even if the other co-authors are different.[33] In addition, the copyright claimant(s) for each work must be the same person(s) or organization.[34] Specifically, the claimant may either be (1) the author or co-author of all of the works, or (2) the party that owns all of the exclusive rights that initially belonged to the author or co-authors. If the author(s) and the copyright claimant(s) are different, the applicant must provide an appropriate transfer statement that indicates how the claimant obtained ownership of all of the exclusive rights in the works, such as ''by written agreement.''

For example, if multiple songs on an album were created by the same songwriter, that individual could be named as the copyright claimant (even if the copyright is owned by a music publisher). If a music publisher owns all of the exclusive rights in the works claimed on the application, that publisher could register the works in its own name by identifying itself as the copyright claimant and providing an appropriate transfer statement explaining how it obtained ownership of the copyright. Similarly, a singer-songwriter that created the musical works, sound recordings, and photographs on an album could register all of those works by naming himself or herself as the copyright claimant. Alternatively, a third party that owns all of the exclusive rights in those works could register them in its own name by providing an appropriate transfer statement indicating how it obtained ownership of the rights that initially belonged to the singer-songwriter.

To be clear, a third party may only be named as a claimant or co-claimant if that party owns the copyright in all of the works in the group.[35] If a party owns one or more—but less than all—of the exclusive rights in the works, that party cannot be a copyright claimant. Likewise, if the works were created by two or more co-authors, the claimant or co-claimants must own or co-own all of the rights that initially belonged to the

[30] In cases where an album contains over twenty tracks, such as a double album, an applicant may file multiple applications under this option.

[31] Title II of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act, the Classics Protection and Access Act, provides for federal remedies for certain unauthorized uses of pre-1972 sound recordings, while preserving the rule that ''no sound recording fixed before February 15, 1972, shall be subject to copyright under this title.'' Public Law 115–264, sec. 202, 132 Stat. 3676, 3728–38 (2018); 17 U.S.C. 301(c). Foreign sound recordings fixed before February 14, 1972, however, may be eligible for copyright protection in the United States, but these works must be registered on an individual basis using Form GATT. *See* 17 U.S.C. 104(A); 37 CFR 202.12(c)(1), (d); 71 FR 15368, 15369 (Mar. 28, 2006); *see also* 84 FR 1661, 1670 (Feb. 5, 2019) (discussing interplay between 17 U.S.C. 104A and 303 following enactment of the Music Modernization Act).

[32] *See* 37 CFR 202.4(n) (''For purposes of registration, the group as a whole is not considered a compilation, a collective work, or a derivative work . . . .''). A court may separately determine whether multiple works infringed on any album were part of a collective work. *VHT, Inc.* v. *Zillow Grp., Inc.,* 918 F.3d 723, 749 (9th Cir. 2019) (''Though the registration label is not controlling, it may be considered by the court when assessing whether a work is a compilation. . . . Ultimately, what counts is the statutory definition.''); *Yellow Pages Photos, Inc.* v. *Ziplocal, LP,* 795 F.3d 1255, 1277 (11th Cir. 2015) (''Although the manner of copyright registration is not dispositive of the works issue, this Court has previously considered it to be at least a relevant factor.'').

[33] For example, in cases where sound recordings are not registered as works made for hire, if an album contains the same featured artist across tracks, that artist could be listed as the author of all tracks, even if different producers co-authored various tracks. *See Compendium (Third)* 803.3. Similarly, if a songwriter co-authored multiple musical works on an album, any such works may be registered in the group, even if each work was co-authored with different writing partners.

[34] In this respect the proposed rule is similar to the rules governing other group registration options. *See, e.g.,* 37 CFR 202.4(c)(5) (unpublished works), (d)(1)(iv) (serials), (e)(3) (newspapers), (f)(1)(iv) (newsletters), (g)(2) (contributions to periodicals), (h)(4) (unpublished photographs), (i)(4) (published photographs).

[35] *Id.* at 202.3(a)(3); *Compendium (Third)* sec. 404 (''A person or entity who owns one or more—but less than all—of the exclusive rights in a work is not eligible to be a claimant.'').

co-authors.[36] If a party owns or co-owns the rights that initially belonged to some, but not all, of the co-authors, that party cannot be named as a copyright claimant.

In all cases, the application may be submitted by an author, a party that owns all of the exclusive rights in the works, a party that owns one or more (but less than all) of the exclusive rights in the works, or an authorized agent of the foregoing parties.

The authorship and ownership of musical works and sound recordings can be complex. The Office recognizes that the proposed framework does not capture every division of rights that potentially exists within the music industry. This is due to the limitations of the current electronic registration system, and the limited nature of the Office's examination. As discussed in more detail below, the Office does not plan to create a new application form for this group registration option. Instead, these claims will be submitted using the Standard Application. This application was designed to register one work that was created or co-created by the same author or co-authors, assuming that the work is owned or co-owned by the same claimant or co-claimant(s).

The fields within the Standard Application are limited and cannot be changed. They are not capable of capturing nuanced ownership information, which limits the Office's ability to evaluate claims involving transfers of ownership involving multiple works and multiple parties. The Office will consider these issues when it begins to develop the requirements for its next-generation registration system and welcomes input from authors, publishers, recording companies, and other interested parties concerning the features and capabilities that should be considered.

3. Title Information

The applicant will be required to provide a title for the album, a title for each musical work and/or sound recording, titles for any associated literary, pictorial, or graphic works that are included in the group, and a title that identifies the group as a whole. The album title should be provided in the field marked ''Title of Larger Work.'' The title of the musical works, sound recordings, and any associated literary, pictorial, or graphic works should be provided in the field marked ''Contents Titles.'' When registering sound recordings together with the musical works embodied in those works, the same title may be provided for both works. When registering literary, pictorial, or graphic works, applicants may provide the file name that has been assigned to each work or a descriptive identification, such as ''cover art,'' ''liner notes,'' ''photo of recording artist,'' ''photo of guitar,'' etc.

The title of the group as a whole will be used to identify the registration in the online public record. This title should be provided in the field marked ''Title of Work Being Registered'' and should begin with the term ''GRAM,'' which will be used to identify the claim and assign it to an appropriate member of the Performing Arts Division. The group title may include any additional words that reasonably identify the group as a whole, such as the author's name(s), the album title, the type of works, or the number of works in the group, as in ''GRAM songs by Antwan Patton & André Benjamin,'' ''GRAM five songs from The Dungeon Album,'' ''GRAM songs, sound recordings, and cover artwork from the album Scorpricorn.''

4. Publication Information

The application must specify the date and nation of publication for the album, and all the works in the group must be first published on the album and on the same date. If the album includes works that were previously published (either on an individual basis or on a different album), or previously registered with the Office, those works should be excluded from the claim.[37] In this respect, the proposed rule is similar to the rules governing the registration of a collective work or a unit of publication.[38]

B. Application Requirements

In keeping with the Office's recent rules encouraging online registration,[39] the proposed rule requires applicants to electronically submit the application.[40] The Office recently amended its regulations to require other group registrations to be filed electronically, and the rationales provided in those rulemakings apply equally here.[41] As is the case with these other recent registration rules, the proposed rule would allow the Office to waive this online filing requirement in exceptional cases.[42]

Ordinarily, when the Office creates a new group registration option, it develops a corresponding application form to collect the information needed for that type of claim.[43] But the Office is beginning to work on the technical requirements for its next-generation registration system, and it does not intend to conduct any further development on the current system. In the interim, claims submitted under this new group registration option will need to be adapted to fit within the registration system as it currently exists.

Under the proposed rule, applicants will be required to submit their claims through the electronic system and they will be required to use the Standard Application. If the claim includes one or more sound recordings the applicant should select the Standard Application designated for a ''Sound Recording.'' If the group includes musical works but does not include any sound recordings, the applicant should select the Standard Application designated for a ''Work of the Performing Arts.'' Further instructions on how to complete the application will be provided by the Office through traditional avenues, including its website, circulars, or Chapter 1100 of the *Compendium.*

C. Filing Fee

Under the proposed rule, the filing fee for this option will be the fee that currently applies to any claim submitted on the Standard Application.[44] The Office has issued a proposal to increase this fee from $55 to $75.[45] If that proposal is adopted, the new fee will apply to any claim submitted on the Standard Application, including claims involving works contained on an album. The Office does not have the ability to charge differential prices when multiple works are submitted on the Standard

[36] Shared ownership of all the musical works on an album is not an eligibility requirement, because each song will be registered as an individual work.

[37] *See Compendium (Third)* secs. 621.4, 621.5.

[38] *See id.* secs. 509.1, 1107.1.

[39] *See* 84 FR at 3698 (group registration of unpublished works); 83 FR 4144, 4146 (Jan. 30, 2019) (group registration of newspapers); *see also* 83 FR 66182, 66184 (Dec. 26, 2018) (architectural works notice of proposed rulemaking); 83 FR at 65616 (short online literary works notice of proposed rulemaking).

[40] Likewise, the online-filing requirement will apply to the ''supplementary registration'' procedure, which may be used to correct or amplify the information in an existing registration. 37 CFR 202.6(e)(1).

[41] *See, e.g., id.* at 202.4(g)(6) (contributions to periodicals), 202.4(e)(5) (group newspapers), 202.4(f)(2) (group newsletters).

[42] *See, e.g., id.* at 202.4(g)(9), (h)(11), (i)(11), 202.6(e)(8).

[43] *See id.* at 202.4(c)(8), (d)(2), (e)(5), (f)(2), (g)(6), (h)(8), (i)(8).

[44] Section 708(b) authorizes the Register to adjust the fees that the Office charges for certain services, but before doing so it must conduct a study of the costs incurred in providing each service. 17 U.S.C. 708(b)(5). The Office intends to issue a supplemental notice of proposed rulemaking regarding its fee schedule that will give the public an opportunity to comment on the proposed fee for this group registration option, as well as fees that will be proposed in other unrelated rulemakings.

[45] 83 FR 25054, 24057 (May 24, 2018).

Application. However, the Office will consider this issue as it begins to develop the technical and legal requirements for its next-generation registration system.[46] In the interim, because the Office cannot presently charge a higher fee for GRAM claims, should processing times for this group option significantly outstrip the overall average processing time for Standard Applications, the Office may consider an adjustment to the number of works or complexity of claims permitted in this group to minimize subsidization.

D. Deposit Requirements

The deposit requirements for this group registration option will be the same as the requirements that normally apply to claims involving musical works, sound recordings, and associated album material.

Briefly stated, if the claim includes any sound recordings, the applicant should submit a complete phonorecord of the best edition of those sound recordings,[47] along with any printed or other visually perceptible material distributed with the recordings (regardless of whether the applicant intends to register that material).[48] If the album was published in a physical form (such as a CD or vinyl record) or in both physical and digital form, the applicant should submit two physical phonorecords, along with two physical copies of any related album material.[49] If the album was published solely in digital form, the applicant may upload a digital phonorecord along with a digital copy of any related album material.[50]

If the claim does not include any sound recordings, the applicant should submit a complete phonorecord of each musical work being registered.[51] If the claim includes any associated literary, pictorial, or graphic works, the applicant should submit a complete copy of those works. Musical works published solely on phonorecords are not subject to the best edition requirement.[52] Therefore, authors and owners of these works may submit digital phonorecords and digital copies to the electronic registration system (regardless of whether the album was published in a physical or digital form). Alternatively, the applicant may submit a physical phonorecord containing each musical work, along with a physical copy of any literary, pictorial, or graphic works that are included in the claim.

When submitting a digital deposit, each work must be contained in a separate electronic file. The files must be assembled in an orderly form, each must be submitted in one of the acceptable file formats listed on the Office's website,[53] and they must be uploaded to the electronic registration system as individual electronic files (not .zip files). A submission would be considered ''orderly'' if the file name for each musical work and/or sound recording can reasonably be matched with the corresponding title entered on the application so that the examiner can verify that the correct works were uploaded. In addition, the applicant would have to provide documentation confirming that the musical works and/or sound recordings were included on the album. Specific guidance for this requirement will be provided on the Office's website, circulars, and the *Compendium.* By way of example, applicants could upload a photo of the liner notes for the album or a screenshot from an online music service where the album may be found.

IV. Conclusion

The proposed rule is intended to facilitate broader participation in the registration system by making it easier for the authors or owners of musical works and/or sound recordings to register multiple works at the same time. The Office invites public comment on these proposed changes.

List of Subjects

37 CFR Part 201

Cable television, Copyright, Jukeboxes, Recordings, Satellites.

37 CFR Part 202

Claims, Copyright.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR parts 201 and 202 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.3 by:
■ a. Redesignating paragraphs (c)(9) through (c)(25) as paragraphs (c)(10) through (c)(26), respectively.
■ b. Adding a new subparagraph (c)(9).
The addition reads as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(c) * * *

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(9) Registration of a group of works on an album	55

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PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 4. Amend § 202.4 by:
■ a. Redesignating paragraphs (k) through (n) as paragraphs (o) through (r), respectively.
■ b. Adding new paragraph (k).
■ c. Adding and reserving new paragraphs (l), (m), and (n).
■ d. Revising the newly designated paragraph (r) in the third sentence by removing the words ''or (k)of'' and adding in its place the words ''(k), or (o) of''.
The addition reads as follows:

§ 202.4 Group registration.

* * * * *

(k) *Group registration of works on an album.* Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that a group of two or more musical works and/or two or more sound recordings, and any associated literary, pictorial, or graphic works, may be registered with one application, the required deposit, and the filing fee required by § 201.3 of this chapter, if the following conditions are met:

(1) *Eligible works.*

(i) All of the works in the group must be contained on the same *album.* For the purposes of this section, an ''album'' is ''a single physical or electronic unit of distribution containing at least two

[46] *See* 83 FR 52336, 52339 (Oct. 17, 2018).

[47] *See* 37 CFR 202.20(c)(1)(iii) (noting best edition requirement). Guidelines for identifying the ''best edition'' of a sound recording are provided in section V of the ''Best Edition Statement,'' which appears in Appendix B to Part 202 of the Office's regulations and in *Circular 7B: Best Edition of Published Copyrighted Works for the Collections of the Library of Congress.* 37 CFR pt. 202, app. B; U.S. Copyright Office, *Circular 7B: Best Edition of Published Copyrighted Works for the Collections of the Library of Congress* (Sept. 2017), *https://www.copyright.gov/circs/circ07b.pdf.*

[48] *See* 37 CFR 202.19(b)(2), 202.20(b)(2)(v).

[49] *Id.* at 202.19(b)(2)(i), 202.20(b)(2)(v).

[50] *Id.* at 202.20(b)(2)(iii)(B). Alternatively, applicants may save the digital sound recordings and related album material onto a physical disc or other storage medium and submit the works in that form. *Id.* at 202.3(b)(2)(i)(D).

[51] *Id.* at 202.20(c)(1)(iii), (c)(2)(i)(H).

[52] *Id.* at 202.19(c)(4) (exempting ''musical works published only as embodied in phonorecords'' from the 17 U.S.C. 407(a) deposit requirement).

[53] *See* U.S. Copyright Office, *eCO Acceptable File Types, https://www.copyright.gov/eco/help-file-types.html* (last visited Mar. 30, 2019).

musical works and/or sound recordings embodied in a phonorecord, including any associated literary, pictorial, or graphic works distributed with the unit.''

(ii) The group may include up to twenty musical works and/or sound recordings, together with any associated literary, pictorial, or graphic works included with the same album. Where a musical work and a sound recording are embodied in the same phonorecord, the group may include up to twenty musical works and twenty sound recordings, and any associated literary, pictorial, or graphic works included with the same album.

(iii) The applicant must provide a title for the group as a whole that begins with the term ''GRAM,'' a title for the album, and a title for each musical work, sound recording, and associated literary, pictorial, or graphic work claimed in the group.

(iv) All of the works in the group must be created by the same author or the works must have a common joint author, and the copyright claimant or co-claimants for each work must be the same person or organization. The works may be registered as works made for hire if they are identified in the application as such.

(v) All of the works must be first published on the same album and on the same date, and the date and nation of publication must be specified in the application.

(2) *Application.* If the group includes at least one sound recording, the applicant must complete and submit the Standard Application designated for a ''Sound Recording.'' If the group does not include any sound recordings, the applicant must complete and submit the Standard Application designated for a ''Work of the Performing Arts. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(3) *Deposit.*

(i) If the claim includes any sound recordings, the applicant must submit two complete phonorecords containing the best edition of each recording, and two complete copies of any associated literary, pictorial, or graphic works that are included in the group. A phonorecord will be considered complete if it satisfies the requirements set forth in § 202.19(b)(2). The deposit may be submitted in a digital form if the album has been distributed solely in a digital format, and if the requirements set forth in paragraph (k)(3)(iii) of this section have been met.

(ii) If the claim does not include any sound recordings, the applicant must submit one complete phonorecord of each musical work that is included in the group. If the claim includes any associated literary, pictorial, or graphic works, the applicant must submit one complete copy of each work.

(iii) The deposit may be submitted in a digital form if the following requirements have been met. Each work must be contained in a separate electronic file. The files must be assembled in an orderly form, they must be submitted in one of the electronic formats approved by the Office, and they must be uploaded to the electronic registration system as individual electronic files (not .zip files). The file size for each uploaded file must not exceed 500 megabytes; the files may be compressed to comply with this requirement. In addition, the applicant must submit documentation in accordance with the instructions specified on the Copyright Office's website confirming that the musical works and/or sound recordings were included on the album.

(4) *Special relief.* In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (l)(2) of this section or may grant special relief from the deposit requirement under § 202.20(d), subject to such conditions as the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant.

Dated: May 13, 2019.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2019–10166 Filed 5–17–19; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2019–0164; FRL–9993–70–Region 2] Approval of Air Quality Implementation Plans;

New Jersey; Determination of Attainment for the 1971 Sulfur Dioxide National Ambient Air Quality Standard; Warren County Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to make the determination that the Warren County Sulfur Dioxide (SO_2) Nonattainment Area has attained the 1971 SO_2 primary and secondary National Ambient Air Quality Standard (NAAQS). This action does not constitute a redesignation to attainment. The Warren County Nonattainment Area will remain nonattainment for the 1971 primary and secondary NAAQS until EPA determines that the Area meets the Clean Air Act (CAA) requirements for redesignation to attainment, including an approved maintenance plan. If the EPA finalizes this rule, certain attainment planning requirements will be suspended for so long as the area remains in attainment of the NAAQS. This action is being taken under the CAA.

DATES: Written comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2019–0164 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, 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: Kenneth Fradkin, (212) 637–3702, or by email at *fradkin.kenneth@epa.gov.*

I. Background

a. Nonattainment Designation

The EPA designated all of Warren County, New Jersey as attainment for the 1971 SO_2 primary and secondary NAAQS on March 3, 1978 (43 FR 8962). On December 31, 1987 (52 FR 49408), the EPA redesignated portions of Warren County as nonattainment for both the primary and secondary 1971 SO_2 NAAQS at the request of the State of New Jersey (the State) to revise the air quality designation for the area identified in the State's request. EPA issued a minor correction to the

redesignation on March 14, 1988 (53 FR 8182).

The 1971 SO_2 NAAQS consisted of two primary standards for the protection of public health and one secondary standard for the protection of public welfare. The primary SO_2 NAAQS addressed 24-hour average and annual average ambient SO_2 concentrations. The secondary standard addressed 3-hour average ambient SO_2 concentrations. The level of the annual SO_2 standard was 0.03 parts per million (ppm) (or 80 micrograms per cubic meter (μg/m^3)) not to be exceeded in a calendar year. See 40 CFR 50.4(a). The level of the 24-hour standard was 0.14 ppm (or 365 μg/m^3), not to be exceeded more than once per calendar year. See 40 CFR 50.4(b). The level of the secondary SO_2 standard is a 3-hour standard of 0.5 ppm (or 1300 μg/m^3), not to be exceeded more than once per calendar year. See 40 CFR 50.5(a).

The EPA subsequently finalized a revised, more stringent SO_2 primary NAAQS that included a shorter 1-hour averaging period on June 2, 2010.[1] The 2010 SO_2 primary standard was set at a level of 75 parts per billion (ppb) (or 196.4 μg/m^3) based on the 3-year average of the annual 99th percentile of daily maximum 1-hour average SO_2 concentrations. See 40 CFR 50.17(a)–(b). The EPA provided that the 24-hour and annual standards were to be revoked for all areas one year after their individual designations under the 2010 primary NAAQS, except for areas previously designated nonattainment that did not have an approved SIP for the new 1-hour standard. See 40 CFR 50.4(e). The 3-hour secondary NAAQS remains in effect. The EPA designated[2] all of New Jersey, including Warren County, for the new primary, one hour 75 ppb 2010 SO_2 NAAQS as attainment/unclassifiable on December 21, 2017.

The EPA initially designated all of Warren County, which is part of the Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region (AQCR), as ''better than national standards'' (otherwise known as ''attainment'') for the 1971 primary and secondary SO_2 NAAQS on March 3, 1978 (43 FR 8962). On April 30, 1986 and June 26, 1986, the New Jersey Department of Environmental Protection (NJDEP) submitted a request to EPA to revise the air quality designation for parts of Warren County from ''attainment'' to ''nonattainment'' with respect to the 1971 primary and secondary SO_2 NAAQS. The EPA revised the designations for those parts of Warren County to ''does not meet standards'' (otherwise known as ''nonattainment'') based on the State's request under section 107 of the CAA and the EPA's assessment of air dispersion screening modeling performed by the NJDEP and others that showed portions of Warren County were in violation of the NAAQS.

The boundaries of the nonattainment area were based on the results of New Jersey's Valley screening model analysis to determine the impact from the Martins Creek Generating Station (*i.e.,* Martins Creek), located in Northampton, Pennsylvania (PA) and other nearby sources, to elevated terrain in Warren County out to 14 kilometers from Martins Creek. New Jersey modeled eight existing major sources[3] at the time in the AQCR using worst-case meteorology in the Valley screening model analysis. The emission rates for the Pennsylvania sources included in the modeling dwarfed those from the New Jersey facilities; emissions from the Pennsylvania sources were up to two orders of magnitude higher than those from New Jersey facilities. The highest emission rates were from Martins Creek, and the Portland Generating Station (*i.e.,* Portland), which was also located in Northampton, PA.

The December 31, 1987 nonattainment redesignation for Warren County included the entire Townships of Harmony, Oxford, White, and Belvidere, and portions of Liberty[4] and Mansfield[5] Townships. See 52 FR at 49411, 53 FR 8182, and 40 CFR 81.331. The remaining portion of Warren County remained designated as attainment. The designated nonattainment area included impacted areas in New Jersey only as determined by the Valley screening modeling and did not include the areas in PA where the large contributing sources were located such as the Martins Creek and Portland facilities.

Since the December 1987 redesignation, SO_2 emissions have been reduced considerably from contributing sources due to the shut-down of coal-fired boilers at Martins Creek and Portland. Martins Creek coal fired units were shut down in September 2007 (and removed approximately one year later). Portland coal-fired units were shut down in June 2013 (Unit 2), and May 2014 (Unit 1). Further background information can be found in the Technical Support Document (TSD) for this rulemaking, located in the docket.

New Jersey was required to submit an attainment SIP to the EPA within 18 months[6] of November 15, 1990, or May 15, 1992. The Warren County Nonattainment Area was required to attain the NAAQS within five years[7] after November 15, 1990. Therefore, the Warren County SO_2 Nonattainment Area's attainment date was November 15, 1995.

On June 14, 2018, the Center for Biological Diversity, Center for Environmental Health, and Sierra Club (CBD) filed suit against the EPA in the U.S. District Court for the Northern District of California seeking to compel the EPA to, among other things, determine that New Jersey had failed to submit a required SIP for the New Jersey portion of the Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region (part) nonattainment area, and amended that complaint on December 17, 2018. See *Center for Biological Diversity, et al.,* v. *Wheeler,* Civ. No. 18–cv–3544–YGR (N.D. Cal.). This case is still pending.

The NJDEP submitted a request on August 17, 2018 for the EPA to make the determination that the Warren County SO_2 Nonattainment Area had attained the 1971 primary and secondary SO_2 NAAQS (Warren County SO_2 Clean Data Request). This request can be found in the docket for this rulemaking.

b. The EPA's Clean Data Policy

Following enactment of the CAA Amendments of 1990, EPA promulgated its interpretation of the requirements for implementing the NAAQS in the general preamble for the Implementation of Title I of the CAA Amendments of 1990 (General Preamble). See 57 FR 13498, 13564 (April 16, 1992). In 1995, based on the interpretations in the General Preamble of CAA sections 171, 172, and 182, EPA set forth what has become known as its ''Clean Data Policy'' for the 1-hour ozone NAAQS.[8] EPA's Clean Data Policy represents the Agency's interpretation that certain nonattainment area planning requirements of part D of the CAA are suspended for areas that are attaining

[1] *See* 75 FR 35520, June 22, 2010.

[2] *See* 83 FR 1098, January 9, 2018.

[3] Pennsylvania sources evaluated were Martins Creek, Metropolitan Edison (later known as Portland Generating Station), Bethlehem Steel, Coplay Cement, Hercules Cement, and Lone Star. New Jersey sources were Hoffman LaRoche and Ingersoll-Rand.

[4] Portions of Liberty south of UTM coordinate N4522 and West of UTM E505 (See 53 FR 8182, March 14, 1988).

[5] Portions of Mansfield west of UTM E505 (See 53 FR 8182, March 14, 1988).

[6] CAA § 191(b).

[7] CAA § 192(b).

[8] See Memorandum from John S. Seitz, Director, Office of Air Quality Planning Standards, ''RFP, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' May 10, 1995.

the NAAQS. The specific requirements that are suspended by a determination of attainment, also known as a Clean Data Determination (CDD), include those measures that are designed to help an area that is not attaining the standard plan for and achieve attainment, *i.e.,* the attainment demonstration, reasonably available control measures (RACM), reasonable further progress measures, and contingency measures for failure to meet deadlines for RFP and attainment by the attainment date.

EPA has applied this interpretation of the CAA to the implementation of nearly every criteria pollutant in individual area notice-and-comment rulemakings suspending certain attainment-planning requirements,[9] in national implementation rules for ozone and particulate matter NAAQS,[10] and in the most recent implementation guidance document for sulfur dioxide [11]. EPA's Clean Data Policy interpretation has been upheld by multiple courts.[12] When states request that the EPA make a CDD of a designated SO_2 NAAQS nonattainment area, the EPA will determine whether an area has attained the NAAQS based on air quality monitoring data (when available) and air quality dispersion modeling information for the affected area as necessary. A CDD does not constitute a formal redesignation to attainment. If the EPA subsequently determines that an area is no longer attaining the standard, those requirements that were suspended by the CDD once again apply.

II. Summary of New Jersey CDD Request and the EPA Analysis

In its August 17, 2018 CDD request, the NJDEP provided several analyses to demonstrate that the Warren County SO_2 Nonattainment Area's air quality is meeting the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS. The information submitted includes ambient air quality data and interpretive analysis for air monitoring sites located in the vicinity of the Warren County Nonattainment Area and recorded into the EPA's Air Quality System (AQS); ambient air quality data from a special study (*i.e.,* Warren County Air Monitoring Project) within the Warren County Nonattainment Area; and SO_2 emissions trends both within Warren County and from principal sources associated with the SO_2 nonattainment designation. Additionally, New Jersey provided a list of existing SIP-approved measures and other federally enforceable measures, pursuant to permitting requirements under the CAA, that apply to SO_2 sources both within the Warren County Nonattainment Area, and to principal sources associated with the 1987 SO_2 nonattainment designation under the 1971 NAAQS.

In our analysis, the EPA considered an air dispersion modeling study performed in the late 1990s to evaluate the impacts of Martins Creek, Portland, and other sources in the Warren County Nonattainment Area. The EPA also considered SO_2 emissions trends, and control measures both within Warren County and from the primary contributing sources. Additionally, EPA considered ambient air quality data from the Columbia, NJ; Chester, NJ; and Easton, PA air monitoring sites in AQS; as well as from the Warren County Air Monitoring Project Special Study. Finally, the EPA also evaluated, and considered New Jersey's analysis to estimate SO_2 concentrations in the Warren County Nonattainment Area based on the interpolation of data from the Columbia, NJ; Chester, NJ; and Easton, PA air monitoring sites.

The primary emission sources that caused violations of the 1971 SO_2 NAAQS, namely Martins Creek and Portland, have dramatically reduced emissions. Martins Creek, which in 1990 emitted 33,300 tons of SO_2 per year, has shut down its coal-fired boilers, and the remaining oil-fired boilers are currently emitting an average of 88 tons of SO_2 per year. Portland, which in 1990 emitted 25,400 tons of SO_2 per year, has shut down its coal units, and is currently emitting less than 0.5 tons of SO_2 per year. No other source in the area emits more than 15 tons of SO_2 per year. Modeling conducted in June 1999 showed that attainment could be assured with only slight reductions in then allowable emissions, indicating the dramatic subsequent reductions in the emissions of Martins Creek and Portland have caused the area now to attain the 1971 standards. In the current absence of significant sources in the area, the monitoring data that is available from various sites within Warren County and neighboring counties may be considered indicative of current air quality. These monitors show concentrations well below the 1971 NAAQS

A detailed summary of the EPA's review and rationale for this proposed CDD may be found in the TSD, located in the docket. Based on the EPA's analysis, the EPA agrees with New Jersey that the area is meeting attainment and is proposing to make the determination that the Warren County Nonattainment Area has attained the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS.

III. Proposed Action

The EPA proposes to make the determination that the Warren County Nonattainment Area has attained the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS. This proposed ''Clean Data Determination'' is based on air quality monitoring data, air quality dispersion modeling information, as well as other supporting information indicated in the proposal. If the EPA finalizes this determination that the area has attained the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS, it would suspend the requirements for the State to submit a reasonable further progress plan, attainment demonstration, contingency measures and any other planning SIP relating to attainment of the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS for so long as the Warren County Nonattainment Area continues to meet each NAAQS. Although these requirements would be suspended, the EPA would not be precluded from acting upon these elements at any time if submitted to the EPA for review and approval.

Issuance of a CDD would not constitute a redesignation of the Warren County Nonattainment Area to attainment for the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS under CAA section 107(d)(3). Neither does the proposed CDD involve approving any maintenance plan for the Warren County Nonattainment Area, nor does it serve as a determination that the Warren County Nonattainment Area has met all the requirements for redesignation under the CAA; any such redesignation would require, among other things, that the attainment is attributable to permanent and enforceable measures. Therefore, the designation status of the Warren County Nonattainment Area will remain nonattainment for the 3-hour, 24-hour, and annual 1971 SO_2 NAAQS until such time as the EPA takes final rulemaking action to determine that the Warren County Nonattainment Area meets the CAA

[9] See, *e.g.,* 69 FR 21717 (April 22, 2004) (San Francisco Bay Area, 1-hour ozone); 75 FR 27944 (May 19, 2010) (Coso Junction, California, PM_{10}); 78 FR 66280 (November 5, 2013) (Bellefontaine, Ohio, Pb).

[10] 70 FR 71612 (November 29, 2005) (Final Rule to Implement the [1997] 8-Hour Ozone National Ambient Air Quality Standard-Phase 2); 72 FR 20586 (April 25, 2007) (Clean Air Fine Particle Implementation Rule); 80 FR 12264 (March 6, 2015) (Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements); 81 FR 58010 (August 24, 2016) (Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements).

[11] Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions (April 2014).

[12] See, *e.g., NRDC* v. *EPA,* 571 F.3d 1245 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996).

requirements for redesignation to attainment. The EPA is soliciting public comments on the issues discussed in this document. Public comments will be considered before the EPA takes final action.

IV. Statutory and Executive Order Reviews

This action proposes to make an attainment determination based on air quality data and other information would, if finalized, result in the suspension of certain Federal requirements and would not impose any additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 1985, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 1, 2019.

Peter D. Lopez,

Regional Administrator, Region 2.

[FR Doc. 2019–10469 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0758; FRL–9993–73–Region 4]

Air Plan Approval; Kentucky: Jefferson County Definitions and Federally Enforceable District Origin Operating Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted under cover letters dated December 21, 2016, and August 25, 2017, by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet). The proposed SIP revisions were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District (LMAPCD or District) and make amendments to Jefferson County's regulations regarding definitions and the federally enforceable district origin operating permit (FEDOOP) program. EPA is proposing to approve the revisions modifying these regulations pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0758 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at 404–562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA proposing?

EPA is proposing to approve changes to the Jefferson County portion of the Kentucky SIP that were provided to EPA through letters dated December 21, 2016 and August 25, 2017.[1] [2] Both submittals make changes to Regulation 1.02,—''Definitions,'' to incorporate various new definitions and revise existing definitions. The August 25, 2017, submittal also makes changes to Regulation 2.17,—''Federally Enforceable District Origin Operating Permits [FEDOOP],'' to make clarifying and administrative edits to this portion of the minor source operating permit program. The changes addressed in this proposed rulemaking also correct typographical errors, make minor administrative and clarifying edits, and

[1] EPA notes that the Agency received the SIP revision dated August 25, 2017 on August 29, 2017.

[2] In 2003, the City of Louisville and Jefferson County governments merged and the ''Jefferson County Air Pollution Control District'' was renamed the ''Louisville Metro Air Pollution Control District.'' However, each of the regulations in the Jefferson County portion of the Kentucky SIP still has the subheading ''Air Pollution Control District of Jefferson County.'' Thus, to be consistent with the terminology used in the SIP, we refer throughout this notice to regulations contained in the Jefferson County portion of the Kentucky SIP as the ''Jefferson County'' regulations.

recodify sections of the existing rules. In this action, EPA is proposing to approve these SIP revisions that make changes to Jefferson County's definitions and FEDOOP regulations because they are consistent with the CAA.

At this time, EPA is not acting on the following changes included under the same August 25, 2017, cover letter: Regulation 2.02,—''Air Pollution Regulation Requirements and Exemptions''; and Regulation 2.03—''Permit Requirements—Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,'' renamed as ''Authorization to Construct or Operate; Demolition/Renovation Notices and Permit Requirements.'' EPA will address these changes to the Jefferson County regulations governing minor source operating and construction permitting and major source permitting in a separate action. EPA took final action to approve the changes to Regulation 2.05,—''Prevention of Significant Deterioration of Air Quality,'' included under the same cover letter, on April 10, 2019 (84 FR 14268). The changes to Regulation 3.01,—''Ambient Air Quality Standards,'' included under the same cover letter, were approved on May 11, 2018 (83 FR 21907).

II. Analysis of State's Submittals

A. Regulation 1.02,—''Definitions''

1. August 25, 2017: Regulation 1.02, Version 13

This SIP revision includes several changes to the definitions as follows: (1) Adds a definition for ''administrative permit revision''; (2) adds a definition for ''emissions unit'' or ''facility''; (3) adds a definition for ''insignificant activity''; (4) adds a definition for ''minor permit revision''; (5) adds a definition for ''minor source''; (6) adds a definition for ''regulated air pollutant''; (7) adds a definition for ''responsible official''; (8) adds a definition for ''significant permit revision''; (9) adds a definition for ''trivial activities''; (10) adds a definition for ''twelve month rolling period'' or ''12-month rolling period''; and (11) makes other clarifying and administrative edits to definitions throughout the Section, including renumbering. Several of these definitions are discussed in further detail below.

The definitions of ''administrative permit revision,'' ''minor permit revision,'' and ''significant permit revision'' included in Regulation 1.02 generally mirror the federal provisions for ''administrative permit amendments,'' ''minor permit modification procedures,'' and ''significant modification procedures'' at 40 CFR 70.7(d)(1), 70.7(e)(2)(i)(A), and 70.7(e)(4)(i), respectively, which are part of the title V permitting program for major operating permits.[3] The District's added terms are used in SIP-approved Regulation 2.07,—''Public Notification for Title V, PSD, and Offset Permits; SIP Revisions; and Use of Emission Reduction Credits,'' which sets forth permitting public participation procedures. EPA notes that these public participation procedures are consistent with applicable Federal requirements.

The August 25, 2017, submittal also adds the definitions for ''insignificant activities'' and ''trivial activities.'' Specifically, the submittal adds to Regulation 1.02 the definition of ''insignificant activities'' to list activities already exempted from permitting requirements under the current, SIP-approved version of Regulation 2.02, and to make that definition consistent with the District's definitions for its title V permitting program at Regulation 2.16—''Title V Operating Permits.'' The full list of insignificant activities is included for SIP approval as Appendix A to Regulation 1.02. The submittal also adds the definition of ''trivial activities'' to provide the District with authority to maintain a list of inconsequential activities.[4] As discussed in greater detail in Section II.B below, the effect of these revisions—in conjunction with proposed revisions to Regulation 2.17—is to require that an applicant for a FEDOOP must identify all insignificant activities in its permit application, but to exempt trivial activities from the application requirements.[5] EPA believes these changes will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 of the Act), or any other applicable requirement.

The August 25, 2017, SIP revision also adds a definition for ''minor source'' at Regulation 1.02, Section 1.44. Under that definition, minor sources are those sources that are subject to neither Regulation 2.16 (for the title V program), nor Regulation 2.17 (for the FEDOOP program), meaning the sources do not have potential to emit (PTE) above the major source thresholds for criteria air pollutants and their precursors nor hazardous air pollutants. This is considered a ''true'' minor source, whereas minor sources that would have a PTE above major source thresholds except for some federally enforceable limit, such as those sources subject to Regulation 2.17, are generally referred to as ''synthetic minor sources.''

The August 25, 2017, submittal also adds a definition for ''regulated air pollutant'' at Regulation 1.02, Section 1.69, which mirrors the federal definition for the title V program at 40 CFR 70.2, as included in Jefferson County's EPA-approved title V program at Regulation 2.16. The definition included at Regulation 1.02 describes which pollutants are regulated by the Act. This definition is also largely consistent with the definition of ''regulated NSR pollutant'' in EPA's major source permitting regulations, but is not meant to satisfy the same purpose.[6]

Under the current federally-approved SIP, the definition for ''regulated air pollutant'' is not referenced in any other regulation. However, in its August 25, 2017, submittal, the District requests that EPA incorporate a revision to Regulation 2.03 that would reference the definition of ''regulated air pollutant'' for purposes of determining whether a source qualifies for a combined construction and operation permit. As explained above, EPA will act on changes to Regulation 2.03 in a later action and will analyze the definition of ''regulated air pollutant'' as it applies to Regulation 2.03 at that time.

The submittal also revises the definition for ''construction'' to exclude the term ''modification.'' This change is made because the term ''modification'' is defined elsewhere in Regulation 1.02 and appears redundant in the definition of ''construction.'' Moreover, because the District's regulations otherwise prohibit both the construction and modification of an affected facility without a permit, EPA does not believe that this change will impact the implementation of the District's minor NSR program.[7]

[3] LMAPCD has equivalent definitions in its non-SIP Regulation 2.16,—''Title V Operating Permits,'' which governs the title V (part 70) operating permit program for major sources.

[4] The District's current list of ''trivial activities'' is available at *https://louisvilleky.gov/sites/default/files/air_pollution_control_district/documents/forms/trivial.pdf,* and is included in the docket for this action.

[5] EPA notes that the terms ''insignificant activities'' and ''trivial activities'' are also referenced in proposed revisions to Regulations 2.02 and 2.03, which are also included in the August 21, 2017, submittal. As explained above, EPA will act on those changes in a separate action.

[6] EPA has proposed to approve the definition of ''regulated NSR pollutant,'' as incorporated by reference in Regulation 2.05, as of February 1, 2019. *See* 84 FR 1016.

[7] The Jefferson County regulations includes separate definitions of ''construction'' applicable to major sources. First, the regulations include a definition at Regulation 2.04,—''Construction or Modification of Major Sources in or Impacting upon Non-Attainment Areas (Emission Offset

LMAPCD also adds a definition for ''emissions unit'' or ''facility'' and ''responsible official.'' These terms are consistent with EPA's definitions for the title V program at 40 CFR 70.2 for ''emissions unit'' and ''responsible official,'' respectively. Finally, there are several administrative edits made to definitions throughout Regulation 1.02 to renumber existing definitions, correct typographical errors, and make formatting changes. EPA preliminarily finds that the changes to Regulation 1.02, as discussed herein, are consistent with the CAA.

2. December 21, 2016 Submittal: Regulation 1.02, Version 14

The December 21, 2016, submittal transmits Regulation 1.02, version 14 to EPA for approval.[8] The only changes made to Regulation 1.02 in this submittal are to incorporate changes to the definition of volatile organic compounds (VOC), and to make other administrative edits to definitions throughout the Section. Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments implement rules to limit the amount of certain VOC and NO_X that can be released into the atmosphere. VOC have different levels of reactivity; they do not react at the same speed or do not form ozone to the same extent. Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of ''VOC,'' and hence what compounds shall be treated as VOC for regulatory purposes.

EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. It has been EPA's policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone and should be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (September 13, 2005). EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds.

On November 29, 2004 (69 FR 69298), and August 1, 2016 (81 FR 50330), EPA issued final rules revising the definition of VOC by adding new compounds, t-Butyl acetate and 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also denoted as HFE–347pcf2), to the list of those considered to be negligibly reactive compounds. Subsequently, on February 25, 2016 (81 FR 9339), EPA issued a final rule removing recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate. LMAPCD's SIP-approved definition currently includes t-butyl acetate as a compound exempted from the definition of VOC. The December 21, 2016, SIP revision removes the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate, consistent with EPA's February 25, 2016, final rule (81 FR 9339). The December 21, 2016, SIP revision also adds 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane, also known as HFE–347pcf2, to the list of negligibly reactive compounds to be consistent with federal regulations. These compounds are excluded from the VOC definition on the basis that they make a negligible contribution to tropospheric ozone formation.

Pursuant to CAA section 110(l), the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. Jefferson County's addition of exemptions from the definition of VOCs, and the removal of recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate are approvable under section 110(l) because they reflect changes to federal regulations based on findings that: The exempted compounds are negligibly reactive; for t-Butyl acetate, that there was no evidence it was being used at levels that cause concern for ozone formation; and, the data that had been collected under the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements had proven to be of limited utility in judging its cumulative impact. For further details and justification, see EPA's February 25, 2016 and August 1, 2016, rulemakings and the docket information supporting those prior actions.

B. Regulation 2.17,—''Federally Enforceable District Origin Operating Permit (FEDOOP) Program''

The August 25, 2017, submittal makes several changes to Regulation 2.17,—''Federally Enforceable District Origin Operating Permits.'' This program is intended to regulate the issuance of non-title V permits that include a federally enforceable permit condition, limit, or provision. This is generally used for sources which would otherwise trigger major source requirements, especially for title V purposes, except for the voluntary application of federally enforceable conditions that place limitations on emissions, materials, or production rates such that the PTE is held below major source applicability. The most significant changes included in the August 25, 2017, submittal are to include provisions for Section 4,—''Permit Applications,'' to describe the required content of FEDOOP applications, including the treatment of ''insignificant activities'' and ''trivial activities.''

As noted in Section II.A of this proposed rulemaking, the District's August 25, 2017, revision to Regulation 1.02 includes the addition of definitions for ''insignificant activities'' and ''trivial activities,'' as well as an Appendix listing applicable insignificant activities. Here, the District also requests a change to its FEDOOP rule at Regulation 2.17, Section 4.2, which requires permit applicants to include insignificant activities in the FEDOOP application. Section 4.2 also allows the applicant to exclude information that is not needed to determine: Which applicable requirements apply; whether the activity complies with applicable requirements; and, whether the stationary source is major. However, the applicant must include information related to any applicable restriction on the size of production rate of the affected facility. In addition to the requirements related to insignificant activities, the District also adds Section 4.3, which allows a permit applicant to omit trivial activities from the application.

EPA notes that the District's proposed changes at Regulation 2.17, Section 4—as applicable to sources subject to FEDOOP requirements—are consistent

Requirements)'' that is consistent with the federal definition at 40 CFR 51.165(a)(1)(xviii). Additionally, the District incorporates by reference the federal definition of ''construction,'' codified at 40 CFR 52.21(b)(8), at Regulation 2.05,—''Prevention of Significant Deterioration of Air Quality'' for major NSR permitting.

[8] The December 21, 2016, SIP revision includes version 14 of Regulation 1.02, but was submitted before version 13 was submitted. Regulation 1.02, version 13 was submitted on August 25, 2017. The December 21, 2016, submittal includes two separate redline/strikeout documents for Regulation 1.02. The first document, beginning on page 13 of the pdf submittal, shows all changes made in versions 11, 12, 13, and 14 of that rule. The second document, beginning on page 27 of the pdf submittal, shows only those changes made in version 14. EPA previously approved versions 11 and 12. *See* 81 FR 87815 (December 6, 2016); 82 FR 35101 (July 28, 2017). Accordingly, we are only proposing to approve changes included in versions 13 and 14 of Regulation 1.02—as submitted on August 25, 2017, and December 21, 2016, respectively—in this action.

with EPA's permit application requirements for title V sources. *See* 40 CFR 70.5(c). Specifically, as is the case under Regulation 2.17, Section 4.2, 40 CFR 70.5(c) allows for the omission of insignificant activities from a permit application, but still requires inclusion of information related to an exemption for size or production rate, as well as information needed to determine the applicability of any applicable requirement. In addition, EPA believes the inclusion of insignificant activities in the FEDOOP permit process is SIP-strengthening, and that the exclusion of trivial activities will not impact implementation of the FEDOOP program. For these reasons, EPA is proposing to approve these changes.

The August 25, 2017, submittal also includes a change at Regulation 2.17, Section 3.8 to include a 5-year term for which FEDOOPs remain in effect. This time period is a clarifying amendment to inform the public and facilities that FEDOOPs must be renewed every 5 years. This time period is consistent with the federal title V permitting program. Additionally, the addition of Section 3.8 includes a reference to Section 6.2, which describes the permit shield, meaning that as long as an administratively complete permit application has been received for issuance or renewal, then the failure to have a permit is not a violation of the rules until such a time that LMAPCD takes final action on the permit application. This shield provision is not being modified in this submittal, but the reference to it in Section 3.8 is appropriate to acknowledge what permit terms and conditions remain in effect while a permit renewal is being processed. The other changes to Regulation 2.17 are ministerial in nature.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Jefferson County's Regulation 1.02,—''Definitions,'' version 14, state effective September 21, 2016, [9] which makes various changes to applicable definitions, and Regulation 2.17,—''Federally Enforceable District Origin Operating Permits,'' version 4, February 15, 2017, which adds provisions describing permit application content for these types of permits. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve changes to the Jefferson County portion of the Kentucky SIP that were provided to EPA through two letters dated December 21, 2016, and August 25, 2017, to change applicable definitions and provisions for the FEDOOP program. These changes are consistent with the CAA.

V. Statutory and Executive Order Reviews

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

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon moNOxide, Incorporation by Preference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–10344 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0598; FRL–9993–83–Region 4]

Air Plan Approval; NC: Revision to I/M Program & Update to Charlotte Maintenance Plan for the 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

[9] The District approved version 13 of Regulation 1.02 on July 2, 2013, and version 14 on September 21, 2016. The State forwarded the regulations to EPA in the opposite order. Version 14 become state effective on September 21, 2016, and version 13 became state effective on February 15, 2017. Although the most recent State approval adopts version 13, EPA understands the State's intent is to incorporate version 14 of the regulation into the SIP. For that reason, EPA is proposing to incorporate by reference Regulation 1.02 as of version 14's state-effective date, September 21, 2016. EPA may include an explanation describing this situation in 40 CFR 52.920(c), Table 2 if the Agency finalizes the changes proposed in this action.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of North Carolina through a letter dated July 25, 2018, through the North Carolina Department of Environmental Quality (DEQ), Division of Air Quality (DAQ), primarily for the purpose of revising the model year coverage for vehicles in the 22 counties subject to North Carolina's expanded inspection and maintenance (I/M) program, which was previously approved into the SIP, in part, for use as a component of the State's Nitrogen Oxides (NO_X) Budget and Allowance Trading Program. The SIP revision also includes a demonstration that the requested revision to the vehicle model year coverage will not interfere with attainment or maintenance of any national ambient air quality standard (NAAQS) or with any other applicable requirement of the Clean Air Act (CAA or Act). In addition, North Carolina's July 25, 2018, SIP revision updates the State's maintenance plan and the associated motor vehicle emissions budgets (MVEBs) used for transportation conformity, for the North Carolina portion of the Charlotte-Rock Hill, NC-SC 2008 8-hour ozone nonattainment area (hereafter referred to as the ''Charlotte 2008 Ozone Maintenance Area'') to reflect the requested change in the vehicle model year coverage for the expanded I/M program. EPA has evaluated whether this SIP revision would interfere with the requirements of the CAA, including EPA regulations related to statewide NO_X emissions budgets. EPA is proposing to determine that North Carolina's July 25, 2018, SIP revision is consistent with the applicable provisions of the CAA.

DATES: Written comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0598 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division (formerly the Air, Pesticides and Toxics Management Division), U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9222. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is Being Proposed?

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, that changed the State's I/M requirements for the 22 counties subject to the State's expanded I/M program,[1] DAQ provided a SIP revision through a letter dated July 25, 2018,[2] seeking to have several of these changes incorporated into the North Carolina SIP. Primarily, North Carolina's July 25, 2018, SIP revision makes substantive changes to the applicability section of North Carolina's SIP-approved expanded I/M program found within 15A North Carolina Administrative Code (NCAC) 02D .1000 (Motor Vehicle Emission Control Standard).[3] Specifically, the July 25, 2018, SIP revision modifies Section .1002 by changing, for applicability purposes, the vehicle model year coverage for the 22 counties subject to the expanded I/M program from a specific year-based timeframe for coverage (*i.e.,* beginning in 1996) to a rolling 20-year timeframe for coverage.[4] More precisely, the revision being proposed changes the applicability of the expanded I/M program to: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. Previously, the program applied to: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has 70,000 miles or more on its odometer. It is estimated that this proposed change will result in a small increase (less than one percent) in nitrogen oxides (NO_X) and volatile organic compound (VOC) emissions. Additionally, the July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 (Purpose), .1003 (Definitions), and .1005 (On-Board Diagnostic Standards).[5] All of these proposed changes are discussed more fully in Section III below.

A majority (14) of the 22 counties impacted by this proposed rulemaking were included in an expanded I/M program which was approved into the North Carolina SIP in 2002, for the sole purpose of using NO_X emissions reductions generated by this expanded program as a component of the State's NO_X Budget and Allowance Trading Program. *See* 67 FR 66056 (October 30, 2002). The purpose of the 2002 I/M SIP revision was to allow North Carolina to gain credits from the I/M emissions reductions from the expanded list of counties as part of its NO_X Budget and Allowance Trading Program. *See* 67 FR 66056. North Carolina's NO_X Budget and Allowance Trading Program was

[1] Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the changes to North Carolina's I/M requirements for the 22 counties is not effective until the later of the following dates: October 1, 2017, or the first day of a month that is 60 days after the Secretary of the DEQ certifies that EPA has approved the SIP revision. The 22 counties are: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake. *See* clarification letter dated August 31, 2018, from North Carolina in the docket for this proposed rulemaking.

[2] EPA received North Carolina's SIP submittal on July 31, 2018.

[3] In the table of North Carolina regulations federally-approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as ''Subchapter 2D Air Pollution Control Requirements.''

[4] By its terms, Section .1002(d) makes the 22 counties identified in North Carolina General Statute 143–215.107A subject to the I/M program's emission control standards. These same 22 counites are the counties currently subject to North Carolina's SIP-approved I/M program which was expanded from 9 counties to 48 counties in 2002 (and is referred to as the ''expanded'' I/M program). *See* 83 FR 48383 (September 25, 2018) (removing 26 of the 48 counties from North Carolina's SIP-approved expanded I/M program and leaving the 22 counties identified in footnote 1 above as remaining). In addition, changes to Section .1002 also include language making the effective date of the change to the vehicle model year coverage correspond to the effective date set out in North Carolina Session Law 2017–10 referred to in footnote 1 above (*i.e.,* on the first day of the month that is 60 days after EPA approves the change into the SIP).

[5] Sections .1006 and .1008 were also readopted without substantive changes. However, these rules are not in North Carolina's SIP and North Carolina is not requesting that EPA approve these rules into the SIP.

submitted to EPA for approval in response to EPA's regulation entitled ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the NO_X SIP Call.

For the reasons discussed more fully in Section III, below, EPA is proposing to find that the changes to the vehicle model year coverage in Section .1002 for the 22 counties subject to North Carolina's SIP-approved expanded I/M program will not interfere with North Carolina's obligations under the NO_X SIP Call. A number of federal rules and SIP-approved state regulations promulgated and implemented subsequent to the 2002 approval of North Carolina's NO_X SIP Call submission have created significant NO_X emissions reductions in North Carolina such that the small increase in NO_X emissions (and the associated small decrease in emissions reductions credits generated from the counties and available for use) does not impact the ability of North Carolina to meet its NO_X SIP Call Statewide NO_X emissions budget. North Carolina has provided an analysis which supports this proposed finding, and which discusses some of these federal rules and SIP-approved State regulations.[6]

In addition, North Carolina's SIP revision evaluates the impact that the change to the vehicle model year coverage for the 22 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that the change to Section .1002 for vehicle model year coverage for the expanded I/M program in the 22 counties will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Based on this demonstration, EPA is proposing to find that North Carolina's revised emissions calculations demonstrate that the change to the expanded I/M program for the 22 counties will not interfere with State's ability to attain or maintain any NAAQS. With regard to the related expanded I/M program provisions at Sections .1001, .1002, and .1003, EPA is proposing to find that the changes to those Sections are formatting or clarifying in nature, do not alter the meaning of the Sections, and are thus approvable.

Finally, for 7 of the 22 counties in North Carolina's expanded I/M program, I/M emissions from those counties have been relied on by North Carolina for maintenance of the ozone NAAQS for the Charlotte 2008 Ozone Maintenance Area. Through the July 25, 2018, SIP revision (the subject of this proposed rulemaking), North Carolina provides a maintenance demonstration for the Area that takes into account the small increase in NO_X and VOC emissions estimated to result from the proposed change to the vehicle model year coverage for the expanded I/M program for these counties. As discussed more fully in Sections III d. and e. below, EPA is proposing to find that, after taking into account these estimated small increases in NO_X and VOC emissions, North Carolina has demonstrated continued maintenance for the Charlotte 2008 Ozone Maintenance Area, and, thus, EPA is also proposing to approve the changes to the State's maintenance plan and the associated MVEBs for this Area.

II. What is the background of North Carolina's SIP-approved I/M program?

Under sections 182(b)(4), (c) and (d) of the CAA, I/M programs are required for areas that are designated as moderate or above for nonattainment for ozone. As a result, North Carolina has previously submitted, and EPA has previously approved into the SIP (in 1995), a CAA-required I/M program for nine counties.[7] *See* 60 FR 28720 (June 2, 1995). Subsequently, North Carolina expanded its State I/M program to cover 39 additional counties in order to use credits from I/M emissions reductions from these additional counties as a component of the State's response to EPA's NO_X SIP Call.[8]

The NO_X SIP Call was designed to mitigate significant transport of NO_X, one of the precursors of ozone. It required 19 states (including North Carolina) and the District of Columbia to meet statewide NO_X emissions budgets during the five-month period from May 1 through September 30, called the ozone season (or control period). EPA approved the expansion of North Carolina's SIP-approved I/M in 2002.

Approval of the I/M revision into the SIP and the amended rules contained therein allowed North Carolina to gain emissions reduction credits ranging from 914 tons in 2004 to 4,385 tons in 2007 and beyond for use in its NO_X emissions budget. These emissions reduction credits were used by the State at the beginning of the NO_X emissions budget program to allow for new growth and to help meet the overall budget cap until the affected stationary sources could install and operate controls needed to meet their emissions allowances. *See* 67 FR 66056. For example, while these credits were primarily used to allow for new growth during initial program implementation, a small portion of the credits (approximately 1,000 tons per ozone season) were also initially used by North Carolina to help meet the Statewide NO_X emissions budget of 165,022 tons per ozone season.[9] *See* 67 FR 66056; 67 FR 42519, 42522 (June 24, 2002). EPA approved the expanded I/M program into the SIP on October 30, 2002 (67 FR 66056), and approved North Carolina's NO_X SIP Call submittal (*i.e.,* the North Carolina NO_X Budget and Allowance Trading Program) on December 27, 2002. *See* 67 FR 78987. Subsequently, on September 15, 2018, EPA finalized a rulemaking which approved a SIP revision removing 26 counties from North Carolina's SIP-approved expanded I/M program.[10] *See* 83 FR 48383. The result of EPA's 2018 final rulemaking is that 22 counties now remain subject to North Carolina's SIP-approved expanded I/M program.

III. What is EPA's analysis of North Carolina's July 25, 2018, SIP revision?

A. Changes for Sections .1001, .1003, and .1005

As mentioned above, North Carolina's July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 (Purpose), .1003 (Definitions), and .1005 (On-Board Diagnostic Standards). Below is a summary of these changes.

- *.1001—Purpose:* Changes are formatting in nature. Specifically, North Carolina changes ''inspection/maintenance'' to ''inspection and maintenance'', and also changes ''law'' to ''law.''

[6] *See* Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018. This letter is part of the Docket for this action.

[7] The nine counties are Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union and Wake. *See* 60 FR 28720 (June 2, 1995). However, while Orange County was included in this 1995 submittal and EPA approval, it was not designated as nonattainment for either the ozone or carbon monoxide (CO) NAAQS.

[8] North Carolina Session Law 1999–328, Section 3.1(d) and Section 3.8.

[9] North Carolina's Statewide NO_X emissions budget is found at 40 CFR 51.121(g)(2)(ii).

[10] EPA also approved changes to North Carolina's I/M SIP on November 20, 2014. *See* 79 FR 69051. Those changes repealed the regulations pertaining to the tail-pipe emissions test because this test was obsolete and replaced it with the on-board diagnostics emissions test.

• *.1003—Definitions:* Changes are formatting in nature. Specifically, North Carolina changes ''Rules'' to ''15A NCAC 2D'' and removes ''of the Section'' in two places. North Carolina also changes ''Three'' to ''three''.

• *.1005—On-Board Diagnostic Standards:* Changes are formatting in nature or minor clarifications that do not alter the meaning or effect of the rule. Specifically, North Carolina changes ''Rules'' to ''15A NCAC 2D'' and removes ''of the Section'' in one place. North Carolina also clarifies paragraphs (d) and (e) of this rule without making substantive changes. In summary, North Carolina changes paragraph (d) to read ''Persons performing on-board diagnostics tests shall provide the Division of Air Quality the data required by 40 CFR 51.365, Data Collection; 40 CFR 51.366, Data Analysis and Reporting; and 40 CFR 51.358 Test Equipment.'' from ''Persons performing on-board diagnostic tests shall provide the Division of Air Quality data necessary to determine the effectiveness of the on-board diagnostic testing program. The data submitted shall be what is necessary to satisfy 51.358, Test Equipment.'' Paragraph (e) is changed from ''All reference to federal regulations include subsequent amendments and editions.'' to ''Federal regulations cited in this Rule are incorporated by reference, including subsequent amendments and editions.''

EPA is proposing to approve the aforementioned changes to Sections .1001, .1003, and .1005 because they are formatting in nature or are minor clarifications that do not change the meaning or effect of these rules.

B. Impact of Section .1002 Changes on the State's NO_X SIP Call Obligations

For Section .1002, North Carolina's July 25, 2018, SIP revision seeks to change the vehicle model year coverage for the 22 counties subject to the North Carolina I/M program requirements contained in the SIP. North Carolina estimates that this change to the vehicle model year coverage will increase NO_X emissions from the 22 counties by 311 tons per ozone season (*See* Table 2 below). As noted previously, a subset of the 22 counties (14 counties) were included in the expanded I/M program in order to generate emissions reduction credits for NO_X, a small part of which were initially used by the State to meet its Statewide NO_X emissions budget. Consequently, some portion of the 311 tons/ozone season NO_X emissions increase necessarily results in fewer emissions reductions credit generated and available for use by the State to meet its Statewide NO_X emissions budget. However, while fewer emissions reduction credits from the expanded I/M program may be available to North Carolina as a result of the small NO_X emissions increase, EPA is proposing to find that any decrease in available emissions reductions credits from the expanded I/M program will not interfere with the State's obligation under the NO_X SIP Call with regards to meeting its Statewide NO_X emissions budget. As discussed more fully below, EPA believes this is because, since 2002, significant NO_X emissions reductions have otherwise been achieved in North Carolina from implementation of several federal and SIP-approved regulations. For purposes of meeting its Statewide NO_X emissions budget, these significant NO_X emissions reductions more than offset any small decrease in available emissions reduction credits due to the change to the vehicle model year coverage.

Subsequent to the NO_X SIP Call and the 2002 approval of North Carolina's NO_X Budget and Allowance Trading Program, a number of federal rules, as well as SIP-approved state regulations have created significant NO_X emissions reductions in North Carolina (including ozone season reductions). For stationary sources, including large electricity generating units (EGUs), these federal rules include the Clean Air Interstate Rule (CAIR) in 2005 [11] and its replacement in 2011, the Cross State Air Pollution Rule (CSAPR).[12] In addition, federal mobile source-related measures include: The Tier 2 vehicle and fuel standards; [13] nonroad spark ignition engines and recreational engine standards; heavy-duty gasoline and diesel highway vehicle standards; [14] and large nonroad diesel engine standards.[15] These mobile source measures have resulted in, and continue to result in, large reductions in NO_X emissions over time due to fleet turnover (*i.e.,* the replacement of older vehicles that predate the standards with newer vehicles that meet the standards).

In 2002, North Carolina also enacted and subsequently implemented its Clean Smokestacks Act (CSA), which created system-wide annual emissions caps on actual emissions of NO_X and sulfur dioxide (SO_2) from coal-fired power plants within the State, the first of which became effective in 2007. The CSA required certain coal-fired power plants in North Carolina to significantly reduce annual NO_X emissions by 189,000 tons (or 77 percent) by 2009 (using a 1998 baseline year). This represented about a one-third reduction of the NO_X emissions from all sources in North Carolina. *See* 76 FR 36468, 36470 (June 11, 2011).[16] With the requirement to meet annual emissions caps and disallowing the purchase of NO_X credits to meet the caps, the CSA reduced NO_X emissions beyond the requirements of the NO_X SIP Call even though the Act did not limit emissions only during the ozone season. EPA approved the CSA into North Carolina's SIP on September 26, 2011 (76 FR 59250).

Together, implementation of these federal rules and SIP-approved State regulations have created significant NO_X emissions reductions since North Carolina's NO_X emissions budget was approved into the SIP in 2002, and for EGUs, have significantly reduced ozone season NO_X emissions well below the original NO_X SIP Call budget. This last point is illustrated in Table 1, which

[11] CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including North Carolina, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 fine particulate matter ($PM_{2.5}$) NAAQS. CAIR was challenged in federal court and in 2008, the United States Court of Appeals for the District of Columbia (D.C. Circuit) remanded CAIR to EPA without vacatur. *North Carolina* v. *EPA,* 550 F.3rd 1176, 1178 (D.C. Cir. 2008).

[12] In response to the D.C. Circuit's remand of CAIR, EPA promulgated CSAPR to replace CAIR. CSAPR requires 28 eastern states, including North Carolina, to limit their statewide emissions of SO_2 and NO_X in order to mitigate transported air pollution impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2 and NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with Phase I budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years. CSAPR was challenged in the D.C. Circuit, and on August 12, 2012, it was vacated and remanded to EPA. The vacatur was subsequently reversed by the United States Supreme Court on April 29, 2014. *EPA* v. *EME Homer City Generation, L.P.,* 134 S.Ct. 1584 (2014). This litigation ultimately delayed implementation of CSAPR for three years.

[13] The Tier 2 standards, begun in 2004, continue to significantly reduce NO_X emissions and EPA expects that these standards will reduce NO_X emissions from vehicles by approximately 74 percent by 2030 (or nearly 3 million tons annually by 2030). *See* 80 FR 44873, 44876 (July 28, 2015) (citing EPA, Regulatory Announcement, EPA 420–F–99–051 (December 1999)).

[14] Also begun in 2004, implementation of this rule is expected to achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses by 2030. *See* 80 FR 44873, 44876 (July 28, 2015).

[15] EPA estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide. *See* 80 FR 44873, 44876 (July 28, 2015).

[16] North Carolina indicates that the utilities have reduced NO_X emissions by 83 percent relative to the 1998 emissions levels. *See* Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018.

compares the EGU NO_X SIP Call budget to actual emissions in 2007 and 2017. Actual EGU emissions in 2007 and 2017 were 23 percent (7,274 tons) and 60 percent (18,906 tons) below the NO_X SIP Call budget for EGUs, respectively. Notably, the entirety of the emissions reduction credits from the I/M program (and used by the State in its NO_X emissions budget) only totaled 4,385 tons, of which approximately 1,000 tons was initially needed to meet the overall budget.

TABLE 1—COMPARISON OF OZONE SEASON NO_X SIP CALL BUDGET TO ACTUAL EMISSIONS FOR EGUS

	2017	2017
NO_X SIP Call Budget, Tons [17]	31,451	31,451
Actual Emissions, Tons	24,177	12,545
Below Budget, Tons	7,274	18,906
Below Budget, Percent	23	60

Table 2 compares the impact of the estimated ozone season NO_X emissions increases due to the proposed change to the vehicle model year coverage for the 22 counties on EGU reductions and NO_X SIP Call I/M reduction credits. Using EPA's Motor Vehicle Emission Simulator (MOVES2014), DAQ estimated that changes to the vehicle model year coverage in the 22 counties will increase ozone season NO_X emissions by 311 tons. As noted above, in 2017, EGU emissions were 18,906 tons (60 percent) below the NO_X SIP Call budget for EGUs. The estimated 311 tons NO_X increase from the proposed change to the vehicle model year coverage in the 22 counties combined with the estimated 611 tons increase in NO_X emissions from the removal of 26 counties from the expanded I/M program (which EPA previously approved in a separate action published on September 25, 2018) would lower the EGU reduction by less than 5 percent to 17,984 tons below the NO_X SIP Call budget for EGUs. Thus, based on this EGU-focused analysis, DAQ concludes that the small ozone season NO_X emissions increase associated with the proposed change to the vehicle model year coverage in the 22 counties subject to North Carolina's expanded I/M program has no impact on North Carolina's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget.

[17] From EPA's proposed approval of North Carolina's NO_X SIP Call submission. *See* 67 FR 42519 (June 24, 2002).

TABLE 2—IMPACT OF NO_X EMISSIONS INCREASES DUE TO PROPOSED CHANGES TO I/M PROGRAM ON EGU REDUCTIONS AND NO_X SIP CALL I/M CREDITS

I/M emissions increase in 2018, tons	NO_X emissions
26 Counties	611
22 Counties	311
48 County Total I/M Increase	922
EGU Reduction in 2017 (from Table 1)	18,906
Net EGU Reduction in 2017 including I/M Increase	17,984

Considering the above, EPA is proposing to find that North Carolina's July 25, 2018, SIP revision to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program contained in its SIP (which results in a small increase in NO_X emissions and consequentially a small decrease in the amount of emissions reduction credits generated and available for use in the State's NO_X emissions budget) will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget. Subsequent promulgation and implementation of a number of federal rules and SIP-approved state regulations, and in particular those impacting EGUs, have created significant NO_X emissions reductions in the State that are more than sufficient, for purposes of meeting the Statewide NO_X emissions budget, to offset this small decrease in available emissions reduction credits.

C. Overall Preliminary Conclusions Regarding North Carolina's Noninterference Analyses

Section 110(l) of the CAA requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA. EPA evaluates section 110(l) noninterference demonstrations on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets section 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which EPA has not yet made designations. The degree of analysis focused on any NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. For I/M SIP revisions, the most relevant pollutants to consider are ozone precursors (*i.e.,* NOx and VOC) and carbon monoxide (CO). In connection with North Carolina's July 25, 2018, SIP revision, the State submitted a non-interference demonstration which EPA analyzes below.

As mentioned above, in a letter dated July 25, 2018, DAQ submitted a noninterference demonstration to support the State's request to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program to: (i) a vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. This demonstration includes an evaluation of the impact that this change would have on North Carolina's ability to attain or maintain any NAAQS in the State. Based on the analysis below, EPA is proposing to find that the change in vehicle model year coverage in the 22 counties subject to the North Carolina expanded I/M program meets the requirements of CAA section 110(l) and will not interfere with attainment or maintenance of any NAAQS in North Carolina.[18]

i. Noninterference Analysis for the Ozone NAAQS

On July 18, 1997, EPA promulgated a revised 8-hour ozone standard of 0.08 parts per million (ppm). This standard was more stringent than the 1-hour ozone standard that was promulgated in 1979. On March 12, 2008, EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 ppm to provide increased protection of public health and the environment. *See* 73 FR 16436 (March 27, 2008). The 2008 8-hour ozone NAAQS retains the same

[18] EPA also notes, as a transport-related matter, that on October 26, 2016, the Agency determined through the CSAPR Update (see 81 FR 74504) that North Carolina did not contribute to nonattainment or maintenance issues in downwind states for the 2008 8-hour ozone NAAQS. The 2016 CSAPR Update provides technical and related analysis to assist states with meeting the good neighbor requirements of the CAA for the 2008 ozone NAAQS. Specifically, the CSAPR Update includes projection modeling to determine whether individual states contribute significantly or not to nonattainment or maintenance in other states. On December 9, 2015, North Carolina provided a SIP revision addressing ozone transport requirements for the 2008 8-hour ozone standards and made the determination that the State did not contribute to nonattainment or maintenance issues in any other state. EPA approved North Carolina's submission on October 4, 2017, with the consideration of EPA's modeling conducted for the CSAPR Update. *See* 82 FR 46134. Also, most recently, EPA conducted modeling for the 2015 ozone NAAQS. That modeling preliminarily indicates that North Carolina does not contribute to nonattainment or interfere with maintenance issues in any other state for that standard.

general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. On October 26, 2015, EPA published a final rule lowering the level of the 8-hour ozone NAAQS to 0.070 ppm. *See* 80 FR 65292.

North Carolina is currently in attainment statewide for all of the ozone NAAQS.[19] Most recently, on November 6, 2017, EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS. *See* 82 FR 54232. With regard to the I/M SIP revision, thirteen of the 22 counties where vehicle model year coverage is being revised have ozone monitors. The monitors reflect design values in part per billion (ppb) that meet or are below the 2015 8-hour ozone NAAQS of 70 ppb (see Table 3).

TABLE 3—DESIGN VALUES FOR COUNTIES WITH OZONE MONITORS

Counties Subject to I/M Program Requirement and Vehicle MY Coverage Change That Have Ozone Monitors	Ozone Design Value, ppb (2015 8-hr ozone NAAQS is 70 ppb)	
	2014–2016	2015–2017
Buncombe	63	62
Durham	62	61
Forsyth	68	67
Guilford	65	65
Johnston	65	63
Lee	62	61
Lincoln	67	67
Mecklenburg	70	70
New Hanover	60	58
Rockingham	66	65
Rowan	65	64
Union	68	67
Wake	65	66

DAQ's noninterference analysis compared ozone season day anthropogenic NOx and VOC emissions for all sectors (point, area, nonroad, on road) for 2018 for the 22 counties subject to North Carolina's expanded I/M program and compared them to the emissions for all sectors because of the changing of the vehicle model year coverage. As mentioned above, the vehicle model year coverage for the expanded I/M program is currently: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has an odometer reading of 70,000 miles or more. The proposed vehicle model year coverage for the expanded I/M program is: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has an odometer reading of 70,000 miles or more. For purposes of Tables 4 and 5, the columns titled ''I/M'', reflect the current vehicle model year coverage as defined above, and the columns titled ''New I/M'', reflect the proposed revision to the vehicle model year coverage as defined above.

DAQ's noninterference analysis utilized EPA's MOVES2014 emission modeling system to estimate emissions for mobile sources. For 2018, the NOx emissions increase resulting from the North Carolina expanded I/M program will be 0.24 tons per day (tpd) or less in each of the 22 counties for which the vehicle model year coverage is being changed. As summarized in Tables 4 and 5, below, the MOVES model predicted emission increases for only on-road vehicles. The results for 2018 show a slight increase in anthropogenic NOx emissions for each county, as shown in Table 4, ranging from 0.02 to 0.24 tpd. The percent increase in total NOx emissions for a county ranges from 0.3 percent to 1.5 percent. The total increase in NOx emissions associated with the vehicle model year coverage change in 2018 for the 22 counties subject to this change is 2.02 tpd[20] or 0.94 percent of total man-made emissions (260.95 tpd).

As noted above, DAQ's noninterference analysis utilized EPA's MOVES2014 emission modeling system to estimate emissions for mobile sources. The year 2018 was modeled as the future year. The compliance rate for the expanded I/M program in North Carolina was 96 percent with a 5 percent waiver rate. These mobile source emissions are used as part of the evaluation of the potential impacts to the NAAQS that might result exclusively from changing the vehicle model year coverage for the 22 counties subject to the North Carolina expanded I/M program.

[19] The Charlotte Area was redesignated to attainment for the 1-hour ozone standard on July 5, 1995 (60 FR 34859); redesignated to attainment for the 1997 8-hour ozone standard on December 2, 2013 (78 FR 72036); and was designated to attainment for the 2008 8-hour ozone standard on July 28, 2015 (80 FR 44873). In addition, on December 26, 2007, EPA approved the redesignation to attainment of the Raleigh-Durham-Chapel Hill Area (comprised of a portion of Chatham County, and the entire counties of Durham, Franklin, Johnston, Orange, Person, and Wake) for the 1997 8-hour ozone standard. *See* 72 FR 72948. This approval included approval of a 10-year maintenance plan which demonstrated that the Area would maintain the standard through the year 2017. The Raleigh-Durham-Chapel Hill Area has continued to maintain the 1997 8-hour ozone standard and subsequently was designated as unclassifiable/attainment for the 2008 8-hour ozone standard on December 26, 2007 (72 FR 72948) and attainment/unclassifiable for the 2015 8-hour ozone standard on November 16, 2017 (82 FR 54232). Further, counties in the Raleigh Area and Greensboro Area were redesignated to attainment for the 1-hour ozone standard on April 18, 1994 (59 FR 18300) and on September 9, 1993 (58 FR 47391), respectively. With regard to the 1997 8-hour ozone standard, the Great Smoky National Park Area was redesignated to attainment on December 7, 2009 (74 FR 63995), and the Rocky Mount Area was redesignated to attainment on November 6, 2006 (71 FR 64891).

[20] 2.02 tpd multiplied by 154 days in the ozone season equals 311 tons per ozone season.

TABLE 4—TOTAL ANTHROPOGENIC NO_X EMISSIONS FOR 2018 FOR 22 COUNTIES
[tpd]

Counties	On-road			Non-road		Point		Area		Totals			
	I/M	New	Emission increase	I/M	New I/M	I/M	New I/M	I/M	New I/M	I/M	New I/M	Emis-sions increase	Percent increase
Alamance	3.69	3.77	0.08	1.09	1.09	0.45	0.45	0.59	0.59	5.82	5.90	0.08	1.4
Buncombe	5.54	5.65	0.11	1.71	1.71	4.01	4.01	1.47	1.47	12.73	12.84	0.11	0.9
Cabarrus	3.75	3.82	0.07	1.48	1.48	0.85	0.85	0.45	0.45	6.53	6.60	0.07	1.1
Cumberland	5.45	5.55	0.10	2.69	2.69	1.08	1.08	0.61	0.61	9.83	9.93	0.10	1.0
Davidson	4.12	4.21	0.09	1.52	1.52	3.28	3.28	0.41	0.41	9.33	9.42	0.09	1.0
Durham	4.69	4.79	0.10	2.39	2.39	0.87	0.87	1.02	1.02	8.97	9.07	0.10	1.1
Forsyth	5.68	5.80	0.12	2.03	2.03	1.96	1.96	1.20	1.20	10.87	10.99	0.12	1.1
Franklin	1.33	1.36	0.03	0.36	0.36	0.08	0.08	0.21	0.21	1.98	2.01	0.03	1.5
Gaston	4.63	4.72	0.09	1.49	1.49	25.13	25.13	0.58	0.58	31.83	31.92	0.09	0.3
Guilford	8.43	8.60	0.17	4.95	4.95	1.79	1.79	2.12	2.12	17.29	17.46	0.17	1.0
Iredell	5.09	5.17	0.08	1.35	1.35	5.44	5.44	0.58	0.58	12.46	12.54	0.08	0.6
Johnston	6.37	6.45	0.08	2.09	2.09	0.32	0.32	0.47	0.47	9.25	9.33	0.08	0.9
Lee	1.29	1.31	0.02	0.59	0.59	0.18	0.18	0.18	0.18	2.24	2.26	0.02	0.9
Lincoln	1.98	2.02	0.04	0.65	0.65	0.67	0.67	0.18	0.18	3.48	3.52	0.04	1.1
Mecklenburg	13.40	13.64	0.24	9.92	9.92	9.25	9.25	5.37	5.37	37.94	38.18	0.24	0.6
New Hanover	2.44	2.49	0.05	3.47	3.47	3.76	3.76	0.70	0.70	10.37	10.42	0.05	0.8
Onslow	2.78	2.83	0.05	0.96	0.96	1.54	1.54	0.76	0.76	6.04	6.09	0.05	0.8
Randolph	3.92	4.00	0.08	0.91	0.91	0.17	0.17	0.41	0.41	5.41	5.49	0.08	1.5
Rockingham	2.60	2.67	0.07	0.89	0.89	7.71	7.71	0.31	0.31	11.51	11.58	0.07	0.6
Rowan	3.68	3.76	0.08	1.29	1.29	5.94	5.94	0.43	0.43	11.34	11.42	0.08	0.7
Union	3.62	3.69	0.07	2.70	2.70	0.34	0.34	0.57	0.57	7.23	7.30	0.07	1.0
Wake	12.39	12.59	0.20	7.15	7.15	2.89	2.89	4.02	4.02	26.45	26.65	0.20	0.8
Total	106.87	108.89	2.02	51.68	51.68	77.71	77.71	22.64	22.64	258.9	260.92	2.02	0.94

TABLE 5—TOTAL ANTHROPOGENIC VOC EMISSIONS FOR 2018 FOR 22 COUNTIES
[tpd]

Counties	On-road			Non-road		Point		Area		Totals			
	I/M	New	Emission increase	I/M	New I/M	I/M	New I/M	I/M	New I/M	I/M	New I/M	Emis-sions increase	Percent increase
Alamance	2.60	2.66	0.06	1.37	1.37	1.41	1.41	4.76	4.76	10.14	10.20	0.06	0.6
Buncombe	3.92	4.01	0.09	2.95	2.95	1.49	1.49	8.07	8.07	16.43	16.52	0.09	0.5
Cabarrus	2.74	2.80	0.06	1.14	1.14	0.74	0.74	4.58	4.58	9.20	9.26	0.06	0.7
Cumberland	3.90	3.98	0.08	1.98	1.98	2.24	2.24	6.97	6.97	15.09	15.17	0.08	0.5
Davidson	3.05	3.12	0.07	0.98	0.98	1.29	1.29	5.74	5.74	11.06	11.13	0.07	0.6
Durham	3.24	3.31	0.07	2.03	2.03	0.43	0.43	6.95	6.95	12.65	12.72	0.07	0.6
Forsyth	4.44	4.54	0.10	2.02	2.02	4.01	4.01	9.05	9.05	19.52	19.62	0.10	0.5
Franklin	1.01	1.04	0.03	0.35	0.35	0.18	0.18	2.00	2.00	3.54	3.57	0.03	0.8
Gaston	3.20	3.28	0.08	1.18	1.18	1.45	1.45	5.89	5.89	11.72	11.80	0.08	0.7
Guilford	6.14	6.28	0.14	4.54	4.54	7.42	7.42	15.96	15.96	34.06	34.20	0.14	0.4
Iredell	3.11	3.17	0.06	1.10	1.10	1.76	1.76	5.66	5.66	11.63	11.69	0.06	0.5
Johnston	3.08	3.14	0.06	1.27	1.27	1.45	1.45	5.88	5.88	11.68	11.74	0.06	0.5
Lee	0.98	1.00	0.02	0.36	0.36	1.29	1.29	1.96	1.96	4.59	4.61	0.02	0.4
Lincoln	1.51	1.54	0.03	0.57	0.57	1.22	1.22	2.29	2.29	5.59	5.62	0.03	0.5
Mecklenburg	9.90	10.07	0.17	10.52	10.52	1.83	1.83	22.69	22.69	44.94	45.11	0.17	0.4
New Hanover	2.21	2.25	0.04	2.10	2.10	1.10	1.10	6.15	6.15	11.56	11.60	0.04	0.3
Onslow	2.04	2.08	0.04	1.83	1.83	0.70	0.70	4.69	4.69	9.26	9.30	0.04	0.4
Randolph	2.74	2.81	0.07	0.97	0.97	1.58	1.58	7.10	7.10	12.39	12.46	0.07	0.6
Rockingham	1.94	1.99	0.05	0.75	0.75	2.20	2.20	4.71	4.71	9.60	9.65	0.05	0.5
Rowan	2.63	2.69	0.06	1.10	1.10	5.48	5.48	3.91	3.91	13.12	13.18	0.06	0.5
Union	2.78	2.83	0.05	2.13	2.13	1.03	1.03	6.35	6.35	12.29	12.34	0.05	0.4
Wake	9.66	9.81	0.15	7.66	7.66	1.94	1.94	22.27	22.27	41.53	41.68	0.15	0.4
Total	76.82	78.4	1.58	48.9	48.9	42.24	42.24	163.63	163.63	331.59	333.17	1.58	0.5

The results in Table 5 show that changing the vehicle model year coverage for the 22 counties subject to the expanded I/M program increases anthropogenic VOC emissions for only on-road vehicles ranging from 0.02 tpd to 0.17 tpd. The percent increase in total VOC emissions for each county ranges from 0.3 percent to 0.8 percent. The total increase in VOC emissions associated with changing the vehicle model year coverage for the expanded I/M program in the year 2018 is approximately 1.6 tpd or 0.5 percent of the total man-made emissions (333 tpd).[21]

As shown in Table 6 below, total NO_X and VOC emissions would increase 2.0

[21] When biogenic VOC emissions from natural sources (average of 1,973 tpd during July using EPA's 2011 National Emissions Inventory (NEI v2)) are added to the man-made emissions (333 tpd), the actual VOC emissions increase is only 0.07 percent (1.6/2,305 tpd × 100). This is a very small change that EPA believes will not translate into measurable ground-level ozone concentrations in North Carolina.

tpd (0.8 percent) and 1.6 tpd (0.5 percent), respectively.

TABLE 6—SUMMARY OF ON-ROAD NO_X AND VOC EMISSIONS INCREASES ASSOCIATED WITH CHANGING VEHICLE MY COVERAGE IN 22 COUNTIES SUBJECT TO THE I/M PROGRAM

	NO_X emissions in 2018	VOC emissions in 2018
Total On-Road Emissions with Current I/M Program (tpd)	106.9	76.8
Total On-Road Emissions with Revised I/M Program (tpd)	108.9	78.4
Emissions Increases (tpd)	2.0	1.6
Percent Increase: On-road only	1.9	2.1
Percent Increase: Total anthropogenic	0.8	0.5

North Carolina's emissions analysis, as reflected in Tables 4, 5, and 6, above, indicate that only a very small increase in NO_X and VOC emissions (less than one percent overall) is associated with changing the vehicle model year coverage for the 22 counties subject to the expanded I/M program. Based on this, as well as the design values shown in Table 3, above, and EPA's further analysis specific to ozone in relation to the Charlotte 2008 Ozone Maintenance Area as described in section d below, EPA is proposing to find that changing the vehicle model year coverage from a specific year-based date (1996) to a rolling 20-year timeframe for the 22 counties subject to the North Carolina expanded I/M program requirements would not interfere with maintenance of the ozone NAAQS in the State.

ii. Noninterference Analysis for the PM NAAQS

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 μg/m³ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m³, based again on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 μg/m³ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 μg/m³, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

EPA promulgated designations for the 1997 Annual $PM_{2.5}$ NAAQS on January 5, 2005 (70 FR 944), and April 14, 2005 (70 FR 19844). Of the 22 counties subject to this rulemaking, Catawba, Davidson and Guilford counties were designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS. These areas have since been redesignated to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and continue to attain this NAAQS. *See* 76 FR 71452 and 76 FR 71455 (November 18, 2011). On November 13, 2009, and on January 15, 2015, EPA published notices determining that the entire state of North Carolina was unclassifiable/attainment for the 2006 daily $PM_{2.5}$ NAAQS and the 2012 Annual $PM_{2.5}$ NAAQS, respectively. *See* 71 FR 61144 and 78 FR 3086.

In North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the $PM_{2.5}$ NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the expanded I/M program are not designed to reduce emissions for $PM_{2.5}$; therefore, changing the I/M requirements will not have any impact on ambient concentrations of $PM_{2.5}$. In addition, MOVES2014 modeling results indicate that changing the vehicle model year coverage for the expanded I/M program would not increase direct $PM_{2.5}$ emissions. EPA has evaluated the State's analysis and proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the $PM_{2.5}$ NAAQS in the State.

iii. Noninterference Analysis for the 2010 NO_2 NAAQS

The 2010 NO_2 1-hour standard is set at 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. The annual standard of 53 ppb is based on the annual mean concentration. On February 17, 2012, EPA designated all counties in North Carolina as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532.

Based on the technical analysis in North Carolina's July 25, 2018, SIP revision, the projected increase in total anthropogenic NO_X emissions (of which NO_2 is a component) associated with the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program ranges from 0.08 to 0.25 tpd in 2018. All NO_2 monitors in the State are measuring below the annual NO_2 standard, and all near road monitors are measuring well below the 1-hour NO_2 standard. Given the current unclassifiable/attainment designation and the results of North Carolina's emissions analysis which show a de minimis increase in NO_X, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2010 NO_2 NAAQS in the State.

iv. Noninterference Analysis for the CO NAAQS

EPA promulgated the CO NAAQS in 1971 and has retained the standards since its last review in 2011. The primary NAAQS for CO include: (1) An 8-hour standard of 9.0 ppm, measured using the annual second highest 8-hour concentration for two consecutive years as the design value; and (2) a 1-hour average of 35 ppm, using the second highest 1-hour average within a given year. Eighteen of the 22 counties in North Carolina's expanded I/M program have never been designated nonattainment for the CO NAAQS. Durham, Forsyth, Mecklenburg and Wake counties were all previously designed nonattainment for the CO NAAQS over 20 years ago and have since been redesignated to attainment. Currently, there are two monitors in North Carolina for CO. These monitors are in Mecklenburg and Wake Counties and reflect design values well below both the 8-hour and 1-hour CO NAAQS. The monitoring data in 2017 show an 8-

hour design value of 1.3 ppm for the Charlotte Area and 1.2 ppm for the Raleigh-Durham Area—each less than the 9.0 ppm CO NAAQS. For the 1-hour CO NAAQS of 35 ppm, these two monitors have a 1-hour design value of 1.5 ppm for the Charlotte Area and 1.6 ppm for Raleigh-Durham Area in 2017.

In North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the CO NAAQS. MOVES2014 mobile emissions modeling results show a slight increase in CO emissions for each of the 22 counties ranging from 0.21 tpd in Franklin County to 1.85 tpd in Mecklenburg County in 2018. Statewide, the current ambient air quality levels for CO are less than 20 percent of the CO NAAQS. Given how far below the monitoring results are relative to the CO standard, and North Carolina's sustained compliance with the CO NAAQS, EPA does not believe that these slight increases would cause any area in the State to violate the CO NAAQS. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program would not interfere with maintenance of the CO NAAQS in the State.

v. Noninterference Analysis for the SO_2 NAAQS

On June 22, 2010, EPA revised the 1-hour SO_2 NAAQS to 75 ppb which became effective on August 23, 2010. *See* 75 FR 35520. On August 5, 2013, EPA initially designated nonattainment only in areas with violating 2009–2011 monitoring data. EPA did not designate any county in North Carolina for the 2010 1-hour SO_2 NAAQS as part of the initial designation. *See* 78 FR 47191. On March 2, 2015, a Consent Decree was issued by the United States District Court for the Northern District of California stipulating the time and method for designating the remaining areas in the Country.[22] For North Carolina, EPA designated the entire state attainment/unclassifiable for SO_2 (pursuant to a consent decree) on December 21, 2017 (effective April 9, 2018 *https://www.gpo.gov/fdsys/pkg/FR-2018-01-09/pdf/2017-28423.pdf*), except for the following townships/counties: Beaverdam Township (Haywood County); Limestone Township (Buncombe County); and Cunningham Township (Person County). Counties listed above deployed monitors which EPA intends to designate by December 2020. Also, a portion of Brunswick County was designated unclassifiable effective in August 2016.

Based on the technical analysis in North Carolina's July 25, 2018, SIP revision, the State concluded that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with attainment or maintenance of the SO_2 NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the expanded I/M program are not designed to reduce emissions for SO_2; therefore, changing the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not have any impact on ambient concentrations of SO_2. In addition, sulfur content in fuel has been significantly decreased through EPA's Tier 2 and Tier 3 rulemakings which tightened engine standards and required fuel formulations contain reduced levels of sulfur. *See* 65 FR 6698 (February 10, 2000) and 81 FR 23641 (April 22, 2016). MOVES2014 modeling results indicate that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not increase SO_2 emissions. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2010 SO_2 NAAQS in the State.

vi. Noninterference Analysis for 2008 Lead NAAQS

On November 12, 2008 (73 FR 66964), EPA promulgated a revised primary and secondary lead NAAQS of 0.15 $\mu g/m^3$. Under EPA's regulations at 40 CFR part 50, the 2008 lead NAAQS are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of 40 CFR part 50, is less than or equal to 0.15 $\mu g/m^3$. *See* 40 CFR 50.16. On November 8, 2011, EPA designated the entire State of North Carolina as unclassifiable/attainment for that NAAQS. *See* 76 FR 72907. North Carolina's ambient lead levels have remained well below the standard. The pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions for lead; therefore, changing the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not have any impact on ambient concentrations of lead. MOVES 2014 modeling results indicate that this change would not increase lead emissions. For these reasons, EPA proposes to find that the changes to the vehicle model year coverage for the 22 counites in North Carolina's expanded I/M program would not interfere with maintenance of the 2008 lead NAAQS in the State.

D. Revision to the 2008 8-Hour Ozone NAAQS Maintenance Plan for the North Carolina Portion of the Charlotte 2008 Ozone Maintenance Area

In its July 25, 2018, SIP revision, North Carolina updated the mobile emissions for the Charlotte 2008 Ozone Maintenance Area's plan, including the MVEBs, to reflect the change to the vehicle model year coverage in North Carolina's expanded I/M program. The emissions inventory updates were done using the latest planning assumptions and are detailed on pages 31–42 of the State's submittal titled ''Revised Maintenance Plan for the Charlotte-Gastonia-Salisbury, North Carolina 2008 8-Hour Ozone Marginal Nonattainment Area,'' dated July 25, 2018, which is included in the docket for this proposed rulemaking.

North Carolina revised the emissions forecasts and the MVEBs for 2026 to account for the small increase in NO_X and VOC emissions associated with the change in vehicle model year coverage for the relevant counties in North Carolina's expanded I/M program. The total sum of the man-made VOC and NO_X emissions for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area are shown in Tables 7 and 8. Maintenance is demonstrated when the emissions are less than the baseline year. The baseline year is 2014. As shown in Table 7, for NO_X, all the years are under the baseline of 130.18 tons per summer day (tpsd), with the final year of 2026 emissions at 60.28 tpsd. Additionally, as shown in Table 8, for VOC, all years are under the baseline of 113.12 tpsd, with the final year of 2026 emissions at 95.99 tpsd.

[22] Copy of the Consent Decree—*http://www.epa.gov/so2designations/pdfs/201503FinalCourtOrder.pdf.*

TABLE 7—TOTAL MAN-MADE NO_X EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

[tpsd]

County	2014	2015	2018	2022	2026
Cabarrus	11.49	10.73	6.73	5.44	4.44
Gaston	27.89	27.62	12.03	6.41	7.87
Iredell	6.86	6.49	5.41	4.68	4.16
Lincoln	4.36	4.71	6.41	4.29	2.34
Mecklenburg	56.71	52.97	39.16	33.52	31.33
Rowan	11.74	11.31	8.28	7.01	6.10
Union	11.13	10.36	6.63	5.09	4.05
Total	130.18	124.19	84.69	66.44	60.28

TABLE 8—TOTAL MAN-MADE VOC EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

[tpsd]

County	2014	2015	2018	2022	2026
Cabarrus	11.50	11.27	9.51	9.23	9.02
Gaston	12.96	12.74	11.53	10.94	10.74
Iredell	6.33	6.22	5.29	5.11	4.97
Lincoln	6.55	6.47	4.81	4.66	4.51
Mecklenburg	50.10	49.16	45.31	44.47	31.33
Rowan	12.59	12.38	12.47	12.19	6.10
Union	13.09	12.85	10.91	10.68	4.05
Total	113.12	111.09	99.82	97.28	95.99

EPA is proposing to approve the updated emissions for the 2008 8-hour ozone maintenance plan for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area because it demonstrates that the projected emissions inventories for 2026 (the final year of the maintenance plan), 10 years beyond the re-designation year, as well as the interim years, are all less than the base year emissions inventory.

E. Motor Vehicle Emissions Budgets

As stated above, North Carolina's July 25, 2018, SIP revision also changed the MVEBs for the 2008 8-hour ozone NAAQS for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area for transportation conformity purposes.[23] North Carolina originally established MVEBs for the North Carolina portion of the Charlotte 2008 Ozone Maintenance Area for the 2008 8-hour ozone standard in its redesignation and maintenance SIP. EPA approved these MVEBs on July 28, 2015 (effective date August 27, 2015). *See* 80 FR 44873. Subsequently, North Carolina updated the emissions projections in North Carolina's maintenance plan for the Charlotte 2008 Ozone Maintenance Area and updated the MVEBs as well to account for the State's request for changes to the Reid Vapor Pressure (RVP) requirements for the Area. On July 28, 2015, EPA approved this revision to the maintenance plan and the MVEBs. *See* 80 FR 44868. North Carolina's July 25, 2018, SIP revision updates the Charlotte 2008 8-hour ozone maintenance plan to account for the change in the vehicle model year coverage for the relevant counties in the expanded I/M program, and consequently updates the MVEBs for transportation conformity.

For transportation conformity purposes, the MVEBs in North Carolina are expressed in kilograms per summer day (kpsd). This is because the kpsd is used as the specific unit for all MOVES2014 model outputs. The emission values in kpsd were divided by 907.1847 to convert them to units of tpsd. Table 9 shows the highway mobile NO_X and VOC summer day emissions for the counties in the Charlotte 2008 Ozone Maintenance Area expressed in tpsd and the corresponding kpsd values for the base year 2014 and the last year of the maintenance plan 2026. Table 10 shows the maintenance level projections and the calculation of the safety margin for the Charlotte 2008 Ozone Maintenance Area.

TABLE 9—HIGHWAY MOBILE SOURCE NO_X AND VOC SUMMER DAY EMISSIONS FOR NORTH CAROLINA PORTION OF 2008 8-HOUR OZONE CHARLOTTE MAINTENANCE AREA

County	2014 NO_X		2014 VOC		2026 NO_X		2026 VOC	
	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd
Cabarrus	6.60	5,989	4.15	3,765	2.00	1,810	2.19	1,982
Gaston	8.11	7,357	4.61	4,179	2.12	1,924	1.86	1,689

[23] The Federal Transportation Conformity Rule (40 CFR 93.100–129) provides the process by which the air quality impact of transportation plans, transportation improvement programs, and projects are analyzed. The agency preparing transportation plans (projections of twenty or more years), transportation improvement programs (TIP) (projections of at least four years), or approving a transportation project must analyze the emissions expected from such a proposal in accordance with the Transportation Conformity Rule. For the purposes of transportation conformity, the MVEB is essentially a cap on the total emissions allocated to on-road vehicles. The projected regional emissions calculated based on a transportation plan, TIP, or project, may not exceed the MVEBs or cap contained in the appropriate SIP. Emissions in years for which no MVEBs are specifically established must be less than or equal to the MVEB established for the most recent prior year.

TABLE 9—HIGHWAY MOBILE SOURCE NO_X AND VOC SUMMER DAY EMISSIONS FOR NORTH CAROLINA PORTION OF 2008 8-HOUR OZONE CHARLOTTE MAINTENANCE AREA—Continued

County	2014 NO_X		2014 VOC		2026 NO_X		2026 VOC	
	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd	tpsd	kgsd
Iredell	3.36	3,045	1.95	1,768	1.00	903	0.88	801
Lincoln	3.00	2,723	1.91	1,737	0.83	757	0.86	779
Mecklenburg	26.99	24,488	14.40	13,060	7.17	6,501	6.98	6,334
Rowan	6.42	5,825	3.76	3,408	1.73	1,571	1.53	1,389
Union	5.67	5,146	3.54	3,210	1.62	1,466	1.68	1,520
Total	60.15	54,572	34.32	31,127	16.47	14,932	15.98	14,492

TABLE 10—MAINTENANCE DEMONSTRATION FOR NORTH CAROLINA PORTION OF THE CHARLOTTE AREA

Year	NO_X (tpsd)	VOC (tpsd)
2014	130.18	113.12
2015	124.19	111.09
2018	84.69	99.82
2022	66.44	97.28
2026	60.28	95.99
Difference from 2014 to 2026 (safety margin)	69.90	17.13

North Carolina chose to apply a percentage of the safety margin to each county in the Charlotte 2008 Ozone Maintenance Area for the year 2026 only.[24]

Tables 11 through 13 provide the updated NO_X and VOC MVEBs with the added safety margins in kgsd for transportation conformity purposes for 2014 and 2026. These MVEBs were developed using a five-step approach that included the percentage each county was below the 2008 8-hour ozone NAAQS, rapid growth in on-road vehicle emissions anticipated and potential increases in vehicle miles traveled, and vehicle mix and age distribution. In updating the MVEBs, North Carolina ensured that the sum of the safety margin applied to the MVEBs do not exceed 50 percent of the available safety margin. North Carolina has established sub-area budgets for each metropolitan planning organization within the Charlotte 2008 Ozone Maintenance Area.

TABLE 11—CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION (CRMPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	11,814	7,173	3,381	3,371
Safety margin allocated to MVEB	.....	.....	846	843
Conformity MVEB	11,814	7,173	4,227	4,214

TABLE 12—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION (GCLMPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	10,079	5,916	2,681	2,468
Safety margin allocated to MVEB	.....	.....	551	510
Conformity MVEB	10,079	5,916	3,232	2,978

[24] A safety margin is the difference between the attainment levels of emissions from all sources (*i.e.,* point, area, on-road and non-road) and the projected level of emissions from all source categories. The state may choose to allocate some of the safety margin to the MVEB for transportation conformity purposes, so long as the total level of emissions from all source categories remains below the attainment level of emissions. According to Section 93.118 of the transportation conformity rule, a maintenance plan must contain a MVEB for the last year of the maintenance plan (in this case 2026). North Carolina allocated a portion of the safety margin for 2026 to the MVEBs to allow for unanticipated growth in vehicle miles traveled.

TABLE 13—CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO)—ROCKY RIVER RURAL PLANNING ORGANIZATION (RRRPO) MVEBS IN 2014 AND 2026

[kgsd]

	2014 NO_X	2014 VOC	2026 NO_X	2026 VOC
Base Emissions	32,679	18,038	8,870	8,655
Safety margin allocated to MVEB	.....	.....	1,596	1,557
Conformity MVEB	32,679	18,038	10,466	10,212

A total of 2,993 kgsd (3.30 tpsd) of the 2026 NO_X safety margin is added to the MVEB for the entire Charlotte 2008 Ozone Maintenance Area. A total of 2,910 kgsd (3.21 tpsd) of the 2026 VOC safety margin is added to the MVEB for the entire Charlotte 2008 Ozone Maintenance Area. The revised available safety margin, which considers the portion of the safety margin applied to the new MVEB for each project year, is listed below in Table 14.

TABLE 14—NEW SAFETY MARGIN FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE 2008 8-HOUR OZONE MAINTENANCE AREA

[tpsd]

Year	NO_X	VOC
2014	N/A	N/A
2015	−5.99	−2.03
2018	−45.49	−13.30
2022	−63.74	−15.84
2026	−66.60	−13.92

Through this rulemaking, EPA is proposing to approve the updated sub-area MVEBs for NO_X and VOC for 2014 and 2026 for the North Carolina portion of Charlotte 2008 Ozone Maintenance Area because EPA has determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. Once the subarea MVEBs for the North Carolina portion of Charlotte 2008 Ozone Maintenance Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations. After thorough review, EPA has determined that the budgets meet the adequacy criteria, as outlined in 40 CFR 93.118(e)(4), and is proposing to approve the budgets because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the following rules under Subchapter 2D of the North Carolina SIP: Section .1001, *Purpose;* Section .1002, *Applicability;* Section .1003, *Definitions;* and Section .1005, *On-Board Diagnostic Standards.* The changes to Sections .1001, .1003, and .1005 are formatting or clarifying in nature. The change to Section .1002 modifies the vehicle model year coverage requirements for the 22 counties in North Carolina's expanded I/M program. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Proposed Action

For the reasons explained above in Section III of this proposed rulemaking, EPA is proposing to approve North Carolina's July 25, 2018, SIP revision. Specifically, EPA is proposing to approve the formatting and clarifying changes to Subchapter 2D, Sections .1001, .1003 and .1005. EPA is also proposing to approve changes to Section .1002 relating to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake). Additionally, EPA is proposing to find that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget and will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA. Finally, EPA is proposing to approve the updated emissions for the 2008 8-hour ozone maintenance plan, including the updated MVEBs, for the Charlotte 2008 Ozone Maintenance Area.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000) nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, and Volatile organic compounds.

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

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–10347 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0838; FRL–9993–74–Region 4]

Air Plan Approval; TN; Volatile Organic Compounds Definition Rule Revision for Chattanooga

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Chattanooga portion of the Tennessee State Implementation Plan (SIP), provided by the Tennessee Department of Environment and Conservation on behalf of the Chattanooga-Hamilton County Air Pollution Control Bureau through a letter dated September 12, 2018. The revision makes changes to the definition of volatile organic compounds (VOC) that are consistent with changes to state and federal regulations. EPA is proposing to approve the changes because they are consistent with the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0838 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9009. Mr. Adams can also be reached via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments limit the amount of VOC and NO_X that can be released into the atmosphere. VOC are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed or do not form ozone to the same extent.

Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of ''VOC,'' and hence what compounds shall be treated as VOC for regulatory purposes. It has been EPA's policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone and should be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (September 13, 2005). EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds.

In this rulemaking, EPA is proposing action to approve Chattanooga's SIP revision which amends the definition of ''Volatile Organic Compounds'' in the Chattanooga City Code, Part II, Chapter 4, Section 4–2, *Definitions.* This SIP revision amends paragraphs 1 and 2 to make the Chattanooga portion consistent with changes to Federal and other similar SIP-approved regulations.[1] [2]

II. Analysis of State's Submittal

On September 12, 2018, Tennessee submitted a SIP revision to EPA for review and approval amending the definition of VOC found in Part II, Chapter 4, Section 4–2, of the Chattanooga Code.[3] Specifically, the revision adds the following compounds to the list of negligibly reactive compounds to be consistent with additions to federal and other similar

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[1] EPA approved similar revisions to the Tennessee SIP on April 13, 2006, and September 26, 2018. *See* 71 FR 19124 and 83 FR 48547, respectively.

[2] With respect to all of the compounds added to those excluded from the Chattanooga SIP's definition of VOC, EPA has issued final rules revising the Federal definition of VOC to exclude the compounds as negligibly reactive compounds: EPA added 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE–7300) on January 18, 2007. *See* 72 FR 2193. EPA added propylene carbonate and dimethyl carbonate on January 21, 2009. *See* 74 FR 3437. EPA added *trans*-1,3,3,3-tetrafluoropropene on June 22, 2012. *See* 77 FR 37610. EPA added HCF_2OCF_2H (also known as HFE–134), $HCF_2OCF_2OCF_2H$ (also known as HFE–236cal2), $HCF_2OCF_2CF_2OCF_2H$ (also known as HFE–338pcc13), and $HCF_2OCF_2OCF_2CF_2OCF_2$ H (also known as H-Galden 1040X or H-Galden ZT 130 (or 150 or 180)) on February 12, 2013. *See* 78 FR 923. EPA added *trans*-1-chloro-3,3,3-trifluoroprop-1-ene on August 28, 2013. *See* 78 FR 53029. EPA added 2,3,3,3-tetrafluoropropene on October 22, 2013. *See* 78 FR 62451. EPA added 2-amino-2-methyl-1-propanol on March 27, 2014. *See* 79 FR 17037.

[3] EPA notes that the Agency received the SIP revision on September 18, 2018, along with other SIP revisions from Tennessee. EPA will consider the other SIP revisions in a separate rulemaking.

SIP-approved regulations: 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-(trifluoromethyl)pentane (HFE–7300); propylene carbonate; dimethyl carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans*-1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; and 2-amino-2-methyl-1-propanol. These compounds are excluded from the VOC definition on the basis that each of these compounds makes a negligible contribution to tropospheric ozone formation. EPA is proposing to approve this revision because it is consistent with revisions to the Federal definition of VOC at 40 CFR 51.100(s). EPA is also proposing to approve this revision because, as noted in Section I, above, it is consistent with other similar SIP-approved regulations. The revision also includes the following minor, administrative changes: Spelling corrections to certain compounds already listed in paragraph 1 and a spelling correction that changes ''negligibility'' to ''negligibly'' in paragraph 2 of Part II, Chapter 4, Section 4–2, of the Chattanooga Code.

Pursuant to CAA section 110(l), the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in CAA section 171), or any other applicable requirement of the Act. The County's addition of exemptions from the definition of VOC in paragraph 1 in the Chattanooga City Code, Part II, Chapter 4, Section 4–2, *Definitions,* of the are approvable under section 110(l) because they reflect changes to federal regulations based on findings that the aforementioned compounds are negligibly reactive and make a negligible contribution to tropospheric ozone formation.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Part II, Chapter 4, Section 4–2, of the Chattanooga City Code, state effective January 23, 2017, which revised the definition of VOC so that it better aligns with the federal regulations. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the aforementioned changes to the Chattanooga portion of the Tennessee SIP because the changes are consistent with section 110 of the CAA and meet the regulatory requirements of the Act. EPA views these changes as being consistent with the CAA and does not believe that these changes will result in a change in emissions.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

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

Dated: May 6, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–10346 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2018–0170; FRL–9993–55–OAR]

RIN 2060–AU04

Response to Clean Air Act Section 126(b) Petition From New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed action on petition.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to deny a Clean Air Act (CAA or Act) petition submitted by the state of New York on March 12, 2018. The petition requests that the EPA make a finding that emissions from a group of hundreds of identified sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone national ambient air quality standards (NAAQS) in Chautauqua County and the New York

Metropolitan Area (NYMA) in violation of the good neighbor provision. The EPA proposes to deny the petition because New York has not met its statutory burden to demonstrate, and the EPA has not independently found, that the group of identified sources emits or would emit in violation of the good neighbor provision for the 2008 or 2015 ozone NAAQS in Chautauqua County and the NYMA.

DATES:

Comments. Comments must be received on or before July 15, 2019.

Public hearing: The EPA will hold a public hearing on this proposal on June 11, 2019, in Washington DC. Please refer to **ADDRESSES** for additional information on the comment period and public hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0170, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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 (*e.g.,* on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.* Certain other material, such as copyrighted material, will not be placed on the internet but may be viewed, with prior arrangement, at the EPA Docket Center. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air and Radiation Docket and Information Center is (202) 566–1742. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/epahome/dockets.htm.*

Public hearing: The June 11, 2019, public hearing will be held at the EPA, William Jefferson Clinton East Building, Room 1117A, 1201 Constitution Avenue NW, Washington, DC 20004. The public hearing will convene at 9:00 a.m. and end at 6:00 p.m. Eastern Time (ET) or 1 hour after the last registered speaker has spoken. The EPA will make every effort to accommodate all individuals interested in providing oral testimony. A lunch break is scheduled from 12:00 p.m. until 1:00 p.m. Please note that this hearing will be held at a U.S. government facility. Individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. The REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. These requirements took effect July 21, 2014. If your driver's license is issued by American Samoa, you must present an additional form of identification to enter the federal building where the public hearing will be held. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. For additional information for the status of your state regarding REAL ID, go to *http://www.dhs.gov/real-id-enforcement-brief.* In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, and demonstrations will not be allowed on federal property for security reasons.

If you would like to present oral testimony at the hearing, please notify Ms. Pamela Long, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Policy Division, (C504–01), Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, email address *long.pam@epa.gov,* no later than 4:00 p.m. ET on June 7, 2011. Ms. Long will arrange a general time slot for you to speak. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing.

Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form. Commenters should notify Ms. Long if they need specific translation services for non-English speaking commenters.

The hearing schedule, including the list of speakers, will be posted on the EPA's Web at site *https://www.epa.gov/ozone-pollution/ozone-national-ambient-air-quality-standards-naaqs-section-126-petitions* prior to the hearing. Verbatim transcripts of the hearing and written statements will be included in the docket for the action.

The public hearing will provide interested parties the opportunity to present data, views or arguments concerning the EPA's proposed response to the petition from New York. The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information that are submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be postmarked by the last day of the comment period.

FOR FURTHER INFORMATION CONTACT: For additional information regarding this proposed action, please contact: Beth W. Palma, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539–04, Research Triangle Park, NC 27711, telephone (919) 541–5432, email at *palma.elizabeth@epa.gov.* For information on the public hearing or to register to speak at the hearing, contact Ms. Pamela Long, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Planning Division, Mail Code C504–01, Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, email at *long.pam@epa.gov* (preferred method for registering).

SUPPLEMENTARY INFORMATION: The information in this document is organized as follows:

I. General Information
II. Executive Summary of the EPA's Proposed Decision on the CAA Section 126(b) Petition From New York
III. Background and Legal Authority
A. Ground-Level Ozone and the Interstate Transport of Ozone
B. CAA Sections 110 and 126
C. The EPA's Historical Approach To Addressing Interstate Transport of Ozone Under the Good Neighbor Provision
D. The CAA Section 126(b) Petition From New York
IV. The EPA's Proposed Decision on the CAA Section 126(b) Petition From New York

A. The EPA's Approach for Granting or Denying CAA Section 126(b) Petitions Regarding the 2008 and 2015 8-Hour Ozone NAAQS
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VII. Statutory Authority

I. General Information

Throughout this document wherever ''we,'' ''us,'' ''our'' or ''Agency'' is used, we mean the United States (U.S.) EPA.

Where can I get a copy of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0170 (available at *http://www.regulations.gov*). The EPA has made available information related to the proposed action and the public hearing at website: *https://www.epa.gov/ozone-pollution/ozone-national-ambient-air-quality-standards-naaqs-section-126-petitions.*

II. Executive Summary of the EPA's Proposed Decision on the CAA Section 126(b) Petition From New York

In March 2018, the state of New York submitted a petition requesting that the EPA make a finding pursuant to CAA section 126(b) that emissions from over 350 facilities in nine states significantly contribute to nonattainment and/or interfere with maintenance of the 2008 and 2015 ozone NAAQS in violation of CAA section 110(a)(2)(D)(i)(I), otherwise known as the good neighbor provision. For the reasons explained in this notice, the EPA is proposing to deny the petition because New York has not met its statutory burden to demonstrate that the group of sources identified in the petition emits or would emit in violation of the good neighbor provision for the 2008 or 2015 ozone NAAQS in either Chautauqua County or the NYMA.

The EPA is evaluating the petition consistent with the same four-step interstate transport framework that the EPA has used in previous regulatory actions addressing regional ozone transport problems. The EPA is, therefore, using this framework to evaluate whether the petition meets the standard to demonstrate under CAA section 126(b) that the sources emit or would emit in violation of the good neighbor provision. The EPA's proposed denial rests on both the first and third steps of this framework. With respect to the 2008 and 2015 ozone NAAQS in Chautauqua County, the EPA is proposing to deny the petition at step 1 of the framework (*i.e.,* whether there will be a downwind air quality problem relative to the relevant NAAQS) based on the conclusion that the petition has not identified, and the EPA has not independently found, relevant air quality problems. With respect to the 2008 ozone NAAQS in the NYMA, the EPA is similarly proposing to deny the petition based on the conclusion that the petition has not identified, and the EPA has not independently found, relevant air quality problems. Thus, the EPA is proposing to find as to these areas and NAAQS that the petition has not met its burden at step 1 of the four-step interstate transport framework. Thus, the group of identified sources neither emits nor would emit pollution in violation of the good neighbor provision. With respect to the 2015 ozone NAAQS in the NYMA, the EPA has identified a relevant downwind air quality problem, and, thus, the EPA is not proposing a denial at step 1 as to this portion of the petition.

The EPA is additionally proposing to deny the petition as to all areas and NAAQS at step 3 of the framework (*i.e.,* whether, considering cost and air-quality factors, emissions from sources in the named state(s) will significantly contribute to nonattainment or interfere with maintenance of a NAAQS at a receptor in another state). The EPA is proposing to find that material elements in the petition's assessment of whether the sources may be further controlled through implementation of cost-effective controls are insufficient and, thus, New York has not met its step 3 burden to demonstrate that the named sources currently emit or would emit in violation of the good neighbor provision with respect to the relevant ozone NAAQS. As to the claims in the petition regarding Chautauqua County (for both NAAQS) and the NYMA (for the 2008 ozone NAAQS), this provides an independent basis for denial in addition to the proposed denial under step 3. The EPA is taking comment on whether to also deny the petition because the petitioner has not provided justification for the proposition that identification of such a large, undifferentiated number of sources located in numerous upwind states constitutes a ''group of stationary sources'' within the context of CAA section 126(b).

Section III of this notice provides background information regarding the EPA's approach to addressing the interstate transport of ozone under CAA sections 110(a)(2)(D)(i)(I) and 126(b) and provides a summary of the relevant issues raised in New York's CAA section 126(b) petition. Section IV of this notice details the EPA's proposed action to deny the petition, including an explanation of the EPA's approach for granting or denying CAA section 126(b) petitions regarding the 2008 and 2015 8-hour ozone NAAQS and the EPA's evaluation of the sufficiency of New York's petition, identifying technical insufficiencies in the petition and explaining how the EPA's own analysis informs its evaluation of the claims in the petition.

III. Background and Legal Authority

A. Ground-Level Ozone and the Interstate Transport of Ozone

On March 12, 2008, the EPA promulgated a revision to the ground-level ozone NAAQS, lowering both the primary and secondary standards to 75 parts per billion (ppb).[1] On October 1, 2015, the EPA further revised the ground-level ozone NAAQS to 70 ppb.[2]

In this proposal, consistent with previous rulemakings described in Section III.C.2, the EPA relies on analyses that reflect the regional nature of transported ground-level ozone pollution. Ground-level ozone is not emitted directly into the air but is a secondary air pollutant created by chemical reactions between nitrogen oxides (NO_X), carbon monoxide (CO), methane (CH_4), and non-methane volatile organic compounds (VOCs) in the presence of sunlight. Emissions from mobile sources, electric generating units (EGUs), industrial facilities, gasoline vapors, and chemical solvents are some of the major anthropogenic sources of ozone precursors. The potential for ground-level ozone formation increases during periods with warmer temperatures and stagnant air masses. Therefore, ozone levels are generally higher during the summer months.[3] [4] Ground-level ozone concentrations and temperature are highly correlated in the eastern U.S., with observed ozone increases of 2–3 ppb per degree Celsius reported.[5]

Precursor emissions can be transported downwind directly or, after

[1] *See* National Ambient Air Quality Standards for Ozone, Final Rule, 73 FR 16436 (March 27, 2008).

[2] *See* National Ambient Air Quality Standards for Ozone, Final Rule, 80 FR 65292 (October 26, 2015).

[3] Rasmussen, D.J. et al. (2012). Surface ozone-temperature relationships in the eastern U.S.: A monthly climatology for evaluating chemistry-climate models. Atmospheric Environment 47: 142–153.

[4] High ozone concentrations have also been observed in cold months, where a few areas in the western U.S. have experienced high levels of local VOC and NO_X emissions that have formed ozone when snow is on the ground and temperatures are near or below freezing.

[5] Bloomer, B.J., J.W. Stehr, C.A. Piety, R.J. Salawitch, and R.R. Dickerson (2009). Observed relationships of ozone air pollution with temperature and emissions, Geophys. Res. Lett., 36, L09803.

transformation in the atmosphere, as ozone. Studies have established that ozone formation, atmospheric residence, and transport can occur on a regional scale (*i.e.,* across hundreds of miles) over much of the eastern U.S. Thus, in any given location, ozone pollution levels are affected by a combination of local emissions and emissions from upwind sources. Numerous observational studies have demonstrated the transport of ozone and its precursors and the impact of upwind emissions on high concentrations of ozone pollution.[6]

The EPA concluded in several previous rulemakings (summarized in Section III.C.2) that interstate ozone transport can be an important component of peak ozone concentrations during the summer ozone season and that NO_X control strategies are effective for reducing regional-scale ozone transport. Model assessments have looked at impacts on peak ozone concentrations after potential emissions reduction scenarios for NO_X and VOCs for NO_X-limited and VOC-limited areas. For example, Jiang and Fast concluded that NO_X emissions reduction strategies are effective in lowering ozone mixing ratios in urban areas and Liao et al. showed that NO_X reductions result in lower peak ozone concentrations in non-attainment areas in the Mid-Atlantic.[7] [8]

Studies have found that NO_X emissions reductions can be effective in reducing ozone pollution as quantified by the form of the 2008 ozone standard (8-hour peak concentrations). Specifically, studies have found that NO_X emissions reductions from EGUs, mobile sources, and other source categories can be effective in reducing the upper-end of the cumulative ozone distribution in the summer on a regional scale.[9] Analysis of air quality monitoring data trends shows reductions in summertime ozone concurrent with implementation of NO_X reduction programs.[10] Gilliland et al. examined the NO_X State Implementation Plan (SIP) Call,[11] discussed in more detail in Section III.C.2, and presented reductions in observed versus modeled ozone concentrations in the eastern U.S. downwind from major NO_X sources.[12] The results showed significant reductions in ozone concentrations (10–25 percent) from observed measurements (CASTNET and AQS) [13] between 2002 and 2005, linking reductions in EGU NO_X emissions from upwind states with ozone reductions downwind of the major source areas.[14] Additionally, Gégo et al. showed that ground-level ozone concentrations were significantly reduced after implementation of the NO_X SIP Call.[15] Thus, these studies support the EPA's continued focus on regional and seasonal NO_X control strategies to address regional interstate ozone pollution transport.

B. CAA Sections 110 and 126

The statutory authority for this action is provided by CAA sections 126 and 110(a)(2)(D)(i). Section 126(b) of the CAA provides, among other things, that any state or political subdivision may petition the Administrator of the EPA to find that any major source or group of stationary sources in an upwind state emits or would emit any air pollutant in violation of the prohibition of CAA section 110(a)(2)(D)(i), referred to as the good neighbor provision of the Act.[16] Petitions submitted pursuant to this section are commonly referred to as CAA section 126(b) petitions. Similarly, findings by the Administrator, pursuant to this section, that a source or group of sources emits air pollutants in violation of the CAA section 110(a)(2)(D)(i) prohibition are commonly referred to as CAA section 126(b) findings.

CAA section 126(c) explains the effect of a CAA section 126(b) finding and establishes the conditions under which continued operation of a source subject to such a finding may be permitted. Specifically, CAA section 126(c) provides that it is a violation of section 126 of the Act and of the applicable SIP: (1) For any major proposed new or modified source subject to a CAA section 126(b) finding to be constructed or operate in violation of the prohibition of CAA section 110(a)(2)(D)(i) or (2) for any major existing source for which such a finding has been made to stay in operation more than 3 months after the date of the finding. The statute, however, also gives the Administrator discretion to permit the continued operation of a source beyond 3 months if the source complies with emissions limitations and compliance schedules provided by the EPA to bring about compliance with the requirements contained in CAA sections 110(a)(2)(D)(i) and 126 as expeditiously as practicable, but in any event no later than 3 years from the date of the finding.

Section 110(a)(2)(D)(i) of the CAA requires states to prohibit certain emissions from in-state sources if such emissions impact the air quality in downwind states. Specifically, CAA sections 110(a)(1) and 110(a)(2)(D)(i)(I) require all states, within 3 years of promulgation of a new or revised NAAQS, to submit SIPs that contain adequate provisions prohibiting any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to that NAAQS. As described further in Section III.C.2, the EPA has developed several regional rulemakings to address the requirements of CAA section 110(a)(2)(D)(i)(I) for the various ozone NAAQS. The EPA's most recent rulemaking, Determination Regarding Good Neighbor Obligations for the 2008 Ozone National Ambient Air Quality Standard (the Determination Rule), finalized a determination that the existing Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (CSAPR Update) [17] fully addresses

[6] For example, Bergin, M.S. et al. (2007). Regional air quality: Local and interstate impacts of NO_X and SO_2 emissions on ozone and fine particulate matter in the eastern United States. Environmental Sci & Tech. 41: 4677–4689.

[7] Jiang, G.; Fast, J.D. (2004). Modeling the effects of VOC and NO_X emissions sources on ozone formation in Houston during the TexAQS 2000 field campaign. Atmospheric Environment 38: 5071–5085.

[8] Liao, K. et al. (2014) Impacts of interstate transport of pollutants on high ozone events over the Mid-Atlantic United States. Atmospheric Environment 84: 100–112.

[9] Hidy, G.M. and Blanchard C.L. (2015). Precursor reductions and ground-level ozone in the Continental United States. J. of Air & Waste Management Ass'n 65, 10.

[10] Simon, H. et al. (2015). Ozone trends across the United States over a period of decreasing NO_X and VOC emissions. Environmental Science & Technology 49, 186–195.

[11] *See* Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone (NO_X SIP Call). 63 FR 57356 (October 27, 1998).

[12] Gilliland, A.B. et al. (2008). Dynamic evaluation of regional air quality models: Assessing changes in O_3 stemming from changes in emissions and meteorology. Atmospheric Environment 42: 5110–5123.

[13] CASTNET is the EPA's Clean Air Status and Trends Network. AQS is the EPA's Air Quality System.

[14] Hou, Strickland & Liao (2015). Contributions of regional air pollutant emissions to ozone and fine particulate matter-related mortalities in eastern U.S. urban areas. Environmental Research 137: 475–484.

[15] Gégo et al. (2007). Observation-based assessment of the impact of nitrogen oxides emission reductions on O_3 air quality over the eastern United States. J. of Applied Meteorology and Climatology 46: 994–1008.

[16] The text of CAA section 126 as codified in the U.S. Code cross-references section 110(a)(2)(D)(ii) instead of section 110(a)(2)(D)(i). The courts have confirmed that this is a scrivener's error and the correct cross-reference is to CAA section 110(a)(2)(D)(i). *See Appalachian Power Co.* v. *EPA,* 249 F.3d 1032, 1040–44 (D.C. Cir. 2001).

[17] *See* Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality

certain states' interstate transport obligations under CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. 83 FR 65878 (December 21, 2018).

Section 110(a)(2)(D)(ii) of the CAA further requires SIPs to contain adequate provisions insuring compliance with the applicable requirements of, *inter alia,* CAA section 126. Thus, where the EPA has made a finding pursuant to CAA section 126(b), this provision requires states to revise their SIPs to adopt any emissions limitations and compliance schedules provided by the EPA under CAA section 126(c).

C. The EPA's Historical Approach To Addressing Interstate Transport of Ozone Under the Good Neighbor Provision

Given that formation, atmospheric residence, and transport of ozone can occur on a regional scale (*i.e.,* across hundreds of miles) and that many separate areas across the eastern U.S. have struggled to attain and maintain the NAAQS, the states and the EPA have historically addressed the interstate transport of ozone pursuant to the good neighbor provision by promulgating rulemakings that employ regional trading programs to reduce NO_X emissions. Each of these rulemakings followed a similar four-step interstate transport framework to evaluate the extent of the ozone transport problem (*i.e.,* the breadth of downwind ozone problems and the contributions from upwind states) and, ultimately, to find that downwind states' problems attaining and maintaining the ozone NAAQS result from an interconnected system of transported pollution emitted by multiple upwind sources located in different upwind states combined with downwind (*i.e.,* locally generated) ozone.

1. Description of the Four-Step Interstate Transport Framework

Through the development and implementation of several previous rulemakings,[18] the EPA, working in partnership with states, established the following four-step interstate transport framework to address the requirements of the good neighbor provision for regional pollutants such as ozone and fine particulate matter ($PM_{2.5}$):

(1) *Identify downwind receptors that are expected to have problems attaining or maintaining the NAAQS.* The EPA historically identified downwind areas with air quality problems, or receptors, using air quality modeling projections for a future analytic year and, where appropriate, considering monitored air quality data.

(2) *Determine which upwind states are linked to these identified downwind air quality problems and thus warrant further analysis to determine whether their emissions violate the good neighbor provision.* In the EPA's most recent transport rulemakings for the 1997 and 2008 ozone NAAQS, as well as the 1997 and 2006 $PM_{2.5}$ NAAQS, the Agency identified such upwind states to be those modeled to contribute at or above a threshold relative to the applicable NAAQS.

(3) *For states linked to downwind air quality problems, identify upwind emissions (if any) on a statewide basis that will significantly contribute to nonattainment or interfere with maintenance of a standard at a receptor in another state.* In the EPA's prior rulemakings for ozone and $PM_{2.5}$, the Agency identified and apportioned emissions reduction responsibility among multiple upwind states linked to downwind air quality problems by identifying a uniform level of control stringency based on cost and air quality factors evaluated in a multi-factor test.

(4) *For upwind states that are found to have emissions that will significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, implement the necessary emissions reductions within the state.* When the EPA has promulgated federal implementation plans (FIPs) addressing the good neighbor provision for ozone and $PM_{2.5}$ NAAQS in prior transport rulemakings, the EPA has typically required affected sources in upwind states to participate in allowance trading programs to achieve the necessary emissions reductions.[19] In addition, the EPA has also offered states the opportunity to participate in comparable EPA-operated allowance trading programs to achieve the necessary emissions reductions through SIPs.

Using the four-step framework to evaluate a particular interstate transport problem allows the EPA to determine whether upwind sources are actually linked to a downwind air quality problem, whether and which sources can be cost-effectively controlled to address that downwind air quality problem, what level of emissions should be eliminated to address the downwind air quality problem, and the means of implementing corresponding emissions limits (*i.e.,* source-specific rates, or statewide emissions budgets in a limited regional allowance trading program). The outcome of this assessment varies based on the scope of the air quality problem, the availability and cost of controls at sources in upwind states, and the estimated impact of upwind emissions reductions on downwind ozone concentrations.

2. Prior Regional Rulemakings Under the Good Neighbor Provision

The EPA's first regional interstate transport rulemaking, the NO_X SIP Call, addressed the 1979 ozone NAAQS. 63 FR 57356 (October 27, 1998).[20] The NO_X SIP Call was the result of the analytic work and recommendations of the Ozone Transport Assessment Group, which was organized and led by states in consultation with the EPA and other stakeholders. The EPA used this collaboratively-developed analysis to conclude in the NO_X SIP Call that ''[t]he fact that virtually every nonattainment problem is caused by numerous sources over a wide geographic area is a factor suggesting that the solution to the problem is the implementation over a wide area of controls on many sources, each of which may have a small or unmeasurable ambient impact by itself.'' 63 FR 57356, 57377 (October 27, 1998). The NO_X SIP Call promulgated statewide emissions budgets and required upwind states to adopt SIPs that would decrease their NO_X emissions to meet these budgets, thereby prohibiting the emissions that significantly contribute to nonattainment or interfere with maintenance of the ozone NAAQS in downwind states. The EPA also promulgated a model rule for a regional allowance trading program called the

Standards, Final Rule, 81 FR 74504 (October 26, 2016).

[18] *See* Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone (also known as the NO_X SIP Call), 63 FR 57356 (October 27, 1998); Clean Air Interstate Rule (CAIR) Final Rule, 70 FR 25162 (May 12, 2005); CSAPR Final Rule, 76 FR 48208 (August 8, 2011); CSAPR Update Final Rule, 81 FR 74504 (October 26, 2016); Determination Rule, 83 FR 65878 (December 21, 2018).

[19] While the EPA has chosen to implement emissions reductions through allowance trading programs for states found to have a downwind impact, upwind states can choose to submit a SIP that implements such reductions through other enforceable mechanisms that meet the requirements of the good neighbor provision, such as the enforceable mechanisms that the petitioner apparently favors and argues for in its petition.

[20] As originally promulgated, the NO_X SIP Call also addressed good neighbor obligations under the 1997 8-hour ozone NAAQS, but the EPA subsequently stayed the rule's provisions with respect to that standard. 40 CFR 51.121(q). The EPA recently finalized an action rescinding the 1997 ozone NAAQS as a basis for the NO_X SIP Call. 84 FR 8422 (March 8, 2019).

NO_X Budget Trading Program that states could adopt in their SIPs as a mechanism to achieve some or all required emissions reductions. All jurisdictions covered by the NO_X SIP Call ultimately chose to adopt the NO_X Budget Trading Program into their SIPs. The NO_X SIP Call was ultimately upheld by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in all pertinent respects. *See Michigan* v. *EPA,* 213 F.3d 663 (2000).

In coordination with the NO_X SIP Call rulemaking under CAA section 110(a)(2)(D)(i)(I), the EPA also addressed several pending CAA section 126(b) petitions submitted by eight northeastern states regarding the same air quality issues addressed by the NO_X SIP Call, specifically interstate ozone transport for the 1979 ozone NAAQS. These CAA section 126(b) petitions asked the EPA to find that ozone emissions from numerous sources located in 30 states and the District of Columbia had adverse air quality impacts on the petitioning downwind states. Half of the petitioning states (*i.e.,* Connecticut, Maine, New York, and Pennsylvania) requested an allowance trading program to reduce NO_X emissions and remedy regional interstate ozone transport. 63 FR 56297 (October 21, 1998). Based on analysis conducted for the NO_X SIP Call regarding upwind state impacts on downwind air quality, the EPA, in May 1999, made technical determinations regarding the claims in the petitions, but did not at that time make the CAA section 126(b) findings requested by the petitions. 64 FR 28250 (May 25, 1999). In making these technical determinations, the EPA concluded that the NO_X SIP Call would fully address and remediate the claims raised in these petitions and that the EPA would, therefore, not need to take separate action to remedy any potential violations of the CAA section 110(a)(2)(D)(i) prohibition. 64 FR 28252. However, subsequent litigation over the NO_X SIP Call led the EPA to ''de-link'' the CAA section 126(b) petition response from the NO_X SIP Call, and the EPA made final CAA section 126(b) findings for 12 states named in the petitions and the District of Columbia. The EPA found that sources in these states emitted in violation of the prohibition in the good neighbor provision with respect to the 1979 ozone NAAQS based on the affirmative technical determinations made in the May 1999 rulemaking. To remedy the violation under CAA section 126(c), the EPA required affected sources in the upwind states to participate in a regional allowance trading program whose requirements were designed to be interchangeable with the requirements of the optional NO_X Budget Trading Program model rule provided under the NO_X SIP Call. 65 FR 2674 (January 18, 2000). The EPA's action on these CAA section 126(b) petitions was upheld by the D.C. Circuit. *See Appalachian Power Co.* v. *EPA,* 249 F.3d 1032 (D.C. Cir. 2001).

The EPA next promulgated the Clean Air Interstate Rule (CAIR), 70 FR 25162 (May 12, 2005), to address interstate transport under the good neighbor provision with respect to the 1997 ozone NAAQS, as well as the 1997 $PM_{2.5}$ NAAQS. 70 FR 25172. The EPA adopted the same approach for quantifying the level of states' significant contribution to downwind nonattainment in CAIR as it used in the NO_X SIP Call, based on the determination in the NO_X SIP Call that downwind ozone nonattainment is due to the impact of emissions from numerous upwind sources and states. 70 FR 25162, 25172 (May 12, 2005). The EPA explained that ''[t]ypically, two or more States contribute transported pollution to a single downwind area, so that the 'collective contribution' is much larger than the contribution of any single State.'' 70 FR 25186. CAIR included two distinct regulatory processes: (1) A rulemaking to define significant contribution (*i.e.,* the emissions reduction obligation) under the good neighbor provision and provide for submission of SIPs eliminating that contribution, 70 FR 25162 (May 12, 2005); and (2) a rulemaking to promulgate, where necessary, FIPs imposing emissions limitations in the event states did not submit SIPs. 71 FR 25328 (April 28, 2006). The FIPs required EGUs in affected states to participate in regional allowance trading programs, which replaced the previous NO_X Budget Trading Program.

In conjunction with the second CAIR rulemaking, which promulgated backstop FIPs, the EPA acted on a CAA section 126(b) petition received from the state of North Carolina on March 19, 2004, seeking a finding that large EGUs located in 13 states were significantly contributing to nonattainment and/or interfering with maintenance of the 1997 ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS in North Carolina. Citing the analyses conducted to support the promulgation of CAIR, the EPA denied North Carolina's CAA section 126(b) petition in full based on determinations either that the named states were not adversely impacting downwind air quality in violation of the good neighbor provision, or that such impacts were fully remedied by implementation of the emissions reductions required by the CAIR FIPs. 71 FR 25328, 25330 (April 28, 2006).

The D.C. Circuit found that the EPA's approach to CAA section 110(a)(2)(D)(i)(I) in CAIR was ''fundamentally flawed'' in several respects, and the rule was remanded in July 2008 with the instruction that the EPA replace the rule ''from the ground up.'' *North Carolina,* 531 F.3d at 929. The decision concluded the EPA's analysis and compliance mechanisms did not address all elements required by the statute. The EPA's separate action denying North Carolina's CAA section 126(b) petition was not challenged.

On August 8, 2011, the EPA promulgated CSAPR to replace CAIR. 76 FR 48208 (August 8, 2011). CSAPR addressed the same (1997) ozone and $PM_{2.5}$ NAAQS as CAIR and additionally addressed interstate transport for the 2006 $PM_{2.5}$ NAAQS by requiring 28 states to reduce sulfur dioxide (SO_2) emissions, annual NO_X emissions, and/or ozone season NO_X emissions that would significantly contribute to other states' nonattainment or interfere with other states' ability to maintain these air quality standards. Consistent with prior determinations made in the NO_X SIP Call and CAIR, the EPA again found that multiple upwind states contributed to ozone nonattainment in multiple downwind states. Specifically, the EPA found ''that the total 'collective contribution' from upwind sources represents a large portion of $PM_{2.5}$ and ozone at downwind locations and that the total amount of transport is composed of the individual contribution from numerous upwind states.'' 76 FR 48237. Accordingly, the EPA conducted a regional analysis, calculated emissions budgets for affected states, and required EGUs in these states to participate in new regional allowance trading programs to reduce statewide emissions levels.[21] CSAPR was subject to nearly 4 years of litigation. Ultimately, the Supreme Court upheld the EPA's approach to calculating emissions reduction obligations and apportioning upwind state responsibility under the good neighbor provision, but also held that the EPA was precluded from requiring more emissions reductions

[21] The CSAPR trading programs included assurance provisions to ensure that emissions are reduced within each individual state, in accordance with *North Carolina,* 531 F.3d at 907–08 (holding the EPA must require elimination of emissions from each upwind state that contribute significantly to nonattainment and interfere with maintenance in downwind areas). Those provisions were also included in the CSAPR Update and took effect with the 2017 CSAPR compliance periods.

than necessary to address downwind air quality problems, or ''over-controlling'' upwind state emissions. *See EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584, 1607–09 (2014) (*EME Homer City*).[22]

In 2016, the EPA promulgated the CSAPR Update to address the good neighbor provision requirements for the 2008 ozone NAAQS. 81 FR 74504 (October 26, 2016). The CSAPR Update built upon previous regulatory efforts to address the collective contributions of ozone pollution from 22 states in the eastern U.S. to widespread downwind air quality problems. As with previous rulemakings, the EPA evaluated the nature (*i.e.,* breadth and interconnectedness) of the ozone problem and NO_X reduction potential from EGUs, including essentially all the EGUs at the facilities named in the New York CAA section 126(b) petition.[23] In the CSAPR Update, the EPA quantified emissions reduction obligations for each state based on an analysis of control strategies that could be implemented by the 2017 ozone season and implemented those emissions reductions through FIPs which required EGUs in affected states to participate in a regional allowance trading program to further reduce statewide NO_X emissions levels.

At the time the EPA finalized the CSAPR Update in 2016, the EPA was unable to determine whether the rule fully resolved good neighbor obligations with respect to the 2008 ozone NAAQS for most (*i.e.,* 21) of the states subject to that action, including those addressed in New York's petition (*i.e.,* Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia). The EPA stated that, based on its analysis at that time, the emissions reductions required by the rule ''may not be all that is needed'' to address transported emissions.[24] 81 FR 74521–22 (October 26, 2016). The information available at that time suggested that downwind air quality problems would remain in 2017 after implementation of the CSAPR Update and that upwind states continued to be linked to those downwind problems at or above the one-percent threshold. However, in the CSAPR Update, the EPA could not determine whether, in step 3 of the four-step interstate transport framework, the EPA had quantified all emissions reductions that may be considered cost-effective because the rule did not evaluate non-EGU ozone season NO_X reductions and further EGU control strategies (*i.e.,* the implementation of new post-combustion controls) that were achievable on timeframes extending beyond the 2017 analytic year.

On December 6, 2018, the EPA finalized a determination that, based on the latest available emissions inventory and air quality modeling data for a 2023 analytic year, the CSAPR Update fully addresses the good neighbor provision requirements for the 2008 ozone NAAQS for 20 eastern states (among the 22) previously addressed in the CSAPR Update. 83 FR 65878 (December 21, 2018). The EPA's Determination Rule applied the four-step interstate transport framework but did not move beyond an analysis at step 1 of the four-step framework, because the EPA found that there would be no remaining nonattainment or maintenance receptors for the 2008 ozone NAAQS in the eastern U.S. in 2023. Therefore, with the CSAPR Update fully implemented, the EPA finalized in the Determination Rule a finding that the 20 states addressed by that action (including eight of the nine states named in New York's petition) will not contribute significantly to nonattainment in, or interfere with maintenance by, any other state regarding the 2008 ozone NAAQS. The EPA had already determined that the remaining two states would have no remaining good neighbor obligation for the 2008 ozone NAAQS—one in the CSAPR Update (Tennessee), 81 FR 74540 (October 26, 2016), and the other in a separate SIP approval (Kentucky, the ninth state named in New York's petition), 83 FR 33730 (July 17, 2018).

Most recently, the EPA acted on five CAA section 126(b) petitions submitted by the states of Delaware and Maryland regarding various sources in five upwind states with regard to the 2008 and 2015 ozone NAAQS. In denying the petitions, the EPA applied the same four-step interstate transport framework used in prior rulemakings and relied on analysis and determinations made in the CSAPR Update for purposes of evaluating the good neighbor obligations with respect to the 2008 ozone NAAQS. 83 FR 50444 (October 5, 2018).

D. The CAA Section 126(b) Petition From New York

On March 12, 2018, the New York State Department of Environmental Conservation (NY DEC) submitted a CAA section 126(b) petition alleging that emissions from a group of specified upwind sources in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone NAAQS in New York State, specifically in the New York-Northern New Jersey-Long Island, NY-NJ-CT area (hereafter the New York metropolitan area or NYMA) and in Chautauqua County in western New York.

1. The petition asserts that Chautauqua County and the NYMA have an air quality problem for the 2008 and the 2015 ozone NAAQS.

The petition explains that the EPA designated the Chautauqua County area (*i.e.,* Jamestown, New York) as Marginal nonattainment for the 2008 ozone NAAQS and that the area attained the NAAQS by the Marginal area attainment date of July 20, 2015. The petition asserts, however, that the area remains in danger of exceeding the ozone NAAQS, particularly the 2015 standard.

The petition also explains that the EPA designated the NYMA as Marginal nonattainment for the 2008 ozone NAAQS. The NYMA failed to attain the NAAQS by the Marginal attainment deadline of July 20, 2015, and the EPA subsequently reclassified the area to a Moderate nonattainment area on June 3, 2016.[25] The petition further asserts that all three states in the NYMA (*i.e.,* New York, New Jersey and Connecticut) have surpassed their three-percent-per-year emissions reductions requirements for the 2008 NAAQS; yet certified monitoring data through 2016 and (at the time of the petition submittal) preliminary 2017 data indicate that the area is not attaining the 2008 NAAQS, with one monitor in Connecticut recording a preliminary 2017 design value of 83 ppb. The petition, thus, concludes that the area will likely be designated nonattainment for the 2015 ozone NAAQS.[26]

[22] On remand from the Supreme Court, the D.C. Circuit further affirmed various aspects of the CSAPR, while remanding the rule without vacatur for reconsideration of certain states' emissions budgets where it found those budgets may over-control emissions beyond what was necessary to address the good neighbor requirements. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (2015) (*EME Homer City II*). The EPA addressed the remand in several rulemaking actions in 2016 and 2017.

[23] The EPA uses the language ''*essentially all* the EGUs at the facilities named . . .'' (emphasis added) to clarify that the New York petition identifies sources at the facility, rather than at the unit, level. The CSAPR Update looked at unit-level data and included all fossil-fuel-fired boiler or combustion turbine EGUs with a capacity (electrical output) greater than 25 megawatts (MW). *See* 81 FR 74563 (October 26, 2016).

[24] The EPA determined that the emissions reductions required by the CSAPR Update satisfied the full scope of the good neighbor obligation for Tennessee with respect to the 2008 ozone NAAQS. 81 FR 74551–52 (October 26, 2016).

[25] The EPA notes that New York submitted its CAA section 126(b) petition before the EPA proposed to reclassify the NYMA as a Serious nonattainment area. 83 FR 56781 (November 14, 2018).

[26] The petition asserts that the EPA had not yet issued final designations at the time the petition

Continued

2. The petition asserts that NO_X transport from the nine named states impacts air quality in New York State.

The petition identifies nine states that were linked to air quality problems in New York in the EPA's 2017 contribution modeling in the CSAPR Update based on impacts equal to or greater than the threshold of one percent of the 2008 NAAQS (or 0.75 ppb or more): Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia. The petition also asserts that the high concentrations of ozone that are transported to New York are largely the result of emissions from major stationary sources of NO_X located in the linked states. The petition cites efforts by New York and other parties to mitigate regional transport of NO_X, including implementation of the NO_X Budget Trading Program under the NO_X SIP Call and the CSAPR allowance trading programs.

Additionally, the petition describes a study that allegedly found that air transported into Chautauqua County on the worst air quality days results in maximum daily ozone concentrations that, on average, are within 2 ppb of the 2015 ozone NAAQS and often exceed the standard of 70 ppb.[27] The petition concludes that, given the absence of major sources in the Chautauqua County area, reductions in ozone precursor emissions are needed from upwind states, especially from sources in Illinois, Indiana, Kentucky, Michigan, Ohio, and Virginia.

3. The petition asserts that facilities emitting (or projected to emit) above 400 tons of NO_X significantly contribute to air quality problems or interfere with maintenance in New York State.

When analyzing significant ozone contributions, the petition considers the highest emitting facilities from the previously named linked states. Specifically, the petition identifies EGU and non-EGU facilities emitting, or projected to emit, 400 tons per year or more of NO_X in each of these linked states and asserts that these facilities are expected to have the greatest impact on the ability of the NYMA and Chautauqua County to attain and maintain the 2008 and 2015 NAAQS.[28] The petition asserts that the identified facilities can reasonably be retrofitted with control equipment or can operate existing controls more frequently to reduce NO_X.

The petition provides and uses NY DEC generated air quality modeling data to quantify projected 2017 impacts on ozone concentrations from the collective NO_X emissions of the EGU and non-EGU (including oil and gas) facilities that emitted at least 400 tons-per-year of NO_X in each state that was linked in the EPA's modeling for the CSAPR Update (''400 tons-per-year sources''). According to the petition, results from NY DEC's independent modeling analysis show single-day impacts from individual states' groups of 400 tons-per-year sources of up to 6.34 ppb in Chautauqua County and 4.97 ppb in the New York portion of the NYMA nonattainment area.[29]

The petition asserts that, where the maximum influence from an individual state's combined 400 tons-per-year sources exceeds 0.75 ppb at a particular monitor, this indicates significant contribution to nonattainment or interference with maintenance of the 2008 ozone NAAQS, and an influence above 0.70 ppb indicates significant contribution to nonattainment or interference with maintenance of the 2015 ozone NAAQS.

The petition also challenges the applicability of the EPA's recently-released 2023 air quality modeling[30] to this CAA section 126(b) petition. The petition states that NY DEC has significant concerns about the assumptions and results of the EPA's modeling, such as the EPA's expectation that uncontrolled EGUs will greatly reduce their emissions rates in the absence of unit-level enforceable limits and the concern that the EPA may have underestimated the ozone concentration results for monitoring sites located near significant water bodies based on the treatment of model cells containing a land/water interface. The petition also asserts that modeling of 2023 is insufficient to support good neighbor SIPs and cannot be used to support a review of New York's petition because CAA section 126(c) explicitly states that compliance must be met ''in no case later than three years after the date of [a CAA section 126(b)] finding,'' and 2023 is more than 3 years after the deadline by which the EPA must act on the NY DEC petition. The EPA notes that New York submitted its CAA section 126(b) petition before the EPA finalized the Determination Rule.

4. The petition requests that the EPA establish enforceable emissions limitations for the named major NO_X sources at levels designed to prevent them from significantly contributing to nonattainment or interfering with maintenance in New York State.

The petition requests that the EPA establish permanent and enforceable NO_X emissions limits based on New York's determination of available cost-effective controls. Specifically, the petition requests that the named sources be subject to emissions limits consistent with Reasonably Available Control Technology (RACT) as defined by New York State, which bases its presumptive limits and facility-specific control analyses on a standard of $5,000 per ton of NO_X reduced.[31] The petition acknowledges that some of the facilities identified in the petition may already

was submitted. On April 30, 2018, the EPA designated New York-Northern New Jersey-Long Island, NY-NJ-CT area as a Moderate nonattainment area, the same as the NYMA nonattainment area for 2008 ozone NAAQS. 83 FR 25776 (June 4, 2018).

[27] The petition discusses the results of a study titled the ''Dunkirk Monitor Transport Study,'' which presents an analysis of back-trajectories used to single out interstate airflow on ''design days,'' which the petition defines as days considered in the calculation of the design values. The subject days include the four days in each year from 2013 to 2017 with the largest daily maximum 8-hour ozone concentrations at the Dunkirk monitoring site in Chautauqua County, New York. The Dunkirk monitoring site is the design value monitoring site in Chautauqua County (*i.e.,* the site with the highest design value in the county).

[28] The petition identifies which facilities emit 400 tons per year of more of NO_X based on 2017 EGU projections by the Mid-Atlantic Regional Air Management Association (MARAMA). The petition also identifies non-EGU sources emitting greater than 400 tons of NO_X in the 2014 National Emissions Inventory (NEI).

[29] The petition provides additional detail regarding the modeling methodology. Specifically, the petition notes that NY DEC used version 5.0.2 of the Community Multiscale Air Quality (CMAQ) model with the EPA's Weather Research Forecast (WRF) 2011 meteorological data to model hourly ozone concentrations during the period May 18 to July 30 for a 2017 ''baseline'' scenario and additional state-by-state ''control'' modeling scenarios in which emissions from the named sources in a given state were set to zero. The petition explains that NY DEC then used the modeled concentrations to calculate the 8-hour daily maximum average (MDA8) in each grid cell on each day of the modeling period for each modeled scenario. The difference in MDA8 concentrations between the 2017 baseline and each state zero-out run was used to represent the contributions on each day. The NY DEC then selected the largest single-day contribution from among the highest ozone concentration days to support their analysis of contributions relative to a one-percent-of-the-NAAQS threshold.

[30] *See* the EPA's October 27, 2017 memorandum titled, ''Supplemental Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)'' that provided future year ozone design values for monitoring sites in the U.S. based on updated air quality modeling (for 2023) and monitoring data.

[31] According to the petition, New York's standard of $5,000 per ton of NO_X reduced for RACT is inflation-adjusted. Hence, the EPA observes that this cost per ton will not change in future years even if inflation leads to increases in NO_X control costs per ton of NO_X reduced beyond current estimates. For example, assuming a control cost of $5,000 per ton of NO_X reduced, a 10 percent inflation rate will yield a control cost of $5,500 per ton (1.10 * 5,000), but the inflation-adjusted RACT basis of $5,000 per ton of NO_X reduced remains unchanged.

operate with a NO_X emissions rate similar to New York's RACT limits. Nonetheless, the petition asks that the EPA establish enforceable daily emissions limits during the ozone season to require these sources to continue to operate at these rates in the future. The petition claims that enforceable emissions limits would prevent emissions controls from being turned off, which the petition asserts occurs when the sources in the state are collectively emitting well-below their seasonal CSAPR budgets.

5. Subsequent actions and correspondence regarding the New York petition.

Consistent with CAA section 307(d)(10), the EPA determined that the 60-day period for responding to New York's petition was insufficient for the EPA to complete the necessary technical review, develop an adequate proposal, and allow time for notice and comment, including an opportunity for public hearing, on a proposed finding regarding whether emissions from the group of identified sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone NAAQS in New York State. On May 11, 2018, the EPA published a final rule extending the deadline for acting on New York's section 126(b) petition to November 9, 2018.[32]

Since receiving New York's section 126(b) petition on March 14, 2018, the EPA has received several letters from the public providing information regarding the content of the subject petition. We briefly describe those letters here.

On April 13, 2018, the U.S. Chamber of Commerce submitted a letter to the EPA requesting an extension beyond the 60-day statutory deadline for petition response and claiming legal and technical deficiencies in the New York petition. Specifically, the U.S. Chamber of Commerce asserts that the petition over-estimates emissions from ''numerous'' facilities identified in the petition and inappropriately includes monitoring sites that currently attain the ozone NAAQS. Further the U.S. Chamber of Commerce contends that applying New York's definition of RACT outside of New York raises ''significant constitutional and statutory issues.''

On June 20, 2018, Sunoco Partners Marketing & Terminals submitted a letter to the EPA providing corrections to the operating status of the Marcus Hook Refinery, identified in the New York section 126(b) petition as the Sunoco Inc. (R&M)/Marcus Hook Refinery, and requesting that the EPA remove the identified source from the list of facilities emitting more than 400 tons per year of NO_X.

On April 25, 2018, the Air Stewardship Coalition (ASC) submitted a letter to the EPA requesting an extension beyond the 60-day statutory deadline for petition response citing the technical complexity of the New York petition. ASC submitted a follow-up letter on September 24, 2018, asking the EPA to deny New York's section 126(b) petition. The ASC letter asserts that New York State has no ozone attainment issues outside of the NYMA and that the NY DEC's independent modeling used a ''non-standard approach'' that resulted in ''flawed'' results.

On May 31, 2018, the Midwest Ozone Group (MOG) submitted a letter asking the EPA to deny New York's section 126(b) petition. The MOG letter asserts that the New York petition is deficient in that it incorrectly characterizes the emissions from identified sources and states; the petition does not consider exceptional events or international transport; and the petition does not consider the EPA's most recent modeling showing that all New York monitoring sites will attain the 2008 ozone NAAQS. Further, MOG provides the results of its own independent modeling of the May 1 through August 31, 2011, ozone season run at a 4-kilometer (km) grid resolution rather than the 12 km grid resolution used in the EPA's modeling. MOG asserts that at the finer resolution, all monitoring sites in New York attain both the 2008 and the 2015 ozone NAAQS. MOG provided the EPA with supplemental comments and analyses on October 19, 2018, and on December 17, 2018. MOG asserts that its additional comments further support the EPA's denial of the New York section 126(b) petition.

The EPA acknowledges receipt of these letters and has made them available in the docket for this action. However, the EPA is not responding directly to these letters in this notice nor is the EPA relying on the information provided in these letters as a basis for its proposed action. Rather, the EPA encourages interested parties to review this proposal and then submit relevant comments during the public comment period.

IV. The EPA's Proposed Decision on the CAA Section 126(b) Petition From New York

A. The EPA's Approach for Granting or Denying CAA Section 126(b) Petitions Regarding the 2008 and 2015 8-Hour Ozone NAAQS

As discussed in Section III.B of this notice, section 126(b) of the CAA provides a mechanism for states and other political subdivisions to seek abatement of pollution in other states that may be affecting their air quality. Section 126(b) does not, however, identify a specific methodology or specific criteria for the Administrator to apply when making a CAA section 126(b) finding or denying a petition. Therefore, the EPA has the discretion to identify relevant criteria and develop a reasonable methodology for making a CAA section 126(b) finding. *See, e.g., Chevron, U.S.A., Inc.* v. *NRDC,* 467 U.S. 837, 842–43 (1984); *Smiley* v. *Citibank,* 517 U.S. 735, 744–45 (1996).

With respect to the statutory requirements of section 126 and section 110(a)(2)(D)(i) of the CAA, the EPA has consistently acknowledged that Congress created these provisions as two independent statutory tools to address the problem of interstate pollution transport. *See, e.g.,* 76 FR 69052, 69054 (November 7, 2011).[33] The fact that Congress did not indicate any preference for one over the other, suggests that either tool could serve as a legitimate means to produce the desired result. While the provisions in CAA section 110(a)(2)(D)(i) and section 126 are independent, they are also closely linked. A violation of the prohibition in CAA section 110(a)(2)(D)(i) is a condition precedent for action under CAA section 126(b) and, critically, both provisions construe significant contribution to nonattainment and interference with maintenance identically (since the identical terms are naturally interpreted as meaning the same thing in the two linked provisions). *See Appalachian Power,* 249 F. 3d at 1049–50.

Thus, in addressing a CAA section 126(b) petition for ozone transport, the EPA believes it is appropriate to interpret these ambiguous terms (*i.e.,* ''contribute significantly to nonattainment'' and ''interfere with maintenance'') consistent with the EPA's past approach to evaluating interstate ozone pollution transport

[32] 83 FR 21909 (May 11, 2018).

[33] Courts have also upheld the EPA's position that CAA sections 110(a)(2)(D)(i) and section 126 are two independent statutory tools to address the same problem of interstate transport. *See GenOn REMA, LLC* v. *EPA,* 722 F.3d 513, 520–23 (3d Cir. 2013); *Appalachian Power,* 249 F.3d at 1047.

under the good neighbor provision, and its interpretation and application of that related provision of the statute. As described further in Section III of this notice, ozone is a regional air pollutant and the EPA's previous analyses and regulatory actions have evaluated the regional interstate ozone transport problem using a four-step analytic framework. The EPA most recently applied this four-step framework in promulgating the CSAPR Update and the Determination Rule to address interstate transport with respect to the 2008 ozone NAAQS under CAA section 110(a)(2)(D)(i)(I). This approach is particularly applicable with respect to New York's claims regarding the 2008 ozone NAAQS because both rulemakings address projected air quality problems in New York and the impacts of upwind states, including those named in the petition, on such areas. Given the specific cross-reference in CAA section 126(b) to the substantive prohibition in CAA section 110(a)(2)(D)(i), the EPA believes any prior findings made under the good neighbor provision are informative—if not determinative—for a CAA section 126(b) action. Therefore, in this instance, the EPA's decision whether to grant or deny the CAA section 126(b) petition regarding the 2008 8-hour ozone NAAQS depends on application of the four-step interstate transport framework.

While the EPA previously applied the four-step interstate transport framework and interpreted significant contribution and interference with maintenance under CAA section 110(a)(2)(D)(i) for the 2008 ozone NAAQS via the CSAPR Update and the Determination Rule, the EPA has not yet engaged in a rulemaking action to apply the good neighbor provision for the 2015 ozone NAAQS. However, the EPA recently released technical information intended to inform states' development of SIPs to address the 2015 ozone standard.[34] This information included the results of air quality modeling to identify potential downwind air quality problems in 2023, which we discuss in more detail in Section IV.B.1 of this document. As part of the memorandum releasing the technical information, the EPA acknowledged that states have the flexibility to pursue approaches that may differ from the EPA's historical approach to evaluating interstate transport in developing their good neighbor SIPs.[35] Nonetheless, the EPA's technical analysis and the potential flexibilities identified in the memorandum generally followed the basic elements of the EPA's historical four-step interstate transport framework. As described previously, CAA section 126(b) does not identify a specific methodology or specific criteria for the Administrator to apply when making a CAA section 126(b) finding or denying a petition. Thus, given the EPA's discretion to identify relevant criteria and develop a reasonable methodology to inform a CAA section 126(b) finding, the EPA believes that it continues to be appropriate for the Agency to evaluate the claims regarding the 2015 ozone NAAQS in New York's section 126(b) petition consistent with the EPA's four-step interstate transport framework used to evaluate other ozone NAAQS.

Accordingly, because the EPA interprets ''contribute significantly to nonattainment'' and ''interfere with maintenance'' to mean the same thing under both sections 110(a)(2)(D)(i) and 126(b), the EPA's decision whether to grant or deny a CAA section 126(b) petition regarding both the 2008 and 2015 ozone NAAQS depends on application of the analysis used to address CAA section 110(a)(2)(D). That is, the EPA assesses whether there is a downwind air quality problem in the petitioning state (*i.e.,* step 1 of the four-step interstate transport framework); whether the upwind state where the source subject to the petition is located is linked to the downwind air quality problem (*i.e.,* step 2); and, if such a linkage exists, whether there are cost-effective emissions reductions available from sources in the upwind state to support a conclusion that the sources in the state significantly contribute to nonattainment or interfere with maintenance of the NAAQS (*i.e.,* step 3).

In interpreting the phrase ''emits or would emit in violation of the prohibition of section [110(a)(2)(D)(i)],'' if the EPA or a state has already adopted provisions that eliminate the significant contribution to nonattainment or interference with maintenance of the NAAQS in downwind states, then there simply is no violation of the CAA section 110(a)(2)(D)(i)(I) prohibition. Stated another way, requiring additional reductions from upwind sources would result in eliminating emissions that do not contribute significantly to nonattainment or interfere with maintenance of the NAAQS. Such an action is beyond the scope of the prohibition in CAA section 110(a)(2)(D)(i)(I) and, therefore, beyond the scope of the EPA's authority to make the requested finding under CAA section 126(b). *See EME Homer City,* 134 S. Ct. at 1604 n.18, 1608–09 (holding the EPA may not require sources in upwind states to reduce emissions by more than necessary to eliminate significant contribution to nonattainment or interference with maintenance of the NAAQS in downwind states under the good neighbor provision).

Thus, it follows that if a state already has a SIP that the EPA approved as adequate to meet the requirements of CAA section 110(a)(2)(D)(i)(I) for a specific NAAQS, the EPA would not find that a source in that state was emitting in violation of the prohibition of CAA section 110(a)(2)(D)(i)(I) absent new information demonstrating that the SIP is now insufficient to address the prohibition for that NAAQS. Similarly, if the EPA has promulgated a FIP that it has determined fully eliminates emissions that significantly contribute to nonattainment or interfere with maintenance in a downwind state for a specific NAAQS, the EPA has no basis to find that sources in the upwind state are emitting or would emit in violation of the CAA section 110(a)(2)(D)(i)(I) prohibition, absent new information to the contrary for that NAAQS.

The EPA notes that the approval of a SIP or promulgation of a FIP implementing CAA section 110(a)(2)(D)(i)(I) constitutes a determination that a state's emissions are adequately controlled considering the specific facts that the EPA analyzed while approving the SIP or promulgating the FIP. If a petitioner produces new data or information showing a different level of contribution or other facts the EPA did not consider when approving the SIP or promulgating the FIP, compliance with a SIP or FIP may not be determinative regarding whether the upwind sources emit or would emit in violation of the prohibition of CAA section 110(a)(2)(D)(i)(I). *See* 64 FR 28250, 28274 n.15 (May 25, 1999); 71 FR 25328, 25336 n.6 (April 28, 2006);

[34] *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I) (March 27, 2018).

[35] The EPA has also released two additional memoranda providing guidance to states developing good neighbor SIPs for the 2015 ozone NAAQS. *See* Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards (August 31, 2018); and Considerations for Identifying Maintenance Receptors for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards (October 19, 2018). All three memoranda are available in the docket for this proposed action and at *https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs.*

Appalachian Power, 249 F.3d at 1067 (later developments can be the basis for another CAA section 126 petition). Thus, in circumstances where a state is implementing a SIP or the EPA is implementing a FIP addressing CAA section 110(a)(2)(D)(i)(I), the EPA will evaluate the CAA section 126(b) petition to determine if the submitted petition raises new information that merits further consideration.

B. The EPA's Evaluation of Whether the Petition Is Sufficient To Support a CAA Section 126(b) Finding

Consistent with the EPA's approach to evaluating several prior CAA section 126(b) petitions, the EPA interprets CAA section 126(b) as placing an initial burden on the petitioner to establish a technical basis for the specific finding requested. Thus, the EPA first looks to see if the petition identifies or contains a sufficient basis to make the requested finding. *See, e.g.,* 76 FR 19662, 19666 (April 7, 2011) (proposed response to petition from New Jersey regarding SO_2 emissions from the Portland Generating Station); 83 FR 16064, 16070 (April 13, 2018) (final response to petition from Connecticut regarding ozone emissions from the Brunner Island Steam Electric Station); 83 FR 50444, 50452 (October 5, 2018) (final response to petitions from Delaware and Maryland regarding ozone emissions from four and 36 EGUs, respectively).

The EPA's interpretation of the statute is reasonable especially given the expeditious and limited timeframe Congress allotted to the EPA for action on a CAA section 126(b) petition: As described in Section III.D.5, Congress provided the EPA with only 60 days from its receipt of a CAA section 126(b) petition to hold a hearing and act on that petition. Given the short statutory deadline, it is reasonable for the EPA to conclude that Congress did not intend a requirement that the EPA undertake extensive fact-finding or independent analysis as part of its action on a petition and instead place the burden upon the petitioner to provide adequate support for a requested finding under CAA section 126(b), an interpretation affirmed by the courts. *See New York* v. *EPA,* 852 F.2d 574 (D.C. Cir. 1988) (upholding the EPA's interpretation of the statutory burden in reviewing the EPA's denial of separate CAA section 126(b) petitions filed by Pennsylvania, Maine, and New York regarding air quality impacts from numerous sources located in seven midwestern states); *see also see also Citizens Against Ruining the Environment* v. *EPA,* 535 F.3d 670 (7th Cir.) (2008) (affirming the EPA's similar interpretation of the petitioner's burden under CAA section 502(b)(2) given the parallel 60-day deadline for the EPA to respond to a title V petition). In *New York* v. *EPA,* the D.C. Circuit evaluated the EPA's obligation in acting on a CAA section 126(b) petition, determining both that the 60-day deadline for action meant Congress did not intend for the EPA to undertake a ''litany of tasks'' in evaluating the petition and that denial was proper where the states failed to substantiate the claims raised in their petitions. *Id.* Accordingly, where a CAA section 126(b) petition does not contain sufficient technical information or justification to support the requested finding without the EPA undertaking an independent analysis, it is reasonable for the EPA to interpret CAA section 126(b) to support a denial of the petition.

The remedy provision under CAA section 126(c) further supports the reasonableness of the EPA's interpretation. CAA section 126(c) by default requires an existing source to cease operation within 3 months if the EPA makes the requested finding under CAA section 126(b). It is difficult to imagine that Congress intended to require sources to shut down entirely absent a sufficient demonstration that that such an extreme remedy was necessary. This concern is exacerbated by the provision of CAA section 126(b) that permits a petitioner to target ''groups of sources,'' as New York did in the petition that is subject to this action, because Congress certainly could not have envisioned that hundreds of stationary sources would be required to shut down within 3 months without a complete and compelling justification. The potential for such an unintended consequence further supports the placement of burden on the petitioner to demonstrate in the first instance whether the identified sources emit or would emit in violation of the good neighbor provision. While CAA section 126(c) provides in the alternative that the EPA may permit continued operation if it establishes emissions limitations for the sources subject to the finding, this too is a detailed analytic task that requires time and resources to develop.

While the EPA interprets CAA section 126(b) as putting the burden on the petitioner, rather than the EPA, to provide a basis or justification for making the requested finding, nothing precludes the EPA from choosing to conduct an independent analysis on a discretionary basis when the Agency determines it would be helpful in evaluating a petition. As discussed in Section III, the EPA has chosen to invoke its discretion in prior actions on CAA section 126(b) petitions concerning ozone, primarily where the Agency already had technical data or findings it could rely on as part of its independent analysis. Notably, because this supplemental information already existed at the time the EPA acted on those petitions, the EPA could leverage such information in its action without undertaking new analyses that would naturally take significantly more time and resources to develop.[36] As further described in Sections IV.B.1–3, where the EPA has existing relevant information at its disposal that could help inform its proposed decision on New York's section 126(b) petition, the EPA is using such information as part of its discretionary independent analysis of the petition.

1. The EPA's Evaluation of New York's Petition Considering Step 1

With respect to step 1 of the four-step interstate transport framework, the EPA began by evaluating New York's petition to determine whether the state identified a downwind air quality problem (nonattainment or maintenance) that may be impacted by ozone transport from other states. The EPA conducted this evaluation for Chautauqua County and the NYMA regarding both the 2008 and 2015 ozone NAAQS.

As discussed in Section III.C, the EPA typically focuses its analysis regarding potential downwind air quality problems on a future analytic year given the forward-looking nature of the good neighbor obligation in CAA section 110(a)(2)(D)(i)(I). The good neighbor provision requires that states prohibit emissions that ''will'' significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state. The EPA reasonably interprets this language as permitting states and the EPA in implementing the good neighbor provision to prospectively evaluate downwind air quality problems and the need for further upwind emissions reductions. In the EPA's prior regional transport rulemakings, the Agency generally evaluated whether upwind states ''will'' have such an impact based on projections of air quality in the future year that considers the timeframes for regionwide implementation of control strategies and the timeframe in which a rulemaking requiring such controls would be finalized. For the 1998 NO_X SIP Call, the EPA used an analytic year of 2007. For the 2005 CAIR, the EPA

[36] *See* 83 FR 16064 (April 13, 2018); 83 FR 50444 (October 5, 2018).

used analytic years of 2009 and 2010 for ozone and $PM_{2.5}$, respectively. 63 FR 57450; 70 FR 25241. The D.C. Circuit affirmed the EPA's interpretation of ''will'' in CAIR, finding the EPA's consideration of future projected air quality (in addition to current measured data) to be a reasonable interpretation of an ambiguous term. *North Carolina,* 531 F.3d at 913–14. The EPA applied the same approach in finalizing CSAPR in 2011 and the CSAPR Update in 2016 by evaluating air quality in 2012 and 2017, respectively. 76 FR 48211; 81 FR 74537.

Particularly relevant to this action, the EPA also applied this interpretation of ''will'' in the 2018 Determination Rule to evaluate remaining good neighbor obligations with respect to the 2008 ozone NAAQS for the CSAPR Update states, including the nine upwind states cited in New York's petition. 83 FR 65889–90. As explained in that action, a key decision informing the application of the interstate transport framework is the selection of a future analytic year. Several court decisions have guided the factors that the EPA considers in selecting an appropriate future analytic year for such an analysis. First, in *North Carolina,* the D.C. Circuit held that the timeframe for implementation of emissions reductions required by the good neighbor provision should be selected by considering the relevant attainment dates of downwind nonattainment areas affected by interstate transport of air pollution. 531 F.3d at 911–12. Moreover, the Supreme Court and the D.C. Circuit have both held that the EPA may not over-control upwind state emissions relative to the downwind air quality problems. Specifically, the courts found that the Agency may not require emissions reductions (at steps 3 and 4 of the interstate transport framework) from a state that are greater than necessary to achieve attainment and maintenance of the NAAQS in all the downwind areas to which that state is linked. *See EME Homer City,* 134 S. Ct. at 1600–01; *EME Homer City II,* 795 F.3d at 127, 129–30 (on remand from the Supreme Court, finding ozone-season NO_X budgets for ten states invalid because the EPA's modeling showed that the downwind air quality problems to which these states were linked would be resolved by the time the budgets would be implemented). These court decisions support the Agency's choice to use a future analytic year to help ensure that any emissions reductions that the EPA may require of sources in upwind states do not over- or under-control emissions with respect to downwind air quality at the time by which that those controls could feasibly be implemented.

Thus, in determining the appropriate future analytic year for purposes of assessing remaining interstate transport obligations for the 2008 ozone NAAQS in the Determination Rule, the EPA considered two primary factors: (1) The applicable attainment dates for the 2008 ozone NAAQS; and (2) the timing to feasibly implement new NO_X control strategies not previously addressed in the CSAPR Update. As the applicable attainment dates, the EPA explained that the next attainment dates for the 2008 ozone NAAQS would be July 20, 2021, for nonattainment areas classified as Serious, and July 20, 2027, for nonattainment areas classified as Severe.

The EPA then evaluated the timeframe necessary to implement additional NO_X control strategies at various sources across the region. For EGUs, the EPA explained that it was appropriate to give particular weight to the timeframe required for implementation of selective catalytic reduction (SCR) across the region because of the potential for larger emissions reductions as compared to selective non-catalytic reduction (SNCR). The EPA determined that SCR project development and installation may require up to 39 months for an individual power plant installing controls on more than one boiler,[37] and that a minimum of 48 months (4 years) is a reasonable time-period to allow to complete all necessary steps of SCR projects at EGUs on a regional scale, considering the necessary stages of post-combustion control project planning, shepherding of labor and material supply, installation, coordination of outages, testing, and operation. The EPA further concluded that SNCR installations, while generally having shorter project timeframes (*i.e.,* up to 16 months for an individual power plant installing controls on more than one boiler), share similar implementation steps with and need to account for the same regional factors as SCR installations.[38] The EPA, therefore, concluded that it may reasonably take up to 4 years to install the new emissions controls regionwide for EGUs. 83 FR 65893–901.

The EPA further explained that many of the same considerations affecting the EPA's analysis of regionwide implementation of controls at EGUs would also affect the regionwide implementation of controls at non-EGUs, which may be more complex considering the diversity of non-EGU sources as well as the greater number and smaller size of the individual sources. The EPA noted that preliminary estimates for the implementation of some potential control technologies on non-EGUs only account for the time between bid evaluation and startup but do not account for additional considerations such as pre-bid evaluation studies, permitting, and installation of monitoring equipment. Accordingly, the EPA concluded that it was reasonable to assume for purposes of the Determination Rule that an expeditious timeframe for installing sector- or region-wide controls on non-EGU sources could also be 4 years or more. 83 FR 65901–04.

Considering the timeframes for regionwide implementation of control strategies and the timeframe in which a rulemaking requiring such controls would be finalized, the EPA concluded that reductions from such control strategies were unlikely to be implemented for a full ozone season until 2023. The EPA acknowledged that 2023 is later than the attainment date for nonattainment areas classified as Serious (July 20, 2021), but concluded that it was unlikely emissions control requirements could be feasibly promulgated and implemented by that earlier date. Accordingly, the EPA determined that 2023 was a reasonable year to assess downwind air quality to evaluate any remaining requirements under the good neighbor provision for the 2008 ozone NAAQS.[39] 83 FR 65901–05.

After selecting the analytic year, the EPA then used the Comprehensive Air Quality Model with Extensions (CAMx v6.40) to model emissions in 2011 and

[37] *See* Table 3–1 in Engineering and Economic Factors Affecting the Installation of Control Technologies for Multipollutant Strategies. EPA Final Report. EPA–600/R–02/073. October 2002. Available at *https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&dirEntryId=63473.*

[38] *See* the month-by-month evaluation of SNCR installation presented in Exhibit A–6 in Engineering and Economic Factors Affecting the Installation of Control Technologies for Multipollutant Strategies. EPA Final Report. EPA–600/R–02/073. October 2002. Available at *https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=NRMRL&dirEntryId=63473.* Evaluation is also in the EPA's CSAPR Update EGU NO_X Mitigation Strategies Final Rule TSD. *See* Docket ID No. EPA–HQ–OAR–2015–0500 (available at *http://www.regulations.gov*).

[39] Using the 2023 analytic year also allowed the EPA to begin the updated analysis using the data sets originally developed for a January 2017 Notice of Data Availability (NODA) (82 FR 1733, January 6, 2017), which the EPA revised in response to stakeholder feedback. Accordingly, the EPA initiated its analysis more quickly than if a different year had been chosen, which might have delayed subsequent rulemaking actions and therefore emissions reductions.

2023, based on updates provided to the EPA from states and other stakeholders in the January 6, 2017 NODA and an October 27, 2017, EPA memorandum.[40] This updated modeling was used in the Determination Rule to estimate ozone design values in 2023, as described in the Determination Rule Air Quality Modeling Technical Support Document (TSD).[41] The EPA used outputs from the 2011 and 2023 model simulations to project base period 2009–2013 average and maximum ozone design values to 2023 at monitoring sites nationwide. In projecting future year design values, the EPA applied its own modeling guidance,[42] which recommends using model predictions from the ''3 x 3'' array of grid cells surrounding the location of the monitoring site.[43] Considering the comments on the January 2017 NODA and other analyses, the EPA also projected 2023 design values based on a modified version of the ''3 x 3'' approach for those monitoring sites located in coastal areas. Briefly, in this alternative approach, the EPA eliminated from the design value calculations those modeling data in grid cells that are dominated by water (*i.e.,* more than 50 percent of the area in the grid cell is water) and that do not contain a monitoring site (*i.e.,* if a grid cell is more than 50 percent water but contains an air quality monitor, that cell would remain in the calculation).[44] For each individual monitoring site, the base period 2009–2013 average and maximum design values, 2023 projected average and maximum design values based on both the ''3 x 3'' approach and the alternative approach affecting coastal sites are available in Excel format in the docket for this action and at *https://www.epa.gov/airmarkets/october-2017-memo-and-information-interstate-transport-sips-2008-ozone-naaqs.*

In the Determination Rule, the EPA followed the same approach for identifying receptors based on this modeling as in the CSAPR Update rulemaking process. That is, the EPA considered a combination of modeling projections and monitoring data to identify receptor sites that are projected to have problems attaining or maintaining the NAAQS.[45] Specifically, the EPA identified nonattainment receptors as those monitoring sites with current measured values exceeding the NAAQS that also have projected (*i.e.,* in 2023) average design values exceeding the NAAQS. The EPA also identified maintenance receptors as those monitoring sites with projected maximum design values exceeding the NAAQS. Specifically, maintenance receptors included sites with current measured values below the NAAQS with projected average and maximum design values exceeding the NAAQS and monitoring sites with projected average design values below the NAAQS but with projected maximum design values exceeding the NAAQS.

Pertinent to this action, the EPA's examination in the Determination Rule of the 2023 projected design values for Chautauqua County indicates that this area is not projected to be in nonattainment or have a maintenance problem in 2023 for either the 2008 or the 2015 ozone NAAQS. The EPA's examination of the 2023 projected design values for the NYMA indicates that this area is not projected to be in nonattainment or have a maintenance problem in 2023 for the 2008 ozone NAAQS. However, the modeling indicates that the NYMA is projected to be in nonattainment in 2023 with respect to the 2015 ozone NAAQS.

Because the EPA has already conducted a rulemaking evaluating good neighbor obligations for the 2008 ozone NAAQS under CAA section 110(a)(2)(D)(i)(I) and because, as discussed previously, CAA section 126(b) directly incorporates the CAA section 110(a)(2)(D)(i) standard, the EPA believes it is also appropriate to consider the 2023 modeling conducted for the Determination Rule in evaluating whether New York's petition has adequately demonstrated that there will be a downwind air quality problem with respect to the 2008 ozone NAAQS in Chautauqua County and the NYMA. Moreover, the EPA believes it is appropriate to consider the 2023 modeling when evaluating the petition's claims with respect to the 2015 ozone NAAQS because the 2023 ozone season aligns with the attainment year for Moderate ozone nonattainment areas.[46] While the EPA is not reopening the analysis and findings made in the Determination Rule with respect to the 2008 ozone NAAQS in this action, the EPA is evaluating the petition, consistent with the standard of review described in Section IV.A, to determine whether additional information not considered in the Determination Rule should influence the EPA's finding as to whether the sources named in New York's petition emit or would emit in violation of the prohibition of CAA section 110(a)(2)(D)(i)(I).

The EPA notes that the petition asserts that the EPA cannot use its 2023 modeling to support a review of the petition in part because the 2023 analytic year does not fit the timeframe under CAA section 126(c), which requires that compliance with any CAA section 126(b) finding must be met ''in no case later than three years after the date'' of such finding. However, the EPA's evaluation of air quality in 2023 is a necessary step to determine whether the sources named in New York's petition are in violation of the good neighbor provision in the first instance, and, thus, subject to the provisions of CAA section 126(c). Moreover, the choice of 2023 as an analytic year does not preclude the implementation of a remedy in an earlier year if the necessary finding is made under CAA section 126(b). If the EPA were to determine based on its analysis of the 2023 projections that the named sources emit or would emit in violation of the good neighbor provision, the EPA could

[40] *See* Notice of Availability of the Environmental Protection Agency's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS), 82 FR 1733 (January 6, 2017). This memorandum also supplements the information provided in, ''Supplemental Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I).'' Memorandum from Stephen D. Page, Director, U.S. EPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1–10. October 27, 2017. Available at *https://www.epa.gov/sites/production/files/2017-10/documents/final_2008_o3_naaqs_transport_memo_10-27-17b.pdf.*

[41] Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values. U.S. EPA Office of Air Quality Planning and Standards. June 2018. Document developed to support the Determination Rule, 83 FR 65878 (December 21, 2018). Available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*

[42] ''Draft Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze.'' Memorandum from Richard Wayland, Division Director, Air Quality Assessment Division, U.S. EPA Office of Air Quality Planning and Standards, to Regional Air Division Directors, Regions 1–10. December 3, 2014. Available at *https://www3.epa.gov/scram001/guidance/guide/Draft-O3-PM-RH-Modeling_Guidance-2014.pdf.*

[43] The EPA's modeling uses 12 km^2 grid cells.

[44] A model grid cell is identified as a ''water'' cell if more than 50 percent of the grid cell is water based on the 2006 National Land Cover Database. Grid cells that meet this criterion are treated as entirely over water in the WRF modeling used to develop the 2011 meteorology for the EPA's air quality modeling. (*See* Air Quality Modeling Technical Support Document for the Updated 2023 Projected Ozone Design Values. U.S. EPA Office of Air Quality Planning and Standards. June 2018. Document developed to support the Determination Rule, 83 FR 65878 (December 21, 2018). Available at *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-updated-2023-projected-ozone-design.*)

[45] *See* 81 FR 74530–74532 (October 26, 2016).

[46] The 2023 ozone season represents the last full season from which data can be used to determine attainment with the 2015 ozone NAAQS by the August 3, 2024, attainment date for nonattainment areas classified as Moderate.

still implement a remedy that complies with the earlier timeline set out under CAA section 126(c). Therefore, the EPA's reasonable choice of 2023 as an analytic year for evaluating New York's petition does not, in and of itself, preclude implementation of a remedy at an earlier date.

The New York petition further raises concerns about the assumptions and results of the EPA's modeling. Specifically, the petition indicates significant concerns with the EPA's expectation that uncontrolled EGUs will greatly reduce their emissions rates in the absence of unit-level enforceable limits and with the EPA's treatment of model cells containing a land/water interface. The petition does not further elaborate on the basis for these concerns, and the EPA, therefore, has no reason to believe that its 2023 modeling is unreliable. Moreover, the EPA already addressed concerns regarding the EGU assumptions in the 2023 modeling in response to comments raised in the Determination Rule. *See* 83 FR 65886–89 (explaining statutory rationale regarding when enforceable emissions limitations are required and responding to comments); 83 FR 65913–15 (responding to comments concerning projections of EGU emissions in 2023). As described earlier in this section, the EPA also addressed concerns regarding the treatment of model cells containing land/water interface in the Determination Rule by calculating design values using two different methodologies. The petition does not provide any new information not already considered by the EPA in the Determination Rule as to these issues and therefore, has no basis to reconsider its conclusions finalized in that action.

The next two sections discuss the EPA's evaluation of the petition's step 1 analysis regarding Chautauqua County and the NYMA with respect to both the 2008 and 2015 ozone NAAQS. The EPA first evaluates the sufficiency of the analysis provided in the petition for each area and then considers how the 2023 modeling or other pertinent information should inform the EPA's conclusion regarding whether there will be downwind nonattainment or maintenance concerns in each area with respect to each NAAQS.

Chautauqua County

First, for Chautauqua County, New York's petition does not provide sufficient information to demonstrate that there will be a downwind nonattainment or maintenance problem with respect to either the 2008 or the 2015 ozone NAAQS. Although the petition correctly indicates that the EPA previously designated Chautauqua County as Marginal nonattainment under the 2008 ozone NAAQS, the petition did not demonstrate that there will be a future nonattainment or maintenance problem in that area for that NAAQS that must be addressed under the good neighbor provision. While a prior designation of an area as nonattainment may provide useful information for purposes of analyzing interstate transport under the good neighbor provision, designations themselves are not dispositive of whether a downwind area will have an air quality problem in the future.[47] As discussed earlier, the EPA evaluates downwind ozone air quality problems for purposes of step 1 of the four-step interstate transport framework using observed and modeled future air quality concentrations for a year that considers the relevant attainment deadlines for the NAAQS and the anticipated compliance timeframe for potential control strategies.[48] New York's section 126(b) petition does not include analyses indicating that Chautauqua County may be violating or have difficulty maintaining the 2008 or 2015 ozone NAAQS either currently or in a relevant future year. In fact, the petition acknowledges that this area attained the NAAQS by the relevant attainment date. The petition also did not present air quality projections indicating that Chautauqua County will not be in attainment or will struggle to maintain the NAAQS in a relevant future year. The petition alleges that the area remains in danger of exceeding the ozone NAAQS but does not provide any evidence to support this assertion. Thus, the petition has not established that emissions from the named sources are linked to a nonattainment or maintenance problem in Chautauqua County.

Additionally, the EPA has air quality data that support an independent analysis of step 1 of the four-step interstate transport framework to assess whether Chautauqua County will have an air quality problem relative to either the 2008 or the 2015 ozone NAAQS. First, the 2015–2017 design value in Chautauqua County is 68 ppb, which is below the level of both the 2008 and 2015 ozone NAAQS.[49] Furthermore, the EPA recently finalized a determination that the Jamestown, New York Marginal nonattainment area (Chautauqua County) has attained the 2008 ozone NAAQS.[50] Additionally, the EPA's recent air quality modeling described earlier in this section indicates that the monitor in Chautauqua County is expected to continue to both attain and maintain the standard in 2023, with an average 2023 design value of 58.5 ppb and a maximum 2023 design value of 60.7 ppb.[51] Consequently, due to the facts that the petition has not identified an air quality problem in Chautauqua County for the 2008 or 2015 ozone NAAQS, that the EPA's independent analysis affirms that Chautauqua County is attaining both the 2008 and 2015 ozone NAAQS, and that all available evidence indicates that the monitoring sites will continue to attain and maintain the NAAQS in the future, the EPA is proposing to deny New York's petition regarding Chautauqua County for both the 2008 and the 2015 ozone NAAQS.

New York Metropolitan Area

Second, with respect to the NYMA, the petition does not provide sufficient information to indicate that there will be a future nonattainment or maintenance problem with respect to the 2008 ozone NAAQS. As described in Section III.D of this notice, the petition correctly asserts that the NYMA was designated nonattainment for the 2008 ozone NAAQS and has failed to attain the NAAQS by the attainment deadline. Additionally, the petition points to preliminary 2015–2017 air quality data indicating that some monitoring sites in the NYMA are above the 2008 NAAQS. However, the EPA does not agree that an area's current attainment status alone is sufficient evidence regarding whether there will be a nonattainment or maintenance problem that must be addressed under either the good neighbor provision or CAA section 126.

[47] The EPA has consistently taken the position that CAA section 110(a)(2)(D) refers to prevention of ''nonattainment'' in any area in another state, not only in designated nonattainment areas. *See, e.g.,* Clean Air Interstate Rule, 70 FR 25162, 25265 (May 12, 2005); Cross-State Air Pollution Rule, 76 FR 48208, 48211 (Aug. 8, 2011); Final Response to Petition from New Jersey Regarding SO_2 Emissions From the Portland Generating Station, 76 FR 69052 (Nov. 7, 2011) (finding facility in violation of the prohibitions of CAA section 110(a)(2)(D)(i)(I) with respect to the 2010 SO_2 NAAQS prior to issuance of designations for that standard).

[48] 81 FR 74517.

[49] The 2015–2017 design value for Chautauqua County in the ''Jamestown-Dunkirk-Fredonia, NY CBSA'' at AQS site 360130006 is 68 ppb. Available at *https://www.epa.gov/sites/production/files/2018-07/ozone_designvalues_20152017_final_07_24_18.xlsx.*

[50] *See* Approval and Promulgation of Air Quality Implementation Plans; New York; Determination of Attainment of the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Jamestown, New York Marginal Nonattainment Area, 83 FR 49492 (October 2, 2018).

[51] *See* 2023 design values for AQS site 360130006 in spreadsheet released with the EPA's March 2018 memorandum. Available at *https://www.epa.gov/sites/production/files/2018-05/updated_2023_modeling_dvs_collective_contributions.xlsx.*

Rather, as previously discussed, the EPA evaluates whether there will be downwind nonattainment or maintenance concerns in each area with respect to each NAAQS under the good neighbor provision (and, thus, also under CAA section 126(b)) using observed and modeled future air quality concentrations for a relevant future analytic year.

Further, the EPA has additional information related to potential projected nonattainment or maintenance problems in the NYMA. The EPA's recent air quality projections for 2023, based on the latest available emissions inventory, indicate that all monitoring sites in the NYMA will attain and maintain the 2008 ozone NAAQS. As discussed in Section III.C.2 of this notice, the EPA already determined that the CSAPR Update fully addresses the good neighbor provision requirements for the 2008 ozone NAAQS for all eastern states previously addressed in that rule. This analysis indicates that all remaining receptors for the 2008 ozone NAAQS identified in the CSAPR Update, including those in the NYMA, are expected to attain and maintain that NAAQS in 2023 under step 1 of the four-step interstate transport framework, and, therefore, upwind states have no remaining obligations under the good neighbor provision. New York has not provided any new information that contradicts the EPA's conclusion in the Determination Rule that the NYMA will no longer have an air quality problem in the future. Therefore, the EPA is proposing to deny New York's petition regarding the 2008 ozone NAAQS in the NYMA because New York has not demonstrated that there will be a nonattainment or maintenance problem in the NYMA in a relevant future year and the EPA's own analysis projects that there will be no air quality problems under step 1.

Regarding the 2015 ozone NAAQS, the EPA's projections indicate that the average design value for five of the six monitoring sites in the NYMA and the maximum design values at all six monitoring sites in the NYMA will be above the 2015 ozone NAAQS in 2023.[52] Therefore, although New York did not evaluate whether there will be an air quality problem with respect to the 2015 ozone NAAQS in a future year, the EPA's independent analysis of step 1 of the interstate transport framework indicates that the NYMA is projected to have a downwind air quality problem relative to the 2015 NAAQS.

2. The EPA's Evaluation of New York's Petition Considering Step 2

With respect to step 2 of the four-step interstate transport framework, the EPA evaluated New York's petition to determine whether there is sufficient information to conclude that the state identified that the upwind states where the sources named in the petition are located are linked to a downwind air quality problem. Because, as described earlier, neither the information in the petition nor existing information available to the EPA indicates there will be downwind nonattainment or maintenance concerns in Chautauqua County with respect to the 2008 and 2015 ozone NAAQS, or in the NYMA with respect to the 2008 ozone NAAQS, the EPA has no basis to find a linkage at step 2 of the four-step framework between the named upwind states and these downwind areas with regard to the respective NAAQS.

With respect to the NYMA for the 2015 ozone NAAQS, existing information available to the EPA supports an assessment that emissions from at least some of the states named in the petition are linked to a downwind air quality problem at step 2. As the following paragraphs explain, the linkages between upwind and downwind states are further informed by an air quality screening threshold.

Historically, at step 2, the EPA has used an air quality screening threshold to determine whether a state contributes to a downwind air quality problem in amounts that warrant further evaluation as part of a multi-factor analysis in step 3. Upwind states that impact a downwind receptor by less than the screening threshold do not contribute to the downwind air quality problem at step 2. The EPA has therefore previously determined, without conducting any additional analysis, that such states do not significantly contribute to nonattainment or interfere with maintenance of the NAAQS under the good neighbor provision. Upwind states that impact a downwind receptor at or above the threshold are identified as contributing to a downwind air quality problem (*i.e.,* they are said to be ''linked'' to that downwind receptor). The EPA then proceeds to the multi-factor step 3 analysis to determine if the linked upwind state significantly contributes to nonattainment or interferes with maintenance of the NAAQS at the downwind receptor(s).[53]

In previous federal actions,[54] the EPA's analysis of the sum of contributions from all linked upwind states (*i.e.,* collective contribution) concluded that a screening threshold equivalent to 1 percent of the 1997 and 2008 ozone NAAQS was appropriate at step 2. In an August 31, 2018, memorandum, the EPA presented the results of our analysis of collective contribution for the 2015 ozone NAAQS[55] using data drawn from the results of the EPA's updated 2023 modeling.[56] This analysis, which followed the thresholds analyses conducted in both the CSAPR and CSAPR Update rulemakings,[57] [58] included the evaluation of data pertinent to several potential thresholds (*i.e.,* 1 percent of the 2015 ozone NAAQS or 0.70 ppb, 1 ppb and 2 ppb) that could be applicable to the development of SIP revisions to address the 2015 ozone NAAQS of 70 ppb. The EPA ultimately suggested in this memorandum that a threshold of 1 ppb may be appropriate for states to use to develop SIP revisions addressing the good neighbor provision for the 2015 ozone NAAQS.

In addition to the 2023 modeling used to identify potential downwind air quality problems described in the prior section, the EPA has also performed state-level ozone source apportionment

[52] The EPA also notes that four of the six monitoring sites are in the state of Connecticut and two monitoring sites are in New York. However, the EPA interprets CAA section 126(b)'s petition authority to be limited to states and political subdivisions seeking to address interstate transport of pollution impacting downwind receptors within their geographical borders. *See* 83 FR 50460.

[53] Note that upwind states that are linked to a downwind receptor at step 2 may nevertheless be found to not significantly contribute to nonattainment or interfere with maintenance at the receptor depending on the outcome of the step 3 analysis.

[54] In the Cross-State Air Pollution Rule (CSAPR), the EPA used 0.80 parts per billion (ppb) as the threshold, which is 1 percent of the 1997 ozone NAAQS. 76 FR 48208, 48238 (August 8, 2011). Most recently, in the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS (CSAPR Update), the EPA used 0.75 ppb as the threshold, which is 1 percent of the 2008 ozone NAAQS. 81 FR 74504, 74518 (October 26, 2016).

[55] *See* Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards (August 31, 2018).

[56] Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I) (March 2018). *https://www.epa.gov/airmarkets/march-2018-memo-and-supplemental-information-regarding-interstate-transport-sips-2015.*

[57] Air Quality Modeling Technical Support Document for the Final Cross State Air Pollution Rule Update (August 2016). *https://www.epa.gov/airmarkets/air-quality-modeling-technical-support-document-final-cross-state-air-pollution-rule.*

[58] Air Quality Modeling Final Rule Technical Support Document (for the Final Transport Rule now known as CSAPR; June 2011). *https://www.epa.gov/csapr/air-quality-modeling-final-rule-technical-support-document.*

modeling to provide information regarding the expected contribution of statewide, anthropogenic NO_X and VOC emissions in each state to projected 2023 ozone concentrations. If the EPA applies a 1 percent threshold like that used in prior rulemakings (*e.g.,* 0.70 ppb) to the results of the contribution modeling, the EPA's analysis indicates that all nine upwind states named in the petition are linked to an air quality problem in the NYMA for the 2015 ozone NAAQS. If the EPA instead applies the alternative 1 ppb threshold, the EPA's analysis indicates that the sources in six (*i.e.,* Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) of the nine states named in New York's petition are linked to an air quality problem in the NYMA for the 2015 ozone NAAQS, while three states (*i.e.,* Illinois, Indiana and Kentucky) are not.[59] The EPA is not in this action determining which of the potential thresholds described in this section (*i.e.,* 1 percent of the NAAQS (0.70 ppb) or 1 ppb) is appropriate for addressing collective contribution for the 2015 ozone NAAQS for purposes of New York's petition. However, the EPA acknowledges that emissions from at least some of the named upwind states are linked to projected air quality problems in the NYMA for the 2015 ozone NAAQS. Therefore, the EPA will evaluate, in the following section, whether the petition has adequately demonstrated at step 3 of the four-step interstate transport framework that the sources in the upwind states will significantly contribute to nonattainment or interfere with maintenance of the NAAQS.

3. The EPA's Evaluation of New York's Petition Considering Step 3

As described in Section III.C.1 of this notice, once an upwind state is linked to a downwind air quality problem at steps 1 and 2 of the four-step interstate transport framework, the next step is to identify the emissions reductions, if any, needed from particular sources to eliminate the upwind state's significant contribution to nonattainment and interference with maintenance of the NAAQS (*i.e.,* step 3 of the four-step interstate transport framework).[60] For the reasons discussed in the following paragraphs, the EPA is proposing to find that material elements in New York's assessment of step 3 are insufficient, such that the EPA cannot conclude that any source or group of sources in any of the named states will significantly contribute to nonattainment or interfere with maintenance in Chautauqua County or the NYMA relative to the 2008 and 2015 ozone NAAQS. Thus, the EPA is proposing to deny the petition as to all named sources in all the named upwind states because New York has not met its burden to demonstrate that the sources emit or would emit in violation of the good neighbor provision with respect to either the 2008 or 2015 ozone NAAQS. We also note that the petition addresses hundreds of sources across nine states. The EPA is taking comment on whether to also deny the petition because the petitioner has not provided justification for the proposition that identification of such a large, undifferentiated number of sources located in numerous upwind states constitutes a ''group of stationary sources'' within the context of CAA section 126(b). For example, ''group of stationary sources'' could mean stationary sources within a geographic region, sources identified by a specific North American Industry Classification System (NAICS) Code, sources emitting over a defined threshold and/or any combination of these or other defining characteristics. Although the EPA already has identified a sufficient basis to propose denial of the petition as to Chautauqua County (for the 2008 and 2015 ozone NAAQS) and NYMA (for the 2008 ozone NAAQS) at step 1 of the four-step framework, the EPA is also relying on our analysis of step 3 as an additional and independent basis for denial as to the petition's claims for these areas.

As discussed in Section III.C.1 of this notice, within step 3 of the four-step interstate transport framework, the EPA has historically considered several factors to determine whether sources in linked upwind states have emissions that will significantly contribute to nonattainment or interfere with maintenance of the ozone NAAQS. In particular, the EPA has generally considered various control, cost, and air quality factors and data, including: The types of control strategies that can be implemented at sources within the upwind states; the costs of implementing such control strategies; the amount of potential emissions reductions from implementation of control strategies at upwind sources; the potential downwind air quality improvements from such emissions reductions and the severity of the downwind air quality problem (*i.e.,* whether the air quality problem will be resolved through implementation of the emissions reductions). *See* 76 FR 48248–49 and 48254–55; 81 FR 74519; Ozone Transport Policy Analysis Final Rule TSD, p. 3 (Docket ID No. EPA–HQ–OAR–2015–0500). The EPA has typically considered these various cost and air quality factors in a multifactor analysis to identify the appropriate uniform level of emissions controls to apply to sources across a region of upwind states that are collectively linked to downwind air quality problems and, based on the selected level of control, to quantify the amount of emissions (if any) from each upwind state that contribute to nonattainment or interfere with maintenance in a downwind area and, thus, should be subject to control.[61] In these prior rules, the EPA has selected the level of control stringency deemed cost-effective when these factors are balanced together. Assessing multiple factors allows the EPA to consider the full range of circumstances and state-specific factors that affect the relationship between upwind emissions and downwind nonattainment and maintenance problems. For example, the EPA's assessment of cost considerations accounts for the existing level of controls at sources in upwind states as well as the potential for, and relative

[59] As identified previously in this notice, the EPA's recent modeling included essentially all the EGUs at the facilities named in the New York petition. We say ''essentially'' because the New York petition identifies sources at the facility, rather than at the unit, level while the EPA looks at unit-level data and includes all fossil-fuel-fired boiler or combustion turbine EGUs with a capacity (electrical output) greater than 25 MW. *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I) (March 27, 2018).

[60] Contrary to New York's assertion in its petition, identification of a linkage between an upwind state and a downwind receptor does not conclude the determination regarding whether sources in the upwind state will significantly contribute to nonattainment or interfere with maintenance of the NAAQS. The conclusion that a state's emissions met or exceeded the threshold only indicated that further analysis was appropriate to determine *whether* any of the upwind state's emissions met the statutory criteria under the good neighbor provision. *See EME Homer City,* 134 S. Ct. at 1596–97 (noting upwind states are only obliged to eliminate emissions meeting both the step 2 and 3 inquiries).

[61] For example, in the CSAPR Update (81 FR 74505), the EPA noted that ozone transport occurs on a regional scale, that such transport is responsive to changes in NO_X emissions, and that NO_X emissions reductions from EGUs were effective in reducing 8-hour peak ozone concentrations during the ozone season. Accordingly, the EPA selected a uniform control stringency to apply to states covered by the rule by identifying the emissions reduction potential from EGUs in linked upwind states available at various levels of control stringency represented by cost, assessed how these potential emissions reductions would affect each state's air quality contributions to each receptor, evaluated the total change in air quality at each receptor resulting from the emissions reductions, and evaluated whether the air quality problems at each receptor would be resolved. The EPA applied a similar approach in the CSAPR Final Rule. 76 FR 48248 (August 8, 2011).

difficulty of, achieving additional emissions reductions.[62] Additionally, assessment of the downwind air quality impacts from the potential upwind emissions reductions is essential to determining whether various levels of potential control stringency would under- or over-control upwind state emissions relative to the identified downwind air quality problems. The Supreme Court has found the EPA's approach to apportioning emissions reduction responsibility among multiple upwind states to be ''an efficient and equitable solution to the allocation problem'' presented by the good neighbor provision for regional problems like the transport of ozone pollution. *EME Homer City,* 134 S. Ct. at 1607.

As discussed in Section IV.A, the EPA interprets the substantive standard under CAA section 126(b) consistent with its interpretation of the good neighbor provision in CAA section 110(a)(2)(D)(i). Accordingly, the EPA believes it could be reasonable to consider the same factors whether evaluating ozone transport in the context of a good neighbor SIP under CAA section 110 or a section 126(b) petition. Thus, the EPA has reviewed New York's petition to determine whether it has provided sufficient information to support a determination based on the same type of cost and air quality factors that the EPA evaluated in past rulemakings addressing regional ozone transport under the good neighbor provision. The EPA notes that it considered these factors in the CSAPR Update and implemented emissions reductions found to be cost-effective at EGUs (including within the upwind states identified in New York's petition) by the 2017 ozone season, but it did not evaluate potential control strategies available on a longer implementation timeframe or at non-EGUs. 81 FR 74521–22. The EPA has not conducted a regional step 3 analysis for any sources with respect to the 2015 ozone NAAQS, but nonetheless believes consideration of the same type of cost and air quality factors could be reasonable for evaluating upwind state obligations under the good neighbor provision for that standard.

The EPA's review of the petition indicates that New York has not sufficiently developed or evaluated the cost and air quality data and factors that the EPA has generally relied on in step 3, has not conducted any sort of multifactor analysis to determine whether cost-effective controls are available at the named sources, and has not provided any alternative analysis that would support a conclusion at step 3 that the named sources will significantly contribute to nonattainment or interfere with maintenance of the NAAQS. The petition, therefore, has not adequately supported the conclusions that the sources named in its petition will significantly contribute to nonattainment or interfere with maintenance of either the 2008 or the 2015 ozone NAAQS. Here, the petition simply names facilities that appear to have larger emissions than other facilities (at least 400 tons of NO_X per year) without supporting why the named facilities should make certain reductions. The petition could have included one or more of the following potential analyses to evaluate, compare and identify ''significant'' emissions from of the named sources, consistent with the EPA's past practice in evaluating regional ozone transport: (i) Verifying that the named sources whose emissions are those from the most recent emissions inventory continue to emit NO_X at the same rate or continue to operate;[63] (ii) describing or quantifying potentially available emissions reductions from the named sources (*i.e.,* the control technologies/techniques and the costs of those control technologies/techniques); (iii) describing the downwind air quality impacts of controlling the named sources relative to other sources; or (iv) providing information on the relative cost of the available emissions reductions and whether they are less expensive than other reductions from other sources. In the absence of such analyses, the petition has not demonstrated, based on information available at this time, that the sources named in the petition should be required to make further emissions reductions under the good neighbor provision.

The petition also has not demonstrated how relevant cost and air quality factors should be weighed to determine an appropriate level of control for the named sources. Instead, the petition simply suggests that upwind sources should be subject to a comparable level of control as sources in downwind states (*i.e.,* the $5,000/ton level of control sources in New York are subjected to for purposes of RACT). While information such as costs of controls in the downwind area may provide useful data for consideration when evaluating upwind emissions reduction potential, such information is not determinative of the appropriate level of upwind control. Nothing in the text of the good neighbor provision indicates that upwind states are required to implement RACT, which is a requirement that applies to designated nonattainment areas, *see* CAA section 172(c)(1) (nonattainment areas generally), 182(b)(2) (ozone nonattainment areas classified as Moderate), nor does the provision require uniformity of control strategies imposed in both upwind and downwind states. Rather, the provision indicates that states are required to prohibit those emissions which ''contribute significantly to nonattainment'' or ''interfere with maintenance'' of the NAAQS in a downwind state, terms that the Supreme Court has found to be ambiguous. *See EME Homer City,* 134 S. Ct. 1584. The EPA has always considered cost under the good neighbor provision as part of a multifactor analysis based on the facts and circumstances of the air quality problem at the time of each evaluation, but the EPA has never set upwind control obligations based solely on the level of controls imposed for purposes of RACT in downwind nonattainment areas, as the petition suggests the EPA do here. The EPA believes that such a multifactor analysis that considers relevant cost and air quality factors is important for any evaluation of a CAA section 126(b) petition regarding interstate transport of ozone (a regional pollutant with contribution from a variety of sources), as the EPA reviews whether the particular sources identified in the petition should be controlled in light of the costs and collective impact of emissions on air quality in the area, including emissions from other anthropogenic sources. The petition fails to conduct any comparable analysis. Review of the named sources in New York's petition provides a starting point for such an analysis but does not complete the analysis or even provide the type of data that would be necessary for the EPA to conduct such an analysis to determine whether the named sources emit or would emit in violation of the good neighbor provision.

The petition also suggests that upwind sources should be subject to a comparable level of control as sources

[62] *See* CSAPR Final Rule. 76 FR 48248 (August 8, 2011).

[63] Such information may be found in the EPA's Enforcement and Compliance Data (ECHO), which is a publicly available database containing information for nearly all point sources in the U.S. Data are typically updated several times a month. The operating status of the point source at the facility level is available. Thus, the operating status of non-EGU point sources can be determined outside of having an up to date NEI version available. This is likely to be accurate for the operating status of EGUs as well.

in downwind states, in part, because it asserts that, while the CSAPR program provides the legal and technical basis for states to eliminate their significant contributions to excessive ozone pollution, the EPA has failed to implement a full, federal-level remedy to completely address the issue of transported ozone. Instead the EPA issued EGU NO_X ozone season emissions budgets as a partial remedy for interstate transport for the 2008 ozone NAAQS. The petition asserts that, according to the analyses in the CSAPR Update, after application of the rule's NO_X budgets, the EPA's modeling still projected multiple remaining nonattainment and maintenance receptors in the NYMA, including monitoring sites in Fairfield and New Haven Counties in the Connecticut portion of the area, which would continue to project nonattainment in 2017.

While the EPA acknowledged in the CSAPR Update that the FIPs may only be a partial remedy for interstate transport for the 2008 ozone NAAQS, the EPA subsequently promulgated the Determination Rule, in which the EPA concluded that the existing CSAPR Update fully addresses the interstate transport obligations under CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS for certain states, including eight of the states named in New York's petition (Illinois, Indiana, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia), because the downwind air quality problems projected in 2017 would be resolved in 2023. 83 FR 65878 (December 21, 2018). The EPA also approved a SIP from Kentucky which similarly determined that the CSAPR Update FIP would fully satisfy the state's good neighbor obligation with respect to the 2008 ozone NAAQS (83 FR 33730). Together, the EPA found that these actions fully address the good neighbor requirements with respect to the 2008 ozone NAAQS for the states named in the petition. For the reasons explained in this section, the petition has failed to demonstrate that it is necessary to implement additional, source-specific, unit-level emissions limits at any of the sources named in the petition to ensure reductions are being achieved under the CSAPR Update.

As discussed earlier, the EPA interprets CAA section 126(b) as placing the burden on the petitioner to demonstrate in the first instance that a finding under the provision is justified. The breadth of New York's petition demonstrates why the EPA's interpretation is particularly reasonable. The petition names over 350 sources from several different source sectors (both EGUs and non-EGUs) in nine different upwind states and asked the EPA to evaluate and implement source-specific emissions limits for each source. While the EPA has air quality modeling information relevant to the step 1 and 2 analyses discussed earlier, this analysis was conducted for separate rulemaking actions and not solely for use in evaluating this petition. The EPA has not already conducted the type of multifactor analysis that would normally be used in step 3 to determine whether such a large group of upwind sources emits or would emit in violation of the good neighbor provision. The EPA also does not currently have information available to independently conduct such an analysis, especially for such a variety of sources. As noted in the Determination Rule (81 FR 65878), the EPA lacks the relevant data to conduct such an analysis for the multiple non-EGU source categories, including those referred to in this petition. Collecting the relevant data and conducting such an analysis independently would require the EPA to invest significant time and resources. As the EPA noted in Section IV.B, the 60-day deadline provided by Congress for action under CAA section 126(b) is evidence that Congress did not intend for the EPA to be required to conduct such detailed independent analyses before acting on the petitions, especially where a petition addresses a large number and variety of sources and seeks tailored unit-level remedies, as New York's petition does. While the EPA acknowledges that this task may also be resource-and time-intensive for a petitioner, the EPA nonetheless interprets the timeframe imposed on the EPA in CAA section 126(b) (along with the potentially severe consequences under CAA section 126(c) if a finding is made) as evidence that the burden is on the petitioner in the first instance to demonstrate that the statutory threshold has been met. For the reasons discussed in this section, the petition does not provide the EPA with a sufficient basis to conclude at step 3 that sources in the named states will significantly contribute to nonattainment or interfere with maintenance in New York with respect to either the 2008 or 2015 ozone NAAQS. Therefore, on this basis, the EPA is proposing to deny New York's petition as to all named sources because, in addition to the specific failures described above for steps 1 and 2, the state has also failed to meet its burden to demonstrate at step 3 that the sources emit or would emit in violation of the good neighbor provision.

V. Conclusion

Based on the information discussed in this notice, the EPA is proposing to deny New York's CAA section 126(b) petition. The EPA has described several technical deficiencies with the petition and, therefore, proposes to deny on the basis that New York has not met its burden to demonstrate that the named sources emit or would emit in violation of the good neighbor provision with respect to the 2008 ozone NAAQS or the 2015 ozone NAAQS. For Chautauqua County, the petition does not provide sufficient information to indicate that there will be a downwind air quality problem (either nonattainment or maintenance) with respect to either the 2008 or the 2015 ozone NAAQS. For the NYMA, with respect to the 2008 ozone NAAQS, the petition does not provide sufficient information to indicate that the NYMA should be considered a nonattainment or maintenance receptor pursuant to the good neighbor provision. Furthermore, the EPA's own independent analysis of available information indicates that there is not currently nor is there projected to be an air quality problem with respect to either NAAQS in Chautauqua County, and that there is not projected to be any further air quality problem with respect to the 2008 ozone NAAQS in the NYMA. As an additional independent basis for the proposed denial, even if the EPA assumed that the named upwind states were linked to downwind air quality problems in New York at steps 1 and 2 of its interstate transport framework, material elements in the petition's step 3 analysis are insufficient, such that the EPA cannot conclude that any named source or group of sources in any of the named states will significantly contribute to nonattainment or interfere with maintenance in any area in New York with respect to either NAAQS. The EPA requests comment on its proposed denial of New York's CAA section 126(b) petitions, including the bases for the decision described herein.

VI. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator;'' or (ii) such action is locally or regionally applicable, but ''such action is based on a

determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

To the extent a court finds this action to be locally or regionally applicable, the EPA proposes to find that this action is based on a determination of ''nationwide scope or effect'' within the meaning of CAA section 307(b)(1). This action addresses emissions impacts from sources located in nine states, which are located in multiple EPA Regions and federal circuits. The proposed action is also based on a common core of factual findings and analyses concerning the transport of pollutants between the different states.

For these reasons, to the extent a court finds this action to be locally or regionally applicable, the Administrator proposes to determine that any final action related to this proposal is based on a determination of nationwide scope or effect for purposes of section 307(b)(1) of the CAA. Thus, pursuant to CAA section 307(b), any petitions for review of any final action related to this proposal must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date such final action is published in the **Federal Register**.

VII. Statutory Authority

42 U.S.C. 7410, 7426, 7601.

Dated: May 6, 2019.

Andrew R. Wheeler,

Administrator.

[FR Doc. 2019–09928 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R08–UST–2018–0729; FRL–9991–42–Region 8]

Colorado: Final Approval of State Underground Storage Tank Program Revisions and Codification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the state of Colorado's Underground Storage Tank (UST) Program submitted by the State. This action is based on the EPA's determination that the State's revisions satisfy all requirements for UST program approval. This action also proposes to codify Colorado's state program, as revised by Colorado and approved by the EPA, and to incorporate by reference the State regulations that we have determined meet the requirements for approval. The State's federally authorized and codified UST program, as revised pursuant to this action, will remain subject to the EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions.

DATES: Send written comments by June 19, 2019.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
2. *Email: Hendrix.Mark@epa.gov.*
3. *Mail:* Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P–R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
4. *Hand Delivery or Courier:* Deliver your comments to Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P–R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

Instructions: Direct your comments to Docket ID No. EPA–R08–UST–2018–0729. The EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

You can view and copy the documents that form the basis for this action and associated publicly available materials from 8:30 a.m. to 4:00 p.m., Monday through Friday, at the following location: EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone number (303) 312–6561. Interested persons wanting to examine these documents should make an appointment with the office at least 2 days in advance.

FOR FURTHER INFORMATION CONTACT: Mark Hendrix, Region 8, Project Officer, UST, Solid Waste and PCB Unit, Resource Conservation and Recovery Program, Office of Partnerships and Regulatory Assistance (Mail Code: 8P–R), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone number (303) 312–6561, email address: *Hendrix.Mark@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Authority: This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by reference, State program approval, Underground storage tanks.

Dated: April 29, 2019.

Debra Thomas,

Acting Regional Administrator, EPA Region 8.

[FR Doc. 2019–10411 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 84, No. 97

Monday, May 20, 2019

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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License, Correction

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY:

Correction

In the **Federal Register** of September 22, 2017, FR Doc. No 183, page 44377, in the **SUMMARY** Section, should read as follows:

Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Rainier Seeds, Inc. of Davenport, Washington, an exclusive license to the variety of crested wheatgrass described in Plant Variety Protection Application Number 201600403, 'USDA-RANGECREST,' filed on September 4, 2016. Dated May 13, 2019.

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

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

Dated: May 14, 2019.

Yvette Anderson,

Federal Register Liaison Officer for ARS, ERS, NASS.

[FR Doc. 2019–10414 Filed 5–17–19; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 14, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; 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 19, 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.

Rural Utilities Service

Title: 7 CFR 1703, Subparts D, E, F, and G, Distance Learning and Telemedicine Loan and Grant Program.

OMB Control Number: 0572–0096.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the Department of Agriculture and is authorized by Chapter 1 of subtitle D of the Food, Agriculture, Conservation and Trade Act of 1990. The purpose of the Distance Learning and Telemedicine Loan and Grant Program is to improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals and rural residents. Section 6201 of Title VI of the 2014 Farm Bill (Pub. L. 113–79) amended 7 U.S.C. 950aaa *et seq.,* by extending the term of the program to the year 2018.

Need and Use of the Information: The various forms and narrative statements required are collected from eligible applicants that are public and private, for-profit and not-for-profit rural community facilities, schools, libraries, hospitals, and medical facilities. The purpose of this information is to determine such factors as: Eligibility of the applicant; the specific nature of the proposed project; the purposes for which loan and grant funds will be used; project financial and technical feasibility; and compliance with the applicable laws and regulations.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 190.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 10,381.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–10362 Filed 5–17–19; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

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 19, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension.

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 proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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 may be sent to: Thomas Dickson, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Washington, DC 20250, Telephone: 202–690–4492, email: *thomas.dickson@usda.gov.*

Title: Broadband Grant Program.

OMB Control Number: 0572–0127.

Type of Request: Extension of a currently approved information collection.

Abstract: The provision of broadband transmission service is vital to the economic development, education, health, and safety of rural Americans. To further this objective, RUS provides financial assistance in the form of grant to eligible entities that propose, on a ''community-oriented connectivity'' basis, to provide broadband transmission service that fosters economic growth and delivers enhanced educational, health care, and public safety services to extremely rural, lower income communities. The Agency gives priority to rural areas that it believes have the greatest need for broadband transmission services. Grant authority is utilized to deploy broadband infrastructure to extremely rural, lower income communities on a ''community-oriented connectivity'' basis. The ''community-oriented connectivity'' concept integrates the deployment of broadband infrastructure with the practical, everyday uses and applications of the facilities. This broadband access is intended to promote economic development and provide enhanced educational and health care opportunities. The Agency provides financial assistance to eligible entities that are proposing to deploy broadband transmission service in rural communities where such service does not currently exist and who will connect the critical community facilities including the local schools, libraries, hospitals, police, fire and rescue services and who will operate a community center that provides free and open access to residents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average *140.84* hours per response.

Respondents: Public bodies, commercial companies, cooperatives, nonprofits, Indian tribes, and limited dividend or mutual associations and must be incorporated or a limited liability company.

Estimated Number of Respondents: 82.

Estimated Number of Responses per Respondent: 1.16.

Estimated Total Annual Burden on Respondents: 13,380.

Copies of this information collection can be obtained from Diane M. Berger, Rural Development Innovation Center—Regulatory Team, (715) 619–3124.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–10408 Filed 5–17–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

[Docket No.: 190430420–9420–01]

Commerce Alternative Personnel System

AGENCY: Office of Administration, Office of Human Resources Management, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice announces the expansion of employee coverage under the Commerce Alternative Personnel System (CAPS), formerly the Department of Commerce Personnel Management Demonstration Project, published in the **Federal Register** on December 24, 1997. This coverage is extended to include employees of the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) located in the Northeast Fisheries Science Center.

DATES: The amended Commerce Alternative Personnel System is effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Department of Commerce—Sandra Thompson, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 51020, Washington, DC 20230, (202) 482–0056 or Valerie Smith at (202) 482–0272.

SUPPLEMENTARY INFORMATION:

1. Background

The Office of Personnel Management (OPM) approved the Department of Commerce (DoC) demonstration project for an alternative personnel management system, and published the final plan in the **Federal Register** on Wednesday, December 24, 1997 (62 FR 67434). The demonstration project was designed to simplify current classification systems for greater flexibility in classifying work and paying employees; establish a performance management and rewards system for improving individual and organizational performance; and improve recruiting and examining to attract highly-qualified candidates. The purpose of the project was to strengthen the contribution of human resources management and test whether the same innovations conducted under the National Institute of Standards and Technology alternative personnel management system would produce similarly successful results in other DoC environments. The project was implemented on March 29, 1998. The project plan has been modified thirteen times to clarify certain DoC Demonstration Project authorities, and

to extend and expand the project: 64 FR 52810 (September 30, 1999); 68 FR 47948 (August 12, 2003); 68 FR 54505 (September 17, 2003); 70 FR 38732 (July 5, 2005); 71 FR 25615 (May 1, 2006); 71 FR 50950 (August 28, 2006); 74 FR 22728 (May 14, 2009); 80 FR 25 (January 2, 2015); 81 FR 20322 (April 7, 2016); 81 FR 40653 (June 22, 2016); 81 FR 54787 (August 17, 2016); 82 FR 1688 (January 6, 2017); and 83 FR 54707 (October 31, 2018). With the passage of the Consolidated Appropriations Act, 2008, Public Law 110–161, on December 26, 2007, the project was made permanent (extended indefinitely) and renamed the Commerce Alternative Personnel System (CAPS).

CAPS provides for modifications to be made as experience is gained, results are analyzed, and conclusions are reached on how the system is working. This notice announces that the DoC expands CAPS to include bargaining unit employees in the NMFS located in the Northeast Fisheries Science Center (NEFSC).

The DoC will follow the CAPS plan as published in the **Federal Register** on December 24, 1997, and subsequent modifications as listed in the Background Section of this notice.

Kevin E. Mahoney,

Director for Human Resources Management and Chief Human Capital Officer.

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I. Executive Summary

CAPS is designed to (1) improve hiring and allow DoC to compete more effectively for high-quality candidates through direct hiring, selective use of higher entry salaries, and selective use of recruitment incentives; (2) motivate and retain staff through higher pay potential, pay-for-performance, more responsive personnel systems, and selective use of retention incentives; (3) strengthen the manager's role in personnel management through delegation of personnel authorities; and (4) increase the efficiency of personnel systems through the installation of a simpler and more flexible classification system based on pay banding, through reduction of guidelines, steps, and paperwork in classification, hiring, and other personnel systems, and through automation.

The current participating organizations include 1 office of the Deputy Secretary in the Office of the Secretary, 6 offices of the Chief Financial Officer/Assistant Secretary for Administration in the Office of the Secretary; the Bureau of Economic Analysis; 2 units of the National Telecommunications and Information Administration (NTIA): The Institute for Telecommunication Sciences and the First Responder Network Authority (an independent authority within NTIA); and 12 units of the National Oceanic and Atmospheric Administration: The Office of Oceanic and Atmospheric Research, the National Marine Fisheries Service, the National Environmental Satellite, Data, and Information Service, the National Weather Service—Space Environment Center, the National Ocean Service, the Program Planning and Integration Office, the Office of the Under Secretary, the Marine and Aviation Operations, the Office of the Chief Administrative Officer, the Office of the Chief Financial Officer, the Office of Human Capital Services, formerly the Workforce Management Office, and the Office of the Chief Information Officer.

This amendment modifies the December 24, 1997, **Federal Register** notice. Specifically, it expands DoC CAPS to include NMFS bargaining unit employees located in the NEFSC.

II. Basis for CAPS Expansion

A. Purpose

CAPS is designed to provide supervisors/managers at the lowest organizational level the authority, control, and flexibility to recruit, retain, develop, recognize, and motivate its workforce, while ensuring adequate accountability and oversight.

NMFS is responsible for the stewardship of the nation's ocean resources and their habitat. NMFS provide vital services for the nation including productive and sustainable fisheries, safe sources of seafood, the recovery and conservation of protected resources, and healthy ecosystems. NMFS works in partnership with Regional Fishery Management Councils to assess and predict the status of fish stocks, set catch limits, ensure compliance with fisheries regulations, and reduce bycatch. Under the Marine Mammal Protection Act and the Endangered Species Act, NMFS works to recover protected marine species while allowing economic and recreational opportunities. Since the inception of the demonstration project in 1997, and subsequent modification/expansion notices, units of NMFS have participated in CAPS. A September 17, 2003, notice (68 FR 54505) announced the expansion of CAPS to include non-bargaining unit employees located in the NEFSC. With the majority of NEFSC employees being covered by an alternative personnel management system, NOAA and NMFS made the determination to convert the remaining bargaining unit GS NEFSC workforce under CAPS.

The expansion of CAPS coverage to include the remaining bargaining unit GS employees of NEFSC will allow NMFS to continue to benefit from the flexibilities provided by CAPS and should improve the organization's ability to recruit and retain a high-quality workforce.

DoC's CAPS allows for modifications of procedures if no new waiver from law or regulation is added. Given that this expansion is in accordance with existing law and regulation and CAPS is a permanent alternative personnel system, the DoC is authorized to make the changes described in this notice.

B. Participating Employees

Employee notification of this expansion will be accomplished by providing a full set of briefings to employees and managers and providing them electronic access to all CAPS policies and procedures, including the thirteen previous **Federal Register** notices and this **Federal Register** notice will also be accessible electronically upon approval. Subsequent supervisor training and informational briefings for all employees will be accomplished prior to the implementation date of the expansion.

C. Labor Participation

The Labor organization was notified about the CAPS expansion pertaining to their bargaining unit membership. Bargaining unit employees are covered by AFGE Local 231, Woods Hole, Massachusetts.

III. Changes to the Project Plan

The CAPS at DoC, published in the **Federal Register** on December 24, 1997 (62 FR 67434), is amended as follows:

1. The following organization will be added to the project plan, Section II D—Participating Organizations
   Within the National Oceanic and Atmospheric Administration (NOAA),
   National Marine Fisheries Service (NMFS),
   Additional employees in the following:
   Northeast Fisheries Science Center (NEFSC)
2. The following bargaining units are added to the project plan, Section II F—Labor Participation Table 4—Bargaining Unit Coverage

NEFSC	Woods Hole, MA.	AFGE Local 231.

[FR Doc. 2019–10380 Filed 5–17–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–881]

Malleable Cast Iron Pipe Fittings From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on malleable cast iron pipe fittings from the People's Republic of China (China) for the period December 1, 2017, through November 30, 2018.

DATES: Applicable May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Jean Valdez, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3855.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2018, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on malleable cast iron pipe fittings from China.[1] On December 31, 2018, Commerce received a timely request to conduct an administrative review of the antidumping order from Anvil International (Anvil), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2] Based upon this request, on March 14, 2019, in accordance with section 751(a) of the Act, Commerce published in the **Federal Register** a notice of initiation of administrative review covering the period December 1, 2017, through November 30, 2018.[3] On April 17, 2019, Anvil timely withdrew its request for an administrative review with respect to all companies identified in the request.[4] No other party requested an administrative review of this order.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, Anvil timely withdrew its request for an administrative review in its entirety and with respect to all companies identified in the *Initiation Notice* by the 90-day deadline. Because no other party requested a review of these companies, we are rescinding a review of the order in its entirety, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of malleable cast iron pipe fittings from China at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period December 1, 2017, to November 30, 2018, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

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

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: May 8, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–10436 Filed 5–17–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 62293 (December 3, 2018).

[2] *See* letter from Anvil, ''Malleable Cast Iron Pipe Fittings from the People's Republic of China: Request for Administrative Review,'' dated December 31, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 9297 (March 14, 2019) (*Initiation Notice*). Due to the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019, the publication of the initiation notice for orders with December anniversary months was delayed until March 14, 2019.

[4] *See* letter from Anvil, ''Malleable Cast Iron Pipe Fittings from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated April 17, 2019.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–835]

Dried Tart Cherries From the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable May 13, 2019.

FOR FURTHER INFORMATION CONTACT: Alex Wood at (202) 482–1959 or Alice Maldonado at (202) 482–4682; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On April 23, 2019, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) Petition concerning imports of dried tart cherries (cherries) from the Republic of Turkey (Turkey).[1] The AD Petition was filed in proper form by the Dried Tart Cherry Trade Committee (the petitioner).[2] The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of cherries from Turkey.

On April 25, and May 1, 2019, Commerce requested supplemental information pertaining to certain aspects of the AD Petition in separate supplemental questionnaires.[3]

[1] *See* the Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties: Dried Tart Cherries from the Republic of Turkey,'' dated April 23, 2019 (the AD Petition).

[2] *Id.* at 1–3.

[3] *See* Commerce Letter re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Dried Tart Cherries from the Republic of Turkey: Supplemental Questions, dated April 25, 2019; Commerce Letter re: Petition for the

Continued

Responses to the supplemental questionnaires were filed on April 29 and May 2, 2019.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of cherries from Turkey are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing cherries in the United States. Consistent with section 732(b)(1) of the Act, the AD Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the AD Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigation.[5]

Period of Investigation

Because the AD Petition was filed on April 23, 2019, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is April 1, 2018, through March 31, 2019.

Scope of the Investigation

The product covered by this investigation is cherries from Turkey. For a full description of the scope of this investigation, *see* the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the AD Petition, we contacted the petitioner regarding the proposed scope to ensure that the scope language in the AD Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[6] As a result, the scope of the AD Petition was modified to clarify the description of the merchandise covered by the AD Petition. The description of the merchandise covered by this investigation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[7] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on June 3, 2019, which is 20 calendar days from the signature date of this notice.[8] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on June 13, 2019, which is 10 calendar days from the initial comment deadline.[9] If scope comments include factual information,[10] all such factual information should be limited to public information.

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must also be filed on the record of the concurrent CVD investigation.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of cherries to be reported in response to Commerce's AD questionnaire. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics, and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by producers to describe cherries, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all product characteristics comments must be filed by 5:00 p.m. ET on June 3, 2019, which is 20 calendar days from the signature date of this notice.[12] Any rebuttal comments must be filed by 5:00 p.m. ET on June 13, 2019. All comments and submissions to Commerce must be filed electronically using ACCESS, as

Imposition of Antidumping Duties on Imports of Dried Tart Cherries from the Republic of Turkey: Supplemental Questions, dated April 25, 2019; and Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated May 1, 2019.

[4] *See* the Petitioner's Letters, ''Dried Tart Cherries from Turkey: Response to General Issues Questionnaire,'' dated April 29, 2019 (General Issues Supplement); ''Dried Tart Cherries from Turkey: Response to Antidumping Questionnaire,'' (AD Supplement) dated April 29, 2019; and ''Dried Tart Cherries from Turkey: Supplemental Response to Antidumping Questionnaire,'' (Second AD Supplement) dated May 2, 2019.

[5] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[6] *See* General Issues Supplement, at 3–8 and Exhibit 7.

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

[8] Because the deadline falls on a Sunday (*i.e.,* June 2, 2019), the deadline becomes the next business day (*i.e.,* June 3, 2019).

[9] *See* 19 CFR 351.303(b).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[12] *See* 19 CFR 351.303(b). Because the deadline falls on a Sunday (*i.e.,* June 2, 2019), the deadline becomes the next business day (*i.e.,* June 3, 2019).

explained above, on the record of the AD investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the Petition.[15] Based on our analysis of the information submitted on the record, we have determined that cherries, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioner provided its own 2018 shipments of the domestic like product and compared this to the estimated total shipments of the domestic like product for the entire domestic industry, as reported by the Cherry Industry Administrative Board.[17] The petitioner estimated the production of the domestic like product for the entire domestic industry based on shipment data. This is because production data for the entire domestic industry are not available for 2018, and the petitioner has established that shipments are a reasonable proxy for data on production of cherries.[18] We relied on data provided by the petitioner for purposes of measuring industry support.[19]

Our review of the data provided in the Petition, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[20] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[23] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; adverse impact on the domestic industry's production, capacity utilization, U.S. shipments, employment, and financial and operating performance; and lost sales and revenues.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] *See* Volume I of the Petition, at 11–13 and Exhibit I–8.

[16] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Antidumping Duty Initiation Checklist: Dried Tart Cherries from the Republic of Turkey (AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Dried Tart Cherries from the Republic of Turkey (Attachment II). This checklist is dated concurrently with this notice and is on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[17] *See* Volume I of the Petition, at 6–7 and Exhibits I–2 and I–5; *see also* General Issues Supplement, at 8–10 and Exhibit 11.

[18] *See* Volume I of the Petition, at 6–7 and Exhibits I–2 and I–5; *see also* General Issues Supplement, at Exhibit 11.

[19] For further discussion, *see* AD Initiation Checklist, at Attachment II.

[20] *See* AD Initiation Checklist, at Attachment II.

[21] *See* section 732(c)(4)(D) of the Act; *see also* AD Initiation Checklist, at Attachment II.

[22] *See* AD Initiation Checklist, at Attachment II.

[23] *Id.*

[24] *See* Volume I of the Petition, at 18 and Exhibit I–10.

[25] *Id.* at 15–27 and Exhibits I–5, I–9, I–10, I–13, and I–14.

meet the statutory requirements for initiation.[26]

Allegations of Sales at LTFV

The following is a description of the allegation of sales at LTFV upon which Commerce based its decision to initiate this AD investigation of imports of cherries from Turkey.

Export Price

The petitioner based the U.S. price on average unit values (AUVs) of publicly available import data.[27] The petitioner did not make deductions from U.S. price for movement or other expenses.[28]

Normal Value

The petitioner based normal value (NV) on home market prices obtained through market research for cherries offered for sale in Turkey within the proposed POI.[29] The petitioner calculated net home market prices, adjusted as appropriate.[30]

Fair Value Comparisons

Based on the data provided by the AD Petition, there is reason to believe that imports of cherries from Turkey are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of U.S. price to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for cherries from Turkey covered by this initiation range from 347.24 to 648.35 percent.[31]

Initiation of LTFV Investigation

Based upon the examination of the AD Petition, and supplemental responses, we find that the AD Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of cherries from Turkey are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

The petitioner named 24 companies in Turkey as producers/exporters of cherries.[32] Following standard practice in AD investigations involving market economy countries, in the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select respondents in Turkey based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed with the scope in the Appendix, below.[33]

On May 10, 2019, Commerce released CBP data on imports of cherries from Turkey under APO to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of this investigation.[34] We further stated that we will not accept rebuttal comments.

Distribution of Copies of the AD Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the AD Petition have been provided to the Government of Turkey via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the AD Petition to each exporter named in the AD Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the AD Petition was filed, whether there is a reasonable indication that imports of cherries from Turkey are materially injuring, or threatening material injury to, a U.S. industry.[35] A negative ITC determination will result in the investigation being terminated.[36] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[37] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[38] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[39] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists

[26] *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Dried Tart Cherries from the Republic of Turkey (Attachment III).

[27] *See* AD Initiation Checklist.

[28] *Id.*

[29] *Id.*

[30] *Id.* In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for this investigation, Commerce will request information necessary to calculate the constructed value and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. Commerce no longer requires a COP allegation to conduct this analysis.

[31] *Id.*

[32] *See* Volume I of the Petition, at Exhibit I–9.

[33] *See, e.g., Polyester Textured Yarn from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 58223, 58227 (November 19, 2018).

[34] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Dried Tart Cherries from the Republic of Turkey: Release of Customs Data from U.S. Customs and Border Protection;'' dated May 10, 2019.

[35] *See* section 733(a) of the Act.

[36] *Id.*

[37] *See* 19 CFR 351.301(b).

[38] *See* 19 CFR 351.301(b)(2).

[39] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[40] Parties must use the certification formats provided in 19 CFR 351.303(g).[41] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: May 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation covers dried tart cherries, which may also be referred to as, *e.g.,* dried sour cherries or dried red tart cherries. Dried tart cherries may be processed from any variety of tart cherries. Tart cherries are generally classified as *Prunus cerasus.* Types of tart cherries include, but are not limited to, Amarelle, Kutahya, Lutowka, Montmorency, Morello, and Oblacinska. Dried tart cherries are covered by the scope of this investigation regardless of the horticulture method through which the cherries were produced (*e.g.,* organic or not), whether or not they contain any added sugar or other sweetening matter, whether or not they are coated in oil or rice flour, whether infused or not infused, and regardless of the infusion ingredients, including sugar, sucrose, fruit juice, and any other infusion ingredients. The scope includes partially rehydrated dried tart cherries that retain the character of dried fruit. The subject merchandise covers all shapes, sizes, and colors of dried tart cherries, whether pitted or unpitted, and whether whole, chopped, minced, crumbled, broken, or otherwise reduced in size. The scope covers dried tart cherries in all types of packaging, regardless of the size or packaging material.

Included in the scope of this investigation are dried tart cherries that otherwise meet the definition above that are packaged with non-subject products, including, but not limited to, mixtures of dried fruits and mixtures of dried fruits and nuts, where the smallest individual packaging unit of any such product contains a majority (*i.e.,* 50 percent or more) of dried tart cherries by dry net weight. Only the dried tart cherry components of such products are covered by this investigation; the scope does not include the non-subject components of such products.

Included in the scope of this investigation are dried tart cherries that have been further processed in a third country, including but not limited to processing by stabilizing, preserving, sweetening, adding oil or syrup, coating, chopping, mincing, crumbling, packaging with non-subject products, or other packaging, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the dried tart cherries.

Excluded from the scope of this investigation are dried tart cherries that have been incorporated as an ingredient in finished bakery and confectionary items (cakes, cookies, candy, granola bars, etc.).

The subject merchandise is currently classifiable under 0813.40.3000 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also enter under subheadings 0813.40.9000, 0813.50.0020, 0813.50.0060, 2006.00.2000, 2006.00.5000, and 2008.60.0060. The HTSUS subheadings set forth above are provided for convenience and U.S. customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2019–10439 Filed 5–17–19; 8:45 am]

BILLING CODE 3510–DS–P

[40] *See* section 782(b) of the Act.

[41] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–836]

Dried Tart Cherries From the Republic of Turkey: Initiation of Countervailing Duty Investigation

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

DATES: Applicable May 13, 2019.

FOR FURTHER INFORMATION CONTACT: Maria Tatarska at (202) 482–1562 or Ajay Menon at (202) 482–1993, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On April 23, 2019, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) Petition concerning imports of dried tart cherries (cherries) from the Republic of Turkey (Turkey), filed in proper form on behalf of the Dried Tart Cherry Trade Committee (the petitioner), a trade association whose members produce the domestic like product in the United States (*i.e.,* cherries).[1] The Petition was

[1] *See* the Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing

Continued

accompanied by an antidumping duty (AD) Petition concerning imports of cherries from Turkey.

On April 25, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petition.[2] The petitioner submitted its response on April 29, 2019.[3]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of Turkey (GOT) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to cherry growers and cherry processors in Turkey, and that imports of such products are materially injuring, or threatening material injury to, the domestic cherries industry in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support necessary for the initiation of the requested CVD investigation.[4]

Period of Investigation

Because the Petition was filed on April 23, 2019, the period of investigation is January 1, 2018, through December 31, 2018.

Scope of the Investigation

The product covered by this investigation is cherries from Turkey. For a full description of the scope of this investigation, *see* the Appendix to this notice.

Comments on the Scope of the Investigation

During our review of the Petition, Commerce issued questions to, and received responses from, the petitioner pertaining to the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[5]

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[6] Commerce will consider all comments received from interested parties and, if necessary, consult with interested parties prior to the issuance of the preliminary determination. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on June 3, 2019, which is the next business day after 20 calendar days from the signature date of this notice.[7] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on June 13, 2019, which is 10 calendar days from the initial comments deadline.[8] If scope comments or rebuttal comments include factual information,[9] all such factual information should be limited to public information.

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of both the AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GOT and the European Union (EU) of the receipt of the Petition and provided them the opportunity for consultations with respect to the Petition.[11] Consultations were held with the GOT on May 7, 2019.[12] The EU did not request consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support

Duties: Dried Tart Cherries from the Republic of Turkey,'' dated April 23, 2019 (the Petition).

[2] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Dried Tart Cherries from the Republic of Turkey: Supplemental Questions,'' (General Issues Supplemental Questionnaire); and ''Petition for the Imposition of Countervailing Duties on Imports of Dried Tart Cherries from the Republic of Turkey: Supplemental Questions,'' both dated April 25, 2019.

[3] *See* the Petitioner's Letters, ''Dried Tart Cherries from Turkey: Response to General Issues Questionnaire'' (General Issues Supplement); and ''Dried Tart Cherries from Turkey: Response to Countervailing Duty Questionnaire,'' both dated April 29, 2019.

[4] *See* the ''Determination of Industry Support for the Petition'' section, *infra.*

[5] *See* General Issues Supplemental Questionnaire, at 3–4; *see also* General Issues Supplement, at 3–8.

[6] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] Because the deadline falls on a Sunday (*i.e.,* June 2, 2019), the deadline becomes the next business day (*i.e.,* June 3, 2019).

[8] *See* 19 CFR 351.303(b).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[11] *See* Commerce's Letters, ''Dried Tart Cherries from the Republic of Turkey: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated April 25, 2019, and ''Dried Tart Cherries from the Republic of Turkey: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated April 30, 2019.

[12] *See* Memorandum to the File, ''Countervailing Duty Petition on Dried Tart Cherries from the Republic of Turkey: Consultations with the Government of Turkey,'' dated May 9, 2019.

using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[15] Based on our analysis of the information submitted on the record, we have determined that cherries, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioner provided its own 2018 shipments of the domestic like product and compared this to the estimated total shipments of the domestic like product for the entire domestic industry, as reported by the Cherry Industry Administrative Board.[17] The petitioner estimated the production of the domestic like product for the entire domestic industry based on shipment data. This is because production data for the entire domestic industry are not available for 2018 and the petitioner has established that shipments are a reasonable proxy for data on production of cherries.[18] We relied on data provided by the petitioner for purposes of measuring industry support.[19]

Our review of the data provided in the Petition, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[20] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[23] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Injury Test

Because Turkey is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Turkey materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; adverse impact on the domestic industry's production, capacity utilization, U.S. shipments, employment, and financial and operating performance; and lost sales and revenues.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[26]

Initiation of CVD Investigation

Based on the examination of the Petition, we find that it meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of cherries from Turkey benefit from countervailable subsidies conferred by the GOT. In accordance with section 703(b)(1) of the Act and 19

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F. 2d 240 (Fed. Cir. 1989)).

[15] *See* Volume I of the Petition, at 11–13 and Exhibit I–8.

[16] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Countervailing Duty Investigation Initiation Checklist: Dried Tart Cherries from the Republic of Turkey (CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Dried Tart Cherries from the Republic of Turkey (Attachment II). The CVD Initiation Checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[17] *See* Volume I of the Petition, at 6–7 and Exhibits I–2 and I–5; *see also* General Issues Supplement, at 8–10 and Exhibit 11.

[18] *See* Volume I of the Petition, at 6–7 and Exhibits I–2 and I–5; *see also* General Issues Supplement, at Exhibit 11.

[19] For further discussion, *see* CVD Initiation Checklist, at Attachment II.

[20] *See* CVD Initiation Checklist, at Attachment II.

[21] *See id.; see also* section 702(c)(4)(D) of the Act.

[22] *See* CVD Initiation Checklist, at Attachment II.

[23] *Id.*

[24] *See* Volume I of the Petition, at 18 and Exhibit I–10.

[25] *Id.* at 15–27 and Exhibits I–5, I–9, I–10, I–13, and I–14.

[26] *See* CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Dried Tart Cherries from the Republic of Turkey.

CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 28 of the 29 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioner named 24 companies in Turkey as producers/exporters of cherries.[27] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of cherries from Turkey during the period of investigation under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix.

On May 6, 2019, Commerce released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[28] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the GOT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of cherries from Turkey are materially injuring, or threatening material injury to, a U.S. industry.[29] A negative ITC determination in Turkey will result in the investigation being terminated.[30] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [31] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[32] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR–2013–09–20/html/2013–22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[33] Parties must use the certification formats provided in 19 CFR 351.303(g).[34] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation

[27] *See* Volume III of the Petitions, at Exhibit III–1.

[28] *See* Memorandum to the File, ''Dried Tart Cherries from the Republic of Turkey Countervailing Duty Petition: Release of Customs Data from U.S. Customs and Border Protection,'' dated May 6, 2019.

[29] *See* section 703(a)(2) of the Act.

[30] *See* section 703(a)(1) of the Act.

[31] *See* 19 CFR 351.301(b).

[32] *See* 19 CFR 351.301(b)(2).

[33] *See* section 782(b) of the Act.

[34] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*).

should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: May 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation covers dried tart cherries, which may also be referred to as, *e.g.,* dried sour cherries or dried red tart cherries. Dried tart cherries may be processed from any variety of tart cherries. Tart cherries are generally classified as *Prunus cerasus.* Types of tart cherries include, but are not limited to, Amarelle, Kutahya, Lutowka, Montmorency, Morello, and Oblacinska. Dried tart cherries are covered by the scope of this investigation regardless of the horticulture method through which the cherries were produced (*e.g.,* organic or not), whether or not they contain any added sugar or other sweetening matter, whether or not they are coated in oil or rice flour, whether infused or not infused, and regardless of the infusion ingredients, including sugar, sucrose, fruit juice, and any other infusion ingredients. The scope includes partially rehydrated dried tart cherries that retain the character of dried fruit. The subject merchandise covers all shapes, sizes, and colors of dried tart cherries, whether pitted or unpitted, and whether whole, chopped, minced, crumbled, broken, or otherwise reduced in size. The scope covers dried tart cherries in all types of packaging, regardless of the size or packaging material.

Included in the scope of this investigation are dried tart cherries that otherwise meet the definition above that are packaged with non-subject products, including, but not limited to, mixtures of dried fruits and mixtures of dried fruits and nuts, where the smallest individual packaging unit of any such product contains a majority (*i.e.,* 50 percent or more) of dried tart cherries by dry net weight. Only the dried tart cherry components of such products are covered by this investigation; the scope does not include the non-subject components of such products.

Included in the scope of this investigation are dried tart cherries that have been further processed in a third country, including but not limited to processing by stabilizing, preserving, sweetening, adding oil or syrup, coating, chopping, mincing, crumbling, packaging with non-subject products, or other packaging, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the dried tart cherries.

Excluded from the scope of this investigation are dried tart cherries that have been incorporated as an ingredient in finished bakery and confectionary items (cakes, cookies, candy, granola bars, etc.).

The subject merchandise is currently classifiable under 0813.40.3000 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also enter under subheadings 0813.40.9000, 0813.50.0020, 0813.50.0060, 2006.00.2000, 2006.00.5000, and 2008.60.0060. The HTSUS subheadings set forth above are provided for convenience and U.S. customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2019–10438 Filed 5–17–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–910]

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Preliminary Results of Antidumping Administrative Review and Partial Rescission; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that none of the companies under review have demonstrated eligibility for a separate rate during the period of review (POR) July 1, 2017, through June 30, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3147.

SUPPLEMENTARY INFORMATION:

Background

After initiating this review of 128 companies, the following events occurred.[1] Zekelman Industries (Zekelman), a domestic interested party, timely withdrew its request for an administrative review of 20 companies. Commerce issued an antidumping duty questionnaire to Beijing Bell Plumbing Manufacturing Ltd (Beijing Bell). Beijing Bell did not respond to the questionnaire. Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[2] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results of review is now May 13, 2019. For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum hereby adopted by this notice.[3]

Scope of the Order

The merchandise subject to the order is certain welded carbon quality steel pipes and tubes, of circular cross-section, and with an outside diameter of 0.372 inches (9.45 mm) or more, but not more than 16 inches (406.4 mm), whether or not stenciled, regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (*e.g.,* plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* ASTM, proprietary, or other), generally known as standard pipe and structural pipe (they may also be referred to as circular, structural, or mechanical tubing).

The pipe products that are the subject of the order are currently classifiable in HTSUS statistical reporting numbers 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, 7306.30.50.90, 7306.50.10.00, 7306.50.50.50, 7306.50.50.70, 7306.19.10.10, 7306.19.10.50, 7306.19.51.10, and 7306.19.51.50. However, the product description, and not the Harmonized Tariff Schedule of the United States (HTSUS) classification, is dispositive of whether merchandise imported into the United States falls within the scope of the order.[4]

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 45596 (September 10, 2018) (*Initiation Notice*).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* the Memorandum from Commerce, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Circular Welded Carbon Quality Steel Pipe from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[4] *See* Preliminary Decision Memorandum for full scope language.

part, if a party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. Zekelman withdrew its request to review 20 companies within 90 days of the date of publication of *Initiation Notice;*[5] however, Independence Tube Corporation, and Southland Tube Incorporated, which are Nucor companies (collectively, the petitioners), did not withdraw their request to review 122 companies, including all but three of the companies for which Zekelman withdrew its review request. Thus, Zekelman, the only party to request a review of the six companies listed below, timely withdrew its request for an administrative review of these three companies. Accordingly, Commerce is rescinding this review, in part, with respect to the following companies, in accordance with 19 CFR 351.213(d)(1):[6] (1) Beijing Jia Mei Ao Trade Co., Ltd.; (2) Beijing Jinghau Global Trading Co.; (3) Benxi Northern Steel Pipes, Co., Ltd.; (4) ETCO (China) International Trading Co., Ltd.; (5) Huludao City Steel Pipe Industrial; and (6) Tianjin Shuangjie Steel Pipe Co., Ltd.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying these preliminary results of review, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is provided in Appendix I to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Results Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html*. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Separate Rates

In proceedings involving NME countries, Commerce begins with a rebuttable presumption that all companies within the NME country are subject to government control and that a single weighted-average dumping margin (*e.g.,* the China-wide rate) is applicable to all exporters under review unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. None of the companies under review filed a separate rate application, separate rate certification, or no shipment certification. Moreover, the sole mandatory respondent, Beijing Bell, did not respond to the AD questionnaire. Therefore, Commerce preliminarily determines that none of the companies under review are entitled to a separate rate and has treated them as part of the China-wide entity. For additional information regarding Commerce's separate rates determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As noted above, none of the companies under review are entitled to a separate rate and thus we have treated them as part of the China-wide entity.[7] Because no party requested a review of the China-wide entity, the entity is not under review and the entity's rate (*i.e.,* 85.55 percent) is not subject to change in this review.[8] The companies under review that are being treated as part of the China-wide entity are listed in Appendix II to this notice.

Public Comment

Interested parties are invited to comment on the preliminary results of this review and may submit case briefs and/or written comments, filed electronically using ACCESS, within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs, pursuant to 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this review are requested to submit with each argument a statement of the issue, a summary of the argument not to exceed five pages, and a table of statutes, regulations, and cases cited, in accordance with 19 CFR 351.309(c)(2).

Pursuant to 19 CFR 351.310(c), interested parties, who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. Electronically filed case briefs/written comments and hearing requests must be received successfully in their entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[9] Hearing requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those issues raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230.

Unless extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[10] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. If our preliminary results of review are unchanged in the final results of review, Commerce intends to instruct CBP to liquidate all POR entries of subject merchandise from any of the 121 companies under review at 85.55 percent (the China-wide rate).

For companies for which the review has been rescinded, Commerce will instruct CBP to assess antidumping duties on entries of subject merchandise at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from

[5] *See* Letter from Zekelman, ''Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated October 17, 2018.

[6] As stated in *Change in Practice in NME Reviews,* Commerce will no longer consider the non-market economy (NME) entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013) (*Change in Practice in NME Reviews*). The China-wide entity is not subject to this administrative review because no interested party requested a review of the entity. *See Initiation Notice.*

[7] *See* Preliminary Decision Memorandum.

[8] *See Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Notice of Court Decision Not in Harmony with Final Determination and Amended Final Determination Under Section 129 of the Uruguay Round Agreements Act,* 80 FR 70758 (November 16, 2015).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.212(b)(1).

warehouse, for consumption, in accordance with 19 CFR 351.212(c)(l)(i).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters which are not under review in this segment of the proceeding but which have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (2) for all Chinese exporters of subject merchandise that have not been granted a separate rate, including Beijing Bell, the cash deposit rate will be the China-wide rate of 85.55 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: May 13, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Sections in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission
V. Discussion of the Methodology
  A. Non-Market Economy Country Status
  B. Separate Rates
  C. Allegation of Duty Evasion
VI. Recommendation

Appendix II

The following companies are being treated as part of the China-wide entity:

A&T Industry Co., Ltd.
Allied Transport System Inc.
AM Global Shipping Lines
Ample Star Enterprises
Apex Maritime (Tianjin) Co., Ltd.
Artson Fuzhou Co., Ltd.
Baoshan Iron & Steel Co., Ltd.
Bazhou Dongsheng Hot-Dipped Galvanized Steel Pipe Co., Ltd.
Bazhou Zhuofa Steel Pipe Co. Ltd.
Beijing Bell Plumbing Manufacturing Ltd
Beijing Jia Mei Ao Trade Limited
Beijing Jinghua Shunqi Trading Co., Ltd.
Beijing Kaishengao Import & Export
Beijing Kang Jie Kong International Cargo Agent Co., Ltd.
Beijing Sai Lin Ke Hardware Co., Ltd.
Beijing Zhongxingtong Technology Company Limited
Benxi Northern Pipes Co., Ltd.
Bestar Steel Co., Ltd.
Boyu M/E Company Limited
Cangzhou Huasheng Modern Casting Company Limited
Chaoteng Group Ltd.
CI Consolidators Services Limited
CNOOC Kingland Pipeline Co., Ltd.
Dalian Brollo Steel Tubes Ltd.
Dalian Shipbuilding Import Export Company
DSC Quanzhou Dongshan Machine Co., Ltd
Etco International Trading Co., Ltd.
Feel Light Co., Ltd.
Giant-Move Equipment Co., Ltd.
Guangdong Walsall Steel Pipe Industrial Co., Ltd.
Guangzhou Juyi Steel Pipe Co., Ltd.
Hainan Standard Stone Company Ltd.
Hangzhou Chaoteng International
Hangzhou Shunlan Trading Company Limited
Hebei Machinery Import & Export Co., Ltd.
Hebei Metals & Engineering Products Co., Ltd.
Hefei Ziking Steel Pipe Co., Ltd.
Hengshui Jinghua Steel Pipe Co., Ltd.
Hengyang Valin Steel Tube Group Trading Co. Ltd.
Herede Engineering Ltd.
Hubei Xin Yegang Special Tube Co.
Hulado City Steel Pipe Industrial Co., Ltd.
Hunan Henyang Steel Tube (Group) Co., Ltd.
Jiangsu Changbao Steel Tube Co., Ltd.
Jiangsu Hen-Yuan Garden Supplies Company Ltd.
Jiangsu Yulong Steel Pipe Co., Ltd.
Jiangsu Zhongheng Dyeing & Finishing Co., Ltd.
Jiangyin Jianye Metal Products Co., Ltd.
Jinan Meide Casting Co. Ltd.
Jinan Meide Piping Technology Company Ltd.
Jiangsu Guoqiang Zinc-Plating Industrial Company, Ltd.
Kun Shan Sandia Special Steel Pipe Co., Ltd.
Kunshan City Yuan Han Electronic Co., Ltd.
Kunshan Lets Win Steel Machinery Co., Ltd.
Kunshan Taiheiyo Precision Machinery Co., Ltd.
LF Logistics (China) Co., Ltd.
Lianji Chemical Industry Co Limited
Liaoning Northern Steel Pipe Co., Ltd.
Longyou Yilaida Electric Appliance Co., Ltd.
Myriad Treasure Trading Co., Ltd
Nb Bedding & Living Company Limited
Ningbo Acei Screw Plug Inc.
Ningbo Haishu Jiayong Xingyo Import & Export Co., Ltd.
Ningbo Sunny Foreign Trade Co., Ltd.
Orient Express Container Co., Ltd.
Pacific Star Express Corporation
Pangang Chengdu Group Iron & Steel Co., Ltd.
Panyu Chu Kong Steel Pipe Co., Ltd.
Pudong Prime International Company Limited
Qingdao Ocean Master Steel & Plastic Co., Ltd.
Qingdao Xiangxing Steel Pipe Co., Ltd.
Qingdao Yongjie Import & Export Co., Ltd.
Ritime Group Inc.
Rizhao Xingye Import & Export Co., Ltd.
Rogers Corporation
Shandong Liancheng Auto Parts Company
Shandong Xinyuan Group Co., Ltd.
Shanghai Freeland International Trading Co. Ltd.
Shanghai Golden Bridge Int'l Logistic Co., Ltd.
Shanghai ITPC Import & Export Co. Ltd
Shanghai Metals & Minerals Import & Export Corporation
Shanghai Pudong International Transportation
Shanghai Wor-Biz Trading Co., Ltd.
Shanghai Zhongyou TIPO Steel Pipe Co., Ltd.
Shaoxing Xinyue Trade Co., Ltd.
Shenyang Boyu M/E Co., Ltd.
Shenyang Machinery Import & Export Co., Ltd.
Shijiazhuang Zhongqing Imp & Exp Co., Ltd.
Sichuan Y&J Industries Company Limited
Spat Steel International Hong Kong Limited
Suzhou Hongsheng Lighting Products Co. Ltd
Tangshan Fengnan District Xinlida Steel Pipe Co., Ltd.
The Huludao Steel Tube Industry Co., Ltd.
Tianjin Baolai Int'l Trade Co., Ltd.
Tianjin Haoyou Industry Trade Co., Ltd.
Tianjin Hongshengxiang Paper Company
Tianjin Lifengyuanda Steel Group Co. Ltd.
Tianjin Lituo Steel Products Co., Ltd.
Tianjin Longshenghua Import & Export
Tianjin No. 1 Steel Rolled Co., Ltd.
Tianjin Pipe International Economic & Trading Corporation
Tianjin Ruitong Steel Co., Ltd.
Tianjin Shenzhoutong Steel Pipe Co., Ltd.
Tianjin Vision International Trading Co., Ltd.
Tianjin Xingyuda Import and Export Co., Ltd.
Tianjin Xingyunda Steel Pipe Co., Ltd.
Tianjin Yayi Industrial Co., Ltd.
Translink Shipping, Inc.
Weifang East Steel Pipe Co., Ltd.
Wisco And Crm Wuhan Materials & Trading Co., Ltd.
Wuhan Bosen Trade Co., Ltd.
Wuxi Eric Steel Pipe Co., Ltd.
Wuxi Fastube Industry Co., Ltd.
Wuxi Marca International Imports And Exports
Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd.
Xuzhou Guang Huan Steel Tube Products Co., Ltd.
Xuzhou Yongsheng Pipe & Fitting Co., Ltd.
Yangzhou Lontrin Steel Tube Co., Ltd.
Zhangjiagang Hengchang Welding Materials Co., Ltd.

Zhangjiangang Zhongyuan Pipe-Making Co., Ltd.
Zhejiang Kingland Pipeline Industry Co., Ltd.
Zhejiang Machinery & Equipment Import & Export Co., Ltd.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG627

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Aldo's Seawall Replacement Project in Santa Cruz, California

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Santa Cruz Port District (Port District) to incidentally harass, by Level A and Level B harassment only, marine mammals during pile driving activities associated with the Aldo's Seawall Replacement Project in Santa Cruz, California (CA).

DATES: This authorization is effective from June 1, 2019 through May 31, 2020.

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable [adverse] impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

Summary of Request

On August 27, 2018, NMFS received a request from the Port District for an IHA to take marine mammals incidental to the Aldo's Seawall Replacement Project in the Santa Cruz Small Craft Harbor (harbor). The application was deemed adequate and complete on March 21, 2019. The Port District's request was for take of four species of marine mammals by Level B harassment and Level A harassment. Neither the Port District nor NMFS expect serious injury or mortality to result from this activity and therefore, an IHA is appropriate.

Description of Activity

The Port District is planning to replace the existing seawall located below Aldo's Restaurant along the southwest bank of the Santa Cruz Small Craft Harbor. The project involves demolishing the existing restaurant structure and timber pile supported restaurant deck, modifying a dock gangway landing, removing timber piles supporting the public wharf, removing and reinstalling rip-rap to accept the new sheet pile wall, predrilling for new sheet piles, and installing a new steel sheet pile seawall with concrete pile cap and tie-backs in front of the existing seawall. Four 16-inch (in) (40.6 centimeter (cm)) timber piles supporting the public wharf will be permanently removed using a vibratory hammer. Ninety steel sheet piles will be installed using vibratory and impact hammers. Sounds produced by these activities may result in take, by Level A and Level B harassment, of marine mammals within and outside of the harbor.

In-water work associated with the project is expected to occur on 28 non-consecutive days between June 15, 2019 and November 1, 2019. Work will be limited to daylight hours only, and timed to occur at low tide, as feasible.

A detailed description of the planned activities is provided in the **Federal Register** notice announcing the proposed IHA (84 FR 13892; April 8, 2019). Since that time, no changes have been made to the Port District's planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to the Port District was published in the **Federal Register** on April 8, 2019 (84 FR 13892). That notice described, in detail, the Port District's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, proposed amount and manner of take, and proposed mitigation, monitoring and reporting measures. On May 6, 2019, NMFS received a comment letter from the Marine Mammal Commission (Commission); the Commission's recommendations and our responses are provided here, and the comments have been posted online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* The Commission recommended that NMFS issue the IHA, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Comment 1: The Commission questioned whether the public notice provisions for IHA Renewals fully satisfy the public notice and comment provision in the MMPA and discussed the potential burden on reviewers of reviewing key documents and developing comments quickly. Therefore, the Commission recommended that NMFS use the IHA Renewal process sparingly and selectively for activities expected to have the lowest levels of impacts to marine mammals and that require less complex analysis.

Response: NMFS has taken a number of steps to ensure the public has adequate notice, time, and information to be able to comment effectively on IHA Renewals within the limitations of

processing IHA applications efficiently. The **Federal Register** notice for the initial proposed IHA (84 FR 13892; April 8, 2019) had previously identified the conditions under which a one-year Renewal IHA might be appropriate. This information is presented in the Request for Public Comments section of the initial proposed IHA and thus encourages submission of comments on the potential of a one-year renewal as well as the initial IHA during the 30-day comment period. In addition, when we receive an application for a Renewal IHA, we publish a notice of the proposed IHA Renewal in the **Federal Register** and provide an additional 15 days for public comment, for a total of 45 days of public comment. We will also directly contact all commenters on the initial IHA by email, phone, or, if the commenter did not provide email or phone information, by postal service to provide them the opportunity to submit any additional comments on the proposed Renewal IHA.

NMFS also strives to ensure the public has access to key information needed to submit comments on a proposed IHA, whether an initial IHA or a Renewal IHA. The agency's website includes information for all projects under consideration, including the application, references, and other supporting documents. Each **Federal Register** notice also includes contact information in the event a commenter has questions or cannot find the information they seek.

Regarding the Commission's comment that Renewal IHAs should be limited to certain types of projects, NMFS has explained on its website and in individual **Federal Register** notices that Renewal IHAs are appropriate where the continuing activities are identical, nearly identical, or a subset of the activities for which the initial 30-day comment period applied. Where the commenter has likely already reviewed and commented on the initial proposed IHA for these activities, the abbreviated additional comment period is sufficient for consideration of the results of the preliminary monitoring report and new information (if any) from the past year.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the IHA application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species with expected potential for occurrence in the harbor and surrounding waters of Monterey Bay and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2018). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs. All values presented in Table 1 are the most recent available at the time of publication and are available in the 2017 SARs (Caretta *et al.,* 2018) and draft 2018 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 1—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Common bottlenose dolphin	*Tursiops truncatus*	California Coastal	-/-; N	453 (0.06, 346, 2011)	2.7	>2.0
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Monterey Bay	-/-; N	3,715 (0.51, 2,480, 2011)	25	0
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S	-/-; N	257,606 (N/A, 233,515, 2014).	14,011	>319
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	California	-/-; N	30,968 (N/A, 27,348, 2012).	1,641	43

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

A detailed description of the species likely to be affected by the project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (84 FR 13892; April 8, 2019); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the Port District's activities for the Aldo's Seawall Replacement Project have the potential to result in behavioral harassment of marine mammals in the vicinity of the action area. The **Federal Register** notice for the proposed IHA (84 FR 13892; April 8, 2019) included a discussion of the effects of anthropogenic noise on marine mammals, therefore that information is not repeated here; please refer to the **Federal Register** notice (84 FR 13892; April 8, 2019) for that information.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment, as use of the vibratory and impact pile hammers has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency cetaceans, phocids, and otariids, because predicted auditory injury zones are larger than for mid-frequency species. However, due to the shape of the harbor and the small overall ensonified area (see Figure 3 in IHA application), auditory injury in high frequency cetaceans is not expected nor authorized. Auditory injury may occur in phocids and otariids within the inner harbor area during impact pile driving. The mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur a permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 decibels (dB) re 1 microPascal (μPa) (root mean square (rms)) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive intermittent (*e.g.,* impact pile driving) sources. The Port District's activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 μPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Port District's activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving and removal) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (OF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving and removal). The entire lower harbor (see Figure 2a in the IHA application) and a small, narrow band extending southeast from the mouth of the harbor into Monterey Bay (see Figure 3 in the IHA application) may be ensonified by project activities. Vessel traffic within the harbor and out in Monterey Bay may contribute to elevated background noise levels which may mask sounds produced by the project.

The distances to the Level A and Level B harassment thresholds were calculated based on source levels from similar pile driving activities in California and Washington. The Port District utilized in-water measurements generated by the Greenbusch Group (2018) from the Seattle Pier 62 project (83 FR 39709) to establish proxy sound source levels for vibratory removal of the 16-inch timber piles. The results determined unweighted rms ranging from 140 dB to 169 dB. NMFS analyzed source measurements at different distances for all 63 individual timber piles that were removed at Pier 62 and normalized the values to 10 meters (m). The results showed that the median is 152 dB SPLrms. This value was used as the source level for vibratory removal of 16-inch timber piles (Table 3). For vibratory and impact installation of steel sheet piles, the Port District utilized reference source levels of vibratory and impact driving of 24-inch (0.6 m) steel sheet piles from CalTrans *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish* (Buehler *et al.,* 2015). Vibratory driving of 24-inch (0.6 m) AZ steel sheet piles was found to have a range of source levels between 160 and 165 dB (rms) at 10 m, but the typical source level was 160 dB rms (Table 3). The project involves slightly smaller 0.5 m steel sheet piles, but the CalTrans source levels are the best available proxy.

TABLE 3—SOURCE LEVELS FOR PILE DRIVING ACTIVITIES

Activity	SPL_{PK} (dB)	SPL_{RMS} (dB)	SEL (dB)	Source
Vibratory timber pile removal	n/a	152	n/a	Greenbusch Group 2018.
Vibratory sheet pile installation	175	160	160	Buehler *et al.,* 2015.
Impact sheet pile installation	205	190	180	Buehler *et al.,* 2015.

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$TL = B * Log_{10} (R_1/R_2)$,

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement

A practical spreading value of fifteen is often used under conditions, such as at the harbor, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

Using the practical spreading loss model, the Port District determined the distance where the noise will fall below the behavioral effects threshold for both continuous (vibratory pile driving and removal) and intermittent (impact pile driving) sources (120 and 160 dB dB re 1 μPa (rms), respectively). These distances are shown in Table 5 below.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume

could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources (such as pile driving), NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

TABLE 4—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING HARASSMENT ISOPLETHS

Parameter	Impact pile driving	Vibratory pile driving (sheet pile)	Vibratory pile removal (timber pile)
Spreadsheet Tab Used	(E.1) Impact pile driving	(A.1) Vibratory pile driving	(A.1) Vibratory pile driving.
Source Level	180 dB SEL	160 dB RMS	152 dB RMS.
Weighting Factor Adjustment (kHz)	2	2.5	2.5.
Number of strikes per pile	300	N/A	N/A.
Number of piles per day	6	N/A	N/A.
Activity Duration (hours) within 24-hour period.	N/A	6	6.
Propagation (xLogR)	15LogR	15LogR	15LogR.
Distance of source level measurement (meters).	10	10	10.

TABLE 5—CALCULATED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS DURING PILE INSTALLATION AND REMOVAL

Source	Level A harassment zone (meters)				Level B harassment zone (meters)
	Mid-frequency cetacean	High-frequency cetacean	Phocid pinniped	Otariid pinniped	
Impact pile driving	33	1,111	499	36	1,000
Vibratory pile driving (sheet pile)	2	29	12	1	4,642
Vibratory pile removal (timber pile)	<1	8	3	<1	1,359

While the calculated distances to the Level A and Level B harassment isopleths are up to 4,642 m, the project occurs within a nearly completely enclosed harbor, with only a narrow mouth leading out into the larger Monterey Bay. The harbor is approximately 152 m wide at the project site, and the furthest extent sound could travel in a straight line within the harbor is approximately 610 m (see Figures 2a and 2b in the IHA application). Depending on the pile location, sound may travel out the mouth of the harbor, but only in a small narrow band extending to the southeast (see Figure 3 in the IHA application). Therefore, while the calculated distances to thresholds are large, the actual ensonified area is significantly constrained by land.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. Harbor seals and California sea lions are regular occupants of the harbor. Monitors from EcoSystems West conducted surveys of harbor docks in May and June 2018 to determine the number of pinnipeds expected to occur during the project. As stated previously, harbor seals are known to use the harbor docks and other structures for nighttime haulouts. Most surveys occurred at dawn to count the number of pinnipeds that may be present at the beginning of each day of construction. Additional daytime monitoring occurred in July and August 2018 during harbor maintenance activities. These daytime surveys included counts of pinnipeds hauled out and in the water. The maximum number of hauled out harbor seals was 23 while up to three seals were observed in the water during the day. Up to four California sea lions were observed using the harbor during the day. Harbor porpoises and bottlenose dolphins do not typically occur within the harbor, but may transit through the narrow band of ensonified area that extends to the southeast of the harbor entrance (see Figure 3 in the IHA application).

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Level B Harassment—Level B takes of harbor seals and California sea lions were estimated by multiplying the highest number of animals observed within the harbor (23 harbor seals and four California sea lions) by the days of activity (17 days). Level B harassment take of harbor porpoises and bottlenose dolphins was estimated using mean group size and the likelihood that a group of animals may enter the ensonified area during the project. Mean group size of harbor porpoises traveling through northern Monterey Bay was assumed to be 1.75 animals (Forney *et al.,* 2014) and we assume that a group of porpoises may pass through the ensonified band every other day during construction. Mean group size of bottlenose dolphins was assumed to be eight animals (Weller *et al.,* 2016) and

we assume that a group of dolphins may pass through the ensonified band every other day during construction. In the **Federal Register** notice of proposed IHA (84 FR 13892; April 8, 2019), we used eight days to estimate the number of bottlenose dolphins and harbor porpoises that may be taken by Level B harassment. However, as noted by the Commission, if a group of bottlenose dolphins or harbor porpoises were to pass through the ensonified area on the first day of construction, and every other day after, the total number of days that these animals may be harassed would be nine days. Therefore, nine days is used here as the duration to estimate the number of bottlenose dolphins and harbor porpoises that may be taken.

Level A Harassment—In the **Federal Register** notice of proposed IHA (84 FR 13892; April 8, 2019), Level A harassment takes of harbor seals were estimated by multiplying the highest number of seals observed in the water during the day (three seals) by the number of days of impact pile driving (15 days). Level A harassment was only proposed to be authorized for harbor seals during impact pile driving, due to the relatively small Level A harassment isopleths for other species and other activities. However, during the public comment period, the Commission suggested that although only three harbor seals have been observed within the harbor during the day, because up to 23 harbor seals may utilize the harbor, Level A take of 23 harbor seals per day should be authorized. We agreed with the Commission's suggestion, and have increased the authorized takes by Level A harassment accordingly.

Additionally, in the **Federal Register** notice of proposed IHA (84 FR 13892; April 8, 2019), NMFS asserted that mitigation measures (see below) were expected to eliminate any potential for Level A harassment of California sea lions within the harbor. During the public comment period, the Commission suggested that NMFS authorize one take by Level A harassment of California sea lion per day of impact pile driving, due to the prevalence of California sea lions within the harbor and the potential for animals to enter the relevant Level A harassment zone before a shutdown can be initiated. NMFS agreed and has authorized one take of California sea lion by Level A harassment per day of impact pile driving (15 days).

While the Level A harassment zone for harbor porpoises is greater than that of harbor seals, harbor porpoises are not expected to occur within the narrow band of sound that may exceed the harassment threshold for sufficient duration to experience Level A harassment (see Figures 1 and 3 in the IHA application). Take of harbor porpoises by Level A harassment was not requested and has not been authorized.

TABLE 6—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK, RESULTING FROM PORT DISTRICT PROJECT ACTIVITIES

Species	Stock	Level B takes per day	Level A takes per day	Days of activity	Total Level B take	Total Level A take	Total authorized take	Authorized take as percentage of stock
Harbor seal	California	23	23	[a] 17	391	345	736	2.38
California sea lion	U.S	4	1	17	68	15	83	0.03
Bottlenose dolphin	California Coastal	8	0	[b] 9	72	0	72	15.9
Harbor porpoise	Monterey Bay	2	0	[b] 9	18	0	18	0.48

[a] Days of activity for Level A take calculations is only 15 days of impact pile driving.
[b] Harbor porpoises and bottlenose dolphins are expected to occur within the ensonified area every other day during construction activities.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

In addition to the measures described later in this section, the Port District will employ the following standard mitigation measures:

- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity, and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For in-water heavy machinery work other than pile driving (*e.g.,* pre-drilling, etc.), if a marine mammal comes within 10 m, operations shall cease and equipment use reduced to minimum level required to maintain safe working conditions. This type of work could include the following activities: (1) Pre-drilling; or (2) positioning of the pile on the substrate via a land-based crane;
- Work may only occur during daylight hours, when visual monitoring of marine mammals can be conducted;

• For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal and drilling will shut down immediately if such species are observed within or on a path towards the monitoring zone (*i.e.,* Level B harassment zone); and

• If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following measures are also included in the mitigation requirements:

Establishment of Shutdown Zone for Level A Harassment—For all pile driving and removal activities, the Port District must establish a shutdown zone. The purpose of a shutdown zone is generally to define an area within which shutdown of an activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area).

During the public comment period, the Commission noted that the shutdown zones proposed in the **Federal Register** notice of proposed IHA (84 FR 13892; April 8, 2019) should be modified for certain activities to be more consistent with the activity-specific Level A harassment zones. Specifically, the Commission suggested that the shutdown zone for vibratory removal of timber piles should be decreased from 25 m to 10 m, the shutdown zone for vibratory installation of sheet piles should be reduced from 25 m to 15 for pinnipeds and increased from 25 m to 30 m for harbor porpoises, and the shutdown zone for impact driving of sheet piles should be 25 m for all pinnipeds. NMFS agrees with the Commission's suggestions, and has adjusted the shutdown zones accordingly (Table 7).

Harbor porpoises and bottlenose dolphins are not expected to occur within the harbor, so instead of a standard shutdown distance, the Port District will be required to shutdown impact pile driving activities if these species are observed entering the harbor (Table 7). A Protected Species Observer (PSO) will be stationed within the harbor such that they have a view of the immediate area around the pile driving as well as the areas north (toward the back of the harbor) and south (toward the harbor entrance) of the project site.

Establishment of Monitoring Zones for Level B Harassment—The calculated distances to the Level B harassment thresholds may exceed the distance within the harbor that sound may travel in a linear direction. The harbor is approximately 152 m wide at the project site, and the furthest extent sound could travel in a straight line within the harbor is approximately 610 m (see Figures 2a and 2b in the IHA application). Sound may transmit in a narrow band into Monterey Bay through the mouth of the harbor but the overall ensonified area is relatively small. As stated above, a PSO will be stationed within the harbor. Rather than a set distance-based monitoring zone, the PSOs will monitor the entire observable harbor area (Table 7).

TABLE 7—SHUTDOWN AND MONITORING ZONES BY PROJECT ACTIVITY

Activity	Shutdown zone (m)	Monitoring zone
Vibratory removal of timber piles	All species: 10	Entire observable harbor area.
Impact installation of steel sheet piles	Pinnipeds: 25. Harbor porpoise and bottlenose dolphin: At mouth of harbor.	
Vibratory installation of steel sheet piles	Pinnipeds: 15. Harbor porpoise: 30.	
All other in-water activities (*e.g.,* pre-drilling)	10.	

Soft Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure would be conducted a total of three times before impact pile driving begins. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer. Soft start is not required during vibratory pile driving and removal activities.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal or drilling of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the Level B harassment zone has been observed for 30 minutes and non-permitted species are not present within the zone, soft start procedures can commence and work can continue even if visibility becomes impaired within the Level B monitoring zone. When a marine mammal permitted for Level B harassment take is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. As stated above, if the entire Level B harassment zone is not visible at the start of construction, piling or drilling activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the Level B harassment and shutdown zone will commence.

Based on our evaluation of the applicant's measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that

the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Marine Mammal Visual Monitoring

Monitoring shall be conducted by NMFS-approved observers. A trained observer shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start, and shall include instruction on species identification (sufficient to distinguish the species in the project area), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal and drilling activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal and drilling activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

One PSO will be stationed at a location within the harbor that allows full monitoring of the area immediately around the piles being driven, as well as a view toward the back of the harbor and toward the harbor entrance. The PSO will scan the waters using binoculars, and/or spotting scopes if necessary, and would use a handheld GPS or range-finder device to verify the distance to each sighting from the project site. All PSOs would be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. In addition, monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. The Port District must adhere to the following observer qualifications:

(i) Independent observers (*i.e.,* not construction personnel) are required;

(ii) At least one observer must have prior experience working as an observer;

(iii) Other observers may substitute education (degree in biological science or related field) or training for experience;

(iv) Where a team of three or more observers are required, one observer shall be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

(v) The Port District shall submit observer CVs for approval by NMFS.

Additional standard observer qualifications include:

- Ability to conduct field observations and collect data according to assigned protocols. Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal and drilling activities. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters (*e.g.,* percent cover, visibility);
- Water conditions (*e.g.,* sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality, The Port District would immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the following information:

- Description of the incident;
- Environmental conditions (*e.g.,* Beaufort sea state, visibility);

• Description of all marine mammal observations in the 24 hours preceding the incident;
• Species identification or description of the animal(s) involved;
• Fate of the animal(s); and
• Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with the Port District to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Port District would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

In the event that the Port District discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition as described in the next paragraph), the Port District would immediately report the incident to the Office of Protected Resources, NMFS, and the NMFS West Coast Stranding Hotline and/or by email to the West Coast Regional Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with the Port District to determine whether modifications in the activities are appropriate.

In the event that the Port District discovers an injured or dead marine mammal and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Port District would report the incident to the Office of Protected Resources, NMFS, and the NMFS West Coast Stranding Hotline and/or by email to the West Coast Regional Stranding Coordinator, within 24 hours of the discovery. The Port District would provide photographs, video footage (if available), or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving and removal activities associated with the seawall replacement project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile installation and removal. Potential takes could occur if individuals of these species are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Level A harassment is only anticipated for harbor seals. The potential for harassment is minimized through the construction method and implementation of the planned mitigation measures (see *Mitigation* section above).

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; HDR, Inc. 2012; Lerma 2014; ABR 2016). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in northern California, which have taken place with no known long-term adverse consequences from behavioral harassment. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. While vibratory driving associated with the project may produce sound at distances of several kilometers from the project site through the mouth of the harbor, thus intruding on some habitat, the project site itself is located in a busy harbor and the majority of sound fields produced by the specified activities are contained within the harbor. Therefore, we expect that animals annoyed by project sound would simply avoid the area and use more-preferred habitats.

In addition to the expected effects resulting from authorized Level B harassment, we anticipate that harbor seals may sustain some limited Level A harassment in the form of auditory injury. However, animals in these locations that experience PTS would likely only receive slight PTS, *i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving, *i.e.,* the low-frequency region below 2 kHz, not severe hearing impairment or impairment in the regions of greatest hearing sensitivity. If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics. As described above, we expect that marine mammals would be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat. The project activities would not modify existing marine mammal habitat for a

significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- The Level A harassment exposures are anticipated to result only in slight PTS, within the lower frequencies associated with pile driving;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The specified activity and ensonified area is very small relative to the overall habitat ranges of all species and does not include habitat areas of special significance (BIAs or ESA-designated critical habitat); and
- The presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Port District's activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 6 presents the number of animals that could be exposed to received noise levels that could cause Level A and Level B harassment for the Port District's activities. Our analysis shows that less than 16 percent of each affected stock could be taken by harassment. The numbers of animals anticipated to be taken for these stocks would be considered small relative to the relevant stock's abundances even if each estimated taking occurred to a new individual—an unlikely scenario.

Based on the analysis contained herein of the Port District's activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to the Port District for the incidental take of marine mammals due to in-water construction work associated with the Aldo's Seawall Replacement Project in Santa Cruz, CA from June 1, 2019 through May 31, 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 14, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–10429 Filed 5–17–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG978

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt six commercial fishing vessels from limited access sea scallop regulations in support of a study on seasonal bycatch distribution and characterize scallop meat health on Georges Bank.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before June 4, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''DA19–034 CFF Seasonal Survey in the Atlantic Sea Scallop Fishery EFP.''

• *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''DA19–034 CFF Seasonal Survey in the Atlantic Sea Scallop Fishery EFP.''

FOR FURTHER INFORMATION CONTACT: Aly Pitts, Fishery Management Specialist, 978–281–9352.

SUPPLEMENTARY INFORMATION: Coonamesset Farm Foundation (CFF) submitted an exempted fishing permit (EFP) application in support of a project titled ''Seasonal Survey in the Atlantic Sea Scallop Fishery,'' that has been funded under the 2019 Atlantic Sea Scallop Research Set-Aside (RSA) Program.

This project would look primarily at the seasonal distribution of bycatch of yellowtail and windowpane flounder on the eastern part of Georges Bank in relation to sea scallop meat weight yield. Additional objectives include testing of an experimental cover net to better understand dredge efficiency and selectivity, and collection of biological samples to examine scallop meat quality and yellowtail flounder liver disease. Investigators would also work in cooperation with New Hampshire Fish and Game (NHFG) and the Atlantic Offshore Lobstermen's Association (AOLA) to tag female lobsters.

To enable this research, CFF is requesting exemptions for six commercial fishing vessels from the Atlantic sea scallop days-at-sea (DAS) allocations at 50 CFR 648.53(b); crew size restrictions at § 648.51(c); observer program requirements at § 648.11(g); Closed Area II (CAII) scallop gear restrictions specified at § 648.81(b); and access area program requirements at § 648.59(a)(1)–(3), (b)(2), (b)(4), Closed Area II Scallop Access Area Seasonal Closure at § 648.60(d)(2); and dredge or net obstructions at § 648.51(b)(4)(iii). CFF has also requested that vessels be exempt from possession limits and minimum size requirements specified in part 648, subsections B and D through O for biological sampling, and § 697.20 for lobster sampling and tagging purposes only.

Participating vessels would conduct scallop dredging from August 2019 through June 2020. Six vessels would conduct a total of six 5-day trips, for a total of 30 days at sea (DAS). The survey area would be in Closed Area II Access Area, with 3 stations north of the Closed Area II Access Area. Open area tows would be conducted on the western and southern boundaries of Closed Area II.

There is a potential for gear conflict with lobster gear in the central portion of Closed Area II. In an effort to help mitigate gear interactions, CFF would distribute the time and location of stations to the lobster industry, work only during daylight hours, post an extra lookout to avoid gear, and actively avoid tangling in stationary gear. The project would work in cooperation in with NHFG and AOLA to tag lobsters with the primary goal of documenting their movement on and off Georges Bank. The applicant states that data from the tagging project could also help answer questions of lobster discard mortality in the scallop fishery.

All tows would be conducted with two 15-foot (4.6-m) turtle deflector dredges for a duration of 30 minutes using an average tow speed of 4.8 knots. Both dredges would be rigged with a 7-row apron and twine top hanging ratio of 2:1, the experimental dredge would have an attached cover net with 2-inch (5.0-cm) mesh extending from the back of the head bale to the clubstick. Both dredge frames would be rigged with identical rock and tickler chain configurations, 10-inch (25.4-cm) twine top, and 4-inch (10.2-cm) ring bag. Gear comparison data will help improve efforts to reduce scallop dredge bycatch. With the exception of the cover net, dredge gear would conform to scallop gear regulations.

For all tows, the entire sea scallop catch would be counted into baskets and weighed. One basket from each dredge would be randomly selected, and the scallops would be measured in 5-milimeter increments to determine size selectivity. All finfish catch would be sorted by species and then counted and measured. Weight, sex, and reproductive state would be determined for a random subsample (n=10) of yellowtail, winter, and windowpane flounders. Lobsters would be measured, sexed, and evaluated for damage and shell disease. No catch would be retained for longer than needed to conduct scientific sampling, and no catch would be landed for sale. All catch estimates for the project are listed in Table 1, below.

TABLE 1—COONAMESSETT FARM FOUNDATION GEORGES BANK SCALLOP RESEARCH PROJECT

Common name	Scientific name	Estimated weight (lb) *	Estimated weight (kg)
Sea Scallop	*Placopecten magellanicus*	33,103	111,758
Yellowtail Flounder	*Limanda ferruginea*	1,097	498
Winter Flounder	*Pseudopleuronectes americanus*	1,605	69
Windowpane Flounder	*Scophthalmus aquosus*	5,656	2,195
Summer Flounder	*Paralichthys dentatus*	1,886	495
Fourspot Flounder	*Paralichthys oblongus*	148	342
American Plaice	*Hippoglossoides platessoides*	180	52
Grey Sole	*Glyptocephalus cynoglossus*	24	29
Haddock	*Melanogrammus aeglefinus*	116	25
Atlantic Cod	*Gadus morhua*	199	60
Monkfish	*Lophius americanus*	16,839	9,218
Spiny Dogfish	*Squalus acanthias*	173	25
Barndoor Skates	*Dipturus laevis*	2,217	2,018
NE Skate Complex (excluding barndoor skate)	*Leucoraja erinacea, Leucoraja ocellata*	127,055	48,920
American lobster	*Homarus americanus*	196 **	

* Weights estimated using catch from a similar 2017 project.
** Number of individual animals estimated to be caught.

The applicant states that the exemptions are necessary to allow them to conduct experimental dredge towing without being charged DAS, evaluate twine top and dredge apron escapement, and deploy gear in areas that are

currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. Exemptions from possession limits would allow researchers to sample finfish and lobster catch that exceeds possession limits or prohibitions. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF will accompany each trip taken under the EFP. The goal of the proposed work is to provide information on spatial and temporal patterns in bycatch rates in the scallop fishery, with the objective of identifying mechanisms to mitigate bycatch. The data collected would enhance understanding of bycatch and scallop yield as they relate to access and open area management.

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

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

Dated: May 14, 2019.

Kelly L. Denit,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–10356 Filed 5–17–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2019–0021; OMB Control Number 0704–0549]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Contractors Performing Private Security Functions Outside the United States

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2019. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by July 19, 2019.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0549, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0549 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Barbara Trujillo, OUSD(A&S)DPC(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Trujillo, 571–372–6102. The information collection requirements addressed in this notice are available electronically on the internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Ms. Barbara Trujillo, OUSD(A&S)DPC(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) part 225, Foreign Acquisition, and Defense Contractors Performing Private Security Functions Outside the United States; OMB Control Number 0704–0549.

Needs and Uses: Geographic combatant commanders use the information reported by private security contractors on security incidents in order to properly account for and track contractor personnel and assets in theater and to respond to security incidents as deemed necessary.

Affected Public: Businesses entities.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Renewal of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 12.

Responses per Respondent: 4.

Annual Responses: 48.

Average Burden per Response: .5 hour.

Annual Response Burden Hours: 24.

Summary of Information Collection

Geographic combatant commanders are required by statute to establish procedures and assign responsibilities for ensuring that contractors and contractor personnel report certain security incidents when performing private security functions in covered operational areas. The clause at DFARS 252.225–7039, Defense Contractors Performing Private Security Functions Outside the United States, requires contractors and subcontractors performing private security functions in designated operational areas outside the United States to comply with 32 CFR 159 and any orders, directives, and instructions contained in the contract on reporting the following types of incidents to the geographic combatant commander if and when they occur:

(a) A weapon is discharged by personnel performing private security functions.

(b) Personnel performing private security functions are attacked, killed, or injured.

(c) Persons are killed or injured or property is destroyed as a result of conduct by contractor personnel.

(d) A weapon is discharged against personnel performing private security functions or personnel performing such functions believe a weapon was so discharged.

(e) Active, non-lethal countermeasures (other than the discharge of a weapon) are employed by personnel performing private security functions in response to a perceived immediate threat.

DoD invites comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2019–10458 Filed 5–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Termination of the Vietnam War Commemoration Advisory Committee

AGENCY: Department of Defense.

ACTION: Termination of federal advisory committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is terminating the Vietnam War Commemoration Advisory Committee (''the Committee''), effective June 30, 2019.

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

SUPPLEMENTARY INFORMATION: The Committee is being terminated under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and 41 CFR 102–3.55, and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), effective June 30, 2019.

Dated: May 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10446 Filed 5–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0061]

Proposed Collection; Comment Request

AGENCY: Chief Management Officer, Diversity, Disability, and Recruitment Division, Washington Headquarters Services, Human Resources Directorate, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Chief Management Officer announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 19, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Washington Headquarters Services, Human Resources Directorate, ATTN: Edna Johnson, 4800 Mark Center Drive, Suite 03D08, Alexandria, VA 22350–3200 or email at *edna.e.johnson6.civ@mail.mil,* (571) 372–4034.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Confirmation of Request for Reasonable Accommodation; SD Form 827; OMB Control Number 0704–0498.

Needs and Uses: The information collection requirement is necessary to obtain and record requests for reasonable accommodation, with the intent to measure and ensure Agency compliance with Rehabilitation Act of 1973, Public Law 93–112; Rehabilitation Act Amendments of 1992, Public Law 102–569; Americans with Disabilities Act Amendments Act of 2008, Public Law 110–325.

Affected Public: Individuals or households.

Annual Burden Hours: 5.

Number of Respondents: 20.

Responses per Respondent: 1.

Annual Responses: 20.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The completed form will document requests for reasonable accommodation(s) (regardless of type of accommodation) and the outcome of such requests. Respondents are employees of WHS serviced components or applicants for employment of WHS serviced components.

Dated: May 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–10444 Filed 5–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–HA–0060]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 19, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Derek Smolenski, the Psychological Health Center of Excellence (PHCoE), OMAMC 9933 West Hayes St., Joint Base Lewis-McChord, WA 98433 or call (253) 968–2946.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Suicide Event Report; DD Form 2996; OMB Control Number 0720–0058.

Needs and Uses: This data system will provide integrated enterprise and survey data to be used for direct reporting of suicide events and ongoing population-based health surveillance activities. These surveillance activities include the systematic collection, analysis, interpretation, and reporting of outcome-specific data for use in planning, implementation, evaluation, and prevention of suicide behaviors within the Department of Defense. Data is collected on individuals with reportable suicide and self-harm behaviors (to include suicide attempts, self-harm behaviors, and suicidal ideation). All other DoD active and reserve military personnel records collected without evidence of reportable suicide and self-harm behaviors will exist as a control group. Records are integrated from enterprise systems and created and revised by civilian and military personnel in the performance of their duties.

Affected Public: Individuals and households.

Annual Burden Hours: 260.5.

Number of Respondents: 1,563.

Responses per Respondent: 1.

Annual Responses: 1,563.

Average Burden per Response: 10 minutes.

Frequency: As required.

Form completers are behavioral and medical health providers, military unit leadership or their designees. The DoDSER form is used to collect information regarding suicide events of military service members. Form completers collect information from military personnel records, military medical records, enterprise data systems within the DoD and persons (respondent) familiar with the event details. Respondents include but are not limited to family members, friends, unit members, unit leadership and clergy members. The DoDSER form data is used to produce ad hoc reports for services leadership and the DoDSER Annual Report. The annual report is a comprehensive analysis and presentation of the collected data which provides information for DoD suicide prevention efforts.

Dated: May 15, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–10433 Filed 5–17–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0067]

Agency Information Collection Activities; Comment Request; Pell for Students Who Are Incarcerated Experimental Site Initiative

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before July 19, 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–0067. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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: Pell for Students who are Incarcerated Experimental Site Initiative.

OMB Control Number: 1845–0139.

Type of Review: A reinstatement of a previously approved information collection.

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

Total Estimated Number of Annual Responses: 170.

Total Estimated Number of Annual Burden Hours: 12,750.

Abstract: Through the Pell for Students who are Incarcerated experiment (also known as Second Chance Pell) the Department of Education will provide selected eligible postsecondary institutions with a waiver to the current statutory ban on incarcerated individuals, who are otherwise eligible, from receiving Federal Pell Grant funds to attend eligible postsecondary programs. The

experiment aims to test whether participation in high-quality educational opportunities increases after access to financial aid for incarcerated adults is expanded and to examine how waiving the restriction influences individual academic and life outcomes. This is a reinstatement of the information collection instrument that is used by the Department to select qualified institutions.

Dated: May 15, 2019.

Kate Mullan,

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

[FR Doc. 2019–10453 Filed 5–17–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent and Request for Information: Quantum Information Science Centers

AGENCY: Offices of Advanced Scientific Computing Research (ASCR), Basic Energy Sciences (BES), and High Energy Physics (HEP), Office of Science, Department of Energy (DOE).

ACTION: Notice of intent (NOI) and request for information (RFI).

SUMMARY: The Office of Science (SC) in the Department of Energy (DOE) intends to issue a Funding Opportunity Announcement (FOA) in Fiscal Year (FY) 2020 entitled ''Quantum Information Science Centers,'' subject to the availability of appropriated funds. The participating program offices in SC invite interested parties to provide input on the topic areas, organization, requirements, review criteria, and assessment process to be described in this FOA.

DATES: Written comments and information are requested on or before July 5, 2019.

ADDRESSES: The DOE Office of Science is using the *http://www.regulations.gov* system for the submission and posting of public comments in this proceeding. All comments in response to this notice are therefore to be submitted electronically through *http://www.regulations.gov,* via the web form accessed by following the ''Submit a Formal Comment'' link near the top right of the **Federal Register** web page for this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information may be submitted to Dr. Ceren Susut, (301) 903–0366, *QIS-Centers-RFI@science.doe.gov.*

SUPPLEMENTARY INFORMATION: Quantum information science (QIS)—the ability to exploit intricate quantum mechanical phenomena to create fundamentally new ways of obtaining and processing information—is at the threshold of a revolution. The rapid progress in this field promises profound impacts in the coming decades on scientific discovery and technological innovation. In competitive terms, QIS is creating potentially transformative opportunities and technically complex, urgent challenges for the Nation, as growing international interest and investments fuel accelerating global activity in quantum science and technology. These opportunities and challenges demand a long-term, large-scale commitment of U.S. scientific and technological resources to multi-institutional, multidisciplinary efforts that are commensurate with world leadership in this pivotal field. This has been recognized on the Federal level with the recent issuance of a *National Strategic Overview for Quantum Information Science* in September 2018 [1] and the subsequent enactment of the *National Quantum Initiative Act* in December 2018.[2] DOE, with its unparalleled breadth and depth of activity as the Nation's leading supporter of basic research in the physical sciences, and drawing on the unique expertise and capabilities of the DOE National Laboratory complex, has key resources and infrastructure that are integral to this strategic and targeted U.S. initiative. DOE SC's activities in QIS are driven by its mission needs and connect to the specific foci of its subsidiary program offices, and will be enhanced by strategic partnerships and collaborations among SC program offices and between SC and other Federal agencies.

The U.S. Department of Energy's Office of Science (SC) hereby announces its intent to issue a FOA seeking to establish two or more multidisciplinary Quantum Information Science Centers to perform research to address the opportunities and challenges referred to above and described in the referenced documents. This is a Notice of Intent (NOI) only. DOE–SC may issue a FOA as described herein, may issue a FOA that is significantly different than the FOA described herein, or DOE–SC may not issue a FOA at all. In addition, DOE–SC seeks input from stakeholders regarding the potential FOA, including the topic areas, organization, requirements, review criteria, and assessment process of prospective QIS Centers. The information received in response to this RFI will inform and be considered by the Office of Science in program planning and development. Please be aware that this notice (NOI and RFI) *is not* a Funding Opportunity Announcement, a Request for Proposal, or other form of solicitation, or bid of DOE to fund potential research, development, planning, centers, or other activity.

Notice of Intent: The Office of Science (SC) intends to issue a Funding Opportunity Announcement (FOA) entitled ''Quantum Information Science Centers'' in FY 2020, subject to the availability of appropriated funds.

This FOA will seek applications for two or more DOE QIS Centers (referred to as ''Centers'') to support the National Quantum Initiative enacted by Congress in December 2018, and to accelerate the transformational advances in basic science and quantum-based technology.

The purpose of these Centers will be to push the current state-of-the-art science and technology toward realizing the full potential of quantum-based applications, from computing, to communication, to sensing. The interdisciplinary nature of the field, the reliance on complex, sophisticated, and precise physical arrangements in order to observe and utilize quantum behavior, and the potential for substantial economic consequences are the major drivers of the National Quantum Initiative. The SC QIS Centers, coupled with a robust core research portfolio stewarded by the individual SC programs, will create the ecosystem needed to foster and facilitate advancement of QIS with public benefits in national security, economic competitiveness, and leadership in scientific discovery.

The Centers will require highly collaborative research teams, spanning multiple scientific and engineering disciplines. It is anticipated that all types of domestic entities, including DOE/National Nuclear Security Administration (NNSA) Federally Funded Research and Development Center (FFRDC) contractors, will be eligible to apply as prime applicants, with the exception of other Federal agencies, non-DOE/NNSA FFRDC contractors, and certain nonprofit organizations engaged in lobbying. By bringing together top talent from across the full spectrum of research and development (R&D) performers—including universities, private industry, non-profits, and National Laboratories—the Centers will serve as world-leading

[1] National Science and Technology Council publication, *https://www.whitehouse.gov/wp-content/uploads/2018/09/National-Strategic-Overview-for-Quantum-Information-Science.pdf.*

[2] Public Law 115–368, *https://www.congress.gov/115/bills/hr6227/BILLS-115hr6227enr.pdf.*

R&D centers in Quantum Information Science.

Successful QIS Centers will be expected to demonstrate the following attributes:

- Attack a major challenge of sufficient difficulty and urgency to warrant a large, multi-institutional, multi-disciplinary effort over a significant time period. The potential impact of success must be large.
- Advance both science and technology in its focus area, accelerating progress from discovery to prototypical technology and use-inspired research, taking advantage of co-design approaches that integrate these stages and incorporate feedbacks between them.
- Achieve self-integration across the science and engineering disciplines that it spans to accomplish its mission; in its vein, SC expects the center to catalyze integration in the wider scientific/technical community related to its focus area.
- Utilize well-structured ''projectized'' approach with clearly defined near, intermediate, and long-term goals for assessing progress.
- Led by a team of experts in the multiple disciplines that blend basic scientific research, early stage technology development, engineering design, and prototype development, drawing on expertise from DOE labs, academic institutions, and industry as appropriate.
- Serve as national resources, conveners, and leaders in their technical domains.

The QIS Center effort is being jointly supported by multiple programs within DOE SC in recognition that the rapidly advancing progress in QIS is inherently multidisciplinary and interdisciplinary. QIS Centers are intended to complement the existing base research and other activities within individual program offices, and to represent coherent efforts beyond the scope of what would normally be supported by those programs individually.

Request for Information: The objective of this request for information is to gather input about the topic areas, organization, requirements, review criteria, and assessment process for prospective QIS Centers, in order to inform the DOE SC formulation of the corresponding FOA.

Technical Areas of Interest that have been identified for the QIS Centers include the following. Subsidiary bullets provide examples of subtopics that would be valuable to address, but these lists should not be considered exhaustive. *It is expected that each Center will address the mission needs of more than one DOE SC program office, integrate elements from multiple such topical areas, and have national scope and impact.*

Quantum Communication

—Requirements for materials research for quantum communication applications
—Requirements for scalable and adaptable quantum network infrastructures designed to support the transmission of diverse types of quantum information
—Fundamental limits on information transfer in quantum systems
—Communication techniques and tools exploiting entanglement
—Test facilities to support network development and test

Materials and Chemistry for QIS Systems and Applications

—Fundamental theory of materials and molecular systems for quantum applications
—Research leading to materials and molecular systems that control quantum phenomena to meet quantum communication, computation, and sensor requirements
—Fundamental research on device physics for next generation QIS systems, including interface science and modeling of materials performance
—Synthesis, characterization, and fabrication research for quantum materials and processes, including integration in novel device architectures

Qubit Devices and Sensors for QIS Applications and for Research Supported by SC

—Development of requirements for qubit devices for quantum sensor and detector applications
—Development of devices to meet quantum communication or quantum computation application requirements
—Progress on quantum-enabled imaging devices or systems, such as for soft-matter imaging, magnetic mapping, or improved microscopy
—Development of integration, interface, transduction, and control schemes for quantum device arrays
—Improving device coherence, qubit lifetime, and other performance parameters
—Modeling of device and controls performance
—Synthesis and fabrication of engineered quantum devices

Quantum Emulation and Computing

—System architecture selection and optimization for problem domains studied by SC-supported investigators
—Qubit device requirements to match architectural plans
—Programming paradigms and algorithms on selected architectures
—Programmable modular quantum emulator development addressing uses for SC-supported researchers (incorporating requirements input from all SC offices), including analog simulators
—System integration of emulation, quantum communication, and quantum compute systems from device/array level up
—System testbeds for performance measurement and algorithm development; modeling and integration of computing/communication
—Fundamental limits of quantum computation

Quantum Foundries

—Synthesis of quantum materials, structures, and devices with atomic precision
—Fabrication and integration of photon and spin qubit systems
—Advanced instrumentation and tool development for quantum computers, sensors, and metrology
—Facilities to support device test, packaging, and integration

The participating program offices of DOE SC are specifically interested in receiving input pertaining to any of the following questions:

(1) Topical Areas and Scope

Are the topic areas listed above adequately defined? Should DOE SC consider removing, or consolidating, any of the subtopics in these areas? Conversely, are there aspects of quantum information science that are closely tied to DOE SC missions but missing from the above topics? If so, are there other subtopics or components that should be considered for inclusion under the listed topic areas? What is the appropriate period of performance for the proposed Centers? How might the DOE SC program offices consider evaluating or weighting proposed Centers that respond to multiple topic areas?

(2) Collaboration and Partnerships

What partnership and collaboration models would be most effective in furthering QIS Center goals? What is the appropriate role of industry in the proposed Centers? What approaches or concerns with respect to intellectual property rights should be considered for the envisioned Centers? What external resources or capabilities are valuable or necessary for such QIS Centers?

(3) Management and Organization

What are effective models for management of Centers of the proposed scale and scope? How should Centers be managed to promote the desired synergy of their participants and disciplines? What extent of co-location is optimal, or necessary, for a QIS Center to be effective and coherent?

(4) Assessment and Criteria for Success

What kinds of metrics or criteria would be useful in measuring the success of a QIS Center and its impact on the field? What metrics or criteria should be used to assess the extent to which the proposed Centers are using an effective co-design approach that integrates the stages from scientific discovery to use-inspired research and incorporates feedbacks between them?

(5) National Impact and Contribution to/Alignment With NQI (and) Unique DOE Role and Contribution

How can these QIS Centers contribute to advancement of the field in ways that are not possible with other existing or envisioned centers (supported by DOE, other Federal agencies, or non-Federal sources)? How do they complement and build on existing research programs and facilities supported by ASCR, BES, and HEP?

(6) Other

What are key obstacles, impediments, or bottlenecks to progress by and success of interdisciplinary QIS Centers? Are there other factors, issues, or opportunities, not addressed by the questions above, which should be considered in the establishment of QIS Centers by DOE SC?

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Note that comments will be made publicly available as submitted. Any information that may be confidential and exempt by law from public disclosure should be submitted as described below.

Confidential Business Information: Pursuant to 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

Signed in Washington, DC, on May 14, 2019.

J. Stephen Binkley,

Deputy Director for Science Programs, Office of Science.

[FR Doc. 2019–10427 Filed 5–17–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Better Buildings Challenge; Better Buildings Alliance; Better Buildings, Better Plants Voluntary Pledge Program, OMB Control Number 1910–5141. The proposed collection will be used to report the progress of participants in the DOE Better Buildings programs, including the Better Buildings Challenge, Better Buildings, Better Plants program, and the Better Buildings Alliance. These voluntary programs are intended to drive greater energy efficiency in the commercial and industrial marketplace to create savings and jobs. This will be accomplished by highlighting the ways participants overcome market barriers and persistent obstacles with replicable, marketplace solutions. These programs will showcase real solutions and partner with industry leaders to better understand policy and technical opportunities.

DATES: Comments regarding this collection must be received on or before June 19, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

And to Andre de Fontaine, EE–5A/Forrestal Building, 1000 Independence Ave. SW, Washington, DC 20585, or by fax at (202) 586–9234 or by email at *andre.defontaine@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Andre de Fontaine, EE–5A/Forrestal Building, 1000 Independence Ave. SW, Washington, DC 20585, or by fax at 202–586–9234 or by email at *andre.defontaine@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5141; (2) *Information Collection Request Title:* Better Buildings Challenge; Better Buildings Alliance; Better Buildings, Better Plants Voluntary Pledge Program; (3) *Type of Request:* Renewal, with changes; (4) *Purpose:* This Information Collection Request applies to three Department of Energy (DOE) voluntary leadership initiatives that fall under the Better Buildings Initiative: (A) The Better Buildings Challenge; (B) the Better Buildings, Better Plants Program; and (C) the Better Buildings Alliance. New information is being collected to provide partners with two new recognition opportunities. Additionally, other pre-existing collection forms are being amended for clarity and to reduce burden on respondents. Finally, the total number of respondents for individual program areas is being adjusted to align with practical experience and to account for the fact that certain one-time reporting requirements have already been satisfied by a majority of the participants.; (5) *Annual Estimated Number of Respondents:* 830; (6) *Annual Estimated Number of Total Responses:* 857; (7) *Annual Estimated Number of Burden Hours:* 2292.25.; (8)

Annual Estimated Reporting and Recordkeeping Cost Burden: $99,552.

Statutory Authority: Section 421 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081); Section 911 of the Energy Policy Act of 2005, as amended (42 U.S.C. 16191).

Signed in Washington, DC, on May 13, 2019.

Maria Vargas,

Director, Better Buildings Challenge, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 2019–10428 Filed 5–17–19; 8:45 am]

BILLING CODE 6450–01–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: ER17–2059–002.
Applicants: Puget Sound Energy, Inc., Brea Generation LLC, Brea Power II, LLC.
Description: Informational update to November 15, 2018 Notice of Non-Material Change in Status of Puget Sound Energy, Inc., et al.
Filed Date: 5/1/19.
Accession Number: 20190501–5456.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER18–2337–001.
Applicants: Blackstone Wind Farm, LLC.
Description: Report Filing: Refund Report Filing to be effective N/A.
Filed Date: 5/14/19.
Accession Number: 20190514–5003.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–81–000.
Applicants: Athens Energy, LLC.
Description: Errata to April 26, 2019 Athens Energy, LLC tariff filing (Attachment 1).
Filed Date: 5/8/19.
Accession Number: 20190508–5117.
Comments Due: 5 p.m. ET 5/29/19.

Docket Numbers: ER19–1515–000.
Applicants: FirstEnergy Service Company, American Transmission Systems, Incorporated, Mid-Atlantic Interstate Transmission, LLC, West Penn Power Company.
Description: Supplement to April 2, 2019 Application for Incentive Rates for PJM RTEP Generator Deactivation Project, et al. of FirstEnergy Service Company on behalf of its affiliates.
Filed Date: 5/13/19.
Accession Number: 20190513–5203.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1828–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 5224; Queue No. AB2–060 to be effective 10/3/2018.
Filed Date: 5/13/19.
Accession Number: 20190513–5186.
Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: ER19–1829–000.
Applicants: Central Maine Power Company.
Description: Tariff Cancellation: Notice of Termination of Small Generator Interconnection Agr. with Wight Brook to be effective 4/17/2019.
Filed Date: 5/13/19.
Accession Number: 20190513–5188.
Comments Due: 5 p.m. ET 6/3/19.

Docket Numbers: ER19–1830–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 20190514 Joint Dispatch Agreement_ Addition of Colorado Springs Utilities to be effective 7/15/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5000.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1831–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 20190514_Nature of Joint Dispatch_ Addition of Colorado Springs Utilities to be effective 7/15/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5001.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1832–000.
Applicants: Vermont Transco LLC.
Description: Petition for Limited Waiver of Tariff Provisions, et al. of Vermont Transco LLC.
Filed Date: 5/13/19.
Accession Number: 20190513–5204.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1833–000.
Applicants: El Paso Electric Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 119 EPE Newman Engineering & Procurement Agreement to be effective 5/15/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5040.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1834–000.
Applicants: Pypha Energy LLC.
Description: Notice of Cancellation of Market-Based Rate Tariff of Pypha Energy LLC.
Filed Date: 5/14/19.
Accession Number: 20190514–5042.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1835–000.
Applicants: Public Service Company of Oklahoma.
Description: § 205(d) Rate Filing: PSO–AEPOTC–OGE Maple Rd Delivery Point Agreement to be effective 4/19/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5048.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1836–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Formosa Utility Venture IA 1st Amend & Restated to be effective 4/30/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5054.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1837–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2019–05–14 Traiff Clarifications Amendment to be effective 8/12/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5056.
Comments Due: 5 p.m. ET 6/4/19.

Docket Numbers: ER19–1838–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–15–14_SA 3161 Termination of ATC–WPL Project Commitment Agrmt (Edgerton) to be effective 5/15/2019.
Filed Date: 5/14/19.
Accession Number: 20190514–5068.
Comments Due: 5 p.m. ET 6/4/19.

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 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10425 Filed 5–17–19; 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: CP17–15–002.
Applicants: Dominion Energy Cove Point LNG, LP.
Description: Amendment to Application of Dominion Energy Cove Point LNG, LP.
Filed Date: 5/6/19.
Accession Number: 20190506–5168.
Comments Due: 5 p.m. ET 5/28/19.

Docket Numbers: RP19–879–001.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Compliance filing Order No. 587–Y Correction Filing to be effective 8/1/2019.
Filed Date: 5/9/19.
Accession Number: 20190509–5082.
Comments Due: 5 p.m. ET 5/16/19.

Docket Numbers: RP19–880–001.
Applicants: Southern LNG Company, L.L.C.
Description: Compliance filing Order No. 587–Y Correction Filing to be effective 8/1/2019.
Filed Date: 5/9/19.
Accession Number: 20190509–5088.
Comments Due: 5 p.m. ET 5/16/19.

Docket Numbers: RP19–881–001.
Applicants: Elba Express Company, L.L.C.
Description: Compliance filing Order No. 587–Y Correction Filing to be effective 8/1/2019.
Filed Date: 5/9/19.
Accession Number: 20190509–5094.
Comments Due: 5 p.m. ET 5/16/19.

Docket Numbers: RP19–1217–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Superseding Neg Rate Agmt (Encana 2075) to be effective 4/1/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5034.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: RP19–1218–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: § 4(d) Rate Filing: Neg Rate Non-Conf Filing and Addition of Volume 1A to eTariff to be effective 6/10/2019.
Filed Date: 5/10/19.
Accession Number: 20190510–5087.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: RP19–1219–000.
Applicants: Golden Pass Pipeline LLC.
Description: Pre-Arranged/Pre-Agreed (Stipulation and Agreement of Settlement) Filing of Golden Pass Pipeline, LLC under RP19–1219.
Filed Date: 5/10/19.
Accession Number: 20190510–5109.
Comments Due: 5 p.m. ET 5/22/19.

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 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10423 Filed 5–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requestor
Prohibited		
NONE		

Docket No.	File date	Presenter or requestor
Exempt		
1. ER19–1065–000	4–12–2019	U.S. Congressman Kelly Armstrong.
2. ER19–1065–000	5–1–2019	U.S. Senator Tina Smith.
3. ER14–1394–000, ER06–1474–000, ER19–562–000, ER19–80–000	5–2–2019	Pennsylvania State Senator Kristin Phillips-Hill.
4. P–2413–124	5–6–2019	FERC Staff.[1]
5. EL19–10–000	5–7–2019	U.S. Congress.[2]
6. CP17–40–000	5–9–2019	U.S. Representative Rodney Davis.

[1] Email correspondence dated 5/1/2019 with Courtenay R. O'Mara, P.E. of Southern Company.
[2] Senators Jeanne Shaheen and Margaret Wood Hassan. Congressmen Ann McLane Kuster and Chris Pappas.

Dated: May 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10426 Filed 5–17–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1826–000]

Bolt Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bolt Energy, 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 June 3, 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 14, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–10424 Filed 5–17–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0045; FRL–9992–39]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before June 19, 2019.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol or EPA Registration Number of interest as shown in the body of this document, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).

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

B. What should I consider as I prepare my comments for EPA?

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

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

III. New Uses

1. *EPA Registration Numbers:* 100–1571, 100–1614, 100–1624, 352–890, 352–924. *Docket ID number:* EPA–HQ–OPP–2019–0128. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, 410 Swing Road, Greensboro, NC 27419. *Active ingredient:* Oxathiapiprolin. *Product type:* Fungicide. *Proposed use:* Bushberry Crop Subgroup 13–07B, except lowbush blueberry and Tree Nuts Crop Group 14–12. *Contact:* RD

2. *EPA Registration Number:* 279–3013 (Technical) and 279–3051. *Docket ID number:* EPA–HQ–OPP–2018–0683. *Applicant:* FMC. Active ingredient: Permethrin. *Product type:* Insecticide. *Proposed use:* Celtuce; Cherry subgroup 12–12A; fennel, florence; leaf petiole vegetable subgroup 22B; peach, subgroup 12–12B; tea, plucked leaves at 20 ppm; vegetable, tuberous and corm, subgroup 1C; and a regional tolerance in/on fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F. *Contact:* RD.

3. *EPA Registration Number:* 2724–478, 2724–481. *Docket ID number:* EPA–HQ–OPP–2019–0095. *Applicant:* Wellmark International, 1501 E. Woodfield Rd., Suite 200 W, Schaumburg, IL 60173, *Active ingredient:* Tau-fluvalinate. *Product type:* Insecticide. *Proposed use:* Use for outdoor areas, including residential and non-residential landscaped areas around institutional, public, commercial and industrial buildings, lawns, parks, recreational areas, schoolyards, athletic field, kennels, runs, and other areas where pets may frequent. *Contact:* RD.

4. *EPA Registration Number:* 45728–GE; 45728–GG. *Docket ID number:* EPA–HQ–OPP–2019–0092. *Applicant:* Taminco US LLC, 200 S. Wilcox Drive, Kingsport, TN 37660–5147. *Active ingredient:* Chlormequat chloride. *Product type:* Plant growth regulator. *Proposed uses:* Wheat, triticale, barley, oats, and grasses grown for seed. *Contact:* RD.

5. *EPA Registration Number:* 59639–185 and 59639–186. *Docket ID number:* EPA–HQ–OPP–2019–0154. *Applicant:* Valent U.S.A. LLC, P.O. Box 8025, Walnut Creek, CA 94596–8025. *Active ingredient:* Ethaboxam. *Product type:* Fungicide. *Proposed use:* Cowpea and field pea. *Contact:* RD.

6. *EPA Registration Numbers:* 71711–6, 71711–25 and 71711–27. *Docket ID number:* EPA–HQ–OPP–2018–0514. *Applicant:* Nichino America. *Active ingredient:* Pyraflufen-ethyl. *Product type:* Defoliant. *Proposed use:* Cottonseed, subgroup 20C; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F; fruit, stone, crop group 12–12; hop, dried cones; nut, tree, group 14–12; tropical and subtropical, small fruit, edible peel, crop subgroup 23A; vegetable, tuberous and corm, subgroup 1C. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 23, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–10449 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0225; FRL–9992–90]

Lambda-Cyhalothrin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Washington State Department of Agriculture (WSDA) to use the pesticide lambda-cyhalothrin (CAS No. 91465–08–6) to treat up to 7,000 acres of asparagus to control the European asparagus aphid. The applicant proposes a use which is supported by the Interregional Research Project Number 4 (IR–4) program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. Therefore, in accordance with the requirement at 40 CFR 166.24(a)(7), EPA is soliciting public comment before making the decision whether to grant the exemption.

DATES: Comments must be received on or before June 4, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2019–0225, by one of the following methods:

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

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

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

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

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. The WSDA has requested the EPA Administrator to issue a specific exemption for the use of lambda-cyhalothrin on asparagus to control the European asparagus aphid. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that the cancellation of the previously relied-upon tool, disulfoton, left asparagus growers in the state of Washington with no adequate alternatives to control the European asparagus aphid, and significant economic losses will occur without sufficient control. The Applicant proposes to make no more than 3 applications at a maximum rate of 0.03 pound (lb.) (total of 0.09 lb.) per acre of lambda-cyhalothrin on up to 7,000 acres of asparagus grown in the state of Washington from June 15 to October 30, 2019. Treatment of the maximum acreage at the maximum rate would result in a total use of lambda-cyhalothrin of 630 lbs.

This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 at 40 CFR 166.24(a)(7), require publication of a notice of receipt of an application for a specific exemption proposing a use which is supported by the IR–4 program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the application. The Agency will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the WSDA.

Authority: 7 U.S.C. 136 *et seq.*

Dated: May 2, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2019–10448 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0091; FRL–9993–24]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

This cancellation order follows a March 25, 2019 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II, to voluntarily cancel these product registrations. In the March 25, 2019 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received two anonymous public comments on the notice but none merited its further review of the requests.

Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale,

distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0091, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
100–1341	100	Meridian 0.20G	Thiamethoxam.
100–1346	100	Meridian 0.14G	Thiamethoxam.
100–1399	100	Avicta Complete Corn 500	Azoxystrobin; Metalaxyl-M; Fludioxonil; Thiabendazole; Abamectin & Thiamethoxam.
100–1426	100	THX_MXM_FDL_TBZ FS	Thiamethoxam; Metalaxyl-M; Fludioxonil & Thiabendazole.
100–1449	100	Adage Deluxe	Thiamethoxam; Metalaxyl-M; Fludioxonil & Azoxystrobin.
100–1450	100	Adage Premier	Thiamethoxam; Metalaxyl-M; Fludioxonil; Azoxystrobin & Thiabendazole.
264–1125	264	Emesto Quantum	Clothianidin & Penflufen.
59639–164	59639	V–10170 0.25 G GL Insecticide	Clothianidin.
59639–176	59639	Inovate Seed Protectant	Clothianidin; Metalaxyl & Ipconazole.
59639–187	59639	Inovate Neutral Seed Protectant	Clothianidin; Metalaxyl & Ipconazole.
59639–214	59639	Aloft GC G Insecticide	Bifenthrin & Clothianidin.
72155–95	72155	Flower, Rose & Shrub Care III	Clothianidin & Imidacloprid.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300.
264	Bayer CropScience, LP 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
59639	Valent U.S.A., LLC, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596–8025.
72155	Bayer Advanced, A Business Unit of Bayer CropScience, LP 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.

III. Summary of Public Comments Received and Agency Response to Comments

The Agency received two anonymous public comments on the notice, but didn't merit its further review of the requests. For this reason, the Agency does not believe that the comments submitted during the comment period merit further review or a denial of the requests for voluntary cancellation.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II, are canceled. The effective date of the cancellations that are the subject of this notice is May 20, 2019. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI, will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of March 25, 2019 (84 FR 11087) (FRL–9990–87). The comment period closed on April 24, 2019.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II, until May 20, 2020, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II, until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: May 8, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–10447 Filed 5–17–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0742]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before July 19, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0742.

Title: Sections 52.21 through 52.36, Telephone Number Portability, 47 CFR part 52, subpart (C) and CC Docket No. 95–116.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 3,631 respondents; 10,002,005 responses.

Estimated Time per Response: 0.0666 hours–10 hours.

Frequency of Response: On occasion and one-time reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 201–205, 215, 251(b)(2), 251(e)(2) and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 673,460 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. If the respondents wish confidential treatment of their information, they may request confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 251(b)(2) of the Communications Act of 1934, as amended, requires LECs to ''provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission.'' Through the LNP process, consumers have the ability to retain their phone number when switching telecommunications service providers, enabling them to choose a provider that best suits their needs and enhancing competition. In the *Porting Interval Order and Further Notice,* the Commission mandated a one business day porting interval for simple wireline-to-wireline and intermodal port requests. The information collected in the standard local service request data fields is necessary to complete simple wireline-to-wireline and intermodal ports within the one business day porting interval mandated by the Commission and will be used to comply with Section 251 of the Telecommunications Act of 1996.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–10415 Filed 5–17–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, May 23, 2019 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (12 th Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Correction and Approval of Minutes for April 11, 2019.

Interpretive Rule on Paying for Cybersecurity Using Party Segregated Accounts

Draft Advisory Opinion 2018–12: Defending Digital Campaigns, Inc.

Draft Advisory Opinion 2019–05: System73

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer; Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2019–10633 Filed 5–16–19; 4:25 pm]

BILLING CODE 6715–01–P

FEDERAL TRADE COMMISSION

Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notice.

SUMMARY: The FTC plans to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in the Telemarketing Sales Rule (''TSR''). That clearance expires on August 31, 2019.

DATES: Comments must be submitted on or before July 19, 2019.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''TSR PRA Comment, FTC File No. P094400'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Patricia Hsue, Staff Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room CC–8528, 600 Pennsylvania Ave. NW, Washington, DC 20580, or by telephone to (202) 326–3132.

SUPPLEMENTARY INFORMATION: The TSR, 16 CFR 310, TSR, (OMB Control Number 3084–0097) implements the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101–6108 (''Telemarketing Act''), as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (''USA PATRIOT Act''), Public Law 107056 (Oct. 25, 2001). As required by the Telemarketing Act, the TSR mandates certain disclosures for telephone sales and requires telemarketers to retain certain records regarding advertising, sales, and employees. The required disclosures provide consumers with information necessary to make informed purchasing decisions. The required records are to be made available for inspection by the Commission and other law enforcement personnel to determine compliance with the Rule. Required records may also yield information helpful to measuring and redressing consumer injury stemming from Rule violations.

In 2003, the Commission amended the TSR to include certain new disclosure requirements and to expand the Rule in other ways. *See* 68 FR 4580 (Jan. 29, 2003). The Rule was amended to cover upsells [1] (not only outbound calls, but also inbound calls) and additional transactions such as solicitation by telephone of charitable donations by third-party telemarketers. The amendments established the National Do Not Call Registry (''Registry''), permitting consumers to register, via either a toll-free telephone number or the internet, their preference not to receive certain telemarketing calls.[2] Accordingly, under the TSR, most sellers and telemarketers are required to refrain from calling consumers who have placed their numbers on the Registry.[3] Moreover, sellers and telemarketers must periodically access the Registry to remove from their telemarketing lists the telephone numbers of those consumers who have registered.[4]

In 2008, the Commission amended the TSR regarding prerecorded calls, 16 CFR 310.4(b)(1)(v), and call abandonment rate calculations, 16 CFR 310.4(b)(4)(i).[5] The amendment regarding prerecorded calls added additional information collection requirements.[6] Specifically, the amendment authorized sellers and telemarketers to place outbound prerecorded calls to consumers only if: (1) The seller has obtained written agreements from those consumers to receive prerecorded telemarketing calls after a clear and conspicuous disclosure of the purpose of the agreement; and (2) the call discloses and provides an automated telephone keypress or voice-activated opt-out mechanism at the outset of the call.

In 2010, the Commission published additional amendments taking effect that year to require specific new disclosures in the sale of a ''debt relief service,'' as that term is defined in Section 310.2(m) to include for-profit credit counseling services, debt settlement, and debt negotiation services. The amendments result in PRA burden for all covered entities—both new and existing respondents—that engage in telemarketing of these services.

Burden Statement

Estimated Annual Hours Burden: 1,233,817 Hours

The estimated burden for recordkeeping compliance is 14,061 hours for all industry members affected by the Rule. The estimated burden for the requisite disclosures for both live telemarketing calls and prerecorded calls is 1,219,428 hours for all affected industry members. Estimated burden for reporting requirements is 328 hours. Thus, the total PRA burden is 1,233,817 hours. These estimates are explained below.

Number of Respondents

In calendar year 2018, 18,714 telemarketing entities accessed the Do Not Call Registry; however, 561 were ''exempt'' entities obtaining access to data.[7] Of the 18,153 non-exempt entities, 13,131 sellers and 5,022 telemarketers accessed the Registry. Of those, however, 8,447 sellers and 3,145 telemarketers obtained data for just one state. Staff assumes that these 11,592 entities are operating solely intrastate, and thus would not be subject to the

[1] An ''upsell'' is the solicitation in a single telephone call of the purchase of goods or services after an initial transaction occurs. The solicitation may be made by or on behalf of a seller different from the seller in the initial transaction, regardless of whether the initial transaction and the subsequent solicitation are made by the same telemarketer (''external upsell''). Or, it may be made by or on behalf of the same seller as in the initial transaction, regardless of whether the initial transaction and subsequent solicitation are made by the same telemarketer (''internal upsell'').

[2] 68 FR 4580 (Jan. 29, 2003). The Registry applies to any plan, program, or campaign to sell goods or services through interstate phone calls. This includes telemarketers who solicit consumers, often on behalf of third-party sellers. It also includes sellers who provide, offer to provide, or arrange to provide goods or services to consumers in exchange for payment. It does not limit calls by political organizations, charities, or telephone survey companies.

[3] 16 CFR 310.4(b)(1)(iii)(B).

[4] 16 CFR 310.4(b)(3)(iv). Effective January 1, 2005, the Commission amended the TSR to require telemarketers to access the Registry at least once every 31 days. *See* 69 FR 16368 (Mar. 29, 2004).

[5] *See* 73 FR 51164 (Aug. 29, 2008).

[6] By contrast, the revised standard for measuring the call abandonment rate did not impose any new or affect any existing reporting, recordkeeping or third-party disclosure requirements within the meaning of the PRA. That amendment relaxed the prior requirement that the abandonment rate be calculated on a ''per day per campaign'' basis by permitting, but not requiring, its calculation over a 30-day period, as industry requested.

[7] An exempt entity is one that, although not subject to the TSR, voluntarily chooses to scrub its calling lists against the data in the Registry.

TSR.[8] Therefore, Staff estimates that 6,561 telemarketing entities are currently subject to the TSR, of which 4,684 (13,131—8,447) are sellers and 1,877 (5,022—3,145) are telemarketers.[9]

(a) Recordkeeping Hours

Staff estimates that the 6,561 telemarketing entities subject to the Rule each require approximately one hour per year to file and store records required by the TSR for an annual total of 6,561 burden hours. The Commission staff also estimates that 75 new entrants per year would need to spend 100 hours each developing a recordkeeping system that complies with the TSR for an annual total of 7,500 burden hours. These figures, based on prior estimates, are consistent with staff's current knowledge of the industry. Thus, the total estimated annual recordkeeping burden for new and existing telemarketing entities [10] is 14,061 hours.

(b) Disclosure Hours

Staff believes that in the ordinary course of business, a substantial majority of sellers and telemarketers make the disclosures the Rule requires because to do so constitutes good business practice. To the extent this is so, the time and financial resources needed to comply with disclosure requirements do not constitute ''burden.'' 5 CFR 1320.3(b)(2). Moreover, many state laws require the same or similar disclosures as the Rule mandates. Thus, the disclosure hours burden attributable solely to the Rule is far less than the total number of hours associated with the disclosures overall. As when the FTC last sought OMB clearance, staff estimates that most of the Rule disclosures would be made in at least 75 percent of telemarketing calls even absent the Rule.[11] Accordingly, staff has continued to estimate that the hours burden for most of the Rule's disclosure requirements is 25 percent of the total hours.

Pre-Sale Disclosures

Consistent with its past practice, staff necessarily has made additional assumptions in estimating burden. Based on industry data and further FTC extrapolations,[12] staff estimates that 2.3 billion outbound telemarketing calls are subject to FTC jurisdiction and attributable to direct orders, that 450 million of these calls result in direct sales,[13] and that there are 1.8 billion inbound calls that result in direct sales. Staff retains its longstanding estimate that, in a telemarketing call involving the sale of goods or services, it takes 7 seconds [14] for telemarketers to recite the required pre-sale disclosures plus 3 additional seconds [15] to disclose the information required in the case of an upsell. Staff also retains its longstanding estimates that at least 60 percent of sales calls result in ''hang-ups'' before the telemarketer can make all the required disclosures and that ''hang-up'' calls allow for only 2 seconds of disclosures.[16]

Staff bases all ensuing upsell calculations on the volume of additional sales after an initial sale, with the assumption that a consumer is unlikely to be predisposed to an upsell if he or she rejects an initial offer—whether through an outbound or an inbound call. Using industry information, staff assumes an upsell conversion rate of 40% for inbound calls as well as outbound calls.[17] Moreover, staff assumes that consumers who agree to an upsell will not terminate an upsell before the seller or telemarketer makes the full required disclosures.

Based on the above, staff estimates that the total time associated with these pre-sale disclosure requirements is 826,389 hours per year: [(2.3 billion outbound calls × 40% lasting the duration × 7 seconds of full pre-sale disclosures ÷ 3,600 (conversion of minutes to hours) × 25% burden = 447,222 hours) + (2.3 billion outbound calls × 60% terminated prematurely × 2 seconds of disclosures ÷ 3,600 × 25% burden = 191,667 hours) + (450 million outbound calls resulting in direct sales × 40% upsell conversions × 3 seconds of related disclosures ÷ 3,600 × 25% burden = 37,500 hours) + (1.8 billion inbound calls × 40% upsell conversions × 3 seconds ÷ 3,600 × 25% burden = 150,000 hours)] = 826,389 hours).

General Sales Disclosures

The TSR also requires several general sales disclosures in telemarketing calls before the customer pays for goods or services.[18] These disclosures include the total costs of the offered goods or services, all material restrictions, and all material terms and conditions of the seller's refund, cancellation, exchange, or repurchase policies (if a representation about such a policy is a part of the sales offer).

Staff estimates that the general sales disclosures for telemarketing calls require 352,513 hours annually. This figure includes the burden for written disclosures (1,005 inbound telemarketing entities estimated to use

[8] These entities would nonetheless likely be subject to the Federal Communications Commission's (''FCC'') Telephone Consumer Protection Act regulations, including the requirement that entities engaged in intrastate telephone solicitations access the Registry.

[9] For purposes of these calculations, staff assumes that telemarketers making prerecorded calls download telephone numbers listed on the Registry, rather than conduct online searches, because the latter may consume much more time. Other telemarketers not placing the high-volume of automated prerecorded calls may elect to search online, rather than to download.

[10] The recordkeeping requirements for prerecorded calls are de minimis, and are subsumed within the PRA estimates above for existing and new telemarketing entities. As in its prior estimates, staff continues to believe that any ongoing incremental burden on sellers to create and retain electronic records of written agreements by new customers to receive prerecorded calls should not be material since the agreements may be obtained and recorded electronically pursuant to the Electronic Signatures In Global and National Commerce Act (commonly, ''E–SIGN''). Although telemarketers (and telefunders) that place prerecorded calls on behalf of sellers or charities must capture and transmit to the seller any requests they receive to place a consumer's telephone number on the seller's entity-specific do-not-call list, this obligation extends both to live and prerecorded telemarketing calls, and is also subsumed within the PRA estimates above.

[11] 78 FR at 19,485.

[12] Staff employs the methodology, assumptions, and studies it has consistently used since their development for the 2003 TSR amendments to determine, indirectly from external sales data and the relative percentages of inbound and outbound calls, the number of telemarketing calls and resulting number of sales because no call or sales number totals are otherwise available. Staff relies on its own prior estimates that of the $134.7 billion of sales from outbound calls to consumers in 2012 (DMA 2013 Statistical Fact Book, at 5), 92.8% of those sales, or $125 billion, are subject to FTC jurisdiction, with the average value of a sale being $85 and 20% of outbound calls resulting in a sale.

[13] For staff's PRA burden calculations, only direct sales orders by telephone are relevant. That is, sales generated through leads or customer traffic are excluded from these calculations because such sales are not subject to the TSR's recordkeeping and disclosure provisions. The direct sales transactions total of 450 million is based on an estimated 1.5 billion sales transactions from outbound calls being subject to FTC jurisdiction reduced by an estimated 30 percent attributable to direct orders. This percentage estimate is derived from the only known available outside direct sales data for telephone marketing to consumers. *See* DMA Statistical Fact Book (2001), p. 301.

[14] *See, e.g.,* 60 FR 32,682, 32,683 (June 23, 1995); 63 FR 40,713, 40,714 (July 30, 1998); 66 FR 33,701, 33,702 (June 25, 2001); 71 FR 28,698, 28,700 (May 17, 2006); 74 FR 11,952, 11,955 (Mar. 20, 2009); 78 FR at 19,485.

[15] 71 FR 3302, 3304 (Jan. 20, 2006); 71 FR at 28,700; 78 FR at 19,485.

[16] *See, e.g.,* 60 FR at 32,683; 78 FR at 19,485.

[17] This assumption originated with industry response to the Commission's 2003 Final Amended TSR. *See* 68 FR 4580, 4597 n.183 (Jan. 29, 2003). Although the comment provided an estimate specifically regarding inbound calls, FTC staff will continue to apply this assumption to outbound calls as well, absent the receipt of any information to the contrary.

[18] 16 CFR 310.3(a)(1)(i)–(iii).

direct mail[19] × 10 hours[20] per year × 25% burden = 2,513 hours), as well as oral disclosures [(450 million outbound calls × 8 seconds ÷ 3,600 × 25% burden = 250,000 hours) + (450 million outbound calls × 40% upsell attempts × 20% sales conversion × 8 seconds ÷ 3,600 × 25% burden =20,000 hours) + (1.8 billion inbound calls × 40% upsell attempts × 20% sales conversion × 8 seconds ÷ 3,600 × 25% burden = 80,000 hours)] = 352,513 hours.[21]

Disclosures for Debt Relief Services

To estimate the time required to provide the general sales disclosures for calls offering debt relief services, staff employs different assumptions and calculations.[22] Employing that analysis, as modified in response to a public comment to account for inbound debt relief sales,[23] staff continues to assume that outbound calls to sell and inbound calls to buy debt relief services are made only to consumers who are delinquent on one or more credit cards.[24] Staff further assumes that each such consumer will receive one outbound call and place one inbound call for these services.

To estimate the number of consumers who are delinquent on one or more credit cards, staff assumes that couples constitute a single decision-making unit, as do single adults (widowed, divorced, separated, never married) within each household. According to the most current U.S. Census Bureau data available, there are 165,015,000 decision-making units.[25] Of these, 119,140,830 have one or more credit cards,[26] and there are 2,942,779 decision-making units with at least one delinquent credit card account.[27]

Accordingly, allowing for the above-stated FTC staff estimate of eight seconds per general sales disclosures, staff estimates further that the general sales disclosure burden for inbound debt relief calls is 1,635 hours (2,942,779 inbound debt relief calls to decision-making units with at least one delinquent credit card account × 8 seconds ÷ 3,600 × 25% burden).

Disclosures for Non-Exempt Inbound Calls

The TSR general sales disclosures must also be made by sellers and telemarketers for inbound calls in response to ads for investment opportunities, certain business opportunities, credit card loss protection (''CCLP''),[28] credit repair,[29] loss recovery services,[30] and advance fee loans.[31]

Staff's estimate for each of these types of non-exempt inbound calls is determined by comparing the number of complaints reported to the FTC's Consumer Sentinel system in the most recent complete year to the total number of reported fraud complaints for that year. The resulting percentage of total fraud complaints must be adjusted to reflect the fact that only a relatively small percentage of telemarketing calls are fraudulent. To extrapolate the percentage of fraudulent telemarketing calls, staff divides a Congressional estimate of annual consumer injury from telemarketing fraud ($40 billion)[32] by available data on total consumer and business-to-business telemarketing sales ($310.0 billion projected for 2016),[33] or 13%. The two percentages are then multiplied together to determine the percentage of the 1.8 billion annual inbound telemarketing calls represented by each type of fraud complaint.

Thus, for the 7,631 Sentinel complaints in 2018 about investment opportunities covered by the TSR,[34] or 0.5% of the 1,427,563 total fraud complaints reported that year,[35] the general sales disclosure burden is 2,800 hours (1.8 billion inbound calls × 0.0007 [0.005 × 0.13] × 8 seconds ÷ 3,600). Likewise, the burden for business opportunity sales (14,225 complaints), including complaints for multi-level marketing/pyramids/chain letters)[36] is 4,000 hours (1.8 billion × .001 [0.01 ×

[19] Based on previous assumptions, staff estimates that of the 6,561 telemarketing entities, 3,015 conduct inbound telemarketing. Consistent with its previous analyses, staff estimates that, of the 3,015 entities that conduct inbound telemarketing, approximately one-third (1,005) will choose to incorporate written disclosures in their direct mail solicitations. Because it is likely that industry members make the requisite disclosures in direct mail solicitation in an effort to qualify for a Rule exemption, Commission staff believes it is appropriate to include those written disclosures in the burden hour calculation.

[20] FTC staff believes a typical firm will spend approximately 10 hours per year engaged in activities ensuring compliance with this provision of the Rule; this, too, has been stated in prior FTC notices inviting comment on PRA estimates. No comments were received, and staff believes this estimate remains reasonable.

[21] The percentage and unit of time measurements are FTC staff estimates. (For more information regarding the 25% apportionment appearing above *see supra* note 17 and surrounding text.)

[22] 75 FR at 48,504–05.

[23] Debt relief sales in outbound calls have always been subject to the general sales disclosure requirements, and are subsumed in the outbound general sales disclosure totals.

[24] By extension, upsells on these initial calls would not be applicable. Moreover, staff believes that few, if any, upsells on initial outbound and inbound calls would be for debt relief.

[25] U.S. Census Bureau, *Income and Poverty in the United States: 2017* (September 2018), Table 1, *available at https://www.census.gov/content/census/en/library/publications/2018/demo/p60-263.html* reflecting 127,586,000 households in 2017); U.S. Census Bureau, *Sharing a Household: Household Composition and Economic Well Being: 2007–2010* (June 2012), Table 2, p. 4, *available at https://www.census.gov/prod/2012pubs/p60-242.pdf* (reflecting 37,429,000 adults living with a householder who is neither a spouse nor cohabiting partner in 2010 and includes adults enrolled in school). Commission staff was unable to locate more current data for the latter source.

[26] The estimated number of consumers with one or more credit cards is derived by multiplying the estimated decision making units (165,015,000) by the percentage of consumers with one or more credit cards: 72.2%. The percentage of consumers with one or more credit card is based on a study conducted by the Federal Reserve Bank of Boston. *See* Federal Reserve Bank of Boston, Consumer Payments Research Center, *The 2009 Survey of Consumer Payment Choice* (April 2011), screen pp. 8, 48 *available at www.bostonfed.org/economic/ppdp/2011/ppdp1101.pdf.* Commission staff have not found percentage updates of comparable nature. Later versions of such data differ in how they present consumer adoption of payment instruments, *e.g.,* combining, rather than presenting as separate percentages, consumer purchases through credit and charge card use.

[27] The estimated number of consumers with a delinquent account is derived by multiplying the estimate of consumers with one or more credit cards (119,140,830) by the delinquency rate for credit cards (2.47%). Board of Governors of the Federal Reserve System, *Charge Off and Delinquency Rates on Loans and Leases at Commercial Banks, available at https://www.federalreserve.gov/releases/chargeoff/delallsa.htm* (reporting a 2.47% delinquency rate for credit cards for the second quarter of 2018).

[28] 16 CFR 310.3(a)(1)(vi).

[29] 16 CFR 310.4(a)(2).

[30] 16 CFR 310.4(a)(3).

[31] 16 CFR 310.4(a)(4).

[32] *House Committee on Government Operations, The Scourge of Telemarketing Fraud: What Can Be Done Against It,* H.R. Rep. 421, 102nd Cong., 1st Sess. at 7 (Dec. 18, 1991). The FBI believes that this estimate overstates telemarketing fraud losses as a result of its investigations and closings of once massive telemarketing boiler room operations. *See* FBI, *A Byte Out of History: Turning the Tables on Telemarketing Fraud* (Dec. 8, 2010), *available at https://www.fbi.gov/news/stories/2010/december/telemarketing_120810/telemarketing_120810. See also* internet Crime Complaint Center, 2017 Annual Report on internet Crime (citing $1.4 billion of losses claimed in consumer complaints for 2017), available at *https://pdf.ic3.gov/2017_IC3Report.pdf.*

[33] DMA 2013 Statistical Fact Book (January 2013) projection up through 2016, p. 5 (no associated DMA updates made or otherwise found thereafter).

[34] *See* FTC, Consumer Sentinel Network Data Book 2018 (March 2019) (''Sentinel Data''), Appendix B3, p. 86, available at *https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-2018/consumer_sentinel_network_data_book_2018_0.pdf.* The figure above tallies the number of complaints under the subcategories ''Advice, Seminars'' and ''Art\Gems\Rare Coins.'' The remaining subcategories under the ''Investment Related'' category are not covered by either the FTC Act or the TSR.

[35] Sentinel Data at 8.

[36] Sentinel Data at 85. While this total excludes ''Franchises/Distributorships'' covered by the Franchise Rule and thus not subject to the TSR, the data cannot additionally be segregated to omit ''Work-At-Home'' opportunities now covered by the Business Opportunity Rule and thus also not subject to the TSR. Staff therefore believes this total significantly overstates the opportunities subject to the TSR.

0.13] × 8 seconds ÷ 3,600); for advance fee loan sales (16,027 complaints)[37] is 4,000 hours (1.8 billion × 0.001 [0.011 × 0.13] × 8 seconds ÷ 3,600); for credit repair sales (2,928 complaints)[38] is 1,200 hours (1.8 billion × 0.0003 [0.002 × 0.13] × 8 seconds ÷ 3,600); 400 hours for loss recovery services (547 complaints)[39] (1.8 billion × 0.0001 [0.0004 × 0.13] × 8 seconds ÷ 3,600); and 40 hours for CCLP sales (73 complaints)[40] (1.8 billion × 0.00001 [0.0001 × 0.13] × 8 seconds ÷ 3,600). The exceptions to the TSR's inbound call exemptions add an additional 12,440 hours to the general sales disclosure burden.

Altogether, the general sales disclosure burden is 366,588 hours (352,513 hours for outbound sales + 1,635 hours for debt relief inbound sales + 12,440 hours for non-exempt inbound sales).

Specific Transaction Disclosures

Additional specific disclosures are required if the call involves a prize promotion,[41] the sale of credit card loss protection products,[42] an offer with a negative option feature,[43] or the sale of a debt relief service.[44] Staff estimates that the specific sales disclosures other than for debt relief services will require 22,363 hours annually [(450 million direct sales transactions from outbound calls × 5% [estimate of percentage of sales transactions involving prize promotions] × 3 seconds ÷ 3,600 × 25% burden = 4,688 hours) + (450 million direct sales transactions from outbound calls × 0.1% [estimate of percentage of sales transactions involving CCLP] × 4 seconds ÷ 3,600 × 25% burden = 125 hours) + (450 million sales transactions from outbound calls × 40% attempted upsell conversions × 20% sales conversions × 0.1% [estimate of percentage of outbound calls involving CCLP upsells] × 4 seconds × 25% burden ÷ 3,600 = 10 hours) + (1.8 billion inbound calls × 40% attempted upsell conversions × 20% sales conversions × 0.1% [estimate of percentage of inbound calls involving CCLP upsells] × 4 seconds × 25% burden ÷ 3,600 = 40 hours) + (450 million sales transactions from outbound calls × 10% [estimate of percentage of outbound calls involving negative options] × 4 seconds ÷ 3,600 × 25% burden = 12,500 hours) + (450 million sales transactions from outbound calls × 40% attempted upsell conversions × 20% sales conversions × 10% [estimate of percentage of outbound calls involving negative option upsells] × 4 seconds × 25% burden ÷ 3,600 = 1,000 hours) + (1.8 billion inbound calls × 40% attempted upsell conversions × 20% sales conversions × 10% [estimate of percentage of inbound calls involving negative option upsells] × 4 seconds ÷ 3,600 × 25% burden = 4,000 hours).

Staff estimates that reciting the specific sales disclosures in each debt relief sales call will take ten seconds, and therefore the disclosure burden associated with the debt relief disclosures is 4,088 hours (2,942,779 outbound debt relief calls × 10 seconds ÷ 3,600 × 25% burden = 2,044 hours) + (2,942,779 inbound debt relief calls × 10 seconds ÷ 3,600 × 25% burden = 2,044 hours).

Thus, the total specific transaction disclosure burden is 26,451 hours annually (22,363 for non-debt-relief calls) + 4,088 (for debt relief calls).

Cumulatively, therefore, the total annual burden for all of the disclosures is 1,219,428 (826,389 hours pre-sales disclosures + 366,588 hours general sales disclosures + 26,451 hours specific sales disclosures).

(c) Reporting Hours

Finally, any entity that accesses the Registry must submit minimal identifying information to the operator of the Registry. This basic information includes the name, address, and telephone number of the entity; a contact person for the organization; and information about the manner of payment. The entity also must submit a list of the area codes for which it requests information and certify that it is accessing the Registry solely to comply with the provisions of the TSR. If the entity is accessing the Registry on behalf of other seller or telemarketer clients, it has to submit basic identifying information about those clients, a list of the area codes for which it requests information on their behalf, and a certification that the clients are accessing the Registry solely to comply with the TSR.

As it has since the Commission's initial proposal to implement user fees under the TSR, FTC staff estimates that affected entities will require no more than two minutes for each entity to submit this basic information, and anticipates that each entity will have to submit the information annually.[45] Based on the number of entities accessing the Registry that are subject to the TSR, this requirement will result in 219 burden hours (6,561 entities × 2 minutes per entity). In addition, FTC staff continues to estimate that up to one-half of those entities may need, during the course of their annual period, to submit their basic identifying information more than once in order to obtain additional area codes of data. Thus, this would result in an additional 109 burden hours. Accordingly, accessing the Registry will impose a total burden of approximately 328 hours per year.

Thus, total recordkeeping, disclosure, and reporting burden is 1,233,817 hours (14,061 hours + 1,219,428 hours + 328 hours).

Estimated Annual Labor Cost: $17,181,914

(a) Recordkeeping Labor Cost

As indicated above, staff estimates that existing telemarketing entities require 14,061 hours, cumulatively, to maintain compliance with the TSR's recordkeeping provisions. Applying a clerical wage rate of $16.92/hour,[46] recordkeeping maintenance for existing telemarketing entities would amount to an annual cost of approximately $237,912. Assuming also from the above a cumulative burden of 7,500 hours for 75 new telemarketing entities per year to set up compliant recordkeeping systems (75 new entrants/year × 100 hours each), and applying to that a skilled labor rate of $27.86/hour,[47] cumulative labor costs for them would approximate $208,950 yearly. Thus, the estimated labor cost for recordkeeping associated with the TSR for both new and existing telemarketing entities, including prerecorded and debt relief calls, is $446,862.

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] 16 CFR 310.3(a)(1)(iv)–(v).

[42] 16 CFR 310.3(a)(1)(vi). It is neither staff's understanding nor belief that CCLP sales occur through inbound calls. Staff anticipates, however, the potential for such sales in an upsell following an inbound call.

[43] 16 CFR 310.3(a)(1)(vii).

[44] 16 CFR 310.3(a)(1)(viii).

[45] *See* 67 FR 37,366 (May 29, 2002). The two-minute estimate likely is conservative. The OMB regulation defining ''information'' under the PRA generally excludes disclosures that require persons to provide facts necessary simply to identify themselves, *e.g.,* the respondent, the respondent's address, and a description of the information the respondent seeks in detail sufficient to facilitate the request. *See* 5 CFR 1320.3(h)(1).

[46] This figure is derived from the mean hourly wage shown for Office Clerks, General. *See* ''Occupational Employment and Wages—May 2018,'' Bureau of Labor Statistics, U.S. Department of Labor, released March 29, 2019, Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2018''), *available at https://www.bls.gov/news.release/ocwage.nr0.htm.*

[47] This figure is derived from the mean hourly wage shown for ''Computer Support Specialist.'' *See id.*

(b) Disclosure Labor Cost

The estimated annual labor cost for disclosures for all telemarketing entities is $16,730,552. This total is the product of applying an assumed hourly wage rate of $13.72 [48] to the earlier stated estimate of 1,219,428 hours pertaining to the pre-sale, general and specific disclosures.

(c) Reporting Labor Cost

Estimated labor cost supplying basic identifying information to the Registry operator is $4,500 (328 hours × $13.72 per hour).

Thus, cumulatively for both new and existing telemarketing entities total labor costs are $17,181,914 [($446,862 recordkeeping) + ($16,730,552 disclosure) + ($4,500 reporting)].

Estimated Annual Non-Labor Cost: $4,717,991

(a) Recordkeeping

Staff believes that the capital and start-up costs associated with the TSR's recordkeeping provisions are de minimis. Although staff believes that most affected entities would maintain the required records in the ordinary course of business, consistent with its prior analyses, staff estimates that the estimated 6,561 telemarketing entities subject to the Rule continue to spend an annual amount of $50 each on office supplies as a result of the Rule's recordkeeping requirements, for a total recordkeeping cost burden of $328,050.

(b) Disclosure

Applying the disclosure estimates of 1,219,428 hours to an estimated commercial calling rate of 6 cents per minute ($3.60 per hour), staff estimates a total of $4,389,941 in telephone charges.[49]

Thus, total capital and/or other non-labor costs are $4,717,991 ($328,050 (office supplies) + $4,389,941 (telephone charges)).

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure, recordkeeping, and reporting requirements are necessary, including whether the resulting information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before July 19, 2019. Write ''TSR PRA Comment, FTC File No. P094400'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the *regulations.gov* site.

If you file your comment on paper, write ''TSR PRA Comment, FTC File No. P094400'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 19, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2019–10388 Filed 5–17–19; 8:45 am]

BILLING CODE 6750–01–P

[48] This figure is derived from the mean hourly wage shown for Telemarketers. *See supra* note 57. It is applied additionally to the ensuing calculation of reporting labor cost regarding the Registry operator.

[49] Staff believes that other non-labor costs would be incurred largely by affected entities in the ordinary course of business and, beyond that, would not materially exceed those ordinary costs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, Department of Health and Human Services (HHS).

ACTION: Request for information (RFI).

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) requests

public comments about the impact and use of Evidence-based Practice Center (EPC) Program evidence reviews. Members of the public include health care delivery organizations, guideline developers, payers, quality measure developers, research funders, and other organizations, including patient organizations, that have used AHRQ EPC evidence reviews.

DATES: Comments must be received by xxxx, 2019.

ADDRESSES: Send responses to *epc@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: The AHRQ EPC Program at *epc@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION: Established in 1997, the mission of the EPC Program (*https://effectivehealthcare.ahrq.gov/about/epc*) is to create evidence reviews that improve health care by supporting evidence-based decision making by patients, providers, and policymakers. Evidence reviews summarize and synthesize existing literature and evidence using rigorous methods.

Understanding that knowledge synthesis is, by itself, insufficient to change health care practice and improve patient outcomes, the EPC Program has relied on partners who are committed to using these reports. Over the 20 years of its existence, the EPC Program has partnered with clinical professional organizations, federal agencies, and other health care organizations. These organizations have used EPC evidence reviews for a variety of activities, including developing clinical practice guidelines, coverage decisions, program planning, funding opportunities and more.

The EPC Program is committed to innovation and improving the utility of its evidence reviews. AHRQ wants to hear specific details about how organizations and people have used the information from EPC evidence reviews. This is especially important since 2019 is the last fiscal year in which funds appropriated to the Patient-Centered Outcomes Research Trust Fund, which has funded many EPC evidence reviews, will be made available to HHS. Therefore, the EPC Program wants to understand the impact of the AHRQ EPC evidence reviews and the effectiveness of its partnerships.

AHRQ seeks feedback:

- From clinical professional societies or other groups who used AHRQ EPC evidence reviews for developing guidelines
- From payers who used an AHRQ EPC evidence review to make coverage or other decisions
- From health systems who used an AHRQ EPC evidence review to change how health care is practiced or delivered
- From research funders who used an AHRQ EPC evidence review to set a research agenda
- From other organizations including patient organizations that have used AHRQ EPC evidence reviews for various purposes

Specific questions of interest to AHRQ include, but are not limited to:

- How you heard about the AHRQ EPC review
- How you used the AHRQ EPC evidence review
- How the AHRQ EPC evidence review changed your decision, recommendation, or action
- What you would have done in the absence of an EPC report
- Was the AHRQ EPC evidence review acknowledged or referenced in your decision, recommendation, or action? If so, how? And if not, why not?
- Your assessment of the value of the unique contribution provided by AHRQ in conducting evidence reviews for improving patient care and outcomes
- Based on your experiences, suggestions for how the EPC program can make its evidence reviews more useful and impactful

AHRQ is interested in all of the questions listed above, but respondents are welcome to address as many or as few as they choose and to address additional areas of interest not listed.

This RFI is for planning purposes only and should not be construed as a policy, solicitation for applications, or as an obligation on the part of the Government to provide support for any ideas in response to it. AHRQ will use the information submitted in response to this RFI at its discretion, and will not provide comments to any respondent's submission. However, responses to the RFI may be reflected in future solicitation(s) or policies. Respondents are advised that the Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. No proprietary, classified, confidential or sensitive information should be included in your response. The Government reserves the right to use any non-proprietary technical information in any resultant solicitation(s). The contents of all submissions will be made available to the public upon request. Submitted materials must be publicly available or able to be made public.

Gopal Khanna,

Director.

[FR Doc. 2019–10451 Filed 5–17–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is announcing a Special Emphasis Panel (SEP) meeting on AHRQ–HS–19–001, ''Patient Safety Learning Laboratories (2019): Pursuing Safety in Diagnosis and Treatment at the Intersection of Design, Systems Engineering, and Health Services Research (R18).''

DATES: June 12, 2019 (Open on June 12th from 8:00 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

ADDRESSES: Bethesda Marriott Hotel, 5151 Pooks Hill Rd., Bethesda, MD 20852.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact: Heather Phelps, Acting Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 5600 Fishers Lane, Rockville, Maryland 20850, Telephone: (301) 427–1128.

Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by AHRQ, and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the SEP do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an AHRQ SEP meeting on AHRQ–HS–19–001, ''Patient Safety Learning Laboratories (2019): Pursuing Safety in Diagnosis and Treatment at the Intersection of Design, Systems

Engineering, and Health Services Research (R18).''

Each SEP meeting will commence in open session before closing to the public for the duration of the meeting. The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the AHRQ–HS–19–001, ''Patient Safety Learning Laboratories (2019): Pursuing Safety in Diagnosis and Treatment at the Intersection of Design, Systems Engineering, and Health Services Research (R18)'' are to be reviewed and discussed at this meeting. 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.

Gopal Khanna,

Director.

[FR Doc. 2019–10452 Filed 5–17–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10455 and CMS–10379]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 19, 2019.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_ submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

1. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Report of a Hospital Death Associated with Restraint or Seclusion; *Use:* The final rule, which finalized the regulations at 42 CFR 482.13(g), published on May, 16, 2012 (77 FR 29074) included a reduction in the reporting requirements related to hospital deaths associated with the use of restraint or seclusion. Section § 482.13(g) requires that hospitals must use form CMS–10455 to report those deaths associated with restraint and/or seclusion directly to the Centers for Medicare & Medicaid Services (CMS) Regional Office (RO). In addition, the final rule replaced the previous requirement for reporting via telephone to CMS, which proved to be cumbersome for both CMS and hospitals, with a requirement that allows the submission of reports on the form CMS–10455 via facsimile or electronically, as determined by CMS. This reporting requirement applies to hospitals, Critical Access Hospitals (CAHs) and rehabilitation or psychiatric distinct part units (DPUs) in hospitals and CAHs. Currently, the hospital, CAH, or rehabilitation or psychiatric DPU must submit the form CMS–10455 to the CMS RO via fax or email, based on RO's preference. Beginning on May 9, 2014, hospitals were no longer required to report to CMS, those deaths that were not associated with the use of seclusion and where the only restraints used were 2-point soft wrist restraints. This reporting requirement change resulted in no necessary edits to the form CMS–10455. However, despite the change in reporting requirements, hospitals and CAHs continued to submit unnecessary CMS–10455 forms when there was only use of 2-point soft wrist restraints without the use of seclusion. Therefore, form CMS–10455 was modified in July 2018 to include instructions stating that the submission of this form is not required for deaths associated with the use of only 2-point soft wrist restraints without seclusion. It was estimated that this change would reduce the volume of reports to be submitted by 90 percent for hospitals.

In this information collection request, CMS is seeking OMB approval for an electronically submitted version of the currently approved paper version of form CMS–10455. *Form Number:* CMS–10455 (OMB control number: 0938–1210); *Frequency:* Occasionally; *Affected Public:* Private Sector; *Number of Respondents:* 6,389; *Number of Responses:* 6,389; *Total Annual Hours:* 6,389. (For policy questions regarding

this collection contact Caroline Gallaher at 410–786–8705.)

2. *Type of Information Collection Request:* Revision of a previously approved information collection; *Title of Information Collection:* Rate Increase Disclosure and Review Requirements (45 CFR part 154); *Use:* 45 CFR part 154 implements the annual review of unreasonable increases in premiums for health insurance coverage called for by section 2794. The regulation established a rate review program to ensure that all rate increases that meet or exceed an established threshold are reviewed by a state or the Centers for Medicare and Medicaid Services (CMS) to determine whether the rate increases are unreasonable. Accordingly, issuers offering non-grandfathered health insurance coverage in the individual and/or small group markets are required to submit Rate Filing Justifications to CMS. Section 154.103(b) exempts grandfathered health plan coverage as defined in 45 CFR 147.140 and excepted benefits as described in section 2791(c) of the PHS Act. In the Notice of Benefit and Payment Parameters for 2019 (2019 Payment Notice) (83 FR 74, April 17, 2018), Section 154.103 was modified so that student health insurance coverage, as defined in § 147.145, is also exempted from Federal rate review requirements for plans beginning on or after July 1, 2018.

Section 154.200(a)(1) previously provided that a rate increase for single risk pool coverage beginning on or after January 1, 2017 was subject to a reasonableness review if: (1) The average increase, including premium rating factors described in § 147.102, for all enrollees, weighted by premium volume for any plan within the product, meets or exceeds 10 percent; or (2) the increase exceeds a state-specific threshold approved by the Secretary. In the 2019 Payment Notice, this provision was amended to establish a 15 percent federal default threshold for reasonableness review beginning with single risk pool rate filings submitted by issuers for plan or policy years beginning on or after January 1, 2019.

The Rate Filing Justification consists of three parts. All issuers must continue to submit a Uniform Rate Review Template (URRT) (Part I of the Rate Filing Justification) for all single risk pool plans. Issuers that submit a rate filing that includes a plan that meets or exceeds the threshold must include a written description justifying the rate increase, also known as the consumer justification narrative (Part II of the Rate Filing Justification). We note that the threshold set by CMS constitutes a minimum standard and most states currently employ stricter rate review standards and may continue to do so. Issuers offering a QHP or any single risk pool submission containing a rate increase of any size must continue to submit an actuarial memorandum (Part III of the Rate Filing Justification). *Form Number:* CMS–10379 (OMB control number: 0938–1141); *Frequency:* Annually; *Affected Public:* Private Sector; Businesses or other for-profits, Not-for-profit institutions; *Number of Respondents:* 589; *Total Annual Responses:* 2,363; *Total Annual Hours:* 20,240. (For policy questions regarding this collection contact Lisa Cuozzo at 410–786–1746.)

Dated: May 14, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–10349 Filed 5–17–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: Electronic Document Exchange (formerly titled, ''Child Support Document Exchange System'').

OMB No.: 0970–0435.

Description: The federal Office of Child Support Enforcement's (OCSE) Federal Parent Locator Service offers the Electronic Document Exchange (EDE), formerly titled ''Child Support Document Exchange System'' (CSDES), application within the OCSE Child Support Portal. The EDE provides a centralized, secure system for authorized users in state child support agencies to electronically exchange child support and spousal support case information with other state child support agencies. Using the EDE benefits state child support agencies by reducing delays, costs, and barriers associated with interstate case processing; increasing state collections; improving document security; standardizing data sharing; increasing state participation; and improving case processing and overall child and spousal support outcomes.

The activities associated with the EDE are authorized by (1) 42 U.S.C. 652(a)(7), which requires OCSE to provide technical assistance to the states to help them establish effective systems for collecting child support and spousal support; (2) 42 U.S.C. 666(c)(1), which requires state child support agencies to have expedited procedures to obtain and promptly share information with other state child support agencies; and (3) 45 CFR 303.7(a)(5), provides the mechanism for state child support agencies to fulfill the federal requirement to transmit requests for child support case information and provide requested information electronically to the greatest extent possible as required by the regulation.

Respondents: State Child Support Agencies.

ANNUAL BURDEN ESTIMATES

Information collection instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Online Data Entry Screens	38	1,328	* .017	855

* (60 seconds).

Estimated Total Annual Burden Hours: 855.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201,

Attention Reports Clearance Officer. All requests should be identified by the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10400 Filed 5–17–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Prevention Services Data Collection (New Collection)

AGENCY: Children's Bureau; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Children's Bureau (CB), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is proposing to collect data for a new prevention services data collection for children receiving prevention and family services and programs.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 471(e)(4)(E) of the Social Security Act (42 U.S.C. 671) as amended by Public Law 115–123 requires states and tribal child welfare agencies to collect and report to ACF information on children receiving prevention and family services and programs. States and tribes must report:

- The specific services or programs provided,
- The total expenditures for each of the services or programs provided,
- The duration of the services or programs provided, and
- If the child was identified in a prevention plan as a candidate for foster care:
  - The child's placement status at the beginning and at the end, of the 12 month period that begins on the date the child was identified as a candidate for foster care in a prevention plan; and
  - Whether the child entered foster care during the initial 12 month period and during the subsequent 12 month period.

We have prepared a revised instrument (Technical Bulletin #1) that provides more detail regarding the specific file content and structure and data elements states and tribes will be required to provide. In addition, we have revised the number of annual response from one to two.

Respondents: State and tribal child welfare agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses	Average burden hours per response	Annual burden hours
Prevention Services Data Collection	20	2	31	1,240

Estimated Total Annual Burden Hours: 1,240.

Authority: 42 U.S.C 671.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10336 Filed 5–17–19; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Child Care and Development Fund (CCDF) State Monitoring Compliance Demonstration Packet (New Collection)

AGENCY: Office of Child Care; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Care (OCC), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new Onsite Monitoring System to evaluate grantee compliance with (1) The Child Care and Development Block Grant (CCDBG) Act; (2) CCDF Regulations; and (3) The State/Territory CCDF approved Plan.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent

directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The proposed data collection will be used by the Office of Child Care (OCC) to monitor State CCDF Lead Agencies to determine and validate compliance with CCDF regulations and the approved State Plan. The data collection is designed to provide States with the flexibility to propose an approach that is feasible and sufficient to demonstrate compliance based on State circumstances and processes. State Lead Agencies will participate in onsite monitoring based on a 3-year cohort; submitting data once every three years. OCC will begin monitoring for compliance in Fiscal Year 2019.

The data collection for the first 3-years will focus on 11 topical areas: (1) Disaster Preparedness, Response and Recovery; (2) Consumer Education: Dissemination of Information to Parents, Providers, and General Public (Monitoring Reports and Annual Aggregate Data); (3) Twelve-Month Eligibility; (4) Child: Staff Ratios and Group Sizes; (5) Health and Safety Requirements for Providers (11 Health and Safety Topics); (6) Pre-Service/Orientation and Ongoing Training Requirements for Providers; (7) Inspections for CCDF Licensed Providers; (8) Inspections for License-Exempt CCDF Providers; (9) Ratios for Licensing Inspectors; (10) Child Abuse and Neglect Reporting; and (11) Program Integrity.

In developing the Onsite Monitoring System, OCC convened a workgroup of states to provide feedback and input on the design of the Onsite Monitoring System. As part of the workgroup discussions, states emphasized the need for individualized monitoring because of the complexity of each state's CCDF structure and variance in implementation strategies. As a response, OCC developed the Compliance Demonstration Packet that offers states the opportunity to propose their approach to demonstrating compliance based on how their CCDF program is administered. OCC also consulted other federal programs and monitoring experts on the Onsite Monitoring System's development and incorporated their feedback regarding the efficiency and efficacy of the proposed process.

During the development of the Onsite Monitoring System, OCC conducted pilots in a number of States. Feedback received from pilot States and the pilot results were used to enhance the monitoring process and data collection method. Burden estimates below are based on an analysis of data collected through all of the pilot visits while accounting for variance in state documentation.

Respondents: State grantees and the District of Columbia.

Annual Burden Estimates: Respondents will be required to submit 2 separate instruments. First the Compliance Demonstration Chart will be submitted and reviewed by ACF–OCC. For this chart, OCC is looking for a high-level description of how the state proposes to demonstrate compliance. No additional materials should be submitted with this chart. After review by OCC, any changes or edits to the chart will be finalized in collaboration with the State. Once the final Compliance Demonstration Chart is submitted, the State will have 4–6 weeks to complete the Document Submission Chart and provide the associated materials.

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Compliance Demonstration Chart	17	1	16	272
Document Submission Chart	17	1	80	1,360

Estimated Total Annual Burden Hours: 1,632.

Authority: Sec. 658I of the Child Care and Development Block Grant Act Subpart J of 45 CFR, Part 98 of the Child Care and Development Fund.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10406 Filed 5–17–19; 8:45 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0416]

Submission for OMB Review; Comment Request

Title: 2020 Current Population Survey-Child Support Supplement.

Description: Collection of these data will assist legislators and policymakers in determining how effective their policymaking efforts have been over time in applying the various child support legislation to the overall child support enforcement picture. This information will help policymakers determine to what extent individuals on welfare would be removed from the welfare rolls as a result of more stringent child support enforcement efforts.

Respondents: Individuals and households.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
2020 Current Population Survey-Child Support Supplement	41,300	1	0.03	1,239

Estimated Total Annual Burden Hours: 1,239.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–10418 Filed 5–17–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Office of the Commissioner, Headquarters organizations, and Centers have modified their structures.

FOR FURTHER INFORMATION CONTACT: William Tootle, Director, Office of Budget, Office of the Commissioner, Food and Drug Administration, 4041 Powder Mill Rd., Rm. 72094, Beltsville, MD 20705–4304, 301–796–4710.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970; 60 FR 56606, November 9, 1995; 64 FR 36361, July 6, 1999; 72 FR 50112, August 30, 2007; 74 FR 41713, August 18, 2009; and 76 FR 45270, July 28, 2011) is amended to reflect the reorganization of the Office of the Commissioner/FDA Headquarters and the following Centers: Center for Devices and Radiological Health (CDRH), Center for Drug Evaluation and Research (CDER), Center for Food Safety and Applied Nutrition (CFSAN), Center for Tobacco Products (CTP), and Center for Veterinary Medicine (CVM).

The Office of the Commissioner reorganization will transition FDA away from the Directorate structure. Abolishing the current directorate structure and realigning many of those functions to the Centers/Office of Regulatory Affairs (ORA) establishes a direct line of communication between the Centers/ORA and the Commissioner of Food and Drugs. This direct report relationship with the Centers streamlines communications and better positions FDA to support its regulatory programs and mission. The intent is to create a more effective structure that better reflects FDA's priorities and streamlines operations.

The CDRH reorganization will more accurately reflect the functions performed by the Center and help to enhance CDRH's ability to advance FDA's mission and streamline operations and support functions.

The CDER reorganization changes the organizational structures and revises the functional statements of following organizations: Office of Communication (OCOMM), Office of Compliance (OC), Office of Executive Programs (OEP), Office of Hematology and Oncology Products (OHOP), and Office of New Drugs (OND). The proposed organizational changes will enhance CDER's ability to develop, coordinate, and evaluate public health communication and education activities in support of the following:

The CDER Office of Compliance proposed structure change will establish the framework for a stronger regulatory oversight of the compounded human drugs facilities and compounding related activities. The new structure will help ensure the following: That compounding pharmacies operate within the bounds of traditional pharmacy practice (not manufacturing); that outsourcing facilities operate according to the conditions in section 503B; and the new structure will protect patients from unsafe or ineffective compounded drugs.

The CDER Office of Communication is planning to expand CDER's communications outreach and educational efforts to inform the conversation among FDA's stakeholders. This will be managed through accessing more communication channels, enhancing FDA's social media presence, and using more innovative tools. The impact of CDER's growth has impacted the volume of information posted on the web as the content management and development of tools used to connect stakeholders with web content are created. As new programs and initiatives are developed by the Center, the web content will increase. The new content management system will provide the Agency with the opportunity to finally have a true publishing tool. This will allow greater speed in posting the content in the web environment.

The CDER Office of Executive Programs houses all the executive functions for CDER and ensures the goals and priorities of the Center Director are carried out. These functions range from administrative support for the Center Director's Office, overseeing the Center's learning and organizational development program, to managing the Center's 18 different Advisory Committees. Restructuring these functions into defined organizational structures will improve decision making by promoting the direct flow of information from frontline employees to the managers directly responsible for making decisions and provide clarity to staff roles and responsibilities. Furthermore, the proposed organizational changes permit Office of Executive Programs' managers to better define critical business processes and identify opportunities for streamlining complex tasks, which will facilitate a more efficient and strategic deployment of these resources during public health emergencies and outbreaks. The proposed changes align with Reimagine HHS guiding principle #3—Generating Efficiencies through Streamlined Processes and Reimagine HHS guiding principle #5—HHS as a More Innovative and Responsive Organization.

The CDER Office of Hematology and Oncology Products reorganization is in response to Title III of the 21st Century Cures Act (Cures Act), enacted into law on December 13, 2016, which provides authorities FDA can use to help modernize drug, biological, and device product development and review to create greater efficiencies and predictability in product development and review. Numerous initiatives are currently taking place in the Agency to carry out the plan laid out in the Cures Act and include: Patient Focused Drug Development; Novel Clinical Trial Design; Real World Evidence; Summary-level Review and Inter-Center Institutes; as well as other initiatives. The Office of Hematology and Oncology Products

has been an active participant and at times a leader in many of these initiatives. To meet external and internal stakeholders' expectations and to effectively and efficiently carry out these initiatives delineated in the Cures Act, it is necessary to flatten out the organizational structure. The office proposes to expand their clinical review divisions from three to five, create a centralized safety reporting team, and create a labeling team. The office is dedicated in modernizing the drug, biological, and device product development and review and in creating greater efficiencies and predictability in oncology product development and review. With this restructuring, the office, working in partnership with the Oncology Center of Excellence, can ensure that the Agency's initiatives are being worked on in an efficient and cohesive manner so that industry and all other outside groups feel as if we are working with them in the fight against cancer.

The CDER Office of Therapeutic Biologics and Biosimilars reorganization is in response to the Biologics Price Competition and Innovation Act of 2009 (BPCI Act), which was enacted on March 23, 2010. This law amended the Public Health Service Act (PHS Act) to create an abbreviated licensure pathway for biological products that are demonstrated to be biosimilar to or interchangeable with an already approved FDA-licensed biological product (the reference product). This pathway was established to provide more treatment options, increase access to lifesaving medications, and potentially reduce healthcare costs through increased competition. The current review management and policy development approach for biosimilar and interchangeable products lacks a ''primary owner'' and this impacts CDER's ability to set a singular goal and focus on internal operational requirements and communication similar to new drugs and generic drugs products. Specifically, policy development is fractured between the CDER Office of Medical Policy (OMP), Office of New Drugs (OND), and Office of Regulatory Policy (ORP). Since there is no office that holds primary responsibility for setting policy direction, the drafting and responding to inquiries such as citizen petitions and the development of policy positions is split between the various organizations. Likewise, the communication efforts are split between CDER OMP, OND, and OCOMM. While there is clear evidence of operational efficiencies associated with the review process for biosimilar and interchangeable products, the biggest inefficiency is with policy development. This proposed reorganization will be part of FDA's ongoing efforts to achieve the performance goals agreed to by the Agency in conjunction with the reauthorization of Biosimilar User Fee Act (BsUFA II).

The CFSAN reorganization realigns functions and personnel, retitling and establishing of new organizations within the CFSAN offices of: Office of Cosmetics and Colors, Office of Food Additive Safety, and Office of Coordinated Outbreak Response and Evaluation Network, which formalize its organizational components and functions; distinguish operational culture between pre- and post-market review; clarify staff allocation; improve effectiveness; and increase efficiency in the management and leadership for internal and external stakeholders.

The CTP Office of Health Communication and Education reorganization establishes the Division of Research and Evaluation; changes the title of the Division of Health, Scientific, and Regulatory Communication to the Division of Regulatory Communication; and revises the functional statements of the Office of Health Communication and Education; the Division of Public Health Education; and the Division of Regulatory Communication. The proposed organizational changes will enhance the Center's ability to develop, coordinate, and evaluate public health communication and education activities in support of requirements of the Family Smoking Prevention and Tobacco Control Act.

The CVM reorganization affects the Center's Office of Management and Office of New Animal Drug Evaluation.

The CVM Office of Management reorganization establishes the Business Informatics Staff; abolishes the Management Logistics Staff; and revises the functional statements of the Office of Management. The organizational changes will enhance CVM's ability to promote information technology guidelines and policies; manage the center's information technology portfolio; and provide capital planning and investment controls to the Department of Health and Human Services.

The CVM Office of New Animal Drug Evaluation reorganization establishes the Division of Animal Bioengineering and Cellular Therapies and revises the functional statements of the Office of New Animal Drug Evaluation. The organizational changes will create a dedicated group for the review and approval of biologically derived emerging technologies, such as animal bioengineering and cell and gene therapy products.

The Food and Drug Administration, Office of the Commissioner (OC) and Headquarters, Centers, and Offices, have been restructured as follows:

DCA. ORGANIZATION. The Office of the Commissioner is headed by the Commissioner of Food and Drugs, and includes the following organizational units:

OFFICE OF THE COMMISSIONER
Office of the Chief Counsel
Office of the Executive Secretariat
Freedom of Information Staff
Office of the Counselor to the Commissioner

DCB. ORGANIZATION. The Center for Biologics Evaluation and Research is headed by the Center Director.

CENTER FOR BIOLOGICS EVALUATION AND RESEARCH

DCC. ORGANIZATION. The Center for Devices and Radiological Health is headed by the Center Director and includes the following organizational units:

CENTER FOR DEVICES AND RADIOLOGICAL HEALTH
Office of the Center Director
Quality Management Staff
Office of Science and Engineering Laboratories
Management Support Staff
Division of Biomedical Physics
Division of Imaging, Diagnostics, and Software Reliability
Division of Applied Mechanics
Division of Administrative and Laboratory Support
Division of Biology, Chemistry and Materials Science
Office of Communication and Education
Program Management Operations Staff
Division of Communication
Web and Graphics Branch
External Communications Branch
Internal Communications Branch
Division of Industry and Consumer Education
Postmarket and Consumer Branch
Premarket Programs Branch
Division of Information Disclosure
Freedom of Information Branch A
Freedom of Information Branch B
Division of Employee Training and Development
Employee Development Branch
Technology and Learning Management Branch
Office of Management
Planning and Program Analysis Staff
Division of Workforce Management
Division of Financial Management
Division of Management Services
Division of Acquisition Services
Office of Product Evaluation and Quality
Quality and Analytics Staff
Clinical and Scientific Policy Staff
Strategic Initiatives Staff
Regulation, Policy and Guidance Staff
Office of Regulatory Programs
Division of Regulatory Programs I
Division of Regulatory Programs II
Division of Regulatory Programs III
Office of Clinical Evidence and Analysis

Division of Clinical Evidence and Analysis I
Division of Clinical Evidence and Analysis II
Office of Health Technology I
Division of Health Technology I A
Division of Health Technology I B
Division of Health Technology I C
Office of Health Technology II
Division of Health Technology II A
Division of Health Technology II B
Division of Health Technology II C
Office of Health Technology III
Division of Health Technology III A
Division of Health Technology III B
Division of Health Technology III C
Office of Health Technology IV
Division of Health Technology IV A
Division of Health Technology IV B
Office of Health Technology V
Division of Health Technology V A
Division of Health Technology V B
Office of Health Technology VI
Division of Health Technology VI A
Division of Health Technology VI B
Division of Health Technology VI C
Office of In Vitro Diagnostics and Radiological Health
Division of Chemistry and Toxicology Devices
Chemistry Branch
Diabetes Branch
Toxicology Branch
Cardio-Renal Diagnostics Branch
Division of Immunology and Hematology Devices
Hematology Branch
Immunology and Flow Cytometry Branch
Division of Microbiology Devices
Viral Respiratory and Human Papilloma Respiratory Branch
General Viral and Hepatitis Branch
General Bacterial and Antimicrobial Susceptibility Branch
Bacterial Respiratory and Medical Countermeasures Branch
Division of Radiological Health
Magnetic Resonance and Electronic Products Branch
Diagnostic X-Ray Systems Branch
Nuclear Medicine and Radiation Therapy Branch
Mammography, Ultrasound and Imaging Software Branch
Division of Mammography Quality Standards
Program Management Branch
Information Management Branch
Division of Program Operations and Management
Division of Molecular Genetics and Pathology
Molecular Pathology and Cytology Branch
Molecular Genetics Branch
Office of Strategic Partnerships and Technology Innovation
Division of All Hazards Response, Science and Strategic Partnerships
Division of Digital Health
Division of Technology and Data Services
Office of Policy

DCD. ORGANIZATION. The Center for Drug Evaluation and Research is headed by the Director and includes the following organization units:

CENTER FOR DRUG EVALUATION AND RESEARCH
Office of the Center Director
Office of Regulatory Policy
Office of Management
Office of Communications
Office of Compliance
Office of Manufacturing Quality
Office of Unapproved Drugs and Labeling Compliance
Office of Scientific Investigations
Office of Program and Regulatory Operations
Office of Medical Policy
Office of Prescription Drug Promotion
Office of Medical Policy Initiatives
Office of Translational Sciences
Office of Biostatistics
Office of Clinical Pharmacology
Office of Computational Science
Office of Study Integrity and Surveillance
Office of Executive Programs
Office of Surveillance and Epidemiology
Office of Medication Error Prevention and Risk Management
Office of Pharmacovigilance and Epidemiology
Office of New Drugs
Office of Drug Evaluation I
Office of Drug Evaluation II
Office of Drug Evaluation III
Office of Antimicrobial Products
Office of Drug Evaluation IV
Office of Hematology and Oncology Products
Office of Strategic Programs
Office of Program and Strategic Analysis
Office of Business Informatics
Office of Generic Drugs
Office of Research Standards
Office of Bioequivalence
Office of Generic Drug Policy
Office of Regulatory Operations
Office of Pharmaceutical Quality
Office of Biotechnology Products
Office of New Drug Products
Office of Policy for Pharmaceutical Quality
Office of Process and Facilities
Office of Surveillance
Office of Testing and Research
Office of Program and Regulatory Operations
Office of Lifecycle Drug Products

DCE. ORGANIZATION. The Center for Food Safety and Applied Nutrition is headed by the Center Director.

CENTER FOR FOOD SAFETY AND APPLIED NUTRITION

DCED. ORGANIZATION. The Office of Food Additive Safety is headed by the Director, Office of Food Additive Safety, and includes the following organizational units:

Office of Food Additive Safety
Operations Staff
Division of Food Contact Substances
Toxicology Review Branch
Chemistry Review Branch
Regulatory Review Branch
Division of Food Ingredients
Toxicology Review Branch
Chemistry Review Branch
Regulatory Review Branch
Division of Biotechnology, Regulatory Science, and Surveillance
Post-Market Review Branch
Scientific Support Branch

DCEE. ORGANIZATION. The Office of Cosmetics and Colors is headed by the Director, Office of Cosmetics and Colors, and includes the following organizational units:

Office of Cosmetics and Colors
Division of Cosmetics and Colors
Color Certification Branch
Color Technology Branch
Division of Cosmetics
Cosmetics Regulatory Activities Branch
Cosmetics Regulatory Science Branch

DCEN. ORGANIZATION. The Office of Coordinated Outbreak Response and Evaluation Network is headed by the Director, Office of Coordinated Outbreak Response and Evaluation Network, and includes the following organizational units:

Office of Food Additive Safety
Signals and Analysis Staff

DCF. ORGANIZATION. The Center for Tobacco Products is headed by the Center Director.

CENTER FOR TOBACCO PRODUCTS

DCFF. ORGANIZATION. The Center for Tobacco Products Office of Health Communication and Education is headed by the Director of Health Communication and Education and includes the following organizational units:

Office of Health Communication and Education
Division of Public Health Education
Division of Regulatory Communication
Division of Research and Evaluation

DCG. ORGANIZATION. The Center for Veterinary Medicine is headed by the Center Director.

CENTER FOR VETERINARY MEDICINE

DCGB. ORGANIZATION. The Center for Veterinary Medicine Office of Management is headed by the Associate Director for Management and includes the following organizational units:

Budget Planning and Evaluation Staff
Business Informatics Staff
Human Capital Management Staff
Program and Resources Management Staff
Talent Development Management Staff

DCGC. ORGANIZATION. The Center for Veterinary Medicine Office of New Animal Drug Evaluation is headed by the Director of New Animal Drug Evaluation and includes the following organizational units:

Division of Animal Bioengineering and Cellular Therapies
Division of Business Information Science and Management
Division of Generic Animal Drugs
Division of Human Food Safety
Division of Manufacturing Technologies
Division of Production Drugs
Division of Scientific Support
Division of Therapeutic Drugs for Food Animals
Division of Therapeutic Drugs for Non-Food Animals

DCH. ORGANIZATION. The Oncology Center of Excellence is headed by the Director and includes the following organizational units:

ONCOLOGY CENTER OF EXCELLENCE

DCI. ORGANIZATION. The Office of Regulatory Affairs is headed by the Associate Commissioner for Regulatory Affairs.

OFFICE OF REGULATORY AFFAIRS

DCJ. ORGANIZATION. The Office of Clinical Policy and Programs is headed by the Director, Office of Clinical Policy and

Programs, and includes the following organizational units:

OFFICE OF CLINICAL POLICY AND PROGRAMS
Healthcare Provider Staff
Patient Affairs Staff
Office of Clinical Policy
Good Clinical Practice Staff
Office of Combination Products
Office of Orphan Products Development
Office of Pediatric Therapeutics

DCK. ORGANIZATION. The Office of External Affairs is headed by the Associate Commissioner for External Affairs and includes the following organizational units:

OFFICE OF EXTERNAL AFFAIRS
Operations Staff
FDA History Office
Stakeholder Engagement Staff
Web & Digital Services Staff
Office of Media Affairs
Office of Editorial and Creative Services

DCL. ORGANIZATION. The Office of Food Policy and Response is headed by the Deputy Commissioner for Food Policy and Response, and includes the following organizational units:

OFFICE OF FOOD POLICY AND RESPONSE
Office of Resource Planning and Strategic Management

DCM. ORGANIZATION. The Office of Minority Health and Health Equity is headed by the Assistant Commissioner for Minority Health and Health Equity and includes the following organizational units:

OFFICE OF MINORITY HEALTH AND HEALTH EQUITY

DCN. ORGANIZATION. The Office of Operations is headed by the Chief Operating Officer and includes the following organizational units:

OFFICE OF OPERATIONS
Office of Enterprise Management Services
Program Effectiveness Staff
Division of Compliance and Conflict Prevention
Conflict Prevention and Resolution Staff
Division of Human Capital
Division of Information Governance
Dockets Management Staff
Division of Resource Management
Division of Vendor Management
Office of Equal Employment and Opportunity Compliance Staff
Office of Ethics and Integrity
Office of Facilities, Engineering and Mission Support Services
Jefferson Laboratories Complex Staff
Facilities Program Staff
Employee Safety and Occupational Health Staff
Division of Operations Management and Community Relations
Logistics and Transportation Management Branch
Facilities Maintenance and Operations Branch
Auxiliary Program Management Staff
Division of Planning, Engineering and Space Management
Portfolio and Space Management Branch
Engineering Management Branch
Office of Finance, Budget, and Acquisitions
Business Management Services Staff
Office of Acquisitions and Grants Services
Division of Acquisition Operations
Service Contracts Branch
Contracts Operations Branch
Division of Acquisition Programs
Scientific Support Branch
Field Operations Branch
Facilities Support Branch
Division of State Acquisitions, Agreements and Grants
Grants and Assistance Agreements Branch
ORA Inspection Branch
CTP Inspection Branch
Division of Information Technology Acquisitions
Information Technology Acquisitions Branch
Systems Technology Acquisitions Branch
Information Technology Strategic Support Branch
Division of Policy, Systems and Program Support
Training and Development Branch
Acquisitions Policy and Oversight Branch
Office of Budget
Division of Budget Formulation and Program Alignment
Division of Budget Execution and Control
Office of Financial Management
Financial Systems Support Staff
Division of Accounting
Division of Controls, Compliance and Oversight
Division of Payment Services
Division of Travel Services
Field Operations Staff
Division of User Fees
Office of Human Capital Management
Business Operations Staff
Management and Administrative Inquiries Staff
Performance Management and Awards Staff
Division of FDA Training and Development
Organization Development and Learning Solutions Branch
Training Delivery and Program Operations Branch
Division of Human Resources Systems and Operations Support
Data Quality and Services Management Branch
Human Resources Information Systems and Records Branch
Human Resources Information Technology Branch
Retirement and Benefits Branch
Timekeeping and Payroll Services Branch
Division of Employee and Labor Relations
Employee Relations Branch I
Employee Relations Branch II
Labor Relations Branch
Division of Strategic Talent Management Programs
Workforce Support and Development Branch
Quality of Work-life Programs Branch
Office of Information Management and Technology
Office of Information Management
Office of Information Security
Office of Technology and Delivery
Delivery Management and Support Staff
Division of Infrastructure Operations
Infrastructure Management Services Staff
Implementation Branch
Infrastructure Engineering Branch
Systems Monitoring & Response Branch
Systems Operations Branch
Network & Communications Operations Branch
Division of Application Services
Application Management Services Staff
Data Management & Operations Branch
Medical Products Branch
OC/CVM/CTP Branch
ORA/CFSAN Branch
Enterprise Applications Branch
Office of Business & Customer Assurance
Division of Business Partnership & Support
Internet & Intranet Branch
Call Center Branch
Regional Support Branch
Property, Receiving & Distribution Branch
Employee Resource and Information Center
Division of Management Services
Office of Enterprise Portfolio Management
Office of Informatics & Technology Innovation
Informatics Staff
Knowledge Management Staff
Enterprise Architecture Staff
Office of Planning and Evaluation
Planning Staff
Program Evaluation and Process Improvement Staff
Office of Security and Emergency Management
Office of Security Operations
Office of Emergency Management
Emergency Planning, Exercises and Evaluation Staff
Program Operations and Coordination Staff
Office of Emergency Operations
Office of Talent Solutions
Commission Corps Staff
Executive Resources Staff
Policy and Accountability Staff
Scientific Talent Recruitment Staff
Division of Talent Services I
CDER Branch A
CDER Branch B
CDER Branch C
Division of Talent Services II
CFSAN and CVM Branch
OC and National Center for Toxicological Research Branch
OO Branch
Division of Talent Services III
CBER Branch
CDRH Branch
CTP Branch
Division of Talent Services IV
ORA Branch A
ORA Branch B
ORA Branch C
Division of Talent Sourcing and Staffing
Corporate Recruitment & Title 38 Branch
Scientific Staffing & Outreach Branch
Customer Care and Data Quality Branch

DCO. ORGANIZATION. The Office of Policy, Legislation, and International Affairs is headed by the Deputy Commissioner for Policy, Legislation, and International Affairs and includes the following organizational units:

OFFICE OF POLICY, LEGISLATION, AND INTERNATIONAL AFFAIRS
Intergovernmental Affairs Staff
Management and Operations Staff
Office of Congressional Appropriations
Office of Economics and Analysis
Office of Global Policy and Strategy
Office of Global Diplomacy and Partnerships
Office of Global Operations

Regional Field Office, China Office
Regional Field Office, Europe Office
Regional Field Office, India Office
Regional Field Office, Latin America Office
Office of Trade, Mutual Recognition and International Arrangements
Office of Legislation
Office of Policy
Policy Engagement and Coordination Staff
Regulations Editorial Staff
Regulations Policy and Management Staff

DCP. ORGANIZATION. The Office of the Chief Scientist is headed by the Chief Scientist and includes the following organizational units:

OFFICE OF THE CHIEF SCIENTIST
Advisory Committee Oversight and Management Staff
Office of Counter-Terrorism and Emerging Threats
Office of Laboratory Safety
Office of Regulatory Science and Innovation
Office of Scientific Integrity
Office of Scientific Professional Development
National Center for Toxicological Research

DCQ. ORGANIZATION. The Office of Women's Health is headed by the Assistant Commissioner for Women's Health and includes the following organizational units:

OFFICE OF WOMEN'S HEALTH

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide. Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: *https://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm.*

Authority: 44 U.S.C. 3101.

Alex M. Azar, II,

Secretary, HHS.

[FR Doc. 2019–10431 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0662]

Agency Information Collection Activities; Proposed Collection; Comment Request; Applications for Food and Drug Administration Approval To Market a New Drug: Patent Submission and Listing Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on reporting requirements for submission and listing of patent information associated with a new drug application (NDA), an amendment or a supplement to an NDA.

DATES: Submit either electronic or written comments on the collection of information by July 19, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 19, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 19, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–N–0662 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Applications for Food and Drug Administration Approval to Market a New Drug: Patent Submission and Listing Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available

for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Applications for Food and Drug Administration Approval To Market a New Drug: Patent Submission and Listing Requirements

OMB Control Number 0910–0513—Extension

Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(b)(1)) requires all NDA applicants to file, as part of the NDA, the patent number and the expiration date of any patent that claims the drug for which the applicant submitted the application or that claims a method of using such drug and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture, use, or sale of the drug. Section 505(c)(2) of the FD&C Act imposes a similar patent submission obligation on holders of approved NDAs when the NDA holder could not have submitted the patent information with its application. After approval of an NDA, under section 505(b)(1) of the FD&C Act, FDA publishes the patent information in the list entitled ''Approved Drug Products with Therapeutic Equivalence Evaluations'' (the Orange Book). When the patent information is submitted after NDA approval, section 505(c)(2) of the FD&C Act directs FDA to publish the patent information upon its submission.

FDA regulations in §§ 314.50(h) (21 CFR 314.50(h)) and 314.53 (21 CFR 314.53) clarify the types of patent information that must and must not be submitted to FDA as part of an NDA an amendment, or a supplement to an NDA, and also require persons submitting an NDA, an amendment, or a supplement to make a detailed patent declaration on Form FDA 3542a, or when submitting information on a patent after approval of the NDA or supplement, to make a detailed patent declaration using Form FDA 3542.

The reporting burden for submitting an NDA, an amendment, or a supplement to an NDA in accordance with § 314.50(a) through (f), (i), (h), and (k) has been estimated by FDA and the collection of information has been approved by OMB under control number 0910–0001. In addition, the reporting burden for submitting an appropriate patent certification or statement for each patent listed in the Orange Book for one drug product approved in an NDA that is pharmaceutically equivalent to the proposed drug product for which the original 505(b)(2) application was submitted (if certain criteria are met) in accordance with § 314.50(i)(1)(i)(C) and the reporting burden for submitting an amended patent certification in certain circumstances in accordance with § 314.50(i)(6) are approved by OMB under OMB control number 0910–0786. In addition, the reporting burden for responding to a patent listing dispute in accordance with § 314.53(f)(1) and the reporting burden for submitting corrections, changes, or withdrawal of patent information in accordance with § 314.53(f)(2) also are approved by OMB under OMB control number 0910–0786. We are not re-estimating these approved burdens in this document. Only the reporting burdens associated with patent submission and listing, as described below, are estimated in this document.

The information collection reporting requirements are as follows:

Section 314.50(h) requires that an NDA, or an amendment or a supplement to an NDA, contain patent information described under § 314.53. Section 314.53 requires that an applicant submitting an NDA, or an amendment or a supplement to an NDA, except as provided in § 314.53(d)(2), submit on Forms FDA 3542 and 3542a the required patent information described in this section. Section 314.53(d)(2) requires submission of patent information only for a supplement that seeks approval to add or change the dosage form or route of administration, to add or change the strength, to change the drug product from prescription to over-the-counter use, or to revise previously submitted patent information that differently or no longer claims the product as changed by the supplement.

Compliance with the information collection burdens under §§ 314.50(h) and 314.53 consists of submitting with an NDA, or an amendment or a supplement to an NDA (collectively referred to as an ''application''), the required patent declaration(s) on Form FDA 3542a for each patent that claims the drug or a method of using the drug that is the subject of the new drug application or amendment or supplement to it and with respect to which a claim of patent infringement could reasonably be asserted if a person

not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product (§ 314.53(b)). Such patents claim the drug substance (active ingredient), drug product (formulation and composition), or method(s) of use. If a patent is issued after the application is filed with FDA, but before the application is approved, the applicant must submit the required patent information on Form FDA 3542a as an amendment to the application, within 30 days of the date of issuance of the patent.

Within 30 days after the date of approval of an application, the applicant must submit Form FDA 3542 for each patent that claims the drug substance (active ingredient), drug product (formulation and composition), or approved method(s) of use of the product for listing in the Orange Book. For patents issued after the date of approval of an application, Form FDA 3542 must be submitted within 30 days of the date of issuance of the patent. In addition, an NDA applicant's amendment to the description of the approved method(s) of use claimed by the patent must be submitted within the timeframes described in §§ 314.50(i)(4) and 314.94(a)(12)(vi) (21 CFR 314.94(a)(12)(vi)) to be considered timely filed.

Description of Respondents: The respondents to this collection of information are NDA applicants for original applications, amendments, or supplements to an NDA or NDA applicants submitting information on a patent after approval of the NDA or supplement.

The final rule ''Abbreviated New Drug Applications and 505(b)(2) Applications,'' implemented portions of Title XI of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) and also amended certain regulations regarding 505(b)(2) applications and abbreviated new drug applications (ANDAs) to facilitate compliance with and efficient enforcement of the FD&C Act (81 FR 69580; October 6, 2016) (MMA Final Rule). In the MMA Final Rule, we estimated that the burden for Form FDA 3542a would be reduced by 5 hours from 20 hours to 15 hours per response; we further estimated that the burden for Form FDA 3542 would increase by 5 hours from 5 to 10 hours per response. The burden hours were adjusted to shift a portion of the time spent preparing Form FDA 3542a to the estimated time spent preparing Form FDA 3542 to reflect the additional time spent by the NDA holder to develop the use code in accordance with FDA's revised regulations and identify the specific section(s) and subsection(s) of labeling that describe the specific approved method of use claimed by the patent. The burden hours of Forms FDA 3542 and 3542a in this notice reflect the reporting burden approved by OMB under OMB control number 0910–0786 in connection with the MMA Final Rule. The effective date of the MMA Final Rule was December 5, 2016. Consequently, the annual reporting burden estimated below is based on calendar year 2017 data only to reflect the post-MMA Final Rule regulatory requirements and reporting burden estimate.

FDA requests OMB approval for the following information collection:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR 314.50 (citing § 314.53)	Number of respondents	Number of responses per respondent	Total annual responses CY 2017	Hours per response	Total hours
Form FDA 3542	281	2.875	808	10	8,080
Form FDA 3542a	310	2.084	646	15	9,690
Total					17,770

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

For purposes of this analysis, we consider the number of respondents to correspond to the number of NDAs and efficacy supplements submitted or approved, respectively, in calendar year (CY) 2017, even though one company may submit or hold multiple NDAs or may submit multiple efficacy supplements to one or more NDAs. FDA approved 127 NDAs and 154 efficacy supplements to NDAs during CY 2017, which corresponds to 281 respondents. Based on information provided by the Orange Book staff, approximately 623 patent records were created in CY 2017, which corresponds to an estimated 513 Forms FDA 3542 submitted to FDA for listing of patent information in the Orange Book for NDAs approved in CY 2017 and an estimated 110 Forms FDA 3542 submitted to FDA for listing of patent information in the Orange Book for efficacy supplements approved in CY 2017. In addition, based on information provided by the Orange Book staff and FDA's experience, we estimate that approximately 185 Forms FDA 3542 were submitted in CY 2017 to modify patent information, which results in an estimated total of 808 Forms FDA 3542 submitted in CY 2017.

During calendar year 2017, FDA received 141 original NDAs and 169 efficacy supplements to NDAs for FDA review and approval. We estimate that applicants submitted approximately 405 Forms FDA 3542a for the original NDAs submitted during CY 2017. In addition, based on a review of the submitted efficacy supplements, FDA received 241 Forms FDA 3542a with the efficacy supplements received during CY 2017, resulting in a total of 646 Forms FDA 3542a submitted in CY 2017.

Our estimated burden for the information collection reflects an overall decrease. We attribute this adjustment to a decrease in the number of duplicative submissions of Forms FDA 3542a and 3542 in connection with supplements submitted or approved after the effective date of the MMA final rule, and improved data collection from upgraded data software tools.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10421 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0377]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tobacco Health Document Submission

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 19, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0654. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tobacco Health Document Submission

OMB Control Number 0910–0654—Extension

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) by adding, among other things, a new chapter granting FDA important authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. Additionally, section 101 of the Tobacco Control Act amended the FD&C Act by adding, among other things, new section 904(a)(4) (21 U.S.C. 387d(a)(4)).

Section 904(a)(4) of the FD&C Act requires each tobacco product manufacturer or importer, or agent thereof, to submit all documents developed after June 22, 2009, ''that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives'' (herein referred to as ''tobacco health documents'').

FDA announced the availability of a guidance on this collection in the **Federal Register** of April 4, 2010, (75 FR 20606) (revised December 5, 2016, (81 FR 87565) and August 10, 2017, (82 FR 37459) (extending compliance dates)) and requested health documents that were created during the period of June 23, 2009, through December 31, 2009, based on the statutory requirements. The guidance stated that information required under section 904(a)(4) of the FD&C Act must be submitted to FDA beginning December 22, 2009. However, FDA also explained that it did not intend to enforce the December 22, 2009, deadline provided that the documents were submitted by April 30, 2010, for all health documents developed between June 23, 2009, and December 31, 2009. Further, FDA stated it would publish a revised guidance specifying the timing of subsequent reporting.

FDA has been collecting the information submitted pursuant to section 904(a)(4) of the FD&C Act through a facilitative electronic form and through a paper form (Form FDA 3743) for those individuals who choose not to use the electronic method. On both forms, FDA is requesting the following information from firms that have not already reported or still have documents to report:

- Submitter identification
- Submitter type, company name, address, country, company headquarter's Dun and Bradstreet D–U–N–S number, and FDA assigned Facility Establishment Identifier number
- Submitter point of contact
- Contact name, title, position title, email, telephone, and fax
- Submission format and contents (as applicable)
- *Electronic documents:* Media type, media quantity, size of submission, quantity of documents, file type, and file software
- *Paper documents:* Quantity of documents, quantity of volumes, and quantity of boxes
- Whether or not a submission is being provided
- Confirmation statement
- Identification and signature of submitter including name, company name, address, position title, email, telephone, and Fax
- *Document categorization (as applicable):* relationship of the document or set of documents to the following:
  - Health, behavioral, toxicological, or physiological effects
  - Uniquely identified current or future tobacco product(s)
  - Category of current or future tobacco product(s)
  - Specific ingredient(s), constituent(s), component(s), or additive(s)
  - Class of ingredient(s), constituent(s), component(s), or additive(s)
- *Document readability and accessibility:* Keywords; glossary or explanation of any abbreviations, jargon, or internal (*e.g.,* code) names; special instructions for loading or compiling submission.
- *Document metadata:* Date document was created, document author(s), document recipient(s), document custodian, document title or identification number, beginning and ending Bates numbers, Bates number ranges for documents attached to a submitted email, document type, and whether the document is present in the University of California San Francisco's Truth Tobacco Documents database.

In addition to the electronic and paper forms, FDA issued guidance documents intended to assist persons making tobacco health document submissions (draft guidance: December 28, 2009 (74 FR 68629); final guidance: April 20, 2010 (75 FR 20606); revised December 5, 2016 (81 FR 87565); and August 10, 2017 (82 FR 37459) (extending compliance dates)). For further assistance, FDA is providing a technical guide, embedded hints, and a web tutorial on the electronic portal.

FDA issued a final rule on May 10, 2016 (81 FR 28973), which became effective on August 8, 2016, to deem products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act. The FD&C Act provides FDA authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco (RYO), smokeless tobacco, and any other tobacco products that the Agency by regulation deems to be subject to the law. This final rule extends the Agency's ''tobacco product'' authorities to all other categories of products that meet the statutory definition of ''tobacco product'' in the FD&C Act, except accessories of such deemed tobacco products.

For tobacco products subject to the deeming rule, FDA understands ''current or future tobacco products'' to refer to products commercially distributed on or after August 8, 2016, or products in any stage of research or development at any time after August 8,

2016, including experimental products and developmental products intended for introduction into the market for consumer use. For cigarettes, cigarette tobacco, RYO, and smokeless tobacco, FDA understands ''current or future tobacco products'' to refer to products commercially distributed on or after June 23, 2009, or products in any stage of research or development at any time after June 23, 2009, including experimental products and developmental products intended for introduction into the market for consumer use.

All manufacturers and importers of tobacco products are now subject to the FD&C Act and are required to comply with section 904(a)(4), which requires immediate and ongoing submission of health documents developed after June 22, 2009 (the date of enactment of the Tobacco Control Act). However, FDA generally does not intend to enforce the requirement at this time with respect to all such health documents relating to the deemed tobacco products, so long as a specified set of documents, those developed between June 23, 2009, and December 31, 2009, were submitted by February 8, 2017, or in the case of small-scale deemed tobacco product manufacturers (small-scale manufacturers), by November 8, 2017 (81 FR 28974 at 29008–09). Additionally, FDA extended the compliance deadlines by an additional 6 months to May 8, 2018, for small-scale manufacturers in the areas impacted by recent natural disasters. Thereafter, FDA's compliance plan requests deemed manufacturers provide tobacco health document submissions from the specified period at least 90 days prior to the delivery for introduction into interstate commerce of tobacco products to which the health documents relate. Manufacturers or importers of cigarettes, cigarette tobacco, RYO, or smokeless tobacco products must provide all health documents developed between June 23, 2009, and December 31, 2009, at least 90 days prior to the delivery for introduction of tobacco products into interstate commerce.

In the **Federal Register** of August 23, 2018 (83 FR 42664), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received that was PRA related.

(Comment) FDA received one comment requesting that FDA exercise enforcement discretion by suspending the collection and utilizing the Agency's other authorities to inform regulatory decisions due to the associated burden of manufacturers to retain documents for future submission to FDA. Additionally, the commenter requests FDA to narrow the scope of the collection by defining key terms.

(Response) At this time, FDA does not intend to suspend the collection as respondents have the option to submit documents directly to FDA independent of the compliance policy. Additionally, at this time, FDA believes narrowly defining health effects could potentially exclude relevant scientific information from being retained by industry and subsequently submitted as part of future health document submissions.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Tobacco Health Document Submissions and Form FDA 3743	10	3.2	32	50	1,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of documents received each year since the original collection period has fallen to less than 5 percent of what was received in the original collection period. FDA expects this is because documents created within the specified period should have already been submitted. The Agency bases this estimate on the total number of tobacco firms it is aware of and its experience with document production and the number of additional documents that have been reported each year since the original estimate of the reporting burden.

FDA estimates that a tobacco health document submission for cigars, pipe and waterpipe tobacco, electronic nicotine delivery systems (ENDS), and other tobacco products as required by section 904(a)(4) of the FD&C Act, will take approximately 50 hours per submission based on the existing collection that applies to tobacco products currently subject to the FD&C Act and FDA experience. To derive the number of respondents for this provision, FDA assumes that very few manufacturers or importers of deemed tobacco products, or agents thereof, would have health documents to submit. In addition to the existing 4 respondents, the Agency estimates that approximately 6 submissions (2 for cigar manufacturers, 1 for pipe and waterpipe tobacco manufacturers, 1 for other tobacco product manufacturers, 1 for tobacco importers, and 1 for importers of ENDS that are considered manufacturers) will be submitted on an annual basis for a total of 10 respondents. FDA estimates the total annual reporting burden to be 1,600 hours.

Based on a review of the information collection of our current OMB approval, we have made no adjustments to our burden estimate.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10402 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1533]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; National Panel of Tobacco Consumer Studies

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 19, 2019.

ADDRESSES: To ensure that comments on the information collection are received,

OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0815. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

National Panel of Tobacco Consumer Studies

OMB Control Number 0910–0815—Extension

I. Background

FDA's Center for Tobacco Products (CTP) established a national, primarily web-based panel of about 4,000 tobacco users. The panel includes individuals who can participate in up to eight studies over a 3-year period to assess consumers' responses to tobacco marketing, warning statements, product labels, and other communications about tobacco products. CTP established the panel of consumers because currently existing panels have a number of significant limitations. First, many existing consumer panels are drawn from convenience samples that limit the generalizability of study findings (Ref. 1). Second, although at least two probability-based panels of consumers exist in the United States, there is a concern that responses to the studies using tobacco users in these panels may be biased due to panel conditioning effects (Refs. 2 and 3). That is, consumers in these panels complete surveys so frequently that their responses may not adequately represent the population as a whole. Panel conditioning has been associated with repeated measurement on the same topic (Ref. 4), panel tenure (Ref. 2), and frequency of the survey request (Ref. 3). This issue is of particular concern for tobacco users who represent a minority of the members in the panels, and so may be more likely to be selected for participation in experiments and/or surveys related to tobacco products. Third, a key benefit of the web panel approach is that the surveys can include multimedia, such as images of tobacco product packages, tobacco advertising, new and existing warning statements and labels, and potential reduced harm claims in the form of labels and print advertisements. Establishing a primarily web-based panel of tobacco users through in-person probability-based recruitment of eligible adults and limiting the number of times individuals participate in tobacco-related studies will result in nationally representative and unbiased data collection on matters of importance for FDA.

With this submission, FDA seeks an extension on the currently approved information collection request from OMB for remaining planned panel maintenance and replenishment activities for the National Panel of Tobacco Consumer Studies. Data collection activities will involve mail and in-person household screening, in-person recruitment of tobacco users, enrollment of selected household members, and administration of a baseline survey, following all required informed consent procedures for panel members. Panel members will be asked to participate in up to eight experimental and observational studies over the 3-year panel commitment period. The first of these panel studies, study A ''Brands and Purchasing Behavior,'' was included in the currently approved information collection request. Approval for study B ''Coupons and Free Samples,'' study C ''Consumer Perceptions of Product Standards,'' and study D ''Hypothetical Purchasing of Tobacco Products'' are included in this request for extension. Study B will be an observational study offered to all panelists that will provide a more in-depth examination of tobacco product promotions, namely free samples and coupons, after the ban on distribution of free samples of tobacco products (with the exception of certain smokeless tobacco exemptions) that went into effect when FDA finalized the ''Deeming Rule'' on August 8, 2016 (published May 10, 2016 (81 FR 28973)), that extended FDA's regulatory authority to all tobacco products. Study C will be an experimental study examining how a hypothetical tobacco product standard may impact consumers' perceptions, attitudes, and tobacco use behavioral intentions. Study D will be an experimental study using behavioral economic methods that seeks to understand how the availability or lack of availability of menthol cigarettes potentially impacts adult cigarette smokers' product purchasing choices. The current request also seeks approval to update the estimated burden for an additional year of panel replenishment. The overall purpose of the data collection is to collect information from a national sample of tobacco users to provide data that may be used to develop and support FDA's policies related to tobacco products, including their labels, labeling, and advertising.

The target population for the panel is tobacco users aged 18 years and older in housing units and in noninstitutionalized group quarters in the 50 states and the District of Columbia. A stratified four-stage sample design was used, with a goal of recruiting 4,000 adult tobacco users into the sample panel. The sample is designed to allow in-depth analysis of subgroups of interest and to the extent possible, provide insight into tobacco users more generally. Replenishment will be conducted to maintain the panel with a constant number of members following existing panel recruitment and enrollment methods.

In the **Federal Register** of October 23, 2018 (83 FR 53485), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received 10 comments; however, only 1 was PRA related.

(Comment) One commenter supports FDA's establishment of a tobacco user panel, adding that high-quality research is critical to successful implementation of many provisions of tobacco policy. The commenter further stated that the research panel can provide FDA with critical information on how adult tobacco users respond to tobacco marketing, product labels, warning statements, and other communications about tobacco products. The commenter also noted the ability to have its own panel of tobacco users will allow FDA to gather more reliable information in a more efficient manner.

(Response) FDA agrees with this comment and believes the panel will be a valuable tool for conducting new observational and experimental studies.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/respondent	Number of respondents	Number of responses per respondent [2]	Total annual responses [3]	Average burden per response	Total hours [3]
Household Screening Respondent	35,885	0.33	11,842	0.13 (8 minutes)	1,539
Panel Member Enrollment Survey	4,000	0.33	1,320	0.25 (15 minutes)	330
Panel Member Baseline Survey		0.33	1,320	0.25 (15 minutes)	330
Study A		0.33	1,320	0.33 (20 minutes)	436
Study B		0.33	1,320	0.33 (20 minutes)	436
Study C		0.33	1,320	0.33 (20 minutes)	436
Study D		0.33	1,320	0.33 (20 minutes)	436
Panel Replenishment Household Screening Respondent [4].	33,355	0.33	11,007	0.13 (8 minutes)	1,431
Panel Replenishment Enrollment Survey [4]	4,600	0.33	1,518	0.25 (15 minutes)	380
Panel Replenishment Baseline Survey [4]		0.33	1,518	0.25 (15 minutes)	380
Total					6,134

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Assumes respondents will participate once over a 3-year period, or 0.33 responses annually.
[3] Amounts are rounded to the nearest whole number.
[4] Assumes an estimated 10,285 mail and field household screening respondents during yearly panel replenishment and 1,400 additional panel members will be recruited annually as part of the panel replenishment effort, as well as an additional 2,500 household screening respondents during replenishment and an additional 400 panel replenishment enrollment and baseline survey respondents should annual attrition rates be higher than expected.

FDA's burden estimate is based on timed readings of each instrument, including the mail and field screeners, enrollment survey, baseline survey, and study A through D questionnaires. Of the total screening respondents, we expect 25 percent will respond only in the mail screening (household deemed ineligible), 65 percent will respond only in the field screening (mail screening nonrespondents), and the remaining 10 percent will respond in both the mail screening and the field screening. The latter includes eligible households from the mail screening that are subsequently field screened to sample the panel member, and the 10 percent quality control sample of households whose mail screening ineligibility is verified through in-person screening. The estimated burden published in the 60-day notice assumed an estimated 10,285 household screening respondent during yearly panel replenishment (30,855 total) and 1,400 additional panel members recruited annually (4,200 total). In this notice, we included 2,500 additional household screening respondents during replenishment, and an additional 400 panel replenishment enrollment and baseline survey respondents as part of the panel replenishment effort (should annual attrition rates be higher than expected). The new total is 33,355 household screening respondents and a total of 4,600 panel members recruited. Replenishment panel members replace original panel members and become part of the 4,000-member panel that receives experimental/observational and panel maintenance surveys. Overall, this extension reflects an increase of 1,700 hours due to an additional year of panel replenishment and fielding of studies B, C, and D.

II. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; these are not available electronically at *https://www.regulations.gov* as these references are copyright protected. Some may be available at the website address, if listed. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Baker, R., Blumberg, S., Brick, M., et al., 2010, ''American Association for Public Opinion Research Report on Online Panels,'' *Public Opinion Quarterly,* 74(4), pp. 711–781.
2. Coen, T., Lorch, J., and Piekarski, L., 2005, ''The Effects of Survey Frequency on Panelists' Responses. Worldwide Panel Research: Developments and Progress,'' Amsterdam, European Society for Opinion and Marketing Research.
3. Nancarrow, C. and Cartwright, T., 2007, ''Online Access Panels and Tracking Research, The Conditioning Issue,'' *International Journal of Market Research,* 49(5), pp. 435–447.
4. Kruse, Y., Callegaro, M., Dennis, J. M., et al., 2009, ''Panel Conditioning and Attrition in the AP-Yahoo! News Election Panel Study,'' paper presented at the American Association for Public Opinion Research 64th Annual Conference.

Dated: May 14, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–10359 Filed 5–17–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–4040–0002]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before June 19, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Ed Calimag, *ed.calimag@hhs.gov* or (202) 690–7569. When submitting comments or requesting information, please include the document identifier 4040–0002–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information

collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: The SF–424 Mandatory Form.

Type of Collection: Reinstatement without change.

OMB No.: 4040–0002.

Abstract: The SF–424 Mandatory Form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 Mandatory Form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. The IC expired on January 31, 2019. We are seeking reinstatement of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
SF–424 Mandatory	5,761	1	1	5,761
Total	5,761			5,761

Terry Clark,

Paperwork Reduction Act Reports Clearance Officer,bOffice of the Secretary.

[FR Doc. 2019–10416 Filed 5–17–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Translational Research Review.

Date: June 13, 2019.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice, Speech, and Language Fellowship Review.

Date: June 14, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Boulevard, Room 8339, MSC 9670, Bethesda, MD 20892–8401, 301–496–8683, *el6r@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Fellowship Review.

Date: June 17, 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: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Trial on Cochlear Implants Review.

Date: July 22, 2019.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10377 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NICHD.

The meeting will be open to the public as indicated below, with the attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH & HUMAN DEVELOPMENT, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NICHD.

Date: June 7, 2019.

Open: 8:00 a.m. to 11:30 a.m.

Agenda: A report by the Scientific Director, NICHD, on the status of the NICHD Division of Intramural Research; talks by various intramural scientists, and current organizational structure.

Place: National Institutes of Health, Building 31A, Conference Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Closed: 11:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31A, Conference Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Constantine A. Stratakis, MD, D(med)Sci, Scientific Director, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, Building 31A, Room 2A46, 31 Center Drive, Bethesda, MD 20892, 301–594–5984, *stratakc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/meetings/Pages/index.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 15, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10463 Filed 5–17–19; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee, which was published in the **Federal Register** on May 07, 2019, 19927.

The Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee Meeting held on June 18th–19th, 2019 notice is amended due to its change in location. The new location is the Bethesda Marriott Suites. The meeting is closed to the public.

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10374 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; RISK for Skin and Rheumatic Diseases R61/R33.

Date: June 17, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10369 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Understanding Alzheimer's Disease in the Context of the Aging, Metabolic Changes and Interactions between Brain and Systemic or Non-Neuronal Systems.

Date: June 12–13, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: 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: Population Sciences and Epidemiology Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.

Date: June 13–14, 2019.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Heidi B. Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

Date: June 13–14, 2019.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Allerton, 701 N Michigan Avenue, Chicago, IL 60611.

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–1722, *eissenstatma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical informatics in Substance Use.

Date: June 17, 2019.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xin Yuan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–7245, *yuanx4@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10364 Filed 5–17–19; 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; Collaborative Applications: Behavioral Genetics and Epidemiology.

Date: June 5, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Grand Seattle, 1400 Sixth Avenue, Seattle, WA 98101.

Contact Person: Gianina Ramona Dumitrescu, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4193–C, Bethesda, MD 20892, *dumitrescurg@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution 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: Ritz Carlton Hotel, 1150 22nd Street NW, Washington, DC 20037.

Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function 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: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 408–9072, *jollieda@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics B Study Section.

Date: June 10, 2019.

Time: 8:00 a.m. to 7:00 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: Emily Foley, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20747, 301–435–0627, *emily.foley@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improvement of Animal Models for Stem Cell-Based Regenerative Medicine.

Date: June 11, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Torrance Marriott Redondo Beach, 3635 Fashion Way, Torrance, CA 90503.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: June 12–13, 2019.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

Date: June 13–14, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Informatics and Implementation Research.

Date: June 13, 2019.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Preethy Nayar, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, Bethesda, MD 20892, *nayarp2@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 15, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10460 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; U19 BACPAC Review Meeting.

Date: July 11–12, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, Bethesda, MD 20817, 301–594–8919, *liuy@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 15, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10461 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings of the National Human Genome Research Institute 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 Human Genome Research Institute Special Emphasis Panel; Genomic Resources.

Date: June 11, 2019.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NHGRI, 6700B Rockledge Dr., Greider Conf. Room #3189, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20817, 301–594–4280, *mckenneyk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; FOA HG–19–003 (GRR).

Date: June 27, 2019.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NHGRI, 6700B Rockledge Dr., Greider Conf. Rm. #3189, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20817, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10365 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS UH2/UH3 BACPAC Meeting.

Date: July 16, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10375 Filed 5–17–19; 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; RFA–AI–18–053: Single-Cell Multi-Omics of HIV Persistence.

Date: June 12, 2019.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, Bethesda, MD 20892, 301–827–7480, *dimitrios.vatakis@nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.

Date: June 13–14, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C–L Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Leveraging Health Information Technologies (Health IT) to Address Minority Health and Health Disparities.

Date: June 14, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Mark Allen Vosvick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, Bethesda, MD 20892, *mark.vosvick@nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Management of Patients in Community-Based Settings Study Section.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Lauren Fordyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, Bethesda, MD 20892, 301–827–8269, *fordycelm@mail.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

Date: June 19, 2019.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Allerton, 701 N Michigan Avenue, Chicago, IL 60611.

Contact Person: James W. Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: June 19, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; CA19–009: US-China Collaborative Biomedical Research.

Date: June 19, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5902, *caojn@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular and Cellular Endocrinology Study Section.

Date: June 19, 2019.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301–435–2514, *riverase@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel; Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: June 19, 2019.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3142, Bethesda, MD 20892, 301–435–2309, *fothergillke@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Implementation Science and HIV/AIDS Research.

Date: June 19, 2019.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yvonne Owens Ferguson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, 301–827–3689, *fergusonyo@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 15, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10456 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings of the National Human Genome Research Institute 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 Human Genome Research Institute Special Emphasis Panel; HQRG.

Date: June 11, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NHGRI, 6700B Rockledge Dr., Blackburn Conf. Rm. #3102, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Ken D. Nakamura, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, 301–402–0838, *nakamurk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Gabriella Miller Kids First X01.

Date: June 19, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NHGRI, 6700B Rockledge Dr., Greider Conf. Rm. #3189, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10366 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Back Pain Consortium (BACPAC) Research Program: UG3/UH3 Review Meeting.

Date: June 26, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Rm. 816, Bethesda, MD 20892, 301–827–4905, *brownnac@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10372 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; AMSC Member Conflict.

Date: June 6, 2019.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Disease, Democracy One, 6701 Democracy Blvd., Rm. 818, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kathy Salaita, SCD, Chief, Scientific Review Branch, Center for Scientific Review, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892, 301–806–8250. *salaitak@csr.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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10368 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; AMS Member Conflict Meeting.

Date: June 27, 2019.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Kathy Salaita, SCD, Chief, Scientific Review Branch, Center for Scientific Review, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892, 301–806–8250, *salaitak@csr.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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10370 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; RISK for Musculoskeletal Diseases R61/R33.

Date: July 17, 2019.

Time: 7:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavilion, 4300 Military Rd. NW, Washington, DC 20015.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10373 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Human Genome Research Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Human Genome Research Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Human Genome Research Institute; Social and Behavioral Research Branch Quadrennial Review and Site Visit.

Date: June 10–11, 2019.

Time: June 10, 2019, 5:00 p.m. to 9:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Time: June 11, 2019, 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, Room 9S233, 10 Center Dr., Bethesda, MD 20814.

Contact Person: Paul Liu, BA, Ph.D., MB, MD, Deputy Scientific Director, National Institutes of Heath, National Human Genome Res Institute, Bldg. 49, Rm. 3A26/49, Covent Dr., MSC442, Bethesda, MD 20892, (301) 402–2529, *pliu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10367 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Deafness and Other Communication Disorders Special Emphasis Panel; Chemical Senses Fellowship Review.

Date: June 25, 2019.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Research Center Review.

Date: June 26, 2019.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice, Speech, and Language Translational Research Review.

Date: June 27, 2019.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001

Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Trial on Otitis Media Review.

Date: July 17, 2019.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10376 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Fellowship Applications.

Date: June 6, 2019.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594–0343, *tamizchelvi.thyagarajan@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. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: May 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10378 Filed 5–17–19; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Ancillary Studies Review Meeting.

Date: July 8, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 820, Bethesda, MD 20817, 301–827–7835, *yasuko.furumoto@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10371 Filed 5–17–19; 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; Ocular Surface, Cornea, Anterior Segment Glaucoma and Refractive Error.

Date: June 6–7, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Wink Hotel, 1143 New Hampshire Ave, Washington, DC 20037.

Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: June 12–13, 2019.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–2864, *maskerib@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal, Oral, Skin, Rheumatology and Rehabilitation Sciences AREA (R15) Review.

Date: June 14, 2019.

Time: 10:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–237–9931, *ansaria@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Hemostasis and Thrombosis Study Section.

Date: June 17, 2019.

Time: 7:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Vascular and Hematology IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW, Washington, DC 20037.

Contact Person: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, *shaperobg@mail.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Cancer Therapeutics 2.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Drug Development and Therapeutics.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.

Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.

Contact Person: Mary Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–451–0996, *marygs@csr.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Tumor Cell Biology Study Section.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–408–9850, *morrowcs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Stress, Emotion, and Health.

Date: June 17, 2019.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, Washington, DC 20037.

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7759, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 18–349: Short-term Mentored Career Enhancement.

Date: June 17, 2019.

Time: 5:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW, Washington, DC 20037.

Contact Person: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, *shaperobg@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 14, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–10363 Filed 5–17–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention's (CSAP) Drug Testing Advisory Board (DTAB) will convene via in person and web conference on June 11, 2019, from 9:30 a.m. EDT to 4:30 p.m. EDT, and June 12, 2019, from 9:00 a.m. EDT to 4:00 p.m. EDT.

The Board will meet in open-session in-person on June 11, 2019, from 9:30 a.m. EDT to 4:30 p.m. EDT and on June 12, 2019, from 9:00 a.m. EDT to 10:00 a.m. EDT to discuss the proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs (urine specimens) with updates from the Department of Transportation, Nuclear Regulatory Commission, and the Departmetment of Defense. There will be additional presentations from the Division of Workplace Programs' staff on urine, oral fluid, hair Mandatory Guidelines, emerging issues surrounding marijuana legalization, and latest studies from the Behavioral Pharmacology Research Unit (BPRU). The board will meet in closed-session in-person on June 12, 2019, from 10:00 a.m. EDT to 4:00 p.m. EDT to discuss confidential issues surrounding the

proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs (urine specimens, oral fluid, hair), invalids, studies from Johns Hopkins BPRU, impact of cannabis laws on drug testing and future direction, potential recommendations to the Assistant Secretary for Mental Health and Substance Use regarding additional drugs that may be tested for in the future, and lastly, program financials. Therefore, June 12, 2019, from 10:00 a.m. EDT to 4:00 p.m. EDT meeting is closed to the public, as determined by the Assistant Secretary for Mental Health and Substance Use, SAMHSA, in accordance with 5 U.S.C. 552b(c)(4) and (9)(B), and 5 U.S.C. App. 2, Section 10(d).

Meeting registration information can be completed at *http://snacregister.samhsa.gov/MeetingList.aspx.* Web conference and call information will be sent after completing registration. Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees website, *https://www.samhsa.gov/about-us/advisory-councils/meetings* or by contacting the Designated Federal Officer, Matthew Aumen.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Drug Testing Advisory Board.

Dates/Time/Type: June 11, 2019, from 9:30 a.m. to 4:30 p.m. EDT: OPEN, June 12, 2019, from 9:00 a.m. to 10:00 a.m. EDT: OPEN, June 12, 2019, from 10:00 a.m. to 4:00 p.m. EDT: CLOSED.

Place: Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

Contact: Matthew Aumen, Program Analyst, Center for Substance Abuse Prevention, 5600 Fishers Lane, Room 16E61A, Rockville, Maryland 20857, Telephone: (240) 276–2419, Email: *matthew.aumen@samhsa.hhs.gov*.

Charles LoDico,

Chemist.

[FR Doc. 2019–10445 Filed 5–17–19; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1927]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 19, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1927, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found

online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Oklahoma County, Oklahoma and Incorporated Areas Project: 13–06–0690S Preliminary Date: January 16, 2019	
City of Edmond	Planning and Public Works Building, 10 South Littler Avenue, Edmond, OK 73034.
Unincorporated Areas of Oklahoma County	Oklahoma County Engineering and Planning Department, 320 Robert S. Kerr Avenue, Suite 201, Oklahoma City, OK 73102.
Schuylkill County, Pennsylvania (All Jurisdictions) Project: 11–03–2055S Preliminary Date: August 24, 2018 and December 17, 2018	
Borough of Ashland	Borough Hall, 401 South 18th Street, Ashland, PA 17921.
Borough of Auburn	Borough Hall, 451 Pearson Street, Auburn, PA 17922.
Borough of Coaldale	Borough Office, 221 3rd Street, Coaldale, PA 18218.
Borough of Cressona	Municipal Building, 68 South Sillyman Street, Cressona, PA 17929.
Borough of Deer Lake	Deer Lake Municipal Building, 238 Lakefront Drive, Orwigsburg, PA 17961.
Borough of Frackville	Borough Hall, 42 South Center Street, Frackville, PA 17931.
Borough of Gilberton	Gilberton Borough Hall, 2710 Main Street, Mahanoy Plane, PA 17949.
Borough of Girardville	Borough Hall, 201 North 4th Street, Girardville, PA 17935.
Borough of Gordon	Municipal Building, 324 East Plane and Otto Streets, Gordon, PA 17936.
Borough of Landingville	Borough Hall, 8 Park Street, Landingville, PA 17972.
Borough of Mahanoy City	Municipal Building, 239 East Pine Street, Mahanoy City, PA 17948.
Borough of McAdoo	Borough Hall, 23 North Hancock Street, McAdoo, PA 18237.
Borough of Mechanicsville	Mechanicsville Borough Hall, 918 1st Street, Pottsville, PA 17901.
Borough of Middleport	Borough Hall, 27 Washington Street, Middleport, PA 17953.
Borough of Minersville	Borough Hall, 2 East Sunbury Street, Minersville, PA 17954.
Borough of Mount Carbon	Borough Hall, 1105 South Center Street, Mount Carbon, PA 17901.
Borough of New Philadelphia	Borough Hall, 15 Macomb Street, New Philadelphia, PA 17959.
Borough of New Ringgold	Borough Building, 302 East Railroad Avenue, New Ringgold, PA 17960.
Borough of Orwigsburg	Borough Hall, 209 North Warren Street, Orwigsburg, PA 17961.
Borough of Palo Alto	Palo Alto Borough Hall, 142 East Bacon Street, Pottsville, PA 17901.
Borough of Pine Grove	Borough Hall, 1 Snyder Avenue, Pine Grove, PA 17963.
Borough of Port Carbon	Borough Hall, 301 1st Street, Port Carbon, PA 17965.
Borough of Port Clinton	Port Clinton Map Repository, 44 Motel Drive, Shartlesville, PA 19554.
Borough of Ringtown	Borough Hall, 31 South Center Street, Ringtown, PA 17967.
Borough of Schuylkill Haven	Borough Hall, 333 Center Avenue, Schuylkill Haven, PA 17972.
Borough of St. Clair	Borough Hall, 16 South 3rd Street, St. Clair, PA 17970.
Borough of Tower City	Borough Building, 219 East Colliery Avenue, Tower City, PA 17980.
Borough of Tremont	Municipal Building, 139 Clay Street, Suite 1, Tremont, PA 17981.
City of Pottsville	City Hall, 401 North Centre Street, Pottsville, PA 17901.
Township of Barry	Barry Community Center, 868 Deep Creek Road, Ashland, PA 17921.
Township of Branch	Branch Township Building, 46 Phoenix Park Road, Llewellyn, PA 17944.
Township of Blythe	Township of Blythe, Lehigh Engineering, 200 Mahantongo Street, Pottsville, PA 17901.
Township of Butler	Butler Township Building, 211 Broad Street, Ashland, PA 17921.
Township of Cass	Cass Municipal Building, 1209 Valley Road, Pottsville, PA 17901.
Township of Delano	Municipal Building, 1 Hazle Street, Delano, PA 18220.
Township of East Brunswick	East Brunswick Township Building, 35 West Catawissa Street, New Ringgold, PA 17960.
Township of East Norwegian	East Norwegian Township Building, 593 Port Carbon Saint Clair Highway, Pottsville, PA 17901.
Township of East Union	East Union Municipal Building, 10 East Elm Street, Sheppton, PA 18248.
Township of Eldred	Eldred Township Building, 154 Ridge Road, Pitman, PA 17964.
Township of Foster	Foster Township Building, 1540 Sunbury Road, Pottsville, PA 17901.
Township of Frailey	Frailey Township Building, 23 Maryland Street, Donaldson, PA 17981.

Community	Community map repository address
Township of Hegins	Hegins Municipal Building, 421 Gap Street, Valley View, PA 17983.
Township of Hubley	Hubley Township Building, 2208 East Main Street, Sacramento, PA 17968.
Township of Kline	Kline Township Building, 30 5th Street, Kelayres, PA 18231.
Township of Mahanoy	Mahanoy Township Building, 1010 West Centre Street, Mahanoy City, PA 17948.
Township of New Castle	New Castle Township Building, 248–250 Broad Street, St. Clair, PA 17970.
Township of North Manheim	North Manheim Township Building, 303 Manheim Road, Pottsville, PA 17901.
Township of North Union	North Union Township Building, 185 Mahanoy Street, Nuremburg, PA 18241.
Township of Norwegian	Norwegian Township Building, 506 Maple Avenue, Mar Lin, PA 17951.
Township of Pine Grove	Township Building, 175 Oak Grove Road, Pine Grove, PA 17963.
Township of Porter	Porter Township Building, 309 West Wiconisco Street, Muir, PA 17957.
Township of Reilly	Reilly Township, Newtown Fire Company, 36 Wood Street, Tremont, PA 17981.
Township of Rush	Rush Township Building, 104 Mahanoy Avenue, Tamaqua, PA 18252.
Township of Ryan	Ryan Township Building, 36 North 5th Avenue, Barnesville, PA 18214.
Township of Schuylkill	Schuylkill Township Building, 75 Walnut Street, Mary-D, PA 17952.
Township of South Manheim	South Manheim Township Building, 3089 Fair Road, Auburn, PA 17922.
Township of Tremont	Tremont Township Building, 166 Molleystown Road, Pine Grove, PA 17963.
Township of Union	Union Township Building, 155 Zion Grove Road, Ringtown, PA 17967.
Township of Upper Mahantongo	Upper Mahantongo Township Building, 6 Municipal Road, Klingerstown, PA 17941.
Township of Walker	Walker Township Building, 9 Township Road, Tamaqua, PA 18252.
Township of Washington	Washington Township Building, 225 Frantz Road, Pine Grove, PA 17963.
Township of Wayne	Wayne Township Building, 10 Municipal Road, Schuylkill Haven, PA 17972.
Township of West Brunswick	West Brunswick Township Building, 95 Municipal Road, Orwigsburg, PA 17961.
Township of West Mahanoy	West Mahanoy Township Building, 190 Pennsylvania Avenue, Shenandoah, PA 17976.
Township of West Penn	West Penn Township Building, 27 Municipal Road, New Ringgold, PA 17960.

[FR Doc. 2019–10394 Filed 5–17–19; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1932]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 19, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1932, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://*

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazardata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Lafayette County, Wisconsin and Incorporated Areas Project: 17–05–0963S Preliminary Date: February 28, 2019	
City of Darlington	City Hall, 627 Main Street, Darlington, WI 53530.
City of Shullsburg	City Hall, 190 North Judgement Street, Shullsburg, WI 53586.
Unincorporated Areas of Lafayette County	Lafayette County Courthouse, 626 Main Street, Darlington, WI 53530.
Village of Argyle	Village Hall, 401 East Milwaukee Street, Argyle, WI 53504.
Village of Belmont	Village Hall, 222 South Mound Avenue, Belmont, WI 53510.
Village of Benton	Village Hall, 244 Ridge Avenue, Benton, WI 53803.
Village of Blanchardville	Village Hall, 208 Mason Street, Blanchardville, WI 53516.
Village of Gratiot	Village Hall, 5840 Main Street, Gratiot, WI 53541.
Village of South Wayne	Village Hall, 107 East Center Street, South Wayne, WI 53587.
Pierce County, Wisconsin and Incorporated Areas Project: 12–05–8940S Preliminary Date: July 25, 2018	
Unincorporated Areas of Pierce County	Pierce County Courthouse, 414 West Main Street, Ellsworth, WI 54011.
Village of Spring Valley	Village Office, East 121 South 2nd Street, Spring Valley, WI 54767.

[FR Doc. 2019–10395 Filed 5–17–19; 8:45 am]

BILLING CODE 9111–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1930]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the

dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Pima	Town of Oro Valley (18–09–2035P).	The Honorable Joe Winfield, Mayor, Town of Oro Valley, Town Hall, 11000 North La Cañada Drive, Oro Valley, AZ 85737.	Planning and Zoning Department, 11000 North La Cañada Drive, Oro Valley, AZ 85737.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 15, 2019	040109
Florida: St. Johns	Unincorporated Areas of St. Johns County (19–04–1638P).	Mr. Henry Dean, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2019	125147
Indiana:						
Dubois	City of Jasper (18–05–2105P).	The Honorable Terry Seitz, Mayor, City of Jasper, 610 Main Street, Jasper, IN 47546.	City Hall, 610 Main Street, Jasper, IN 47547.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 8, 2019	180055
Dubois	Unincorporated Areas of Dubois County (18–05–2105P).	Mr. Elmer Brames, Dubois County Commissioner, District 2, 2490 South Timerlin Drive, Jasper, IN 47546.	Dubois County Courthouse, 1 Courthouse Square, Jasper, IN 47546.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 8, 2019	180054
Nevada: Clark	Unincorporated Areas of Clark County (18–09–0991P).	The Honorable Marilyn Kirkpatrick, Chair, Board of Commissioners, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 13, 2019	320003
New York: Suffolk	Village of Sagaponack (19–02–0133P).	The Honorable Donald Louchheim, Mayor, Village of Sagaponack, P.O. Box 600, Sagaponack, NY 11962.	Village Hall, 3175 Montauk Highway, Sagaponack, NY 11962.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 27, 2019	361487

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Ohio:						
Greene	City of Xenia (18–05–6514P).	The Honorable Marsha J. Bayless, Mayor, City of Xenia, City Hall, 101 North Detroit Street, Xenia, OH 45385.	City Hall, 101 North Detroit Street, Xenia, OH 45385.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2019	390197
Greene	Unincorporated Areas of Greene County (18–05–6514P).	Mr. Tom R. Koogler, Commissioner,, Greene County, 35 Greene Street, Xenia, OH 45385.	Greene County Engineering, 667 Dayton-Xenia Road, Xenia, OH 45385.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2019	390193
Wisconsin:						
Kenosha	Village of Bristol (18–05–1772P).	The Honorable Michael Farrell, Village of Bristol Board President, 19801 83rd Street, Bristol, WI 53104.	Village Hall, 19801 83rd Street, Bristol, WI 53104.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2019	550595
Kenosha	Village of Pleasant Prairie (18–05–1772P).	The Honorable John Steinbrink, Village of Pleasant Prairie Board President, 8640 88th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2019	550613

[FR Doc. 2019–10391 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Madison (FEMA Docket No.: B–1904).	City of Madison (19–04–0103P).	The Honorable Paul Finley, Mayor, City of Madison, 100 Hughes Road, Madison, AL 35758.	Engineering Department, 100 Hughes Road, Madison, AL 35758.	Apr. 11, 2019	010308
Shelby (FEMA Docket No.: B–1904).	City of Helena (18–04–5164P).	The Honorable Mark R. Hall, Mayor, City of Helena, 816 Highway 52 East, Helena, AL 35080.	City Hall, 816 Highway 52 East, Helena, AL 35080.	Apr. 18, 2019	010193
Shelby (FEMA Docket No.: B–1904).	City of Pelham (18–04–5164P).	The Honorable Gary W. Waters, Mayor, City of Pelham, 3162 Pelham Parkway, Pelham, AL 35124.	City Hall, 3162 Pelham Parkway, Pelham, AL 35124.	Apr. 18, 2019	010294
Arkansas:					
Benton (FEMA Docket No.: B–1900).	City of Rogers (18–06–2232P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	Community Development Department, 301 West Chestnut Street, Rogers, AR 72756.	Apr. 8, 2019	050013
Lonoke (FEMA Docket No.: B–1900).	City of Cabot (18–06–0979P).	The Honorable Bill Cypert, Mayor, City of Cabot, 101 North 2nd Street, Cabot, AR 72023.	City Hall, 101 North 2nd Street, Cabot, AR 72023.	Apr. 8, 2019	050309
Lonoke (FEMA Docket No.: B–1900).	Unincorporated areas of Lonoke County (18–06–0979P).	The Honorable Doug Erwin, Lonoke County Judge, 301 North Center Street, Lonoke, AR 72086.	Lonoke County Annex Building, 301 North Center Street, Lonoke, AR 72086.	Apr. 8, 2019	050448
Colorado:					
Arapahoe (FEMA Docket No.: B–1900).	City of Aurora (18–08–0713P).	The Honorable Bob LeGare, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Aurora, CO 80012.	Apr. 12, 2019	080002
Arapahoe (FEMA Docket No.: B–1904).	City of Aurora (18–08–0814P).	The Honorable Bob LeGare, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Aurora, CO 80012.	Apr. 19, 2019	080002
Boulder (FEMA Docket No.: B–1900).	City of Boulder (18–08–0892P).	The Honorable Suzanne Jones, Mayor, City of Boulder, 1777 Broadway Street, Boulder, CO 80306.	Central Records Department, 1777 Broadway Street, Boulder, CO 80306.	Mar. 26, 2019	080024
El Paso (FEMA Docket No.: B–1900).	Unincorporated areas of El Paso County (18–08–0702P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Apr. 4, 2019	080059
El Paso (FEMA Docket No.: B–1904).	Unincorporated areas El Paso County (18–08–0914P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Apr. 18, 2019	080059
El Paso (FEMA Docket No.: B–1904).	Unincorporated areas El Paso County (18–08–1059P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Apr. 17, 2019	080059
Summit (FEMA Docket No.: B–1900).	Town of Silverthorne (18–08–0559P).	The Honorable Ann-Marie Sandquist, Mayor, Town of Silverthorne, P.O. Box 1309, Silverthorne, CO 80498.	Public Works Department, 264 Brian Avenue, Silverthorne, CO 80498.	Mar. 25, 2019	080201
Florida.					
Collier (FEMA Docket No.: B–1900).	Unincorporated areas of Collier County (18–04–5751P).	The Honorable Andy Solis, Chairman, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Growth Management Department, 2800 North Horseshoe Drive, Naples, FL 34104.	Mar. 29, 2019	120067
Lee (FEMA Docket No.: B–1900).	City of Sanibel(18–04–6717P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	Apr. 12, 2019	120402
Manatee (FEMA Docket No.: B–1900).	Unincorporated areas of Manatee County (18–04–1654P).	The Honorable Priscilla Trace, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Apr. 8, 2019	120153
Monroe (FEMA Docket No.: B–1904).	Village of Islamorada (18–04–7178P).	The Honorable Chris Sante, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Apr 19, 2019	120424
Georgia: Chatham (FEMA Docket No.: B–1900).	City of Savannah (18–04–7121P).	The Honorable Eddie DeLoach, Mayor, City of Savannah, 2 East Bay Street, Savannah, GA 31402.	Development Services Department, 5515 Abercorn Street, Savannah, GA 31405.	Apr. 9, 2019	135163
North Carolina:					
Avery (FEMA Docket No.: B–1900).	Unincorporated areas of Avery County (18–04–5170P).	The Honorable Martha J. Hicks, Chair, Avery County Board of Commissioners, P.O. Box 640, Newland, NC 28657.	Avery County Inspections and Planning Department, 200 Montezuma Street, Newland, NC 28657.	Apr. 11, 2019	370010
Durham (FEMA Docket No.: B–1900).	City of Durham (18–04–5360P).	The Honorable Steve Schewel, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	Development Services Department, 101 City Hall Plaza, Durham, NC 27701.	Apr. 10, 2019	370086
Oklahoma:					
Tulsa (FEMA Docket No.: B–1900).	City of Jenks (18–06–0767P).	The Honorable Josh Wedman, Mayor, City of Jenks, P.O. Box 2007, Jenks, OK 74037.	Engineering Department, 211 North Elm Street, Jenks, OK 74037.	Mar. 25, 2019	400209

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Woodward (FEMA Docket No.: B–1900).	City of Woodward (18–06–1551P).	The Honorable John Meinders, Mayor, City of Woodward, 722 Main Street, Woodward, OK 73801.	Department of Community Development, 722 Main Street, Woodward, OK 73801.	Apr. 15, 2019	400232
Pennsylvania:					
Allegheny (FEMA Docket No.: B–1904).	Township of South Fayette (19–03–0150P).	Mr. Miles Truitt, Interim Manager, Township of South Fayette, 515 Millers Run Road, Morgan, PA 15064.	Planning, Engineering and Building Department, 515 Millers Run Road, Morgan, PA 15064.	Apr. 12, 2019	421106
Allegheny (FEMA Docket No.: B–1904).	Township of Upper St. Clair (19–03–0150P).	The Honorable Mark D. Christie, President, Township of Upper St. Clair Board of Commissioners, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.	Department of Planning and Community Development, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.	Apr. 12, 2019	421119
Potter (FEMA Docket No.: B–1900).	Borough of Galeton (18–03–2057P).	The Honorable Joseph Petrencsik, President, Borough of Galeton Council, 21 East Main Street, Galeton, PA 16922.	Building Code Department, 972 Boom Station Road, Lawrenceville, PA 16929.	Mar. 25, 2019	420762
Potter (FEMA Docket No.: B–1900).	Township of Pike (18–03–2057P).	The Honorable Paul Pitchard, Chairman, Township of Pike Board of Supervisors, 68 Meeker Road, Galeton, PA 16922.	Township Hall, 76 Route 6 West, Galeton, PA 16922.	Mar. 25, 2019	421983
Potter (FEMA Docket No.: B–1900).	Township of West Branch (18–03–2057P).	The Honorable Stephen J. Piaquadio, Chairman, Township of West Branch Board of Supervisors, 187 Gross Road, Galeton, PA 16922.	Township Hall, 533 Germania Road, Galeton, PA 16922.	Mar. 25, 2019	421992
South Carolina: Charleston (FEMA Docket No.: B–1900).	Town of Sullivan's Island (18–04–6935P).	The Honorable Patrick O'Neil, Mayor, Town of Sullivan's Island, P.O. Box 427, Sullivan's Island, SC 29482.	Town Hall, 2056 Middle Street, Sullivan's Island, SC 29482.	Apr. 8, 2019	455418
Texas:					
Collin (FEMA Docket No.: B–1900).	City of Celina (18–06–3631P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	Apr. 1, 2019	480133
Collin (FEMA Docket No.: B–1900).	Unincorporated areas of Collin County (18–06–1253P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Emergency Management Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Apr. 8, 2019	480130
Collin (FEMA Docket No.: B–1900).	Unincorporated areas of Collin County (18–06–3631P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Emergency Management Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Apr. 1, 2019	480130
Ellis (FEMA Docket No.: B–1900).	City of Waxahachie (18–06–0880P).	The Honorable Kevin Strength, Mayor, City of Waxahachie, P.O. Box 757, Waxahachie, TX 75168.	Engineering Department, 401 South Rogers Street, Waxahachie, TX 75165.	Mar. 28, 2019	480211
Kendall (FEMA Docket No.: B–1900).	Unincorporated areas of Kendall County (18–06–2515P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering Department, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	Apr. 8, 2019	480417
Rockwall (FEMA Docket No.: B–1904).	City of Rockwall (18–06–1450P).	The Honorable Jim Pruitt, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	City Hall, 385 South Goliad Street, Rockwall, TX 75087.	Apr. 15, 2019	480547
Tarrant (FEMA Docket No.: B–1904).	City of Arlington (18–06–0363P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	City Hall, 101 West Abram Street, Arlington, TX 76010.	Apr. 19, 2019	485454
Tarrant (FEMA Docket No.: B–1900).	City of Haslet (18–06–2110P).	The Honorable Bob Golden, Mayor, City of Haslet, 101 Main Street, Haslet, TX 76052.	City Hall, 101 Main Street, Haslet, TX 76052.	Apr. 11, 2019	480600
Tarrant (FEMA Docket No.: B–1904).	City of North Richland Hills (18–06–2611P).	The Honorable Oscar Trevino, Jr., Mayor, City of North Richland Hills, 4301 City Point Drive, North Richland Hills, TX 76180.	Public Works Administration and Engineering Department, 4301 City Point Drive, North Richland Hills, TX 76180.	Apr. 15, 2019	480607
Wise (FEMA Docket No.: B–1900).	City of Bridgeport (18–06–2510P).	The Honorable Randy Singleton, Mayor, City of Bridgeport, 900 Thompson Street, Bridgeport, TX 76426.	Infrastructure Services Department, 901 Cates Street, Bridgeport, TX 76426.	Apr. 8, 2019	480677
Wise (FEMA Docket No.: B–1900).	Unincorporated areas of Wise County (18–06–2510P).	The Honorable J.D. Clark, Wise County Judge, P.O. Box 393, Decatur, TX 76234.	Wise County Engineering Department, 2901 South FM 51, Building 200, Decatur, TX 76234.	Apr. 8, 2019	481051
Utah: Davis (FEMA Docket No.: B–1900).	City of Kaysville (18–08–1167X).	The Honorable Katie Witt, Mayor, City of Kaysville, 23 East Center Street, Kaysville, UT 84037.	Public Works Department, 721 West Old Mill Lane, Kaysville, UT 84037.	Apr. 5, 2019	490046

[FR Doc. 2019–10390 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of September 27, 2019 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov*.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Matanuska-Susitna Borough, Alaska and Incorporated Areas Docket No.: FEMA–B–1732	
Matanuska-Susitna Borough	Matanuska-Susitna Borough Planning Department, 350 East Dahlia Avenue, Palmer, AK 99645.
Hancock County, Mississippi and Incorporated Areas Docket Nos.: FEMA–B–1623 and B–1835	
Unincorporated Areas of Hancock County	Hancock County Government Annex Building, 854 Highway 90, Suite A, Bay St. Louis, MS 39520.
Pearl River County, Mississippi and Incorporated Areas Docket Nos.: FEMA–B–1623 and B–1835	
City of Picayune	Intermodal and Tourist Center, 200 Highway 11 South, Picayune, MS 39466.
City of Poplarville	City Hall, 200 Highway 26 East, Poplarville, MS 39470.
Unincorporated Areas of Pearl River County	Pearl River County Planning Department, 402 South Main Street, Poplarville, MS 39470.

[FR Doc. 2019–10397 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of September 13, 2019 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Craig County, Oklahoma and Incorporated Areas Docket No.: FEMA–B–1819	
City of Vinita	City Hall, 104 East Illinois Avenue, Vinita, OK 74301.
Town of Big Cabin	Craig County Emergency Management, 915 East Apperson Road, Vinita, OK 74301.
Town of Bluejacket	Craig County Emergency Management, 915 East Apperson Road, Vinita, OK 74301.
Town of Ketchum	Craig County Emergency Management, 915 East Apperson Road, Vinita, OK 74301.
Town of Welch	Craig County Emergency Management, 915 East Apperson Road, Vinita, OK 74301.
Unincorporated Areas of Craig County	Craig County Emergency Management, 915 East Apperson Road, Vinita, OK 74301.
Delaware County, Oklahoma and Incorporated Areas Docket No.: FEMA–B–1819	
City of Grove	City Hall, 104 West 3rd Street, Grove, OK 74344.
City of Jay	Delaware County Emergency Management, 1411 South Broadway Street, Grove, OK 74344.
Town of Bernice	Delaware County Emergency Management, 1411 South Broadway Street, Grove, OK 74344.
Unincorporated Areas of Delaware County	Delaware County Emergency Management, 1411 South Broadway Street, Grove, OK 74344.
Mayes County, Oklahoma and Incorporated Areas Docket No.: FEMA–B–1819	
Town of Disney	Town Hall, 322 West Main Street, Disney, OK 74340.
Town of Grand Lake Towne	Mayes County Courthouse, 1 Court Place, Suite 140, Pryor, OK 74361.
Town of Langley	Town Hall, 324 West Osage Avenue, Langley, OK 74350.

Community	Community map repository address
Unincorporated Areas of Mayes County	Mayes County Courthouse, 1 Court Place, Suite 140, Pryor, OK 74361.
Ottawa County, Oklahoma and Incorporated Areas Docket No.: FEMA–B–1819	
City of Commerce	City Hall, 618 Commerce Street, Commerce, OK 74339.
City of Miami	Civic Center, 129 5th Avenue Northwest, Miami, OK 74355.
Town of Afton	Town Hall, 201 Southwest 1st Street, Afton, OK 74331.
Town of Fairland	City Hall, 28 North Main Street, Fairland, OK 74343.
Town of North Miami	City Hall, 309 Pine Street, North Miami, OK 74358.
Town of Quapaw	City Hall, 410 South Main Street, Quapaw, OK 74363.
Town of Wyandotte	City Hall, 212 South Main Street, Wyandotte, OK 74370.
Unincorporated Areas of Ottawa County	Ottawa County Courthouse Annex, 123 East Central Boulevard, Suite 103, Miami, OK 74354.
Wyandotte Nation	Tribal Administration, 64700 East Highway 60, Wyandotte, OK 74370.

[FR Doc. 2019–10396 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1925]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 19, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1925, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazard data* and the respective Community Map Repository address listed in the tables. For communities with multiple

ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Johnson County, Indiana and Incorporated Areas Project: 17–05–0798S Preliminary Date: January 8, 2019	
City of Greenwood	City of Greenwood City Center, Planning Department, 300 South Madison Avenue, Greenwood, IN 46142.
Harrison County, Iowa and Incorporated Areas Project: 17–07–0407S Preliminary Date: January 11, 2019	
City of Dunlap	City Hall, 716 Iowa Avenue, Dunlap, IA 51529.
City of Little Sioux	Harrison County Engineer's Building, 301 North 6th Avenue, Logan, IA 51546.
City of Logan	City Hall, 108 West 4th Street, Logan, IA 51546.
City of Missouri Valley	City Hall, 223 East Erie Street, Missouri Valley, IA 51555.
City of Modale	City Hall, 310 East Palmer Street, Modale, IA 51556.
City of Mondamin	City Hall, 120 South Main Street, Mondamin, IA 51557.
City of Persia	City Hall, 117 Main Street, Persia, IA 51563.
City of Pisgah	Harrison County Engineer's Building, 301 North 6th Avenue, Logan, IA 51546.
City of Woodbine	City Hall, 517 Walker Street, Woodbine, IA 51579.
Unincorporated Areas of Harrison County	Harrison County Engineer's Building, 301 North 6th Avenue, Logan, IA 51546.
Scott County, Iowa and Incorporated Areas Project: 17–07–0052S Preliminary Date: October 5, 2018	
City of Bettendorf	City Hall, 1609 State Street, Bettendorf, IA 52722.
City of Blue Grass	City Hall, 114 North Mississippi Street, Blue Grass, IA 52726.
City of Buffalo	City Hall, 329 Dodge Street, Buffalo, IA 52728.
City of Davenport	City Hall, 226 West 4th Street, Davenport, IA 52801.
City of Dixon	City Hall, 610 Davenport Street, Dixon, IA 52745.
City of Donahue	City Hall, 106 1st Avenue, Donahue, IA 52746.
City of Eldridge	City Hall, 305 North 3rd Street, Eldridge, IA 52748.
City of Le Claire	City Hall, 325 Wisconsin Street, Le Claire, IA 52753.
City of Long Grove	City Hall, 104 South 1st Street, Long Grove, IA 52756.
City of McCausland	City Hall, 305 North Salina Street, McCausland, IA 52758.
City of Panorama Park	City Hall, 120 Short Street, Panorama Park, IA 52722.
City of Princeton	City Hall, 311 3rd Street, Princeton, IA 52768.
City of Riverdale	City Hall, 110 Manor Drive, Riverdale, IA 52722.
City of Walcott	City Hall, 128 West Lincoln Street, Walcott, IA 52773.
Unincorporated Areas of Scott County	Scott County Courthouse, 600 West 4th Street, Davenport, IA 52801.
Reno County, Kansas and Incorporated Areas Project: 10–07–0016S Preliminary Date: March 1, 2019	
City of Hutchinson	City Hall, 125 East Avenue B, Hutchinson, KS 67501.
City of Nickerson	City Hall, 15 North Nickerson Street, Nickerson, KS 67561.
City of South Hutchinson	City Hall, 2 South Main Street, South Hutchinson, KS 67505.
City of Willowbrook	Reno County Courthouse, 206 West 1st Avenue, Hutchinson, KS 67501.
Unincorporated Areas of Reno County	Reno County Courthouse, 206 West 1st Avenue, Hutchinson, KS 67501.
Marshall County, Minnesota and Incorporated Areas Project: 15–05–0583S Preliminary Date: February 28, 2018	
City of Alvarado	City Hall, 155 Marshall Street, Alvarado, MN 56710.
City of Argyle	City Hall, 701 Pacific Avenue, Argyle, MN 56713.
City of Oslo	City Hall, 107 Third Avenue East, Oslo, MN 56744.
Unincorporated Areas of Marshall County	Marshall County Courthouse, 208 East Colvin Avenue, Warren, MN 56762.
Wilkin County, Minnesota and Incorporated Areas Project: 18–05–0006S Preliminary Date: December 28, 2018	
City of Breckenridge	City Hall, 420 Nebraska Avenue, Breckenridge, MN 56520.

Community	Community map repository address
City of Doran	City Hall, 1106 Fourth Street, Doran, MN 56522.
Unincorporated Areas of Wilkin County	Wilkin County Courthouse, 300 Fifth Street South, Breckenridge, MN 56520.
Richland County, North Dakota and Incorporated Areas Project: 18–05–0006S Preliminary Date: December 28, 2018	
City of Wahpeton	City Hall, 1900 Fourth Street North, Wahpeton, ND 58075.
Township of Center	Board of Center Township, 17915 84th Street Southeast, Wahpeton, ND 58075.
Township of Dwight	Board of Dwight Township, 17660 County Road 10, Wahpeton, ND 58075.
Township of Fairmount	Board of Fairmount Township, 9480 Highway 127, Fairmount, ND 58030.
Township of Summit	Board of Summit Township, 8945 179th Avenue Southeast, Fairmount, ND 58030.
Unincorporated Areas of Richland County	Richland County Courthouse, 418 Second Avenue North, Wahpeton, ND 58075.

[FR Doc. 2019–10393 Filed 5–17–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1931]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA

Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Douglas	Town of Castle Rock (18–08–0874P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Water Department, 175 Kellogg Court, Castle Rock, CO 80109.	*https://msc.fema.gov/portal/advanceSearch*	Aug. 9, 2019	080050
Douglas	Unincorporated areas of Douglas County (18–08–0874P).	The Honorable Lora Thomas, Chair, Douglas County, Board of County Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Public Works Division, 100 3rd Street, Castle Rock, CO 80104.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2019	080049
Summit	Town of Breckenridge (18–08–0752P).	The Honorable Eric Mamula, Mayor, Town of Breckenridge, P.O. Box 168, Breckenridge, CO 80424.	Public Works Department, 1095 Airport Road, Breckenridge, CO 80424.	*https://msc.fema.gov/advance Search.*	Jul. 18, 2019	080172
Summit	Unincorporated areas of Summit County (18–08–0752P).	The Honorable Thomas C. Davidson, Commissioner, Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424.	Summit County Commons, 0037 Peak One Drive, Frisco, CO 80442.	*https://msc.fema.gov/advance Search.*	Jul. 18, 2019	080290
Connecticut:						
Hartford	Town of Avon (18–01–2151P).	Mr. Brandon Robertson, Manager, Town of Avon, 60 West Main Street, Avon, CT 06001.	Town Hall, 60 West Main Street, Avon, CT 06001.	*https://msc.fema.gov/advance Search.*	Aug. 12, 2019	090021
New Haven	Town of Cheshire (19–01–0468P).	The Honorable Rob Oris, Jr., Chairman, Town of Cheshire Council, 84 South Main Street, Cheshire, CT 06410.	Town Hall, 84 South Main Street, Cheshire, CT 06410.	*https://msc.fema.gov/advance Search.*	Aug. 9, 2019	090074
Florida:						
Alachua	Unincorporated areas of Alachua County (19–04–0622P).	The Honorable Charles ''Chuck'' Chestnut, IV, Chairman, Alachua County Board of Commissioners, 12 Southeast 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	*https://msc.fema.gov/advance Search.*	Aug. 21, 2019	120001
Manatee	Unincorporated areas of Manatee County (18–04–5230P).	The Honorable Priscilla Trace, Chair, Manatee County Board of Commissioners, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	*https://msc.fema.gov/advance Search.*	Jul. 31, 2019	120153
Monroe	City of Key West (19–04–0709P).	The Honorable Teri Johnston, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	City Hall, 1300 White Street, Key West, FL 33041.	*https://msc.fema.gov/advance Search.*	Aug. 2, 2019	120168
Monroe	Unincorporated areas of Monroe County (19–04–1672P).	The Honorable Sylvia Murphy, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/advance Search.*	Aug. 12, 2019	125129
Monroe	Village of Islamorada (19–04–1674P).	The Honorable Deb Gillis, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	*https://msc.fema.gov/advance Search.*	Aug. 15, 2019	120424
Montana: Madison	Town of Ennis (18–08–1265P).	The Honorable Blake Leavitt, Mayor, Town of Ennis, P.O. Box 147, Ennis, MT 59729.	Town Hall, 328 West Main Street, Ennis, MT 59729.	*https://msc.fema.gov/advance Search.*	Aug. 16, 2019	300044

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Pennsylvania: Somerset.	Township of Elk Lick (19–03–0464P).	The Honorable Allen Green, Chairman, Township of Elk Lick, 1507 St. Paul Road, Salisbury, PA 15558.	Township Hall, 1507 St. Paul Road, Salisbury, PA 15558.	*https://msc.fema.gov/advanceSearch.*	Oct. 7, 2019	422048
South Carolina: Charleston.	City of Isle of Palms (19–04–1752P).	The Honorable Jimmy Carroll, Mayor, City of Isle of Palms, 1207 Palm Boulevard, Isle of Palms, SC 29451.	Building and Planning Department, 1207 Palm Boulevard, Isle of Palms, SC 29451.	*https://msc.fema.gov/advanceSearch.*	Aug. 21, 2019	455416
Tennessee: Shelby	City of Germantown (18–04–6585P).	The Honorable Mike Palazzolo, Mayor, City of Germantown, 1930 South Germantown Road, Germantown, TN 38138.	Economic and Community Development Department, 1920 South Germantown Road, Germantown, TN 38138.	*https://msc.fema.gov/advanceSearch.*	Jun. 28, 2019	470353
Texas:						
Comal	City of New Braunfels (18–06–3030P).	The Honorable Barron Casteel, Mayor, City of New Braunfels, 550 Landa Street, New Braunfels, TX 78130.	City Hall, 550 Landa Street, New Braunfels, TX 78130.	*https://msc.fema.gov/advanceSearch.*	Jul. 5, 2019	485493
Denton	City of Denton (18–06–4048P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76209.	*https://msc.fema.gov/advanceSearch.*	Aug. 12, 2019	480194
Denton	City of Fort Worth (18–06–3549P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/advanceSearch.*	Aug. 22, 2019	480596
Denton	City of Roanoke (18–06–3549P).	The Honorable Carl ''Scooter'' Gierisch, Jr., Mayor, City of Roanoke, 108 South Oak Street, Roanoke, TX 76262.	City Hall, 500 South Oak Street, Roanoke, TX 76262.	*https://msc.fema.gov/advanceSearch.*	Aug. 22, 2019	480785
Denton	Town of Northlake (18–06–3549P).	The Honorable Peter Dewing, Mayor, Town of Northlake, 1500 Commons Circle, Suite 300, Northlake, TX 76226.	Public Works Department, 1400 FM 407, Northlake, TX 76247.	*https://msc.fema.gov/advanceSearch.*	Aug. 22, 2019	480782
Denton	Town of Prosper (19–06–0890X).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 409 East 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/advanceSearch.*	Aug. 22, 2019	480141
Tarrant	City of Arlington (18–06–3453P).	The Honorable Jeff Williams, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	City Hall, 101 West Abram Street, Arlington, TX 76010.	*https://msc.fema.gov/advanceSearch.*	Aug. 5, 2019	485454
Tarrant	Unincorporated areas of Tarrant County (19–06–0403P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Fort Worth, TX 76196.	Tarrant County Administration Building, 100 East Weatherford Street, Fort Worth, TX 76196.	*https://msc.fema.gov/advanceSearch.*	Jul. 26, 2019	480582
Williamson	City of Cedar Park (18–06–3176P).	The Honorable Corbin Van Arsdale, Mayor, City of Cedar Park, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	Engineering Department, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	*https://msc.fema.gov/advanceSearch.*	Jul. 30, 2019	481282
Williamson	Unincorporated areas of Williamson County (19–06–0529P).	The Honorable Bill Gravell, Jr., Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 710 South Main Street, Suite 101, Georgetown, TX 78626.	*https://msc.fema.gov/advanceSearch.*	Jul. 22, 2019	481079
Utah: Carbon	City of Price (18–08–1056P).	The Honorable Michael Kourianos, Mayor, City of Price, 185 East Main Street, Price, UT 84501.	Public Works Department, 432 West 600 South, Price, UT 84501.	*https://msc.fema.gov/advanceSearch.*	Aug. 15, 2019	490036

[FR Doc. 2019–10392 Filed 5–17–19; 8:45 am]

BILLING CODE 9111–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0008]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 19, 2019. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov*. All submissions received must include the agency name and the OMB Control Number [1615–0008] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 1 2019, at 84 FR 7100, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0024 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form G–325A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information to be collected will be used by USCIS to determine eligibility of discretionary deferred action on a case-by-case basis, for certain family members of military personnel who currently serve on active duty or in the Selected Reserve of the Ready Reserve, military personnel who previously served on active duty or in the Selected Reserve of the Ready Reserve (who were not dishonorably discharged) whether they are living or deceased, and Delayed Entry Program (DEP) enlistees (as well as DEP enlistees themselves).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–325A is 1,550 and the estimated hour burden per response is 2.15 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,875 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $116,250.

Dated: May 14, 2019.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–10403 Filed 5–17–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0046]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Interagency Alien Witness and Informant Record

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of

Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 19, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number [1615–0046] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 1, 2019, at 84 FR 1190, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0062 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Interagency Alien Witness and Informant Record.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–854; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–854 is used by law enforcement agencies to bring alien witnesses and informants to the United States in ''S'' nonimmigrant classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–854A is 82 and the estimated hour burden per response is 3 hours. The estimated total number of respondents for the information collection I–854B is 54 and the estimated hour burden per response is 1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 300 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: May 14, 2019.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–10348 Filed 5–17–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7012–N–02]

60-Day Notice of Proposed Information Collection: HUD-Administered Small Cities Program Performance Assessment Report

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 19, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: James Hoëmann, Deputy Director, State and Small Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email James Hoëmann at *james.e.hoëmann@hud.gov* or telephone 202–402–5716. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is

seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD-Administered Small Cities Program Performance Assessment Report.

OMB Approval Number: 2506–0020.

Type of Request: Extension of currently approved collection.

Form Number: HUD–4052.

Description of the need for the information and proposed use: The information collected from grant recipients participating in the HUD-administered CDBG program provides HUD with financial and physical development status of each activity funded. These reports are used to determine grant recipient performance.

Respondents (*i.e.,* affected public): This information collection applies solely to local governments in New York State that have HUD-administered CDBG grants that remain open or continue to generate program income.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 40.

Frequency of Response: Annually.

Average Hours per Response: 4.

Total Estimated Burdens: 160.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2506–0020	40.00	1.00	40.00	4.00	160.00	$31.50	$5,040.00
Total	40.00	1.00	40.00	4.00	160.00	31.50	5,040.00

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: May 9, 2019.

Lori Michalski,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2019–10476 Filed 5–17–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7015–N–06]

60-Day Notice of Proposed Information Collection: Enterprise Income Verification Systems Debts Owed to Public Housing Agencies and Terminations

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 19, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3176, Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: EIV System Debts Owed to PHAs and Terminations.

OMB Approval Number: 2577–0266.

Type of Request: Revision of a currently approved collection.

Form Number: 52675.

Description of the need for the information and proposed use: In accordance with 24 CFR 5.233, processing entities that administer the Public Housing, Section 8 Housing Choice Voucher, Moderate Rehabilitation programs are required to use HUD's Enterprise Income Verification (EIV) system to verify employment and income information of program participants and to reduce administrative and subsidy payment errors. The EIV system is a system of records owned by HUD, as published in the **Federal Register** on July 20, 2005 at 70 FR 41780 and updated on August 8, 2006 at 71 FR 45066.

The Department seeks to identify families who no longer participate in a HUD rental assistance program due to adverse termination of tenancy and/or assistance, and owe a debt to a Public Housing Agency (PHA). In accordance

with 24 CFR 982.552 and 960.203, the PHA may deny admission to a program if the family is not suitable for tenancy for reasons such as, but not limited to: Unacceptable past performance in meeting financial obligations, history of criminal activity, eviction from Federally assisted housing in the last five years, family has committed fraud, bribery, or any other corrupt or criminal act in connection with a Federal housing program, or if a family currently owes rent or other amounts to the PHA or to another PHA in connection with a Federally assisted housing program under the U.S. Housing Act of 1937.

Within the scope of this collection of information, HUD seeks to collect from all PHAs, the following information:

1. Amount of debt owed by a former tenant to a PHA;
2. If applicable, indication of executed repayment agreement;
3. If applicable, indication of bankruptcy filing;
4. If applicable, the reason for any adverse termination of the family from a Federally assisted housing program.

This information is collected electronically from PHAs via HUD's EIV system. This information is used by HUD to create a national repository of families that owe a debt to a PHA and/or have been terminated from a federally assisted housing program. This national repository is available within the EIV system for all PHAs to access during the time of application for rental assistance. PHAs are able to access this information to determine a family's suitability for rental assistance, and avoid providing limited Federal housing assistance to families who have previously been unable to comply with HUD program requirements. If this information is not collected, the Department is at risk of paying limited Federal dollars on behalf of families who may not be eligible to receive rental housing assistance. Furthermore, if this information is not collected, the public will perceive that there are no consequences for a family's failure to comply with HUD program requirements.

Respondents: Public Housing Agencies.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–52675 ...	3834	Monthly	46,008	0.0833 Hours or 5 minutes per family.	24,841	$23.07	$573,081

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: May 13, 2019.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2019–10477 Filed 5–17–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X.LLIDT03000.L14400000.FR0000.241A; 4500110086]

Notice of Realty Action: Recreation and Public Purpose (R&PP) Act Classification and Conveyance: Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined certain public lands in Lincoln County, Idaho, and has found them suitable for classification for conveyance to Lincoln County under the provisions of the Recreation and Public Purposes Act (R&PP), as amended, Sec. 7 of the Taylor Grazing Act, and Executive Order No. 6910. The 13.78 acre parcel conforms to the official plat of survey. Lincoln County proposes to use the land for operating and maintaining a municipal solid waste transfer station that accepts only non-hazardous waste for transfer to the Milner Butte Landfill. Therefore, the BLM would convey the land to Lincoln County as a new disposal site.

DATES: Submit written comments regarding the classification or conveyance of the public land described in this Notice by close of business on July 5, 2019.

ADDRESSES: Mail written comments concerning this Notice to Codie Martin, Shoshone Field Manager, BLM, Shoshone Field Office, 400 West F Street, Shoshone, Idaho 83352. Comments may be mailed or hand delivered to the Shoshone Field Office, or faxed to 208–732–7317. The BLM will not consider comments received via telephone or email.

FOR FURTHER INFORMATION CONTACT: Kasey Prestwich, Realty Specialist, at the above address, by phone at 208–732–7204, or via email: *kprestwich@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 800–877–8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands examined and identified as suitable for conveyance under the R&PP Act are described as:

Boise Meridian, Idaho

T. 5 S., R. 17 E.,
Sec. 26, lot 1.

The area described contains 13.78 acres.

The lands are not needed for any Federal purposes.

The conveyance of the lands for recreational or public purposes is in conformance with the BLM Monument Resource Management Plan as amended by the Amendments to Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern dated August 20, 2003, and would be in the national interest. The authorized officer has examined the land and determined pursuant to 43 CFR 2743.2(a)(5) that no

hazardous substances are present on the property.

As a political subdivision of the State of Idaho, Lincoln County is a qualified applicant under the R&PP Act. Lincoln County has not applied for more than the 6,400-acre limitation for recreation uses in a year, nor more than 640 acres for each of the programs involving public resources other than recreation.

Lincoln County has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b). A patent would not be issued until at least July 19, 2019. Pursuant to the R&PP Act, the special pricing schedule for land that will be government-controlled, used for government purposes, and serve the public is $10 per acre. The 13.78 acres to be used for the waste transfer station will be offered to Lincoln County for $137.80.

All interested parties will receive a copy of this Notice once it is published in the **Federal Register**. The Notice will also be published in a newspaper of general circulation in the local area once a week for three consecutive weeks. The regulations at 43 CFR subpart 2741 addressing requirements and procedures for R&PP Act conveyances do not require a public meeting.

Upon publication of this Notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including locations under the mining laws, except for conveyance under the R&PP Act and leasing under the mineral leasing laws.

The United States patent to the land would be issued subject to valid existing rights, and would contain the following reservations, terms, and conditions, as well as any additional terms or conditions required by law, including any terms or conditions required by 43 CFR 2741.5.

1. Reserving to the United States a right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights.

4. Valid existing rights for a public roadway granted to Shoshone Highway District #2, its successors or assigns, pursuant to the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1761).

5. Valid existing rights for a power line granted to Idaho Power Company, its successors or assigns, pursuant to FLPMA.

6. Pursuant to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9620(h) and CERCLA 120(h), as to the following lands: sec. 26; T. 5 N., R. 17 E; Boise Meridian, Idaho. A complete search of Agency files has revealed the following:

a. No storage of hazardous substances has occurred on the above lands for one year or more;

b. Hazardous Materials Use: Lincoln County is responsible for the transfer station on the subject property, as well as the above ground fuel storage tank. The above ground fuel storage tank has secondary containment and is in compliance with State and local regulations; and

c. No releases of hazardous substances have occurred on the above lands. Hazardous Materials Potential: Preliminary Assessment, phase 1 Environmental Site Assessment, and soil sampling of the area indicates no releases of metals, petroleum hydrocarbons, chlorofluorocarbons, and polychlorinated biphenyls.

7. Patentee, by accepting this patent, agrees to be the potentially responsible party if a release is identified in association with the County's operation of a solid waste transfer station residing on the subject property.

8. Patentee shall comply with State and local requirements pertaining to permitting, compliance, release reporting, and clean-up associated with past or present operations at their solid waste transfer station on the subject property.

9. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented lands.

10. If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose(s) specified in the application and approved plan of development, the patentee shall pay the BLM the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon.

11. No portion of the land shall under any circumstances revert to the United States if any such portion has been used for solid waste disposal/storage or any other purpose which may result in the disposal, placement, or release of any hazardous substance.

Classification Comments: Interested persons may submit comments involving the suitability of the land for development of a municipal solid waste transfer station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested persons may submit comments regarding the specific use proposed in the application and plan of development and management, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for a municipal solid waste transfer station.

Any adverse comments will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will take effect on July 19, 2019. The lands will not be offered for conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personal identifying information in any comment, 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.

Authority: 43 CFR 2741.5.

Codie Martin,

Shoshone Field Manager.

[FR Doc. 2019–10474 Filed 5–17–19; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[19X.LLIDI02000. L71220000.FR0000. LVTFD1915100. 241A. 4500131504]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Blackrock Land Exchange, Pocatello, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Pocatello Field Office, in Pocatello, Idaho, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the proposed Blackrock Land Exchange EIS. Comments on issues may be submitted in writing until July 5, 2019. The BLM will hold two public meetings as part of the scoping process. The dates and locations of these scoping meeting will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://go.usa.gov/xEUuc.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 45-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Blackrock Land Exchange by any of the following methods:

- *Website: https://go.usa.gov/xEUuc*
- *Fax:* 208.478.6376
- *Mail:* BLM, Pocatello Field Office, Attention: Bryce Anderson/Blackrock Land Exchange Project, 4350 S Cliffs Dr., Pocatello, ID 83204.

Documents pertinent to this proposal may be examined at the Pocatello Field Office.

FOR FURTHER INFORMATION CONTACT: Bryce Anderson, Project Manager by telephone: 208–478–6353; address: 4350 S Cliffs Dr., Pocatello, ID 83204; or email: *bdanderson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Anderson. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Anderson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In 1994, the J.R. Simplot Company (Simplot) submitted an application to acquire 719 acres of Federal land managed by the BLM in exchange for 667 acres of non-Federal land. The selected Federal land is adjacent to Simplot's Don Plant in Power and Bannock Counties, Idaho. The offered non-Federal lands are located in the Blackrock and Caddy Canyon areas in Bannock County approximately five miles east-southeast of Pocatello, Idaho.

In 1998, pursuant to the Comprehensive Environmental Response Compensation and Liability Act, the Don Plant facilities and the surrounding area known as the Eastern Michaud Flats (EMF) were designated a Superfund Site, including a portion of the proposed Federal lands to be exchanged. The BLM prepared an Environmental Assessment (EA) to analyze the proposed land exchange, and issued a Decision Record/Finding of No Significant Impact (DR/FONSI) on December 21, 2007. The Shoshone-Bannock Tribes litigated the decision in District Court. In May 2011, the Court granted the Tribes' motion and remanded the DR/FONSI to the BLM, ordering the agency to prepare an EIS.

The BLM's purpose is to evaluate the land exchange proposal. If approved, the proposal would improve resource management in an area containing crucial mule deer winter range and secure permanent public access to a popular recreation area. Simplot's purpose for the proposed exchange is to implement legally enforceable controls as directed by the Environmental Protection Agency (EPA) Record of Decision (ROD) for the EMF Superfund Site and required by a Consent Order (CO) from the Idaho Department of Environmental Quality. The CO requires Simplot to reduce fluoride emissions by 2026. To meet this requirement, Simplot has proposed construction of cooling ponds adjacent to its Don Plant in Pocatello, Idaho, which would require the acquisition of adjacent Federal lands. Additionally, this acquisition would allow for future onsite expansion of phosphate processing operations.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues:

- Concerns with contamination of surface and groundwater resources;
- Acquiring crucial mule deer winter range;
- Economic impacts on the region if production at the Don Plant slows or ceases (if the exchange is not approved);
- Retaining contaminated lands in Federal ownership; and
- Securing permanent access to Federal lands.

The BLM will fulfill the public involvement requirements under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3) through the NEPA process. Information the BLM receives about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Native American Tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. The BLM will give Tribal concerns due consideration, including impacts on Native American trust assets and potential impacts to cultural resources.

The BLM invites Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed Blackrock Land Exchange to participate in the scoping process and environmental analysis, and if eligible, as a cooperating agency.

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.

Authority: 40 CFR 1501.7.

John F. Ruhs,

BLM Idaho State Director.

[FR Doc. 2019–10473 Filed 5–17–19; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW00000.L5110000. GN0000.LVEMF1504350. 15X MO# 4500132874]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Marigold Mining Company—Marigold Mine—Mackay Optimization Project Humboldt County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Humboldt River Field Office, Winnemucca,

Nevada has prepared a Draft Environmental Impact Statement (EIS) for the Proposed Marigold Mine—Mackay Optimization Project (Project) and by this notice is announcing the opening of the comment period.

DATES: This notice initiates the public comment period for the Draft EIS. Comments may be submitted in writing until July 5, 2019. The date(s) and location(s) of any comment meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *http://1.usa.gov/1PKqIbI.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 45-day public comment period. We will provide additional opportunities for public participation upon publication of the Final EIS.

ADDRESSES: You may submit comments related to the Marigold Mine—Mackay Optimization Project by any of the following methods:

- *Website: http://1.usa.gov/1PKqIbI.*
- *Email: wfoweb@blm.gov.* Include Marigold Mine Mackay DEIS Comments in the subject line.
- *Fax:* (775) 623–1740.
- *Mail:* BLM Winnemucca District, Humboldt River Field Office, 5100 East Winnemucca Blvd., Winnemucca, NV 89445.

FOR FURTHER INFORMATION CONTACT: Jeanette Black, telephone 775–623–1500; address BLM Winnemucca District, Humboldt River Field Office, 5100 E Winnemucca Blvd., Winnemucca, NV 89445; email *infoweb@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 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 applicant, Marigold Mining Company (MMC), a wholly-owned subsidiary of SSR Mining Inc., has requested to optimize and modify its approved Plan of Operations by expanding its gold mining operations at the existing Marigold Mine, which is located in the southeastern portion of Humboldt County, Nevada approximately 35 miles southeast of Winnemucca. The mine is currently authorized to disturb up to 5,682.6 acres (3,211.4 acres of private land and 2,471.2 acres of public land), and was permitted under a series of Environmental Impact Statements and Environmental Assessments from July 1988 through October 2013.

All proposed disturbance would occur within the existing approved Plan boundary and includes combining multiple existing pits into three large pits. Waste rock storage areas, heap leach pads, and other supporting facilities would be expanded to support the pit expansion. The pits are proposed to extend below the historic water table necessitating dewatering of the groundwater and rapid infiltration basins (RIBs) for recharging the excess water downgradient of the pits. If approved, the proposed modification would extend the mine life by up to 10 years.

Amendments to two associated rights-of-ways (ROWs) needed to accommodate the proposed mine changes are evaluated in the Draft EIS. These ROWs include relocation of a portion of the county road called Buffalo Valley Road and of a portion of the existing 120-kV power line (ROW held by NV Energy).

The Draft EIS analyzes three alternatives; the Proposed Action, Alternative I—Partial Discharge to Cottonwood Creek and Pipeline to RIBs Alternative, and the No Action Alternative.

The Proposed Action, if selected by the BLM, would include 2,055.9 acres of new disturbance (800.9 acres of public land and 1,255 acres of private land), increasing the surface disturbance by a total of 7,738.5 acres (3,271.7 acres of public land and 4,466.4 acres on private land).

Under Alternative I, all components of the Proposed Action would be the same except for the proposed dewatering operation that would increase the total disturbance by approximately 4 acres. A portion of the dewatered groundwater (approximately 191 gpm) would be treated at a water treatment plant, transported via an above ground pipeline system and discharged to Cottonwood Creek drainage, creating a water source for livestock and wildlife while recharging the aquifer. The remaining portion of dewatering water would be piped to the RIBs.

Under the No Action Alternative, the plan modification would not be authorized and the activities described under the Proposed Action would not occur. MMC would continue mining activities as authorized in their current Plan, dated November 6, 2013, with closure in 2027, followed by approximately three years of reclamation.

A Notice of Intent (NOI) to prepare an EIS for the proposed Mackay Project was published in the **Federal Register** on March 4, 2016 (FR Doc No: 2016–04806). The BLM received 22 public scoping comment during the 31-day scoping period. From the 22 comments, 70 issue statements were identified and evaluated in the Draft EIS (Table 1.4–1). The following issues of environmental, social, and economic concern were identified: Air quality from mining emissions; fugitive dust; hazardous air pollutants; greenhouse gases; geochemical concerns from mining activities; effects on cultural sites; impacts to California Trails; environmental justice; Native American Religious Concerns; noise effects on Greater Sage Grouse and humans; rangeland management; impacts from the relocation of county road and NV Energy powerline; public access for dispersed recreation; economic benefits; visual resources; surface and groundwater quality and quantity impacts due to dewatering of the aquifer; water rights; formation of a pit lake with evaporative water losses; wetland and riparian zones; wildlife impacts due to mining activities (vegetation loss, weed management, surface water sources, migration routes, lighting); environmental protection measures; mitigation; monitoring; reclamation; closure; and alternatives.

The BLM analyzed a combination of proposed environmental measures and possible mitigation to eliminate or minimize impacts associated with the proposed action. These included the potential for identifying opportunities to apply mitigation hierarchy strategies for on-site and regional mitigation appropriate to the size of the proposal, and management actions to achieve resource objectives.

The BLM will use NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed amendment will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and the NHPA.

The BLM continues to consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested or affected are invited to comment on the proposal that the BLM is evaluating.

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.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

David Kampwerth,

Field Manager, Humboldt River Field Office.

[FR Doc. 2019–10475 Filed 5–17–19; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODPI, Inc.

Notice is hereby given that, on May 7, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODPi, Inc. (''ODPi'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cloudera, Inc., Santa Clara, CA, has been added as a party to this venture.

Also, Hortonworks, Inc., Santa Clara, CA; UNIFi Software, San Mateo, CA; AsiaInfo Technologies (H.K.) Limited (fka Beijing AsiaInfo Smart Big Data Co., Ltd.), Beijing, PEOPLE'S REPUBLIC OF CHINA; and China Mobile Communication Company Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODPi intends to file additional written notifications disclosing all changes in membership.

On November 23, 2015, ODPi filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79930).

The last notification was filed with the Department on December 10, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2019 (84 FR 796).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10343 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on April 29, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Pendar Technologies, LLC, Cambridge, MA; Sheaumann Laser, Inc., Marlborough, MA; and EXFO, Inc., Quebec, CANADA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on November 13, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 20, 2018 (83 FR 65362).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10334 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on May 7, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CHNN Instruments (Beijing) Technology Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; and Shenzhen Houwu Tech. Co. LTD., Shenzhen, PEOPLE'S REPUBLIC OF CHINA, have been added as parties to this venture.

Also, Innovative Integration, Camarillo, CA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on February 8, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 28, 2019 (84 FR 6822).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10341 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Space Enterprise Consortium

Notice is hereby given that, on April 29, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Space Enterprise Consortium (''SpEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Additive Rocket Corporation, La Jolla, CA; Aitech Defense Systems, Inc., Chatsworth, CA; Anduril Industries, Costa Mesa, CA; Applied Minds, LLC, Burbank, CA; Artel LLC, Herndon, VA; Ascension Engineering Group, Colorado Springs, CO; ASRC Federal Astronautics, LLC, Huntsville, AL; Barber-Nichols, Inc., Arvada, CO; Behzadi LLC, Stevenson Ranch, CA; BlackSky Geospatial Solutions, Inc., Herndon, VA; CodeMettle, LLC, Atlanta, GA; Cubic Aerospace, Inc., Reston, VA; DataPath, Inc., Duluth, GA; EO Vista, LLC, Acton, MA; Epsilon Systems Solutions, Inc., San Diego, CA; Frequency Electronics, Inc., Mitchel Field, NY; GaN Corporation, Huntsville, AL; Georgia Tech Applied Research Corporation, Atlanta, GA; GEOST, Inc., Tucson, AZ; Globecomm Systems, Inc., Hauppauge, NY; InnoSys, Inc., Salt Lake City, UT; Innovim, LLC, Greenbelt, MD; Inode Ink Corporation (INODE), Westminster, CO; Interstellar Technologies, LLC, Huntsville, AL; ManTech Advanced Systems International, Inc., Herndon, VA; Mercury Systems, Inc., Andover, MA; Metronome LLC, Fairfax, VA; Microsoft Corporation, Redmond, WA; Monetti & Associates, LLC, West River, MD; New Frontier Aerospace, Livermore, CA; Palo Alto Networks Public Sector, LLC, Reston, VA; PeopleTec, Inc., Huntsville, AL; QuinStar Technology, Torrance, CA; Rob Baker & Associates LLC, Colorado Springs, CO; Rocket Lab USA, Inc., Huntington Beach, CA; Science Applications International Corporation (SAIC), Reston, VA; SpaceWorks Enterprises, Inc., Atlanta, GA; Spire Global, Inc., San Francisco, CA; T.G.V. Rockets, Inc., Washington, DC; TeleCommunication Systems, Inc., Annapolis, MD; Thor Enterprises LLC, Poolesville, MD; Via Stella LLC, Annandale, VA; WASK Engineering, Inc., Cameron Park, CA; and York Space Systems, LLC, Denver, CO, have been added as parties to this venture.

Also, M42 Technologies, LLC, Seattle, WA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SpEC intends to file additional written notifications disclosing all changes in membership.

On August 23, 2018, SpEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 2, 2018 (83 FR 49576).

The last notification was filed with the Department on January 31, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2019 (84 FR 6834).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–10340 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 13, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Indiana in the lawsuit entitled *United States, State of Indiana, and State of Ohio* v. *ArcelorMittal USA LLC, ArcelorMittal Burns Harbor LLC, and ArcelorMittal Cleveland LLC,* Civil Action No. 2:19–cv–00179.

The proposed Consent Decree resolves a Complaint filed against ArcelorMittal USA LLC, ArcelorMittal Burns Harbor LLC, and ArcelorMittal Cleveland LLC as the owners and operators of the three steel plants in Indiana and one plant in Ohio that are the subject of the action. The Complaint asserts 18 claims pursuant to the Clean Air Act (''CAA'') for violations of: (1) National Emission Standards for Hazardous Air Pollutants promulgated under CAA Section 112, 42 U.S.C. 7412, and the implementing regulations governing various specific source areas; (2) the New Source Performance Standards promulgated under CAA Section 111(b)(1)(A), 42 U.S.C. 7411(b)(1)(A), and the regulations governing electric arc furnaces at steel facilities, 40 CFR part 60, subpart AAa; (3) Title V of the CAA, 42 U.S.C. 7661 *et seq.,* and Title V's implementing federal, Indiana, and Ohio regulations; and (4) the federally enforceable CAA State Implementation Plans for Indiana and Ohio, which incorporate and/or implement the above-listed federal requirements.

Under the proposed Consent Decree, ArcelorMittal USA, ArcelorMittal Burns Harbor, and ArcelorMittal Cleveland shall pay a total aggregate civil penalty of $5,002,158. Of the total civil penalty, $2,594,829 will be paid to the United States; $2,035,469.50 will be paid to the State of Indiana; and $371,859.50 will be paid to the State of Ohio. The proposed Consent Decree includes injunctive relief in the form of various compliance monitoring activities and recognizes that during the course of the negotiations Defendants expended an estimated $22 million to address sulfur dioxide, nitrogen oxide, particulate matter, volatile organic compounds, and carbon monoxide emission concerns identified in the U.S. Environmental Protection Agency's 2011 and 2019 Notices of Violation/Findings of Violation regarding the Indiana and Ohio facilities. Additionally, the proposed Consent Decree provides for the transfer of five acres of Lake Michigan beachfront property, appraised at $350,000, from ArcelorMittal USA LLC to the City of East Chicago, Indiana, for community benefit as a State of Indiana Supplemental Environmental Project.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, State of Indiana, and State of Ohio* v. *ArcelorMittal USA LLC, ArcelorMittal Burns Harbor LLC, and ArcelorMittal Cleveland LLC,* D.J. Ref. No. 90–5–2–1–09354. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice

Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $61.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $11.75.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–10342 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 10, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Jersey in the lawsuit entitled *United States* v. *Infineum USA LP,* Civil Action No. 2:19-cv-12441. In the Complaint, the United States, on behalf of the U.S. Environmental Protection Agency, alleges that Infineum USA LP violated the Clean Air Act, 42 U.S.C. 7412 and 7414, and Title V requirements under the Clean Air Act, 42 U.S.C. 7661a(a) and 7661c(a) for failing to operate its steam-assisted flare (''Flare'') that is used to control emissions at Infineum's facility, in compliance with limits and conditions in its Title V operating permit, and the Complaint further alleges that Infineum failed to operate the Flare in a manner consistent with good air pollution control practices for minimizing emissions. The Complaint alleges these violations occurred because Infineum injected disproportionate steam into the Flare at rates that caused excess emissions of hazardous air pollutants. The proposed Consent Decree requires Infineum to conduct injunctive relief, particularly incorporating automated steam injection and automated gas monitoring for any gas sent to the Flare for combustion. The Consent Decree also requires Infineum to pay a civil penalty of $187,500.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Infineum USA LP,* D.J. Ref. No. 90–5–2–1–11191. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Stipulation upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $9.50 (25 cents per page reproduction cost), payable to the United States Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2019–10361 Filed 5–17–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans—PTE 1976–1, PTE 1977–10, PTE 1978–6

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans—PTE 1976–1, PTE 1977–10, PTE 1978–6,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201904-1210-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the information collection requirements contained in the Prohibited Transaction Class Exemptions (PTEs) for Multiple Employer Plans and Multiple Employer Apprenticeship Plans: PTE 1976–1, PTE 1977–10, and PTE 1978–6. PTE 1976–1 permits a multi-employer employee benefit plan, under specific conditions, to negotiate with a contributing employer to accept a delinquent contribution and to settle a delinquency; to make a construction loan to a contributing employer; and to lease property and purchase services and goods from a party in interest, including a contributing employer and an employee association. PTE 1977–10 expands the scope of relief provided under PTE 1976–1 part C for leasing

property and purchasing goods and services. PTE 1978–6 provides an exemption to a multi-employer apprenticeship plan for purchasing personal property or leasing real property from a contributing employer. All three exemptions impose recordkeeping requirements on plans as a condition to availability of the relief. Employee Retirement Income Security Act of 1974 sections 407 and 408(a) authorize this information collection. *See* 29 U.S.C. 1107 and 1108(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0058.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 23, 2018 (83 FR 53500).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0058. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans—PTE 1976–1, PTE 1977–10, PTE 1978–6.

OMB Control Number: 1210–0058.

Affected Public: Private Sector—businesses or other for-profits; Not-for-profit institutions.

Total Estimated Number of Respondents: 3,483.

Total Estimated Number of Responses: 3,483.

Total Estimated Annual Time Burden: 871 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 13, 2019.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2019–10384 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contractor Recognition Program—Excellence in Disability Inclusion Award

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Federal Contract Compliance Programs (OFCCP) sponsored information collection request (ICR) proposal titled, ''Contractor Recognition Program—Excellence in Disability Inclusion Award,'' to the Office of Management and Budget (OBM) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201904-1250-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OFCCP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue, NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or send an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Contractor Recognition Program—Excellence in Disability Inclusion Award. This collection will implement the Excellence in Disability Inclusion Award recognizing Federal contractor and subcontractor establishments that ensure equal employment opportunity, foster employment opportunities for individuals with disabilities, and have achieved a level of excellence in their compliance with Section 503 of the Rehabilitation Act of 1973, as amended.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5

CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on October 5, 2018 (83 FR 50410).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201904–1250–003. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OFCCP.

Title of Collection: Contractor Recognition Program—Excellence in Disability Inclusion Award.

OMB ICR Reference Number: 201904–1250–003.

Affected Public: Private Sector—businesses or other for-profits.

Frequency: Biennial.

Total Respondents (Annualized): 67.

Total Responses (Annualized): 67.

Average Time per Response: 21.5 hours.

Estimated Total Burden Hours (Annualized): 1,441 hours.

Other Burden Cost (Annualized): $0.

Dated: May 10, 2019.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2019–10382 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Training Plans, New Miner Training, Newly Hired Experienced Miner Training

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Training Plans, New Miner Training, Newly Hired Experienced Miner Training,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201901-1219-006* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Training Plans, New Miner Training, Newly Hired Experienced Miner Training information collection. Training informs miners of safety and health hazards inherent in the workplace and enables miners to identify and avoid such hazards. Training becomes even more important in light of certain conditions that can exist when production demands increase—such as an influx of new and less experienced miners and mine operators, longer work hours to meet production demands, and increased demand for contractors who may be less familiar with the dangers on mine property. This ICR covers reporting and recordkeeping as follows: Regulations 30 CFR 46.3(a) requires a mine operator to develop and implement a written training plan that contains effective training programs; § 46.3(c) specifies when an operator must submit a plan to the MSHA for approval; § 46.3(e) allows for a miner or miner representative to submit written comments on a training plan; § 46.3(g) requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one (1) week of approval (at a mine where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner); § 46.3(h) allows a mine operator, contractor, miner, or miners' representative to appeal—in writing—the Regional Manager's decision to the MSHA Director for Educational Policy and Development; § 46.3(i) requires mine operators and contractors to make available at the mine site a copy of the current training plan for inspection by the MSHA and for examination by miners and their representatives (if the training plan is not maintained at the mine site, the operator must have the capability to provide the plan within one (1) business day upon request to the MSHA, miners, or their representatives); § 46.5(a) requires a mine operator to provide each new miner with no less than 24 hours of training; § 46.6(a) requires an operator to provide each newly hired experienced miner with certain specified training before the miner begins work; § 46.7(a) requires that before a miner performs a new task for which the miner has no experience, the operator must train the miner in the safety and health aspects and safe work procedures specific to that task; § 46.7(b) requires that if changes have occurred in a miner's regularly assigned task that affects the health and safety risks encountered by the miner, the operator must provide the miner with training that addresses the changes;

§ 46.8(a) requires an operator provide each miner with no less than eight (8) hours of refresher training, at least every twelve (12) months; § 46.9 requires an operator, upon completion of each training program, to record and certify on MSHA Form 5000–23 (separately cleared under control number 1219–0009) the miner has completed the training; and § 46.11(a) requires an operator to provide site-specific hazard training to specific persons before they are exposed to mine hazards. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811(a); 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0131.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 6, 2019 (84 FR 2255).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number1219–0131. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Training Plans, New Miner Training, Newly Hired Experienced Miner Training.

OMB Control Number: 1219–0131.

Affected Public: Private Sector—businesses or other for profits and not-for-profit institutions.

Total Estimated Number of Respondents: 11,657.

Total Estimated Number of Responses: 1,157,241.

Total Estimated Annual Time Burden: 155,240 hours.

Total Estimated Annual Other Costs Burden: $356,004.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2019–10387 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Work-Study Program of the Child Labor Regulations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, ''Work-Study Program of the Child Labor Regulations,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201809-1235-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–WHD, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Work-Study Program of the Child Labor Regulations information collection requirements codified in regulations 29 CFR 570.35b. This program allows for the employment of 14- and 15-year-olds under conditions Child Labor Regulation 3 otherwise prohibit. The information collection requirements include submitting a written request for the Administrator of the WHD to approve a WSP; preparing a written participation agreement that is signed by the teacher-coordinator, employer, and student and that the student's parent or guardian either signs or consents to; and school and employer records maintenance. Fair Labor Standards Act section 11(c) authorizes this information collection. *See* 29 U.S.C. 211(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is

approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1235–0024. OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 31, 2018 (83 FR 44673). Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1235–0024. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–WHD.

Title of Collection: Work-Study Program of the Child Labor Regulations.

OMB Control Number: 1235–0024.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 20 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 10, 2019.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2019–10385 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Cascades Job Corps College and Career Academy Pilot Program Evaluation

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) proposal titled, ''Cascades Job Corps College and Career Academy Pilot Program Evaluation,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201902-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Cascades Job Corps College and Career Academy Pilot Program Evaluation information collection. More specifically, this ICR seeks clearance for an 18-month follow-up survey, whereby the Agency would contact participants approximately 18 months after the participants are randomly assigned to either a control or a treatment group. The survey will provide critical information on the experiences and educational and economic outcomes for both treatment and control members. Specific outcomes to be considered include the receipt of training and related supports, receipt of credentials, employment, socio-emotional skills, engagement in risky behaviors, receipt of public benefits, and opinions on the education and training services received. American Competitiveness and Workforce Improvements Act section 414(c)(7) authorizes this information collection. *See* 29 U.S.C. 3224a(7).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on May 31, 2018 (83 FR 25055).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201902–1290–001. The OMB is

particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OS.

Title of Collection: Cascades Job Corps College and Career Academy Pilot Program Evaluation.

OMB ICR Reference Number: 201902–1290–001.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 267.

Total Estimated Number of Responses: 267.

Total Estimated Annual Time Burden: 156 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 13, 2019.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2019–10381 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Information Collections: ''Labor Standards for Federal Service Contacts Regulation 29 CFR Part 4''

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled, ''Labor Standards for Federal Service Contacts Regulation 29 CFR part 4.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 19, 2019.

ADDRESSES: You may submit comments identified by Control Number 1235–0007, by either one of the following methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Amy DeBisschop, Acting Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Wage and Hour Division (WHD) of the Department of Labor administers the McNamara-O'Hara Service Contract Act (SCA), 41 U.S.C. 351 *et seq.* The McNamara-O'Hara Service Contract Act (SCA) applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services to the United States through the use of service employees. The SCA requires contractors and subcontractors performing services on covered federal or District of Columbia contracts in excess of $2,500 to pay service employees in various classes no less than the monetary wage rates and to furnish fringe benefits found prevailing in the locality, or the rates (including prospective increases) contained in a predecessor contractor's collective bargaining agreement. Safety and health standards also apply to such contracts. The compensation requirements of the SCA are enforced by the Wage and Hour Division.

A. Vacation Benefit Seniority List

Service Contract Act section 2(a), provides that every contract subject to the Act must contain a provision specifying the minimum monetary wages and fringe benefits to be paid to the various classes of service employees performing work on the contract. Many wage determinations (WDs) issued for recurring services performed at the same Federal facility provide for certain vested fringe benefits (*e.g.,* vacations), which are based on the employee's total length of service with a contractor or any predecessor contractor. *See* 29 CFR 4.162. When found to prevail, such fringe benefits are incorporated in WDs and are usually stated as ''one week paid vacation after one year's service with a contractor or successor, two weeks after two years'', etc. These provisions ensure that employees receive the vacation benefit payments that they have earned and accrued by requiring that such payments be made by successor contractors who hire the same employees who have worked over the years at the same facility in the same locality for predecessor contractors

B. Conformance Record

Section 2(a) of the SCA provides that every contract subject to the Act must contain a provision specifying the minimum monetary wage and fringe benefits to be paid the various classes of service employees employed on the contract work. *See* 41 U.S.C. 351, *et seq.* Problems sometimes arise (1) when employees are working on service contracts in job classifications that DOL was not previously informed about and

(2) when there are job classifications for which no wage data are available.

Section 4.6(b)(2) of 29 CFR part 4 provides a process for ''conforming'' (*i.e.,* adding) classifications and wage rates to the WD for classes of service employees not previously listed on a WD but where employees are actually working on an SCA covered contract. This process ensures that the requirements of section 2(a) of the Act are fulfilled and that a formal record exists as part of the contract which documents the wage rate and fringe benefits to be paid for a conformed classification while a service employee(s) is employed on the contract.

The contracting officer is required to review each contractor-proposed conformance to determine if the unlisted classes have been properly classified by the contractor so as to provide a reasonable relationship (*i.e.,* appropriate level of skill comparison) between such unlisted classifications and the classifications (and wages) listed in the WD. *See* 29 CFR 4.6(b)(2). Moreover, the contracting agency is required to forward the conformance action to the Wage and Hour Division for review and approval. *Id.* However, in any case where a contract succeeds a contract under which a class was previously conformed, the contractor may use an optional procedure known as the indexing (*i.e.,* adjusting) procedure to determine a new wage rate for a previously conformed class. *See* 29 CFR 4.6(b)(2)(iv)(B). This procedure does not require DOL approval but does require the contractor to notify the contracting agency in writing that a previously conformed class has been indexed and include information describing how the new rate was computed. *Id.*

C. Submission of Collective Bargaining Agreement (CBA)

Sections 2(a) and 4(c) of the SCA provide that any contractor which *succeeds* to a contract subject to the Act and under which substantially the same services are furnished, shall pay any service workers employed on the contract no less than the wages and fringe benefits to which such workers would have been entitled if employed under the *predecessor* contract. *See* 29 CFR 4.163(a).

Section 4.6(l)(1) of Regulations, 29 CFR part 4, requires an incumbent (predecessor) contractor to provide to the contracting officer a copy of any CBA governing the wages and fringe benefits paid service employees performing work on the contract during the contract period. These CBAs are submitted by the contracting agency to the Wage and Hour Division of the Department of Labor where they are used in issuing WDs for successor contracts subject to section 2(a) and 4(c) of SCA. *See* 29 CFR 4.4(c).

The Wage and Hour Division uses this information to determine whether covered employers have complied with various legal requirements of the laws administered by the Wage and Hour Division. The Wage and Hour Division seeks approval to extend this information collection related to the Labor Standards for Federal Service Contracts.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks an approval for the extension of this information collection that requires employers to make, maintain, and preserve records in accordance with statutory and regulatory requirements.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Labor Standards for Federal Service Contracts—Regulations 29 CFR part 4.

OMB Number: 1235–0007.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms.

Total Respondents: 123,333.

Total Annual Responses: 123,463.

Estimated Total Burden Hours: 123,514.

Estimated Time per Response:

Vacation Benefit Seniority List—1 hour
Conformance Record—30 minutes
Conformance Indexing—2 hours
Collective Bargaining Agreement—5 minutes

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Costs (operation/maintenance): $0.

Dated: May 14, 2019.

Robert M. Waterman,

Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2019–10389 Filed 5–17–19; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–032)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, June 6, 2019, 9:30 a.m. to 10:45 a.m., Eastern Time.

ADDRESSES: NASA Headquarters, Room 9H40, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Hamilton, Executive Director, Aerospace Safety Advisory Panel, NASA Headquarters, Washington, DC 20546, (202) 358–1857 or *carol.j.hamilton@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2019. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Exploration Systems Development
—Updates on the Commercial Crew Program
—Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number 888–603–9074; pass code 7914309. Attendees will be requested to

sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Lisa Hackley via email at *lisa.m.hackley@nasa.gov.* To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting to Ms. Lisa Hackley via email at *lisa.m.hackley@nasa.gov.* It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–10454 Filed 5–17–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, May 23, 2019.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Share Insurance Fund Quarterly Report.
2. Board Briefing, Update on the Office of Credit Union Resources and Expansion.
3. NCUA Rules and Regulations, Public Unit and Nonmember Shares.

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2019–10590 Filed 5–16–19; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and one comment was received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

DATES: Comments regarding this information collection are best assured of having their full effect if received by June 19, 2019.

FOR FURTHER INFORMATION CONTACT: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW, Room 10235, Washington, DC 20503, and Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Copies of the submission(s) may be obtained by calling 703–292–7556.

SUPPLEMENTARY INFORMATION: NSF may not conduct or sponsor a collection of information unless (a) the collection of information displays a currently valid OMB control number and (b) the agency informs potential respondents that they are not required to respond unless the information collection displays a currently valid OMB control number.

Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Supplementary Information

Title of Collection: Generic Clearance of the National Center for Science and Engineering Statistics Improvement Projects.

OMB Control Number: 3145–0174.

Type of Request: Intent to seek approval to extend, with revisions, an information collection for three years.

Abstract: Established within the National Science Foundation by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950, as amended, the National Center for Science and Engineering Statistics (NCSES)—one of 13 principal federal statistical agencies—serves as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, research and development for use by practitioners, researchers, policymakers, and the public. NCSES conducts about a dozen nationally-representative surveys to obtain the data for these purposes. The Generic Clearance will be used to ensure that the highest quality data are obtained from these surveys. State of the art methodology will be used to develop, evaluate, and test questionnaires and survey concepts as well as to improve survey and statistical methodology. This may include field or pilot tests of questions for future large scale surveys, as needed. The Generic Clearance will also be used to test and evaluate data dissemination tools and methods, in an effort to improve access for data users.

Use of the Information: The purpose of these studies is to use the latest and most appropriate methodology to improve NCSES surveys, evaluate new data collection efforts, and evaluate data dissemination tools and mechanisms. Methodological findings may be presented externally. Improved NCSES surveys, data collections, and data dissemination will help policymakers in decisions on research and development funding, graduate education, and the scientific and engineering workforce, as well as contributing to reduced survey costs.

Expected Respondents: The respondents will be from industry, academia, nonprofit organizations,

members of the public, and State, local, and Federal governments. Respondents will be either individuals or institutions, depending on the topic under investigation. NCSES expects to use both qualitative and quantitative procedures, in various modes (*e.g.,* in-person, telephone, web). Up to 7,595 respondents will be contacted across all projects. No respondent will be contacted more than twice in one year under this generic clearance. Every effort will be made to use technology to limit the burden on respondents from small entities.

Estimate of Burden: NCSES estimates that a total reporting and recordkeeping burden of 15,610 hours will result from activities to improve its surveys. The calculation is shown in Table 1.

TABLE 1—POTENTIAL SURVEYS FOR IMPROVEMENT PROJECTS, WITH THE NUMBER OF RESPONDENTS AND BURDEN HOURS

	Number of respondents	Number of hours
Early Career Doctorate Survey	500	500
Survey of Earned Doctorates	1,200	600
Other surveys of the science and engineering workforce	1,600	450
Higher Education Research & Development Survey	300	500
Federally-Funded Research & Development Centers (FFRDC) Survey	60	120
Federal Labs Survey (possible future survey)	275	525
State Government Research & Development Survey	150	225
Survey of Nonprofit Research Activities	225	550
Business Research & Development Survey	50	150
Annual Business Survey	300	450
Survey of Scientific & Engineering Facilities	300	300
Public Understanding of Science & Engineering Survey	550	125
Data dissemination tools and mechanisms	100	100
Other surveys and projects not specified	10,000	3,000
Total	15,610	7,595

Comments: On March 12, 2019 we published in the **Federal Register** (84 FR 10842) a 60-day notice of our intent to request reinstatement of this information collection authority from OMB. In that notice, we solicited public comments for 60 days ending May 13, 2019. One comment was received, which came from Paul Clark via the web on April 19, 2019. Mr. Clark's comment consisted of a paper concerning access to engineering education and accreditation, especially for minorities and working-class adults. We respond to Mr. Clark's comment below.

Response: NSF believes that the comment does not pertain to the collection of information under the generic clearance, which is focused on survey improvement activities. Therefore, NSF is proceeding with the clearance request.

Dated: May 7, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019–10450 Filed 5–17–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

665th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on July 10–12, 2019, Two White Flint North, 11545 Rockville Pike, ACRS Conference Room T2D10, Rockville, MD 20852.

Wednesday, July 10, 2019, Conference Room T2D10

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–12:00 p.m.: NuScale Design Certification Application Chapters 3, 6, 15 and Stability Topical Report (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the subject chapters and stability topical report. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

1:00 p.m.–3:00 p.m.: NuScale Design Certification Application Chapters 3, 6, 15 and Stability Topical Report (continued) (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the subject chapters and stability topical report. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

3:15 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Thursday, July 11, 2019, Conference Room T2D10

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Retreat (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures

Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:15 a.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Friday, July 12, 2019, Conference Room T2D10

8:30 a.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [*Note:* A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).] [*Note:* A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on December 7, 2018 (83 FR 26506). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience. The bridgeline number for the meeting is 866–822–3032, passcode 8272423#.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Ms. Paula Dorm, ACRS Audio Visual Technician (301–415–7799), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: May 15, 2019.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2019–10468 Filed 5–17–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00025 and 052–00026; NRC–2008–0252]

Vogtle Electric Generating Plant, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment and exemption to Combined Licenses (NPF–91 and NPF–92), issued to Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (collectively, SNC), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

DATES: Submit comments by June 19, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

A request for a hearing or petition for leave to intervene must be filed by July 19, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William ''Billy'' Gleaves, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0252 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–2008–0252.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for amendment is dated March 29, 2019, is available in ADAMS under Accession No. ML19088A274.
- *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–2008–0252 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 posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to facility Combined License Nos. NPF–91 and NPF–92, issued to SNC for the VEGP Units 3 and 4, located in Burke County, Georgia.

The proposed change would revise the facility Combined Licenses to consolidate certain building and structure related Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) because SNC has determined that some building and structure related ITAAC Acceptance Criteria are duplicative. SNC proposes to revise COL Appendix C (and plant-specific Tier 1 Information) to consolidate duplicative ITAAC Acceptance Criteria for certain structures and clarify that evaluations of thickness deviations will be included in the reconciliation and thickness reports described in the ITAAC Acceptance Criteria. Because, these proposed changes require a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 Design Control Document (DCD), SNC also requested an exemption from the requirements of the generic DCD Tier 1 in accordance with section 52.63(b)(1) of title 10 of the *Code of Federal Regulations* (10 CFR).

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, 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. As required by 10 CFR 50.91(a), SNC 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 operation or reliability of any system, structure or component (SSC) required to maintain a normal power operating condition or to mitigate anticipated transients without safety-related systems. The changes to [nuclear island] Nl, annex building, turbine building and Waste Accumulation Room ITAAC involves no design changes or technical reanalysis. The changes consolidate duplicative ITAAC Acceptance Criteria and clarify the evaluations of thickness deviations.

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 operation of any safety-related SSC relied upon to mitigate design basis accidents. The proposed changes to the Nl, annex building, turbine building, and Waste Accumulation Room ITAAC do not involve a change to design or reanalysis. The proposed changes do not affect the structural integrity or seismic response of the Nl and the seismic Category II portion of the annex building and turbine building first bay. The design of these structures continues to meet the requirements of 10 CFR 50 Appendix A General Design Criterion 2, Design Bases for Protection Against Natural Phenomena. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not affect existing safety margins. The proposed changes to Nl, annex building, turbine building, and Waste Accumulation Room ITAAC do not involve a change to the design or reanalysis of the structures. The proposed changes do not involve a reduction to the structural integrity of the seismic Category I or II portions of building structures. The Nl and the seismic Category II portion of the annex building and turbine building first bay will continue to support their design functions. No margin to the specified acceptable fuel design limits is affected by the proposed changes.

[Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.]

The NRC staff has reviewed the SNC'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 license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. 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 notice period if the Commission concludes 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 should 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. Should the Commission take action prior to the expiration of either the comment period or the notice period, the Commission will publish a notice of issuance in the **Federal Register**. Should the Commission make 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.

III. 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 a petition 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, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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/.* If a petition is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (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. The petition must also set forth the specific contentions which the petitioner seeks to have litigated at 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 shall 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 those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall 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 these requirements 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, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions consistent with the NRC's regulations, policies, and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day 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).

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 decide 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 held 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 any 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 by July 19, 2019. 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. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in 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 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.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter ''petition''), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 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 request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition (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.* System requirements for accessing the E-Submittal server are available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.html.* Participants may attempt to use other software not listed on the website but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Electronic Filing Help Desk will not be able to offer assistance in using unlisted software.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a petition. Submissions should 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 documents are 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 documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC 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 7 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 a document 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. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. 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 this action, see the application for license amendment dated March 29, 2019.

Attorney for SNC: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Dated at Rockville, Maryland, this 14th day of May 2019.

For the Nuclear Regulatory Commission.

Brian Hughes,

Acting Chief, Licensing Branch 2, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–10355 Filed 5–17–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–44; NRC–2018–0253]

Arizona Public Service Company; Palo Verde Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Arizona Public Service Company (APS) on December 14, 2012, and March 31, 2015, for the independent spent fuel storage installation (ISFSI) at Palo Verde in Wintersburg, Arizona.

DATES: The EA and FONSI referenced in this document are available on May 20, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0253 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0253. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the Availability of Documents section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Palo Verde ISFSI. APS submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 14, 2012 (ADAMS Accession No. ML12354A129), and March 31, 2015 (ADAMS Accession No. ML15093A052), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19120A195) in support of its review of APS's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Palo Verde ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Palo Verde ISFSI is located in Wintersburg, Arizona. APS is authorized by the NRC, under License No. SFGL–17 to store spent nuclear fuel at the Palo Verde ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by APS on December 14, 2012, and March 31, 2015. Specifically, the NRC must determine whether APS's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether APS has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of APS's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of APS financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in APS's submittal: (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the

NRC's review and approval of APS's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Palo Verde.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that APS will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of APS's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of APS's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of APS's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of APS's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny APS's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying APS's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the Arizona Radiation Regulatory Agency (State) by letter dated October 20, 2016 (ADAMS Accession No. ML17142A054), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated October 20, 2016 (ADAMS Accession No. ML16299A075). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of APS's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS Accession No.
December 14, 2012	Submission of APS decommissioning funding plan	ML12354A129
March 31, 2015	Submission of APS triennial decommissioning funding plan	ML15093A052
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062
October 20, 2016	Consultation Letter: ML16299A050–RLSO	ML17142A054
October 20, 2016	Letter to S. Jacobsen re: U.S. Nuclear Regulatory Commission Preliminary Determination of No Effects Regarding Palo Verde Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16299A075

Date	Document	ADAMS Accession No.
April 26, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19120A195

Dated at Rockville, Maryland, this 15th day of May 2019.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–10420 Filed 5–17–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–27; NRC–2018–0257]

Pacific Gas and Electric Company; Humboldt Bay Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Pacific Gas and Electric Company (PG&E) on December 17, 2012, and December 17, 2015, for the independent spent fuel storage installation (ISFSI) at Humboldt Bay in Eureka, California.

DATES: The EA and FONSI referenced in this document are available on May 20, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0257 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0257. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7465, email: *Pamela.Longmire@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Humboldt Bay ISFSI. PG&E submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 17, 2012 (ADAMS Accession No. ML12353A316), and December 17, 2015 (ADAMS Accession No. ML15351A510), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19120A216) in support of its review of PG&E's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Humboldt Bay ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

II. Environmental Assessment

Background

The Humboldt Bay ISFSI is located in Eureka, California. PG&E is authorized by the NRC, under License No. SNM–2514 to store spent nuclear fuel at the Humboldt Bay ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by PG&E on December 17, 2012, and December 17, 2015. Specifically, the NRC must determine whether PG&E's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether PG&E has provided reasonable assurance that funds will be available to decommission the ISFSI.

Description of the Proposed Action

The proposed action is the NRC's review and approval of PG&E's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of PG&E financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in PG&E's submittal: (1) Spills of radioactive

material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of PG&E's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Humboldt Bay.

Need for the Proposed Action

The proposed action provides a means for the NRC to confirm that PG&E will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

Environmental Impacts of the Proposed Action

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of PG&E's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, ''Protection of Historic Properties,'' the NRC's approval of PG&E's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of PG&E's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of PG&E's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

Alternative to the Proposed Action

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny PG&E's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying PG&E's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b) and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

Agencies and Persons Consulted

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the California Energy Commission (State) by letter dated April 25, 2016 (ADAMS Accession No. ML17083A015), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated April 25, 2016 (ADAMS Accession No. ML16118A221). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

III. Finding of No Significant Impact

The NRC staff has determined that the proposed action, the review and approval of PG&E's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

IV. Availability of Documents

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS Accession No.
December 17, 2012	Submission of PG&E decommissioning funding plan	ML12353A316
December 17, 2015	Submission of PG&E triennial decommissioning funding plan	ML15351A510
February 1, 2009	Environmental Assessment for Final Rule—Decommissioning Planning	ML090500648
May 15, 2017	Note to File re Sct 7 Consultations for ISFSI DFPs	ML17135A062

Date	Document	ADAMS Accession No.
April 25, 2016	Consultation Letter: ML16120A553–RLSO	ML17083A015
April 25, 2016	Letter to M. Fris re: U.S. Nuclear Regulatory Commission Preliminary Determination of No Effects Regarding the Humboldt Bay Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16118A221
April 26, 2019	NRC staff's Final EA for the approval of the decommissioning funding plan	ML19120A216

Dated at Rockville, Maryland, this 15th day of May 2019.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–10419 Filed 5–17–19; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees' Retirement System; Normal Cost Percentages

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of revised normal cost percentages for employees covered by the Federal Employees' Retirement System (FERS) Act of 1986.

DATES: The revised normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2019. Agency appeals of the normal cost percentages must be filed no later than November 19, 2019.

ADDRESSES: Send or deliver agency appeals of the normal cost percentages and requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Healthcare and Insurance, Office of Personnel Management, Room 4316, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Public Law 99–335, created a new retirement system intended to cover most Federal employees hired after 1983. Most Federal employees hired before 1984 are under the older Civil Service Retirement System (CSRS). Section 8423 of title 5, United States Code, as added by the FERS Act of 1986, provides for the payment of the Government's share of the cost of the retirement system under FERS. Employees' contributions are established by law and constitute only a portion of the cost of funding the retirement system; employing agencies are required to pay the remaining costs. The amount of funding required, known as ''normal cost,'' is the entry age normal cost of the provisions of FERS that relate to the Civil Service Retirement and Disability Fund (Fund). The normal cost must be computed by OPM in accordance with generally accepted actuarial practices and standards (using dynamic assumptions). The normal cost calculations depend on economic and demographic assumptions. Subpart D of part 841 of title 5, Code of Federal Regulations, regulates how normal costs are determined.

In its meeting on June 1, 2017, the Board of Actuaries of the Civil Service Retirement System (the Board) recommended revisions to the long term economic assumptions and recommended changes to the demographic assumptions used in the actuarial valuations of CSRS and FERS. The economic assumptions have decreased from the previous long term economic assumptions. The demographic assumptions include assumed rates of mortality, employee withdrawal, retirement, and merit and longevity pay increases. The revised demographic assumptions are generally based on the recent ten-year or twenty-year experience under the retirement systems, modified to reflect expected future experience where applicable. OPM has adopted the Board's recommendations.

On October 25, 2017, OPM published revised regulations related to the calculation of the FERS normal cost percentages. These regulations clarified the employee categories OPM uses to compute the FERS normal cost percentages and added a category of normal cost percentage for employees of the U.S. Postal Service. Because these revised regulations had not been published when the Board met on June 1, 2017, the recommended demographic assumptions reflect expected government-wide experience rather than separate postal-specific and non-postal specific experience. For non-postal employees, the normal cost percentage will reflect the economic assumptions and government-wide demographic assumptions determined by the Board at its June 1, 2017, meeting. The normal cost percentages for employees of the Postal Service will also reflect the economic assumptions determined by the Board at its June 1, 2017, meeting but will use demographic assumptions that are based on assumptions specific to the expected experience of postal employees.

With regard to the economic assumptions described under section 841.402 of title 5, Code of Federal Regulations, used in the actuarial valuations of FERS, the Board concluded that it would be appropriate to assume a rate of investment return of 4.50 percent, a reduction of 0.75 percent from the existing rate of 5.25 percent. In addition, the Board determined that the assumed inflation rate should be reduced 0.50 percent from 3.00 percent to 2.50 percent, that the assumed rate of FERS annuitant Cost of Living Adjustments should remain at 80 percent of the assumed rate of inflation, and that the projected rate of General Schedule salary increases should be reduced 0.50 percent from 3.25 percent to 2.75 percent. These salary increases are in addition to assumed within-grade increases. These assumptions are intended to reflect the long term expected future experience of the Systems.

The demographic assumptions are determined separately for each of a number of special groups, in cases where separate experience data is available. Based on the demographic and economic assumptions described above, OPM has determined the normal cost percentage for each category of employees under section 841.403 of title 5, Code of Federal Regulations.

Section 5001 of Public Law 112–96, The Middle Class Tax Relief and Jobs Creation Act of 2012, established provisions for FERS Revised Annuity Employees (FERS–RAE). The law permanently increases the retirement contributions by 2.30 percent of pay for these employees. Subsequently, Section 401 of Public Law 113–67, the Bipartisan Budget Act of 2013, created another class of FERS coverage, FERS-Further Revised Annuity Employee (FERS–FRAE). Employees subject to

FERS–FRAE must pay an increase of 1.30 percent of pay above the retirement contribution percentage set for FERS–RAE. Separate normal cost percentages apply for employees covered under FERS–RAE and for employees covered under FERS–FRAE.

The normal cost percentages for each category of employee, including the employee contributions, are as follows:

NORMAL COST PERCENTAGES FOR FERS, FERS-REVISED ANNUITY EMPLOYEE (RAE), AND FERS-FURTHER REVISED ANNUITY (FRAE) GROUPS

Group	FERS Normal cost (percent)	FERS-RAE normal cost (percent)	FERS–FRAE normal cost (percent)
Members	23.5	17.3	17.5
Congressional employees, including members of the Capitol Police	25.2	19.4	19.6
Law enforcement officers, members of the Supreme Court Police, firefighters, nuclear materials couriers, customs and border protection officers, and employees under section 302 of the Central Intelligence Agency Retirement Act of 1964 for certain employees	34.7	35.2	35.4
Air traffic controllers	34.5	35.0	35.1
Military reserve technicians	19.5	19.9	20.2
Employees under section 303 of the Central Intelligence Agency Retirement Act of 1964 for certain employees (when serving abroad)	23.8	24.4	24.6
Other employees of the United States Postal Service	15.5	15.9	16.1
All other regular FERS employees	16.8	17.3	17.5

Under section 841.408 of title 5, Code of Federal Regulations, these normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2019.

The time limit and address for filing agency appeals under sections 841.409 through 841.412 of title 5, Code of Federal Regulations, are stated in the **DATES** and **ADDRESSES** sections of this notice.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2019–10292 Filed 5–17–19; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of a modified system of records; response to comments.

SUMMARY: The United States Postal Service® (Postal Service) is responding to public comments regarding revisions to a Customer Privacy Act Systems of Records (SOR). These revisions were made to support the Targeted Offers Powered by Informed Address (IA) service initiative, within the Informed Delivery platform. There will be no changes to the system of records or the implementation date of March 11, 2019 in light of the public comments.

DATES: The revisions to USPS SOR 820.300 Informed Delivery were originally scheduled to be effective on March 11, 2019, without further notice. After review and evaluation of comments received, the Postal Service has found that no substantive changes to the system of records are required, and that the effective date for the implementation of the proposed revisions should proceed as scheduled.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Office, United States Postal Service, 475 L'Enfant Plaza SW, Room 1P830, Washington, DC 20260–1101, telephone 202–268–3069, or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: On February 7, 2019, the Postal Service published notice of its intent to modify an existing system of records, USPS 820.300 Informed Delivery to support the Targeted Offers application. Targeted Offers Powered by Informed Address (''Targeted Offers'') is an application that will enable consumers to securely share their preferences related to marketing content with mailers, and mailers to target and prospect consumers based on this data. Targeted Offers will be incorporated into the Informed Delivery platform, allowing the Postal Service to capitalize on Informed Delivery's success and existing user base. As a new feature of Informed Delivery, Targeted Offers will encourage new user adoption and provide additional benefits for current users.

The Postal Service provides the following responses to the comments received pursuant to its **Federal Register** notice regarding Targeted Offers Powered by Informed Address service:

(1) *Comment:* The comments received question the Postal Service's perceived expansion of its collection of personally identifiable information.

Answer: This system of records update does not expand any current collection policies, therefore the Postal Service views these comments as directed at its Informed Delivery System as a whole, and not the particular modifications to the existing system of records for which notice was provided. As such, no response is required to said comments.

(2) *Comment:* Is it the intent of the Postal Service to limited Informed Delivery and/or Informed Address to letters only?

Answer: The Postal Service intends to offer this service to consumers for all physical mail delivered via Informed Delivery.

Brittany M. Johnson,

Attorney, Federal Compliance.

[FR Doc. 2019–10457 Filed 5–17–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85855; File No. SR–C2–2019–010]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add Certain Fees Related to the Listing and Trading of Options Contracts on the Dow Jones Industrial Average Index (''DJX'')

May 14, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 7, 2019, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to add certain fees related to the listing and trading of options contracts on the Dow Jones Industrial Average Index (''DJX''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 8, 2019, the Exchange will begin listing DJX options for trading.[3] Accordingly, the Exchange proposes to amend its Fee Schedule to codify standard transaction fees for DJX transactions. The proposed changes will be effective May 8, 2019.

Specifically, the Exchange proposes to add various fee codes for executions and linkage routing in DJX options. The proposed rates applicable to each proposed fee code for executions and for linkage routing correspond to the rates that currently apply to the same execution and linkage routing types in the Russell 2000 Index options (''RUT''). The Exchange also proposes to amend the Index License Surcharge fees that apply to all non-Public Customer transactions to include a fee for DJX.

Regarding executions in DJX options, fee code DC will be appended to all Public Customer orders executed in DJX options, and will result in a rate of $0.15 per contract. Fee code DM will be appended to all C2 Market-Maker orders executed in DJX options, and will result in a rate of $0.35 per contract. Fee code DN will be appended to Non-Customer and Non-Market-Maker orders executed in DJX options, and will result in a rate of $0.55 per contract. Fee code DO will be appended to trades executed on the open in DJX options, and will be free. The proposed fees assessed are the same for corresponding execution types in RUT.

Regarding linkage routing fees for orders routed away to another exchange in DJX, fee code FC will be appended to all routed Customer orders in DJX options, and will result in a fee of $0.85. Fee code FM will be appended to all routed Market-Marker orders in DJX options, and will result in a fee of $1.05. Fee code FN will be appended to all routed Non-Customer and Non-Market-Maker orders in DJX options, and will result in a fee of $1.25. Fee code FO will be appended to all order routed at the open in DJX, and will be free. The proposed fees assessed are the same for corresponding linkage routing types in RUT.

As stated, the Exchange also proposes to amend the Index License Surcharge fee, which is applicable to all non-Public Customer transactions, to include a fee of $0.10 per contract assessed for transactions in DJX options. The Exchange proposes to assess a Surcharge of $0.10 per contract in order to recoup the costs associated with the DJX license.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the Section 6 of the Act,[4] in general, and Section 6(b)(4),[5] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Trading Permit Holders (''TPHs'') and other persons using its facilities.

Specifically, the Exchange believes it is reasonable to charge different fee amounts to different user types for executions and linkage routing in DJX options in the manner proposed because the proposed fees are consistent with the price differentiation and type of TPH transactions that exists today on the Exchange for another index option product, RUT, as well as on its affiliated exchange, Cboe Exchange, Inc. (''Cboe Options'') for index option products, which includes DJX options.[6] Additionally, the Exchange believes the proposed fee amounts for DJX executions and linkage routing are reasonable because the proposed fee amounts correspond to the fee amounts charged for executions and linkage routing in RUT on the Exchange today. In addition to this, the Exchange believes that the proposed surcharge for DJX options is reasonable because a similar surcharge exists on the Exchange today for RUT options (which is higher than the proposed surcharge for DJX). The Exchange also notes that Cboe Options currently assesses a $0.10 surcharge fee for DJX options.[7] Furthermore, the Exchange believes that the proposed fees for the newly listed DJX options on C2 are reasonable as the Exchange's affiliated exchange, Cboe BZX Exchange, Inc. (''BZX Options'') recently added comparable execution, linkage routing and surcharge fees for a newly listed index option product, RUT.[8] The Exchange believes these types of fee codes for newly or recently listed index options are reasonable because they promote and encourage trading in such products.

The Exchange also believes that it is equitable and not unfairly discriminatory to assess lower fees for executions and linkage routing to Customers (including Public Customers) as compared to other market participants because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current Fee Schedule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Interpretation and Policy .01 to Rule 24.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] *See* Cboe Options Fees Schedule, Index Options Rate Table.

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 84401 (October, 11, 2018), 83 FR 52591 (October 17, 2018) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees on Cboe BZX Exchange, Inc.) (SR–CboeBZX–2018–075).

currently does so in many places, as do the fees structures of multiple other exchanges.[9] The Exchange notes that all fee amounts applicable to Customers will be applied equally to all Customers, *i.e.* all Customers will be assessed the same amount.

Additionally, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees for executions and linkage routing to Market-Makers as compared to other market participants, other than Customers, because Market-Makers, unlike other market participants, take on a number of obligations, including quoting obligations, which other market participants do not have. Further, these lower fees offered to Market-Makers are intended to incent Market-Makers to quote and trade more on C2 Options, thereby providing more trading opportunities for all market participants. The Exchange notes that all fee amounts applicable to Market-Makers will be applied equally to all Market-Makers, *i.e.* all Market-Makers will be assessed the same amount. Similarly, the Exchange notes that the DJX fee amounts for each separate type of other market participant will be assessed equally to all such market participants, *i.e.* all Non-Customer and Non-Market-Maker orders will be assessed the same amount.

The Exchange believes its proposed fees for DJX orders that are routed away from the Exchange are reasonable taking into account routing costs and also notes that the proposed fees are in line with amounts assessed by other exchanges.[10] For the reasons described above, the Exchange also believes that it is equitable and not unfairly discriminatory to assess lower routing fees to Customers as compared to other market participants. The Exchange notes that routing through the Exchange is voluntary and market participants can readily direct order flow to another exchange if they deem Exchange fee levels to be excessive.

Finally, the Exchange believes that it is reasonable to asses an Index License Surcharge fee to all non-Public Customer transactions because the surcharge helps recoup some of the costs associated with the license for DJX. As previously stated, the Exchange notes that the surcharge amount is the same as the amount assessed on other exchanges and lower than the amount assessed for RUT options on the Exchange. The proposed Surcharge is also equitable and not unfairly discriminatory because the amount will be assessed to all market participants to whom the Surcharge applies. Not applying the DJX License Surcharge fee to Public Customer orders is equitable and not unfairly discriminatory because this is designed to attract Customer DJX option orders, which increases liquidity and provides greater trading opportunities to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its Fee Schedule will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the DJX fee amounts for each separate type of market participant will be assessed equally to all such market participants. While different fees are assessed to different market participants in some circumstances, the obligations and circumstances between these market participants differ, as discussed above. For example, Market-Makers have quoting obligations that are not applicable to other market participants. Further, the proposed fees structure for DJX is intended to encourage more trading of DJX, which brings liquidity to the Exchange and benefits all market participants.

The Exchange also does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed DJX fees are in line with amounts assessed for index option products by other exchanges. The Exchange notes that to the extent that the proposed fee rates and rebates for certain orders in DJX options make the Exchange a more attractive venue for market participants than other exchanges, market participants are welcome to become TPHs and execute such orders on the Exchange. Also, as stated, market participants are free to direct order flow to other competing venues if they deem the Exchange's fees excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from TPHs or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2019–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2019–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the

[9] *See e.g. supra* note 6. *See also* BZX Options Fee Schedule, Fee Codes and Associated Fees.

[10] *See supra* note 9.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2019–010 and should be submitted on or before June 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10352 Filed 5–17–19; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85852; File No. SR–CboeEDGX–2019–030]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

May 14, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 1, 2019, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fee schedule applicable to Members and non-Members[3] of the Exchange pursuant to EDGX Rules 15.1(a) and (c). The text of the proposed rule change is attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to its equities trading platform (''EDGX Equities''), effective May 1, 2019.

Transaction Fee Changes

Orders That Remove Liquidity

In securities priced at or above $1.00, the Exchange currently assesses a fee of $0.0030 per share for Displayed and Non-Displayed orders that remove liquidity (*i.e.,* yields fee codes N, W, 6, BB, PR and ZR). All Displayed and Non-Displayed orders in securities priced below $1.00 that remove liquidity (*i.e.,* yield fee codes N, W, 6, BB, PR and ZR) result in a fee of 0.30% of dollar value. The Exchange first proposes to reduce the current standard rate of $0.0030 per share to $0.00265 per share for Displayed and Non-Displayed orders that remove liquidity for securities priced at or above $1.00. All Displayed and Non-Displayed orders that remove liquidity in securities priced below $1.00 would continue to result in a fee of 0.30% of dollar value.

Orders That Add Liquidity

In securities priced at or above $1.00, the Exchange currently provides a standard rebate of $0.0020 per share for Displayed orders that add liquidity (*i.e.,* yield fee code B, V, Y, 3 and 4) and a rebate of $0.0015 for Non-Displayed orders that add liquidity (*i.e.,* yield fee code DM, HA, MM, and RP).[4] All Displayed and Non-Displayed orders in securities priced below $1.00 that add liquidity receive a rebate of $0.00003 per share.

The Exchange now proposes to reduce rebates for Displayed and Non-Displayed orders that add liquidity to balance the revenue received for orders that remove liquidity (and as described above, the Exchange is reducing the rates assessed for orders that remove liquidity). With respect to Displayed orders priced at or above $1.00 that add liquidity (*i.e.,* yields fee codes B, V, Y, 3 and 4), the Exchange proposes to reduce the per share rebate from $0.0020 to $0.0017. With respect to Non-Displayed orders priced at or above $1.00 that add liquidity (*i.e.,* yields fee codes DM, HA, MM, and RP), the Exchange proposes to reduce the standard rebate from $0.0015 per share to $0.0010 per share.

The Exchange also proposes to eliminate the current rebate pf $0.00003 per share for Non-Displayed orders in securities priced below $1.00 that add liquidity and provide that such executions shall be free. All Displayed orders that add liquidity in securities priced below $1.00 would continue to receive a rebate of $0.00003 per share.

Add Volume Tiers—Amendments

The Exchange next proposes to amend and restructure its Add Volume Tiers under footnote 1 of the fees schedule. Currently, the Exchange offers eight Add Volume Tiers under footnote 1, which provide an enhanced rebate of $0.0025 to $0.0033 per share for qualifying Displayed orders which yield fee codes B, V, Y, 3 and 4. The Exchange proposes to (i) eliminate the Super Tier, Ultra Tier and Mega Tiers 1 and 2, and adopt in their place new Tiers 1–4, (ii) amend the current Growth Tier and adopt an additional Growth Tier, (iii) amend the Cross-Asset Volume Tier, (iv) adopt a Market Quality Tier, and (v) eliminate the Investor Tier and Step-Up Tier. The Exchange believes the proposed changes result in an easier to follow tier structure and continues to provide Members a variety of opportunities to receive enhanced rebates for adding certain levels of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' See Exchange Rule 1.5(n).

[4] Does not include fee code HI, which is appended to Non-Displayed orders that receive price improvement and add liquidity. Such executions are free.

Displayed liquidity on the Exchange, as discussed below.

Add Volume Tiers: Under footnote 1, the Exchange currently offers a Super Tier, Ultra Tier, Mega Tier 1 and Mega Tier 2, which provide enhanced rebates of $0.0028 to $0.0032 where a member adds an ADV [5] greater than or equal to a specified percentage of TCV. [6] Particularly, the Super Tier provides an enhanced rebate of $0.0028 per share where a Member adds an ADV greater than or equal to 0.15% of the TCV; the Ultra Tier provides an enhanced rebate of $0.0030 per share where a Member adds an ADV greater than or equal to 0.30% of the TCV; Mega Tier 1 provides an enhanced rebate of $0.0031 per share where a Member adds an ADV greater than or equal to 0.45% of the TCV; and Mega Tier 2 provides an enhanced rebate of $0.0032 per share where a Member adds an ADV greater than or equal to 0.75% of the TCV. The Exchange proposes to eliminate these tiers and in their place adopt similar tiers, named ''Tier 1'', ''Tier 2'', ''Tier 3'', and Tier 4''. Tiers 1–4 will similarly provide enhanced rebates between $0.0023 to $0.0029 (reduced from the current rebates of $0.0028 to $0.0032) where a Member adds an ADV greater than or equal to specified percentages of TCV (slightly modified from the current percentages), as further described below. The Exchange notes that, similar to the current Add Volume Tiers, the proposed tiers provide an incremental incentive for Members to strive for the highest tier level, which provides increasingly higher enhanced rebates. The Exchange believes eliminating the current ''names'' of the Tiers and renaming the new tiers numerically (*i.e.,* ''Tiers 1–4'') and placing them in ascending order makes the Add Volume Tiers easier to read and follow.

First, the Exchange proposes to adopt Tier 1, which will provide Members an enhanced rebate of $0.0023 per share where the Member adds as ADV greater than or equal to 0.20% of the TCV. The Exchange next proposes to adopt Tier 2, which will provide Members an enhanced rebate of $0.0025 per share where the Member adds as ADV greater than or equal to 0.30% of the TCV. The Exchange also proposes to adopt Tier 3, which will provide Members an enhanced rebate of $0.0027 per share where the Member adds as ADV greater than or equal to 0.40% of the TCV. Lastly, the Exchange proposes to adopt Tier 4, which will provide Members an enhanced rebate of $0.0029 per share where the Member adds as ADV greater than or equal to 0.70% of the TCV. The Exchange believes the proposed Add Volume Tier changes will encourage members to increase their liquidity on the Exchange.

Growth Tiers: The Exchange currently offers a Growth Tier under footnote 1, which provides Members an enhanced rebate of $0.0025 per share where the Member adds as ADV greater than or equal to 0.08% of the TCV. The Exchange proposes to rename the tier ''Growth Tier 1'' and reduce the enhanced rebate from $0.0025 per share to $0.0020 per share. The Exchange also proposes to modify the threshold criteria to require an ADV greater than or equal to 0.10% of the TCV (instead of 0.08%). The Exchange also proposes to adopt an alternative criteria to satisfy Growth Tier 1 which would provide that a Member would also receive the enhanced rebate of $0.0020 per share where the Member has a Step-Up Add TCV from March 2019 greater than or equal to 0.05%. The Exchange proposes to adopt an additional Growth Tier (''Growth Tier 2''), which would provide Members an enhanced rebate of $0.0026 per share where the Member (i) has an ADV of greater than or equal to 0.20% of the TCV and (ii) has a Step-Up Add TCV from March 2019 greater or equal to 0.10%. The Exchange notes that the proposed Growth Tiers provide Members additional ways to qualify for an enhanced rebate where they increase their relative liquidity each month over a predetermined baseline.

Cross-Asset Volume Tier: The Exchange currently offers a Cross-Asset Volume Tier under footnote 1, which provides Members an enhanced rebate of $0.030 per share where the Member (i) adds as ADV greater than or equal to 0.20% of the TCV and (ii) has an ADV in Customer orders on EDGX Options greater than or equal to 0.10% of average OCV. The Exchange proposes to reduce the enhanced rebate available under the Cross-Asset Volume Tier from $0.0030 per share to $0.0027 per share. The Exchange also proposes reducing the ADV requirement in the second prong to 0.08% of average OCV (instead of 0.10%). The Exchange believes that decreasing the tier's criteria, although modestly, will encourage those Members who could not achieve the tier previously to increase their order flow as a means to receive the tier's enhanced rebate.

Market Quality Tier: The Exchange proposes to adopt a new tier under Footnote 1 that will also apply to Displayed orders that add liquidity (*i.e.,* orders that yield fee codes B, V, Y, 3 and 4) called the Market Quality Tier. The Market Quality Tier would provide Members an enhanced rebate of $0.0028 per share where a Member (i) adds an ADV greater than or equal to 0.25% of the TCV and (ii) adds an ADV greater than or equal to 0.10% of the TCV as Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP. The Exchange believes the proposed new tier will encourage Members to increase both their Displayed and Non-Displayed liquidity on the exchange. The Exchange further notes that other Exchanges have similar add volume tiers that are comprised of both Displayed and Non-Displayed threshold requirements.[7]

Step Up Tier and Investor Tier: The Exchange next proposes to eliminate the (1) Step-Up Tier, which provides a $0.0033 per share rebate where a Member has a Step-Up Add TCV from October 2018 greater than or equal to 0.35% and the (2) Investor Tier, which provides a $0.0032 rebate where a Member (i) adds an ADV greater than or equal to 0.20% of the TCV and (ii) has an ''added liquidity'' as a percentage of ''added plus removed liquidity'' greater than or equal to 85%. The Exchange notes that in light of its amendment to Growth Tier 1 and adoption of Growth Tier 2, both of which include criteria that require Members to increase their relative liquidity each month over a predetermined baseline, the current Step-Up Tier is no longer needed and the Exchange no longer desires to maintain it. Accordingly, the Exchange proposes to eliminate the Step-Up Tier from the Fees Schedule. The Exchange also no longer wishes to maintain the Investor Tier and therefore proposes to delete it.

Non-Displayed Tiers

The Exchange currently offers a Non-Displayed Add Volume Tier under footnote 1, which provides Members an enhanced rebate of $0.0026 per share where the Member adds an ADV greater than or equal to 0.08% of the TCV as Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP. The Exchange proposes to amend the Non-Displayed Add Volume Tier and adopt two additional Non-Displayed Add Volume Tiers. First, the Exchange proposes to amend its current Non-Displayed Add Volume Tier by (i)

[5] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[6] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[7] *See e.g.,* Nasdaq Stock Market, LLC Pricing Schedule, Section 118(a)(1).

reducing the offered rebate from $0.0026 per share to $0.0025 per share and (ii) modifying the required criteria to provide that Members will receive the enhanced rebate where they add an ADV greater than or equal to 7,000,000 shares (instead of .0.08% of the TCV) as Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP. The Exchange also proposes to rename the current tier to ''Non-Displayed Add Volume Tier 3.'' Next, the Exchange next proposes to adopt two new Non-Displayed Add Volume Tiers. As proposed, under Non-Displayed Volume Tier 1, a Member would receive a rebate of $0.0015 per share if that Member adds an ADV greater than or equal to 1,000,000 shares as Non-Displayed orders that yield DM, HA, MM and RP. The Exchange also proposes to adopt Non-Displayed Volume Tier 2, which would provide a Member a rebate of $0.0022 per share where the Member adds an ADV greater than or equal to 2,500,000 shares as Non-Displayed orders that yield fee codes DM, HA, HI, MM or PR [sic]. The Exchange believes the proposed changes to the current Non-Displayed Add Volume Tier, along with the proposed new tiers will encourage Members to increase their Non-Displayed liquidity on the exchange. The Exchange further notes that other Exchanges have similar non-displayed add volume tiers.[8]

Tape B Volume Tier

The Exchange next proposes to amend the Tape B Volume Tier, which provides a $0.0027 per share rebate where a Member adds an ADV greater than or equal to 0.03% of the TCV in Tape B securities. Particularly, the Exchange proposes to increase the ADV requirement to 0.10% of the TCV in Tape B securities (instead of 0.03%). The proposed increase is designed to encourage entry of additional orders to the Exchange.

Retail Volume Tier Deletion

The Exchange proposes to eliminate the Retail Volume Tier, which provides a $0.0037 rebate where a Member adds a Retail Order ADV (*i.e.,* yielding fee code ZA) greater than or equal to 0.35% of the TCV. The Exchange no longer wishes to maintain this tier and therefore proposes to delete it.

2. Statutory Basis

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes its proposal to reduce rates for Non-Displayed and Displayed orders that remove liquidity is reasonable because Members will pay lower transaction fees for such orders. Additionally, the Exchange notes that the proposed fee is lower than transaction fees assessed on other Exchanges.[9] The Exchange notes the proposed fee reduction applies uniformly to Members.

The Exchange believes the proposed reduced rebates for Displayed and Non-Displayed orders that add liquidity is reasonable, equitable and not unfairly discriminatory because Members will still receive rebates for such orders, albeit at a lower amount. The Exchange also believes the proposed reduction of rebates for Displayed and Non-Displayed orders that add liquidity is reasonable because the Exchange must balance the revenue received for orders that remove liquidity (and as described above, the Exchange is reducing the rates assessed for orders that remove liquidity). Rebates for orders that add liquidity incentivize members to bring additional liquidity to the Exchange, thereby promoting price discovery and enhancing order execution opportunities for members. Similarly, the Exchange believes eliminating a rebate and providing free executions for Non-Displayed orders that add liquidity in securities below $1.00 is reasonable because Members still are not paying any fees for such executions. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they apply equally to all Members.

Furthermore, the Exchange's make-take fee structure would continue to incentivize liquidity providers to continue to provide liquidity since such orders remain eligible for better pricing than orders that remove liquidity and are charged a fee (notwithstanding the proposed reduced rebate and fee, respectively).

The Exchange next notes generally that volume-based rebates such as those currently maintained on the Exchange and those being proposed have been widely adopted by exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value of an exchange's market quality; (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes the proposed changes relating to its Add Volume Tiers provide Members a variety of opportunities to receive enhanced rebates for adding certain levels of liquidity to the Exchange.

The Exchange believes the proposal to eliminate the Mega Tier 1, Mega Tier 2, Ultra Tier, and Super Tier and replace those tiers with Tiers 1–4 is reasonable because the proposed new tiers continue to provide Members a variety of opportunities to receive enhanced rebates, albeit at lower amounts, for adding certain levels of liquidity on the Exchange. The Exchange believes reducing the enhanced rebate amounts is reasonable in light of the Exchange's proposal to also reduce the standard rebate for orders that add liquidity and reduce the standard rate for orders that remove liquidity. The Exchange notes that, similar to the current Add Volume Tiers that are being eliminated, the proposed tiers continue to provide an incremental incentive for Members to strive for the highest tier level, which provides increasingly higher enhanced rebates. Additionally, the Exchange believes the proposed changes result in an easier to follow tier structure. Moreover, the Exchange believes the proposed thresholds are commensurate with the proposed corresponding enhanced rebates and that it will encourage Members to add increased liquidity to EDGX each month. Increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they apply equally to all Members.

The Exchange also believes the proposed changes to Growth Tier 1 and the adoption of Growth Tier 2 are reasonable. Particularly, the Exchange believes proposed Growth Tier 2 and the proposed amendment to Growth Tier 1 provide a reasonable means to encourage Members to increase their liquidity on the Exchange based on increasing their relative volume above a predetermined baseline. The proposed tiers create an additional opportunity for Members to receive an enhanced rebate for contributing increased liquidity as compared to the end of the

[8] *See e.g.,* Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1.

[9] *See e.g.,* NYSE Arca Equities, Fees and Charges, NYSE Arca Marketplace: Trade Related Fees and Credits.

previous month (March 2019). Increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also believes that proposed rebates under the Growth Tiers are reasonably based on the difficulty of satisfying the tier's criteria, including using March 2019 as the predetermined baseline. Furthermore, the Exchange believes that the Growth Tiers are not unfairly discriminatory as it applies to all Members that meet the required criteria.

The Exchange believes reducing the rebate under the Cross-Asset Volume Tier is reasonable because Members will still receive a rebate if they satisfy the threshold, just at a lesser amount. Additionally as noted above, the Exchange is also reducing the standard rebates for orders that add liquidity and reducing the rate for orders that remove liquidity and the Exchange must balance the revenue received. The Exchange believes lowering the ADV requirement for Customer orders on EDGX Options is reasonable because the Exchange believes it will ease the tier's requirements and encourage those Members who could not achieve the tier previously to increase their order flow as a means to receive the tier's enhanced rebate. The proposed changes are also equitable and not unfairly discriminatory because they apply uniformly to all Members.

The Exchange believes its proposal to introduce a new Market Quality Tier is reasonable as it provides Members an additional opportunity to receive an enhanced rebate for providing liquidity. The Exchange believes the proposed rebate is reasonable based on the difficulty of satisfying the proposed criteria. The Exchange believes including a requirement for Non-Displayed liquidity in addition to the Displayed liquidity requirement, will encourage Members to increase both their Displayed and Non-Displayed liquidity on the exchange. Non-Displayed liquidity is important as it can improve market quality by, among other things, increasing market depth and providing price improvement opportunities. The Exchange further notes that other Exchanges have similar add volume tiers that are comprised of both Displayed and Non-Displayed threshold requirements.[10]

The Exchange believes eliminating the Investor Tier and Step-Up Tier is reasonable because the Exchange is not required to maintain such tiers and Members still have a number of opportunities and a variety of ways to receive enhanced rebates, as discussed throughout this filing. Similarly, the Exchange believes the proposal to eliminate the Retail Volume Tier is reasonable because the Exchange no longer wishes to maintain such tier and Members will merely not receive an enhanced rebate for orders yielding fee code ZA. The Exchange believes the proposal to eliminate these tiers is also equitable and not unfairly discriminatory because it applies to all Members.

The Exchange believes the proposal to reduce the rebate under the current Non-Displayed Add Volume Tier is reasonable for the same reasons discussed above with respect to other rebate reductions. Particularly, Members will still receive a rebate if they satisfy the threshold and the Exchange must balance the revenue it receives. The Exchange believes the proposed modification to the current Non-Displayed Add Tier, which modestly increases the ADV requirement and converts the requirements to shares instead of percentage of TCV, will encourage the additional entry of Non-Displayed orders. The Exchange also believes the amended rebate is still commensurate with the modified threshold. The Exchange believes the proposal to introduce two new Non-Displayed Add Volume Tiers under footnote 1 is reasonable because it provides Members additional opportunities to receive enhanced rebates for Non-Displayed orders that add liquidity and are a reasonable means to encourage Members to increase their liquidity on the Exchange. As noted above, Non-Displayed liquidity can improve market quality by increasing market depth and providing price improvement opportunities. Deepening the Exchange's liquidity pool benefits investors by encouraging more price competition and providing additional opportunities to trade. The Exchange further believes the proposed thresholds are commensurate with the proposed enhanced rebates and that it will encourage members to add increased liquidity to EDGX each month. Lastly, the Exchange believes that the proposed changes are not unfairly discriminatory as they apply uniformly to all Members.

Lastly, the Exchange believes the proposal to increase the threshold requirement under Tape B Volume Tier is reasonable as the Exchange believes the proposed change will encourage the additional entry of orders in Tape B Securities. The Exchange also notes that although the rebate is not changing, it believes the proposed modification to the required criteria is commensurate with the rebate offered. The proposed change also is not unfairly discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Particularly, the proposed rates and rebates would apply uniformly to all members, and members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing venues to maintain their competitive standing in the financial markets. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition. Moreover, the proposed fee changes are designed to incentivize liquidity, which the Exchange believes will benefit all market participants by encouraging a transparent and competitive market. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and paragraph (f) of Rule 19b–4[12] thereunder. At any time within 60 days of the filing of the proposed rule

[10] *See e.g.,* Nasdaq Stock Market, LLC Pricing Schedule, Section 118(a)(1).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2019–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2019–030 and should be submitted on or before June 10, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–10350 Filed 5–17–19; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15898 and #15899; Iowa Disaster Number IA–00086]

Presidential Declaration Amendment of a Major Disaster for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4421–DR), dated 03/23/2019.

Incident: Severe Storms and Flooding.

Incident Period: 03/12/2019 and continuing.

DATES: Issued on 05/10/2019.

Physical Loan Application Deadline Date: 07/01/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 12/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Iowa, dated 03/23/2019, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Scott

Contiguous Counties (Economic Injury Loans Only):

Iowa: Cedar, Clinton

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–10409 Filed 5–17–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15929 and #15930; Iowa Disaster Number IA–00087]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4421–DR), dated 04/05/2019.

Incident: Severe Storms and Flooding.

Incident Period: 03/12/2019 and continuing.

DATES: Issued on 04/05/2019.

Physical Loan Application Deadline Date: 06/04/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 01/06/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Iowa, dated 04/05/2019, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Allamakee, Audubon, Bremer, Clay, Decatur, Hancock, Hardin, Howard, Humboldt, Iowa, Montgomery, Pocahontas, Sac

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–10332 Filed 5–17–19; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2018–0022]

Social Security Ruling, SSR 19–2p; Titles II and XVI: Evaluating Cases Involving Obesity

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 19–2p. This SSR provides guidance on how we establish that a person has a medically determinable impairment of obesity and how we evaluate obesity in disability claims under Titles II and XVI of the Social Security Act.

DATES: We will apply this notice on May 20, 2019.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are doing so under 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans' benefits programs. We may base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all of our components. 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or until we publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

Nancy A. Berryhill,

Acting Commissioner of Social Security.

Policy Interpretation Ruling

Titles II and XVI: Evaluating Cases Involving Obesity

This Social Security Ruling (SSR) rescinds and replaces SSR 02–1p; Titles II and XVI: Evaluation of Obesity.

Purpose: This SSR provides guidance on how we establish that a person has a medically determinable impairment (MDI) of obesity and how we evaluate obesity in disability claims under Titles II and XVI of the Social Security Act (Act).[1]

Citations (Authority): Sections 216(i), 223(d), 223(f), 1614(a), and 1614(c) of the Act, as amended; Regulations No. 4, subpart P, sections 404.1502, 404.1509, 404.1512, 404.1513, 404.1520, 404.1521–404.1523, 404.1525, 404.1526, 404.1529, 404.1545, 404.1546, 404.1560–404.1569a, 404.1594 and appendices 1 and 2; Regulations No. 16, subpart I, sections 416.902, 416.909, 416.912, 416.913, 416.920, 416.921–416.923, 416.924, 416.924a, 416.925, 416.926, 416.926a, 416.929, 416.945, 416.946, 416.960–416.969a, 416.987, 416.994, and 416.994a.

Introduction

Obesity, when established by objective medical evidence (signs, laboratory findings, or both) from an acceptable medical source (AMS), is an MDI. We provide guidance in this SSR on how we establish that a person has an MDI of obesity, and how we evaluate obesity in disability claims. People with obesity have a higher risk for other impairments, and the effects of obesity combined with other impairments can be greater than the effects of each of the impairments considered separately. Obesity is not a listed impairment; however, the functional limitations caused by the MDI of obesity, either alone or in combination with another impairment(s), may medically equal a listing.[2] Obesity in combination with another impairment(s) may or may not increase the severity or functional limitations of the other impairment(s). We evaluate each case based on the information in the case record.

On September 12, 2002, we published SSR 02–1p (67 FR 57859) to provide guidance on the evaluation of obesity in disability claims. Since then, we published several final rules that revise some of the criteria we use to evaluate disability claims under Titles II and XVI of the Act. We are issuing this SSR to reflect the changes to the rules we have published, and advances in medical knowledge, since publication of SSR 02–1p.

Policy Interpretation

The following information is in a question and answer format that provides guidance on how we establish that a person has an MDI of obesity and how we evaluate obesity in disability claims. Questions 1 and 2 provide basic background information about obesity and impairments associated with obesity. Questions 3 and 4 discuss how we establish obesity as an MDI and how we determine if it is a severe MDI. Questions 5 and 6 specify how we evaluate obesity under the Listing of Impairments (listings),[3] and how we consider obesity when assessing a person's residual functional capacity (RFC).

List of Questions

1. *How does the medical community diagnose obesity?*
2. *Which impairments are associated with obesity?*
3. *How do we establish obesity as an MDI?*
4. *When is obesity a severe impairment?*
5. *How do we evaluate obesity under the listings?*
6. *How do we consider obesity in assessing a person's RFC?*

1. *How does the medical community diagnose obesity?*

Obesity is a complex disorder characterized by an excessive amount of body fat, and is generally the result of many factors including environment, family history and genetics, metabolism, and behavior. Health care practitioners diagnose obesity based on a person's medical history, physical examinations, and body mass index (BMI). For adults, BMI is a person's weight in kilograms divided by the square of his or her height in meters (kg/m^2). People with obesity weigh more than what is considered the healthy weight for their height. In the medical community, obesity is defined as a BMI of 30.0 or

[1] For simplicity, we refer in this SSR only to initial adult claims for disability benefits under Titles II and XVI of the Act. The policy interpretations in this SSR, however, also apply to claims of children (that is, people who have not attained age 18) who apply for benefits based on disability under Title XVI of the Act, continuing disability reviews of adults and children under sections 223(f) and 1614(a)(4) of the Act, and redeterminations of eligibility for benefits we make in accordance with section 1614(a)(3)(H) of the Act when a child who is receiving Title XVI payments based on disability attains age 18.

[2] See 20 CFR 404.1526 and 416.926.

[3] See 20 CFR part 404, subpart P, Appendix 1.

higher.[4 5] No specific weight or BMI establishes obesity as a severe impairment within the disability program. For how we establish obesity as an MDI, see Question 3. For when we consider obesity to be a severe impairment, see Question 4.

Health care practitioners may take a waist measurement to help diagnose obesity. If a person's BMI is within the normal range, he or she may still have obesity if his or her waist measurement is high. People who store more fat around their waist rather than their hips may have a greater risk of obesity-related complications. The risk increases for a waist size greater than 35 inches for women and greater than 40 inches for men.[6]

2. *Which impairments are associated with obesity?*

Obesity is often associated with musculoskeletal, respiratory, cardiovascular, and endocrine disorders. Obesity also increases the risk of developing impairments including:

- Type II diabetes mellitus;
- Diseases of the heart and blood vessels (for example, high blood pressure, atherosclerosis, heart attacks, and stroke);
- Respiratory impairments (for example, sleep apnea, asthma, and obesity hypoventilation syndrome);
- Osteoarthritis;
- Mental impairments (for example, depression); and
- Cancers of the esophagus, pancreas, colon, rectum, kidney, endometrium, ovaries, gallbladder, breast, or liver.

The fact that obesity increases the risk for developing other impairments does not mean that people with obesity necessarily have any of these impairments. It means that they are at greater than average risk for developing other impairments.

3. *How do we establish obesity as an MDI?*

We establish obesity as an MDI by considering objective medical evidence (signs, laboratory findings, or both) from an AMS. We will not use a diagnosis or a statement of symptoms to establish the existence of an MDI.[7] Signs and laboratory findings from an AMS that may establish an MDI of obesity include measured height and weight, measured waist size, and BMI measurements over time.

We calculate BMI based on the medical evidence in the case record, even if the person's medical source(s) has not indicated that the person has obesity. We will not calculate BMI based on a person's self-reported height and weight. In addition, we will not purchase tests to measure body fat. When deciding whether a person has an MDI of obesity, we consider the person's weight over time. We consider the person to have an MDI of obesity as long as his or her weight, measured waist size, or BMI shows a consistent pattern of obesity.

Although there is often a correlation between BMI and excess body fat, this is not always the case. Someone who has a BMI of 30 or above may not have an MDI of obesity if a large percentage of the person's weight is from muscle. It will usually be evident from the information in the case record whether the person does not have an MDI of obesity, despite a BMI of 30 or above.

4. *When is obesity a severe impairment?*

When we evaluate the severity of obesity, we consider all evidence from all sources. We consider all symptoms, such as fatigue or pain that could limit functioning.[8] We consider any functional limitations in the person's ability to do basic work activities resulting from obesity and from any other physical or mental impairments. If the person's obesity, alone or in combination with another impairment(s), significantly limits his or her physical or mental ability to do basic work activities, we find that the impairment(s) is severe.[9] We find, however, that the impairment(s) is ''not severe'' if it does not significantly limit [a person's] physical or mental ability to do basic work activities.[10]

No specific weight or BMI establishes obesity as a ''severe'' or ''not severe'' impairment. Similarly, a medical source's descriptive terms for levels of obesity, such as ''severe,'' ''extreme,'' or ''morbid,'' do not establish whether obesity is a severe impairment for disability program purposes. We do an individualized assessment of the effect of obesity on a person's functioning when deciding whether the impairment is severe.

5. *How do we evaluate obesity under the listings?*

Obesity is not a listed impairment; however, the functional limitations caused by the MDI of obesity, alone or in combination with another impairment(s), may medically equal a listing.[11] For example, obesity may increase the severity of a coexisting or related impairment(s) to the extent that the combination of impairments medically equals a listing.[12]

We will not make general assumptions about the severity or functional effects of obesity combined with another impairment(s). Obesity in combination with another impairment(s) may or may not increase the severity or functional limitations of the other impairment. We evaluate each case based on the information in the case record.

6. *How do we consider obesity in assessing a person's RFC?*

We must consider the limiting effects of obesity when assessing a person's RFC.[13] RFC is the most an adult can do despite his or her limitation(s). As with any other impairment, we will explain how we reached our conclusion on whether obesity causes any limitations.

A person may have limitations in any of the exertional functions, which are sitting, standing, walking, lifting, carrying, pushing, and pulling. A person may have limitations in the nonexertional functions of climbing, balancing, stooping, kneeling, crouching, and crawling. Obesity increases stress on weight-bearing joints and may contribute to limitation of the range of motion of the skeletal spine and extremities. Obesity may also affect a person's ability to manipulate objects, if there is adipose (fatty) tissue in the hands and fingers, or the ability to tolerate extreme heat, humidity, or hazards.

We assess the RFC to show the effect obesity has upon the person's ability to perform routine movement and necessary physical activity within the work environment. People with an MDI

[4] Jensen, M. D., Ryan, D. H, Donato, K. A., Apovian, C. M., Ard, J.D., Comuzzie, A. G., . . . Yanoski, S. Z. (2014). Guidelines (2013) for managing overweight and obesity in adults. *Obesity, 22*(S2), S1–S410. doi:10.1002/oby/20660.

[5] For children age 2 and older, weight status is determined using an age- and gender-specific percentile for BMI rather than the BMI categories used for adults. This is because children's body composition varies as they age and varies between boys and girls. Obesity is defined as a BMI-for-age at or above the 95th percentile. See Barlow, S. E. (2007). Expert committee recommendations regarding the prevention, assessment, and treatment of child and adolescent overweight and obesity: Summary report. *Pediatrics, 120,* S164–S192. doi:10.1542/peds.2007–2329C

[6] Jensen, M. D., Ryan, D. H, Donato, K. A., Apovian, C. M., Ard, J.D., Comuzzie, A. G., . . . Yanoski, S. Z. (2014). Guidelines (2013) for managing overweight and obesity in adults. *Obesity, 22*(S2), S1–S410. doi:10.1002/oby.20660

[7] See 20 CFR 404.1521 and 416.921.

[8] See 20 CFR 404.1529 and 416.929.

[9] For children applying for disability under Title XVI, we find that the impairment(s) is severe when it causes more than minimal functional limitations. See 20 CFR 416.924(c).

[10] See 20 CFR 404.1522 and 416.922.

[11] See 20 CFR 404.1526 and 416.926.

[12] For children applying for disability under Title XVI, we may evaluate the functional consequences of obesity (either alone or in combination with other impairments) to decide if the child's impairment(s) functionally equals the listings. For example, the functional limitations imposed by obesity, by itself or in combination with another impairment(s), may establish extreme limitation of one domain of functioning or marked limitation of two domains. See 20 CFR 416.926a.

[13] See 20 CFR 404.1545 and 416.945.

of obesity may have limitations in the ability to sustain a function over time. In cases involving obesity, fatigue may affect the person's physical and mental ability to sustain work activity. This may be particularly true in cases involving obesity and sleep apnea.

The combined effects of obesity with another impairment(s) may be greater than the effects of each of the impairments considered separately. For example, someone who has obesity and arthritis affecting a weight-bearing joint may have more pain and functional limitations than the person would have due to the arthritis alone. We consider all work-related physical and mental limitations, whether due to a person's obesity, other impairment(s), or combination of impairments.

This SSR is applicable on May 20, 2019.[14]

Cross References: SSR 82–52: Titles II and XVI: Duration of the Impairment; SSR 85–28: Titles II and XVI: Medical Impairments That Are Not Severe; SSR 86–8: Titles II and XVI: The Sequential Evaluation Process; SSR 96–8p: Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims; SSR 16–3p: Titles II and XVI: Evaluation of Symptoms in Disability Claims; SSR 17–2p: Titles II and XVI: Evidence Needed by Adjudicators at the Hearings and Appeals Council Levels of the Administrative Review Process to Make Findings about Medical Equivalence; and Program Operations Manual System (POMS) DI 22505.001, DI 22505.003, DI 24501.020, DI 24501.021, DI 24503.005, DI 24505.001, DI 24505.005, DI 24508.010, DI 24510.005, DI 24515.062, and DI 24515.063.

[FR Doc. 2019–10432 Filed 5–17–19; 8:45 am]

BILLING CODE 4191–02–P

[14] We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

DEPARTMENT OF STATE

[Public Notice: 10769]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: "The Colmar Treasure: A Medieval Jewish Legacy" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The Colmar Treasure: A Medieval Jewish Legacy,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Met Cloisters, New York, New York, from on or about July 22, 2019, until on or about January 12, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–10404 Filed 5–17–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10770]

Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department Overseas Security Advisory Council on June 5, 2019. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact: Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Thomas G. Scanlon,

Executive Director, Overseas Security Advisory Council, U.S. Department of State.

[FR Doc. 2019–10405 Filed 5–17–19; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice: 10771]

Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition—Determinations: "The Allure of Matter: Material Art of China" Exhibition

On April 26, 2019, notice was published on page 17908 of the **Federal Register** (volume 84, number 81) of determinations pertaining to certain objects to be included in an exhibition entitled ''The Allure of Matter: Material Art of China.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''The Allure of Matter: Material Art of China,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about June 6, 2019, until on or about January 5, 2020, at the David and Alfred Smart Museum of Art and the Wrightwood 659 Gallery, both in Chicago, Illinois, from on or about February 4, 2020, until on or about May 3, 2020, at the Seattle Art Museum, Seattle, Washington, from on or about June 25, 2020, until on or about

September 13, 2020, at the Peabody Essex Museum, Salem, Massachusetts, from on or about November 14, 2020, until on or about February 21, 2021, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–10407 Filed 5–17–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Willoughby Lost Nation Municipal Airport, Willoughby, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change 1.021 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Willoughby Lost Nation Municipal Airport, Willoughby, Ohio. The aforementioned land is not needed for aeronautical use.

The property is located north east of the Runway 28 threshold, west of Reynolds Road and south of the City of Mentor Fire Station No. 4. The parcel is obligated as aeronautical use within the airport boundary as depicted on the current Exhibit A. There is no current existing aeronautical use. The proposed non-aeronautical use of the property is for a Regional Emergency Response Facility to be developed by the City of Mentor.

DATES: Comments must be received on or before June 19, 2019.

ADDRESSES: Documents are available for review by appointment at the FAA Detroit Airports District Office, Evonne M. McBurrows, Program Manager, 11677 South Wayne Road, Suite 107, Romulus, Michigan Telephone: (734) 229–2945/Fax: (734)229–2950 and Lake County Ohio Port and Economic Development Authority, One Victoria Place, Suite 265A, Painesville, Ohio, 44077, (440)357–2290.

Written comments on the Sponsor's request must be delivered or mailed to: Evonne M. McBurrows, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174, Telephone Number: (734) 229–2945/FAX Number: (734) 229–2950.

FOR FURTHER INFORMATION CONTACT: Evonne M. McBurrows, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734) 229–2945/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 obligated as aeronautical use within the airport boundary as depicted on the current Exhibit A. It is currently vacant land and there is no existing aeronautical use. The land was acquired with federal funds under AIP Grant 85–2–3–39–0090–0185. Lake County Ohio Port and Economic Development Authority is proposing to sell the land to the City of Mentor for the development of a non-aeronautical Regional Emergency Response Facility. The airport will receive fair market value for the sale of this land.

The disposition of proceeds from the sale of the 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 Willoughby Lost Nation Municipal Airport, Willoughby, Ohio from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Legal Description 1.021 Acres

Situated in the City of Mentor, County of Lake, and State of Ohio and known as being a leasehold estate over and upon a part of Original Mentor Township Lot No. 6, Tract No. 9 in the Tenth Township of the Ninth Range of the Connecticut Western Reserve and more particularly being a part of the first parcel of lands conveyed to the Lake County Ohio Port and Economic Development Authority by instrument dated October 8, 2014 and recorded in Document No. 2014R025222 of Lake County Records and is bounded and described as follows:

Beginning in the centerline of Reynolds Road (State Route No. 306, width varies) at a one inch diameter iron pin stake in a monument box found marking its intersection with the centerline of Bellflower Road;

Thence South 0°29′08″ West along said centerline of Reynolds Road, the same being the easterly line of Farmington Meadows No. 3 Subdivision as shown by plat recorded in Volume 9, Page 42 of Lake County Plat Records, a distance of 776.18 feet to its intersection with the easterly prolongation of the southerly line of Block ''A'' as shown by said plat;

Thence South 89°49′32″ West along said prolongation and southerly 1ine of Block ''A'' a distance of 45.00 feet to the northeasterly corner of land (PPN 16–C–072–0–00–011–0) conveyed to the City of Mentor as recorded in Deed Book Volume 621, Page 275 of Lake County Records;

Thence South 0°29′08″ West along the easterly line of said land of the City of Mentor, the same being parallel with and distant 45.00 feet westerly by normal measure from said centerline of Reynolds Road, a distance of 125.00 feet to the northeasterly corner of said land of the Lake County Ohio Port and Economic Development Authority and the Principal Point of Beginning of the following described parcel of land:

COURSE I Thence South 0°29′08″ West along the easterly line of said land of the Lake County Ohio Port and Economic Development Authority, the same being parallel with and distant 45.00 feet westerly by normal measure from said centerline of Reynolds Road, a distance of 82.41 feet to a point therein;

COURSE II Thence South 89°49′32″ West a distance of 400.61 feet to a point;

Course III Thence North 0°29′08″ East a distance of 207.41 feet to the southerly line of the aforesaid Farmington Meadows No. 3 Subdivision;

COURSE IV Thence North 89°49′32″ East along said southerly line of the Farmington Meadows No. 3 Subdivision a distance of 91.70 feet to its intersection with the westerly line of lands conveyed to the City of Mentor as aforesaid;

COURSE V Thence South 0°29′08″ West along said westerly line of land of the City of Mentor a distance of 125.00 feet to the southwesterly corner of the same;

COURSE VI Thence North 89°49′32″ East along the southerly line of said land of the City of Mentor a distance of 308.91 feet to the Principal Point of Beginning and containing 1.021 Acres (44,470 Square Feet) of land as described in October, 2018 by CT Consultants, Inc.

Issued in Romulus, Michigan, on May 7, 2019.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2019–10339 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Change in Use of Aeronautical Property at Tallahassee International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on a request by the City of Tallahassee to change a portion of airport property from aeronautical to non-aeronautical use at the Tallahassee International Airport, Tallahassee City, Florida. The request consists of approximately 317.37 acres of vacant property located on the western side of the airport property boundary. Present fair market value of the property is $157,098 annually. Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Tallahassee International Airport and the FAA Airports District Office.

DATES: Comments are due on or before June 19, 2019.

ADDRESSES: Documents are available for review at Tallahassee International Airport, and the FAA Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819. Written comments on the Sponsor's request must be delivered or mailed to: Pedro Blanco, Community Planner, FAA Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819.

FOR FURTHER INFORMATION CONTACT: Pedro Blanco, Community Planner, FAA Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 2019–10345 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Dallas And Ellis Counties, Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Federal Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The FHWA, on behalf of TxDOT, is issuing this notice to advise the public that an EIS will be prepared for a proposed transportation project to construct a six-lane new location frontage road system between United States 67 (US 67) and Interstate 35 East (IH 35E) through Dallas and Ellis Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Carlos Swonke, Division Director, TxDOT Environmental Affairs Division, 125 East 11th Street, Austin, Texas 78701; Phone (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

TxDOT will prepare an EIS for the proposed construction of a six-lane new location frontage road system for the portion of the proposed Loop 9 Southeast roadway system between United States 67 (US 67) and Interstate 35 East (IH 35E) through Dallas and Ellis Counties, Texas, which is known as ''Segment A.'' The project is approximately 9.4-miles in length and would pass through the communities of Cedar Hill, Midlothian, Ovilla, Glenn Heights, and Red Oak. The new location frontage road system would include an eastbound and westbound frontage road facility, each consisting of three 12 foot (ft.) lanes, an 8-ft inside shoulder, and an 8 ft. outside shoulder for bicycle accommodations within the rural section of the proposed roadway. The proposed project ROW would include a median (358 to 512 ft. wide) that would accommodate the future construction of an ultimate access-controlled mainlane facility. Construction of the ultimate access-controlled mainlane facility would be based on projected traffic and funding and would require additional environmental analysis prior to construction.

The EIS will evaluate a range of build alternatives and a no-build alternative. Possible build alternatives include the three alternatives developed to date to be considered and evaluated in the EIS. In general, from Tar Road to approximately 0.9 miles east of S. Joe Wilson Road, a distance of approximately 2.8 miles, three build alternatives are being considered. East and west of these limits, each alternative shares a common alignment to the project termini.

Alternative 1 (2.78 miles), the northernmost alternative, diverges from the common alignment at Tar Road heading east, then immediately turns northeast before crossing S. Joe Wilson Road and converging back with the common alignment.

Alternative 2 (2.76 miles), the central most alternative, diverges from the common alignment at Tar Road heading east, then immediately turns northeast; however, this alignment follows a straighter path between Tar Road and S. Joe Wilson Road. After S. Joe Wilson Road, the alternative continues in a northeast direction before converging back with the common alignment.

Alternative 3 (2.84 miles), the southernmost alternative, diverges from the common alignment at Tar Road and

keeps east for a distance of 0.8 miles centered on existing Knight Street. At the end of Knight Street, the alternative shifts northeast before crossing S. Joe Wilson Road and converging back with the common alignment.

TxDOT will issue a single Final Environmental Impact Statement and Record of Decision document pursuant to 23 U.S.C. 139(n)(2), unless TxDOT determines statutory criteria or practicability considerations preclude issuance of a combined document.

In accordance with 23 U.S.C. 139, cooperating agencies, participating agencies, and the public will be given an opportunity for continued input on project development. A public scoping meeting is planned for Summer 2019. An agency scoping meeting will also be held with participating and cooperating agencies. The agency and public scoping meetings will provide an opportunity for the participating/cooperating agencies and public to review and comment on the draft coordination plan and schedule, the project purpose and need, the range of alternatives, and methodologies and level of detail for analyzing alternatives. In addition to the agency and public scoping meetings, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Issued on: May 14, 2019.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2019–10440 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Southern Extension of SR–186 and the US 45 Bypass Project in Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. The actions relate to a proposed highway project for the Southern Extension of State Route (SR) 186 and the US 45 Bypass from SR–1 (US 70/Airways Boulevard) to SR–5 (US 45/South Highland Avenue) on the south side of Jackson in Madison County, Tennessee. Those actions grant licenses, permits, and approvals for the project. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before OCTOBER 17, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Theresa Claxton; Planning and Program Management Team Leader; Federal Highway Administration; Tennessee Division Office; 404 BNA Drive, Building 200, Suite 508; Nashville, Tennessee 37217; Telephone (615) 781–5770; email: *Theresa.Claxton@dot.gov.* FHWA Tennessee Division Office's normal business hours are 7:30 a.m. to 4 p.m. (Central Time). You may also contact Ms. Susannah Kniazewycz, Environmental Division Director, Tennessee Department of Transportation (TDOT), James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville, Tennessee 37243–0334; Telephone (615) 741–3655, *Susannah.Kniazewycz@tn.gov.* The TDOT Environmental Division's normal business hours are 8 a.m. to 5 p.m. (Central Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of Tennessee: Southern Extension of SR–186 and the US 45 Bypass, Project Number HPP–NHE–1(225), PIN 109926.00, Madison County, Tennessee. The proposed action will improve local and regional mobility by providing an alternate route for through traffic separate from the developed commercial corridor along existing US 45. The Selected Alternative proposes the construction of two roadway sections within the project. The southern portion of the Bypass from north of Edwards Drive to Boone Lane consists of two 12-foot travel lanes in each direction, 6-foot inside shoulders, 12-foot outside shoulders, and a variable width depressed grass median, within an approximate 250-foot right-of-way (ROW). The northern portion of the Bypass from Boone Lane to Airways Boulevard consists of two 12-foot travel lanes in each direction, 7-foot inside shoulders, 12-foot outside shoulders, and center concrete barrier, within an approximate 200-foot ROW. Portions of the corridor include: (1) An interchange with ramps on the southern terminus of the project at US 45/South Highland to provide unimpeded access for traffic on the existing US 45/South Highland continuing north on the proposed Bypass; (2) Access via at-grade intersections for several local roads intersected by the proposed Bypass route, including: Raines Springs Road, D Street, Boone Lane, Riverside Drive, and Existing US 45 Bypass; (3) SR 18 Realignment (Raines Springs Road) from the existing SR 18 intersection with Old Malesus Road to north of the proposed US 45 Bypass. Raines Springs Road would be widened to two 12-foot travel lanes with a 12-foot center turn lane.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on May 20, 2013, the Reevaluation of the EA approved on July 18, 2018, and in the FHWA FONSI issued on February 14, 2019, and in other documents in the FHWA project records. The EA, Reevaluation, FONSI, and other project records are available by contacting FHWA or TDOT at the addresses provided above. The FHWA EA, Reevaluation, and FONSI can be viewed and downloaded from the project website at *https://www.tn.gov/tdot/projects/region-4/state-route-186-us-45-bypass-southern-extension,* or viewed at the Jackson Planning Department, City Hall, 111 East Main Street, Suite 201, Jackson, Tennessee 38301, the TDOT Region 4, Administrative Building, 300 Benchmark Place, Jackson, Tennessee 38301, or the Jackson-Madison County Library, 433 East Lafayette Street, Jackson, Tennessee 38301.

This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination

Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, and Section 319) [33 U.S.C. 1251–1377].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: May 7, 2019.

Pamela M. Kordenbrock,

Division Administrator, Nashville, Tennessee.

[FR Doc. 2019–09885 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2019–0006]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on March 7, 2019 (84 FR 8398).

DATES: Comments must be submitted on or before June 19, 2019.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 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. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 7, 2019, published a 60-day notice (84 FR) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). 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 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that 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. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Fixed Guideway Capital Investment Grants—New Starts Section 5309.

OMB Control Number: 2132–0561.

Type of Request: Renewal of a previously approved information collection.

Abstract: The Federal Transit Administration (FTA) administers the discretionary Capital Investment Grants (CIG) grant program under 49 U.S.C. Section 5309 that provides funding for major transit capital investments including rapid rail, light rail, commuter rail, bus rapid transit, and ferries. Three types of eligible projects are outlined in law: Smaller scaled corridor-based transit capital projects known as ''Small Starts''; new fixed guideway transit systems and extensions to existing fixed guideway systems known as ''New Starts''; and projects to improve capacity at least 10 percent in existing fixed guideway corridors that are at capacity today or will be in five years, known as ''Core Capacity''. The CIG program has a longstanding requirement that FTA evaluate proposed projects against a prescribed set of statutory criteria at specific points during the projects' development including when they seek to enter a subsequent phase of the process or a construction grant agreement. The current Federal Public Transportation Law, 49 U.S.C. 5309, has not changed the statutorily defined project justification and local financial commitment criteria that are the subject of this information collection. In addition, the statutorily required approval steps for projects seeking CIG funds have not changed. Thus, the requirements for project evaluation and data collection for these proposed projects are not new and are unchanged. In general, the information used by FTA for CIG project evaluation and rating should arise as a part of the normal project planning process. FTA has been collecting information from project sponsors under the existing OMB approval for this program (OMB No. 2132–0561).

Respondents: State and local government.

Estimated Annual Number of Respondents: 155 respondents.

Estimated Total Annual Burden: 68,840 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FTA Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of

Management and Budget, at the following address: *oira_submissions@omb.eop.gov.*

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Nadine Pembleton,

Director, Office of Management Planning.

[FR Doc. 2019–10333 Filed 5–17–19; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Revision; Comment Request; Regulation E—Electronic Fund Transfer Act and Regulation Z—Truth in Lending Act

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning revisions to the information collections titled ''Regulation E—Electronic Fund Transfer Act'' and ''Regulation Z—Truth in Lending Act.''

DATES: Comments must be submitted on or before July 19, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, OMB Control No. 1557–NEW, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–NEW,'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching ''Regulation E—Electronic Fund Transfer Act and Regulation Z—Truth in Lending Act.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or disclose information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing this notice.

Title: Regulation E—Electronic Fund Transfer Act and Regulation Z—Truth in Lending Act.

OMB Control Nos.: 1557–NEW.[2]

Type of Review: Regular review.

Description: The Electronic Fund Transfer Act (EFTA) [3] and Regulation E [4] require disclosure of basic terms, costs, and rights relating to electronic fund transfer services debiting or crediting a consumer's account. The Truth in Lending Act (TILA) [5] and Regulation Z [6] require that the costs and terms of credit be disclosed to consumers.

The prepaid accounts final rules issued by the Consumer Financial Protection Bureau (CFPB) [7] require financial institutions to make available to consumers disclosures before a consumer acquires a prepaid account. This notice outlines the requirements of

[1] Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

[2] Regulations E and Z are currently covered by OMB Control No. 1557–0176, which also covers other consumer regulations. The OCC is requesting a new control number for this portion of Regulations E and Z only.

[3] 15 U.S.C. 1693 *et seq.*

[4] 12 CFR part 1005.

[5] 15 U.S.C. 1601 *et seq.*

[6] 12 CFR part 1026.

[7] 81 FR 83934 (November 22, 2016) and 83 FR 6364 (February 13, 2018).

the 2016 rule as amended by the 2018 rule.

Regulation E

Under 12 CFR 1005.18(b), a financial institution is required to make available a short form and a long form disclosure before the consumer acquires a prepaid account, subject to certain exceptions. Most of the content required in the long form disclosure is already provided in prepaid account agreements. Section 1005.18(f)(3) requires that certain disclosures be made on the actual prepaid account access device, including the name of the financial institution and the URL of its website, and a telephone number the consumer may use to contact the financial institution about the prepaid account.

Financial institutions offering prepaid accounts that qualify for the retail location exception in § 1005.18(b)(1)(ii) may meet the requirement of providing the long form disclosure after acquisition by allowing the long form disclosure to be delivered electronically, without receiving consumer consent under the E-Sign Act,[8] if the disclosure is not provided inside the prepaid account packaging material and the financial institution is not otherwise mailing or delivering to the consumer written account-related communications within 30 days of obtaining the consumer's contact information. If a financial institution provides pre-acquisition disclosures in writing and a consumer subsequently completes the acquisition process online or by telephone, the financial institution is not required to provide the disclosures again either electronically or orally. Financial institutions that disclose additional fee types with three or more fee variations may consolidate them into two categories and disclose them on the short form.

Section 1005.18(b)(9)(i)(C) includes a requirement that a financial institution provide pre-acquisition disclosures in a foreign language if the financial institution provides a means for the consumer to acquire a prepaid account by telephone or electronically principally in that foreign language. That requirement is not applicable to payroll card accounts and government benefit accounts where the foreign language is offered by telephone only via a real-time language interpretation service provided by a third party or directly by an employer or government agency on an informal or ad hoc basis as an accommodation to prospective payroll card account or government benefit account recipients.

Section 1005.18(c)(1) requires financial institutions to furnish periodic statements to the consumer unless the provider uses the alternative method of compliance. Under this alternative method, the periodic statements must include: (1) A telephone number that the consumer may call to obtain the account balance; (2) the means by which the consumer can obtain an electronic account history, such as the address of a website; and (3) a summary of the consumer's right to receive a written account history upon request (in place of the summary of the right to receive a periodic statement required by § 1005.7(b)(6)), including a telephone number to call to request a history. Section 1005.18(c)(5) requires that financial institutions disclose to consumers a summary total of the amount of all fees assessed against the consumer's prepaid account for both the prior month as well as the calendar year to date. This information must be disclosed on any periodic statement and any electronic or written history of account transactions provided or made available by the financial institution.

The limited liability and error provisions of Regulation E now extend to all prepaid accounts, except those that have not successfully completed the financial institution's consumer identification and verification process. With regard to accounts where the consumer's identity is later verified, financial institutions are not required to resolve errors and limit liability for disputed transactions occurring prior to the verification. For accounts in programs where there is no verification process, financial institutions must either explain in their initial disclosures their error resolution process and limitations on consumers' liability for unauthorized transfers, or explain that there are no such protections, and that such financial institutions comply with the process (if any) that they disclose.[9]

Pursuant to § 1005.18(h)(1), except as provided in § 1005.18(h)(2) and (3), the effective date for the prepaid accounts rules is April 1, 2019. If, as a result of § 1005.18(h)(1), a financial institution changes the terms and conditions of a prepaid account, such that a change-in-terms notice would have been required under § 1005.8(a) or § 1005.18(f)(2) for existing customers, the financial institution must notify consumers with accounts acquired before April 1, 2019, at least 21 days in advance of the change becoming effective, provided the financial institution has the consumer's contact information. If the financial institution obtains the consumer's contact information fewer than 30 days in advance of the change becoming effective or after it has become effective, the financial institution is permitted instead to provide notice of the change within 30 days of obtaining the consumer's contact information.

If a financial institution has received an E-Sign consent from the consumer, the financial institution may notify the consumer electronically. Otherwise, if a financial institution mails or delivers written communications to the consumer within the applicable time period, that financial institution must send a notice in physical form. If the financial institution will not mail or deliver communications to the consumer within the applicable time period, then the financial institution may notify the consumer in electronic form without regard to the consumer notice and consent requirements of section 101(c) of the E-Sign Act.

Section 1005.18(h)(2)(ii) requires that financial institutions notify any consumer, who acquires a prepaid account after the effective date specified in packaging printed prior to the effective date, of any changes as a result of § 1005.18(h)(1) taking effect that would have caused a change-in-terms notice to be required under § 1005.8(a) or § 1005.18(f)(2) for existing customers within 30 days of acquiring the customer's contact information. In addition, financial institutions must mail or deliver updated initial disclosures pursuant to §§ 1005.7 and 1005.18(f)(1) within 30 days of obtaining the consumer's contact information. Those financial institutions that are affected should not incur significant costs associated with notifying consumers and providing updated initial disclosures. Consumers who have consented to electronic communication may receive the notices and updated disclosures electronically, at a minimal cost to financial institutions. Those consumers who cannot be contacted electronically may receive the notices and updated initial disclosures together with another scheduled mailing within the 30-day time period. Any remaining consumers who are not scheduled to receive mailings may be notified without regard to the consumer notice and consent requirements of section 101(c) of the E-Sign Act.

Section 1005.19(b) requires certain issuers to submit to the CFPB, on a rolling basis, short form disclosures, prepaid account agreements (including fee schedules) that are offered, amended, or withdrawn. Prepaid

[8] Electronic Signatures in Global and National Commerce Act (E-Sign Act) (15 U.S.C. 7001 *et seq.*).

[9] 12 CFR 1005.18(e)(1) and (2).

account issuers are permitted to delay submitting a change in the list of names of other relevant parties to a particular prepaid account agreement until the earlier of such time as the issuer is otherwise submitting an amended agreement or changes to other identifying information about the issuer and its submitted agreements to the CFPB, or May 1 of each year (for updates between the last submission and April 1 of that year). Short form and long form disclosures may be provided to the CFPB as separate addenda to the agreement, rather than integrated into the agreement or as a single addendum.

Regulation Z

The CFPB's rules cover overdraft credit features offered in connection with prepaid accounts where the credit features are offered by the prepaid account issuer, its affiliates, or its business partners with certain exceptions. The CFPB is expanding the exception in 12 CFR 1026.61(a)(4) that allows prepaid account issuers to provide certain incidental forms of credit structured as a negative balance on the asset feature of prepaid accounts without triggering Regulation Z and the other protections for hybrid prepaid-credit cards. Previously, the exception only applied where (1) the prepaid card could not access credit from a covered separate credit feature accessible by a hybrid prepaid-credit card; (2) the prepaid account issuer had a general policy and practice of declining transactions that will take the account negative; and (3) the prepaid account issuer customarily did not charge credit-related fees. Section 1026.61(a)(4), as amended, permits a prepaid account issuer to take advantage of the exception with respect to the negative balance even if a covered separate credit feature offered by a business partner is attached to the prepaid account, so long as the other requirements are met.

Creditors offering these covered overdraft credit features in connection with a prepaid account are required to inform consumers of the costs and terms before consumers use the credit feature and inform consumers of certain subsequent changes to the terms of the credit feature. The initial required information includes the finance charge and other charges, the Annual Percentage Rate (APR), a description of how balances subject to a finance charge are calculated, and any collateral used to secure repayment. If the creditor changes certain terms initially disclosed, or increases the minimum periodic payment, a written change-in-terms notice generally must be provided to the consumer at least 45 days prior to the effective date of the change.

Creditors are required to provide a written periodic statement of activity for each billing cycle. The statement must be provided for each account that has a balance of more than $1 or on which a finance charge is imposed, and the statement must include a description of activity on the account, the opening and closing balances, any finance charges imposed, and payment information.

Creditors are required to notify consumers about their rights and responsibilities regarding billing errors and must provide either a complete statement of billing rights annually or a summary of those billing rights and responsibilities on each periodic statement. If a consumer alleges a billing error, the creditor must provide, within 30 days of receipt, an acknowledgment that the creditor received the consumer's error notice. The creditor must report on the results of its investigation within 90 days. If a billing error did not occur, the creditor must provide an explanation as to why the creditor believed an error did not occur and provide documentary evidence to the consumer upon request. The creditor must also notify the consumer of the portion of the disputed amount and related finance or other charges that the consumer still owed and when payment of those amounts was due.

Persons offering these covered overdraft credit features in connection with a prepaid account are required when advertising their products to include certain basic credit information if the advertisement refers to specified credit terms or costs. Persons offering these features in connection with a prepaid account are required to send copies of the overdraft credit feature agreement to the CFPB. Lastly, persons offering these features in connection with a prepaid account must provide additional disclosures with solicitations and applications. Such card issuers must disclose key terms of the account, such as the APR, information about variable rates, and fees such as annual fees, minimum finance charges, and transaction fees for purchases.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Regulation E:

Estimated Number of Respondents: 1,106.

Estimated Annual Burden: 6,605 hours.

Regulation Z:

The CFPB has indicated that the only respondents affected by these changes are those that they regulate. Therefore, the OCC will not be taking any burden for these changes.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; (b) The accuracy of the OCC's estimates of the information collection burden; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 14, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–10434 Filed 5–17–19; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Securities Exchange Act Disclosure Rules and Securities of Federal Savings Associations; Correction

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment; correction.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled ''Securities

Exchange Act Disclosure Rules and Securities of Federal Savings Associations.''

This notice was first issued on March 29, 2019. It is being reissued to correct an error in the burden estimates.

DATES: Comments must be received on or before July 19, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, OMB Control No. 1557–0106, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0106'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0106'' or ''Securities Exchange Act Disclosure Rules and Securities of Federal Savings Associations.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Securities Exchange Act Disclosure Rules and Securities of Federal Savings Associations.

OMB Control No.: 1557–0106.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB approve its revised burden estimates.

The Securities and Exchange Commission (SEC) is required by statute to collect, in accordance with its regulations, certain information and documents from any firm that is required to register its stock with the SEC.[2] Federal law requires the OCC to apply similar regulations to any national bank or federal savings association similarly required to be registered with the SEC (generally those with a class of equity securities held by 2,000 or more shareholders).[3]

12 CFR part 11 ensures that a national bank or federal savings association whose securities are subject to registration provides adequate information about its operations to current and potential shareholders, and the public. The OCC reviews the information to ensure that it complies with federal law and makes public all information required to be filed under the rule.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Number of Respondents: 41.

Estimated Total Annual Burden: 408.948 hours.

Comments submitted in response to this notice will be summarized and included in the submission to OMB. Comments are requested on:

(a) Whether the information collections are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 14, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–10443 Filed 5–17–19; 8:45 am]

BILLING CODE 4810–33–P

[1] Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

[2] 15 U.S.C. 78m(a)(1).

[3] 15 U.S.C. 78l(i).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Revision; Submission for OMB Review; Regulation C—Home Mortgage Disclosure

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the revision of the information collection titled ''Regulation C—Home Mortgage Disclosure.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before June 19, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–NEW, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–NEW'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by title, ''Regulation C—Home Mortgage Disclosure.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of this collection of information.

Title: Regulation C—Home Mortgage Disclosure Act.

OMB Control Nos.: 1557–NEW.[2]

Type of Review: Regular review.

Description: Regulation C,[3] which implements the Home Mortgage Disclosure Act [4] (HMDA), requires certain depository and non-depository institutions that make certain mortgage loans to collect, report, and disclose data about originations and purchases of mortgage loans as well as data about loan applications that do not result in originations. HMDA requires the generation of loan data that can be used to: (1) Help determine whether financial institutions are serving the housing needs of their communities; (2) assist public officials in distributing public-sector investments so as to attract private investment to areas where it is needed; and (3) assist in identifying possible discriminatory lending patterns and enforcing anti-discrimination statutes.

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 [5] (the Dodd-Frank Act) transferred HMDA and its rulemaking authority from the Board of Governors of the Federal Reserve System (Board) to the Consumer Financial Protection Bureau (CFPB) and transferred supervisory and enforcement authority for HMDA for depository institutions over $10 billion in consolidated assets from the Board, Federal Deposit Insurance Corporation, OCC, and National Credit Union Administration to the CFPB.

On October 28, 2015, the CFPB published a final rule that expanded the data collected and reported under HMDA, as implemented by Regulation C. On September 13, 2017, the CFPB published a final rule with additional corrections and clarifications (final rules). The final rules also modified the types of lenders and loans covered under Regulation C. For data collected in 2017 and reported in 2018, the rule reduces the number of institutions covered under Regulation C as only depository institutions that originate more than 25 closed-end loans must report the data. Beginning on January 1, 2018, institutions were required to begin collecting expanded data under HMDA if, in addition to meeting other criteria, they originate 25 or more closed-end

[1] On February 14, 2019, the OCC published a 60-day notice for this information collection, 84 FR 4129.

[2] Regulation C is currently covered by OMB Control No. 1557–0176, which also covers other consumer regulations. The OCC is requesting a new control number for Regulation C only.

[3] 12 CFR part 1003.

[4] 12 U.S.C. 2801–2811.

[5] Pub. L. 111–203, July 21, 2010.

mortgage loans or 500 or more open-end lines of credit secured by a dwelling in each of the two preceding years. These institutions will begin reporting the expanded HMDA data in 2019, except to the extent they are covered by a partial exemption contained in a later 2018 rule (discussed below). Beginning in 2020, institutions will be required to collect data on open-end lines of credit if they originates more than 100 open-end lines of credit secured by a dwelling in each of the two preceding years (and report that open-end lines of credit data beginning in 2021). Institutions also will collect and report covered loans and applications quarterly if they reported a total of at least 60,000 covered loans and applications in the preceding calendar year. Institutions must report a covered loan if it has met the loan origination threshold for that loan category (open-end or closed-end); an institution that is not required to report data may voluntarily do so.

In addition, the types of loans covered under Regulation C changed under the final rules beginning in 2018. Covered institutions are now required to collect and report any mortgage loan secured by a dwelling, including open-end lines of credit, regardless of the loan's purpose. Dwelling-secured loans that are made principally for a commercial or business purpose, as well as agricultural–purpose loans and other specified loans, are excluded.

On September 7, 2018, the CFPB issued an interpretive and procedural rule [6] to implement section 104(a) of the Economic Growth, Regulatory Relief, and Consumer Protection Act [7] (EGRRCPA). Section 104(a) amended certain provisions of the Home Mortgage Disclosure Act (HMDA) by adding partial exemptions from HMDA's requirements for certain insured depository institutions and insured credit unions. Insured depository institutions and insured credit unions covered by a partial exemption have the option of reporting exempt data fields as long as they report all data fields within any exempt data point for which they report data.

Section 104(a) of the EGRRCPA amends HMDA section 304(i), which provides that the requirements of HMDA sections 304(b)(5) and (6) shall not apply with respect to closed-end mortgage loans of an insured depository institution or insured credit union if it originated fewer than 500 closed-end mortgage loans in each of the two preceding calendar years. Sections 304(b)(5) and (6) of HMDA do not apply to open-end lines of credit of an insured depository institution or insured credit union if it originated fewer than 500 open-end lines of credit in each of the two preceding calendar years. An insured depository institution still must comply with HMDA section 304(b)(5) and (6) if it has received a rating of ''needs to improve record of meeting community credit needs'' during each of its two most recent examinations or a rating of ''substantial noncompliance in meeting community credit needs'' on its most recent Community Reinvestment Act examination.

We have adjusted our burden estimates based on section 104(a). We are soliciting comment on the questions set forth below in light of the section 104(a) changes.

Affected Public: Businesses or other for-profit.

Burden Estimates:

2018:

Estimated Number of Respondents: 683.

Estimated Annual Burden: 723,233 hours.

2019:

Estimated Number of Respondents: 683.

Estimated Annual Burden: 635,938 hours.

Frequency of Response: On occasion.

Comments: On February 14, 2019, the OCC published a notice for 60 days of comment regarding this collection. No comments were received. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 14, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–10441 Filed 5–17–19; 8:45 am]

BILLING CODE 4810–33–P

[6] 83 FR 45325.

[7] Pub. L. 115–174, 132 Stat. 1296 (2018).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Survey of Minority Owned Institutions

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning a renewal of an information collection titled ''Survey of Minority Owned Institutions.'' The OCC also is giving notice that it has sent the document to OMB for review.

DATES: Comments must be submitted on or before June 19, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0236, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0236'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk

Officer, 1557–0236, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by any of the following methods:

• *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0236'' or ''Survey of Minority Owned Institutions.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

• *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the information collection.

Title: Survey of Minority Owned Institutions.

OMB Control No.: 1557–0236.

Type of Review: Regular review.

Description: The OCC is committed to assessing its efforts to provide supervisory support, technical assistance, education, and other outreach to the minority-owned institutions under its supervision, in accordance with meeting the goals prescribed under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.[2] To perform this assessment, it is necessary to obtain feedback from the individual institutions on the effectiveness of OCC's current efforts in these areas and suggestions on how the OCC might enhance or augment its supervision and technical assistance going forward. The OCC uses the information gathered to assess the needs of minority-owned institutions and its efforts to meet those needs. The OCC also uses the information to focus and enhance its supervisory, technical assistance, education, and other outreach activities with respect to minority-owned institutions.

Affected Public: Businesses or other for-profit.

Type of Review: Regular.

Estimated Number of Respondents: 50.

Estimated Annual Burden: 100 hours.

Frequency of Response: On occasion.

On February 5, 2019, the OCC issued a notice for 60 days of comment concerning this collection. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 14, 2019.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–10442 Filed 5–17–19; 8:45 am]

BILLING CODE 4810–33–P

[1] On February 5, 2019, the OCC published a 60-day notice for this information collection, 84 FR 1830.

[2] 12 U.S.C. 1463 note.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On April 17, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individual

1. ORTEGA MURILLO, Laureano Facundo (a.k.a. ORTEGA, Laureano); DOB 20 Nov 1982; POB Managua, Nicaragua; nationality Nicaragua; Gender Male; Passport A00000684 (Nicaragua) expires 26 Sep 2023; National ID No. 0012011820046M (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of Executive Order 13851 of November 27, 2018, ''Blocking Property of Certain Persons Contributing to the Situation in Nicaragua'' (E.O. 13851) for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

Entity

1. BANCO CORPORATIVO SA (a.k.a. ''BANCO NACIONAL''; a.k.a. ''BANCO NATIONAL''; a.k.a. ''BANCORP''; a.k.a. ''NATIONAL BANK''), 2 Cuadras Aloeste y 3 Cuadras Alnorte, Managua, Nicaragua; SWIFT/BIC BOFPNIMA [NICARAGUA].

Designated pursuant to Section 1(a)(iv)(B) of E.O. 13851 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, Rosario Maria Murillo De Ortega, a person whose property and interests in property are blocked pursuant to E.O. 13851; and pursuant to section 1(a)(iv)(A) of E.O. 13851 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any transaction or series of transactions involving deceptive practices or corruption by, on behalf of, or otherwise related to the Government of Nicaragua or a current or former official of the Government of Nicaragua.

Dated: April 17, 2019.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2019–10410 Filed 5–17–19; 8:45 am]

BILLING CODE 4810–AL–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: June 4, 2019, from 8:30 a.m. to 12:00 p.m., Mountain daylight time.

PLACE: Best Western Ramkota Hotel, 2111 N Lacrosse St., Rapid City, South Dakota. This meeting will also be accessible via conference call. Any interested person may call 1–866–210–1669, passcode 5253902#, to listen and participate in the open portions of the meeting.

STATUS: Parts of this meeting will be open to the public. Parts of this meeting will be closed to the public pursuant to Government in the Sunshine Act exemptions (c)(9)(B) and (c)(10) (see agenda below for further information).

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

Portions Open to the Public

I. *Welcome, Call to Order, and Introductions*—UCR Chair

UCR Chair will welcome attendees and call the meeting to order.

II. *Verification of Publication of Meeting Notice*—UCR Chair

UCR Chair will report the date of meeting notice publication in **Federal Register**.

III. *Review and Approval of Agenda and Setting of Ground Rules*—UCR Chair

For Discussion and Possible Board Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

- Board action only to be taken in designated areas on agenda.
- Please MUTE your telephone.
- Do NOT place call on hold.

IV. *Approval of Minutes of the March 29, 2019 UCR Board Meeting*—UCR Chair

For Discussion and Possible Board Action

- Minutes of the March 29, 2019 Board meeting will be reviewed and the Board will consider approval.

V. *Recommendations for Possible Board Action*—Subcommittee Chairs

Board

UCR Agreement Amendment—Subcommittee Chair

For Discussion and Possible Board Action

- A recommendation to the Department of Transportation for designating a new Chair for the UCR Board of Directors will be reviewed and the Board will consider action.

Procedures Subcommittee Report

*Direct Access to **Federal Register**—Chief Legal Officer*

For Discussion and Possible Board Action

- The Board will receive a report on the Subcommittee's effort to obtain direct access to the **Federal Register** for publication of meeting announcements. The Board will consider the Subcommittee's recommendation to ratify the Chief Legal Officer's actions to obtain direct access to the **Federal Register**.

UCR Agreement Amendment—Subcommittee Chair

For Discussion and Possible Board Action

- *Succession Plan in Event of Chair and Vice Chair Vacancy:* Recommendation for amending the UCR Agreement to address Chair and Vice Chair vacancies will be reviewed and the Board will consider action.

UCR Handbook Amendments—Subcommittee Chair

For Discussion and Possible Board Action

- *School Buses:* Recommendation for new language for the handling of school buses for UCR purposes will be reviewed and the Board will consider action.
- *Refund Procedure:* Recommendation for new language describing the UCR refund procedure will be reviewed and the Board will consider action.
- *State Carrier Audit Procedure:* Recommendation for new language describing the state carrier audit procedure will be reviewed and the Board will consider action.

Audit Subcommittee Report

Proposal for Addressing Non-Compliant Carrier Audit Reports—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for how the UCR should address non-compliant carrier audit reports submitted by participating states will be reviewed and the Board will consider action.

Finance Subcommittee Report

Proposal for Establishing Contingency Reserve—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for establishing a financial contingency reserve for the UCR Plan will be reviewed and the Board will consider action.

Development Priorities—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for necessary system development projects will be reviewed and Board will consider action.

Registration System Subcommittee Report

Proposed Policy RE: Blocking Certain Carrier Payments with History of Problems—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for new rules regarding the need to block specific payment methods utilized by carriers following multiple problems with that payment method will be

reviewed and the Board will consider action

Proposed Policy RE: Pending Payment Time Period—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for establishing a defined time period after which carriers having a payment pending in the National Registration System will cause the registration transaction to be deleted from the system will be reviewed and the Board will consider action.
- Proposal from Seikosoft—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for additional administrative support to be provided by Seikosoft will be reviewed and Board will consider action.

Development Priorities—Subcommittee Chair

For Discussion and Possible Board Action

- Proposal for necessary system development projects will be reviewed and Board will consider action.

Ratification (Registration System Subcommittee)

Enforcement Delay to May 1, 2019—UCR Chair

For Discussion and Possible Board Action

- Board will consider Subcommittee's recommendation related to ratification of the UCR Chair's directive to postpone 2019 UCR enforcement to May 1, 2019.

Education and Training Subcommittee Report

Proposal for Strategic Direction—Subcommittee Chair and Operations Manager

For Discussion and Possible Board Action

- Proposal for Kellen to provide strategic direction to the new UCR education and training program will be reviewed and the Board will consider action.

VI. *Updates Concerning UCR Legislation*—UCR Chair

UCR Chair will call for any updates regarding UCR Legislation since the last Board meeting.

VII. *Report of FMCSA*—FMCSA

FMCSA will provide updates on any relevant activity or rulemaking.

VIII. *Contractor Reports*

- *UCR Administrator (Kellen):* UCR Administrator will provide management report covering recent activity for the Depository, Operations, and Communications activities.
- *DSL Transportation Services, Inc.:* DSL will report on the latest data on state collections based on reporting from the Focused Anomalies Review (FARs) program.
- *Seikosoft:* Seikosoft will provide an update on recent/new activity related to the National Registration System.

IX. *Subcommittee Reports*—Subcommittee Chairs

**Note:* Dispute Resolution awaiting appointment of new UCR Chair, so not included on agenda.

If necessary, Subcommittee Chairs will provide brief reports (2–3 minutes) on any activity not previously covered on the agenda related to their Subcommittees.

- Audit Subcommittee
- Finance Subcommittee
- Registration System Subcommittee
- Education and Training Subcommittee
- Procedures Subcommittee
- Industry Advisory Subcommittee

Portions Closed to the Public

X. *Inform Board RE: Data Investigation*—UCR Chair, Scott Morris, and Chief Legal Officer

Board will receive a report concerning a data investigation initiated since the last Board meeting.

XI. *Ratification of Agreement RE: Data Investigation*—UCR Chair and Scott Morris

For Discussion and Possible Board Action

Board will consider Subcommittee's recommendation related to ratification of UCR Chair's expedient execution of contract for information security and computer forensic services.

XII. *Update on Twelve Percent Logistics Litigation*—UCR Chair, Scott Morris, and Chief Legal Officer

Board will receive a report on the status of the litigation.

Portions Open to the Public

XIII. *Old/New Matters*

UCR Chair will call for any business requiring possible Board action for inclusion on the June 4, 2019 Board agenda. UCR Chair will call for any old or new business from the floor.

XIV. *Future UCR Meetings*—Avelino Gutierrez

UCR Chair will review the schedule for upcoming meetings.

XV. *Adjourn*

UCR Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Mountain daylight time, May 24, 2019 at: *https://ucrplan.org.*

CONTACT PERSON FOR MORE INFORMATION: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors, (505) 827–4565, *Avelino.Gutierrez@state.nm.us.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2019–10580 Filed 5–16–19; 4:15 pm]

BILLING CODE 4910–YL–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board Subcommittee Meetings

TIME AND DATE: June 3, 2019, from 9:00 a.m. to 4:15 p.m., Mountain daylight time.

PLACE: Best Western Ramkota Hotel, 2111 N Lacrosse St., Rapid City, South Dakota. These meetings will also be accessible via conference call. Any interested person may call 1–866–210–1669, passcode 5253902#, to listen and participate in the open portions of these meetings.

STATUS: Parts of these meetings will be open to the public. Parts of these meetings will be closed to the public pursuant to Government in the Sunshine Act exemptions (c)(9)(B) and (c)(10) (see agendas below for further information).

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board Subcommittees (each a ''Subcommittee'') will continue their work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of these meetings will include:

Procedures Subcommittee Meeting

Proposed Agenda

Portions Open to the Public

I. *Call to Order*—Subcommittee Chair

The Subcommittee Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operations Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Approval of Minutes from January 28, 2019 Meeting*—Operations Manager

Minutes from the January 28, 2019 meeting will be reviewed and Subcommittee will consider approval.

IV. *Direct Access to **Federal Register***—Chief Legal Officer

For Discussion and Possible

Subcommittee Action

- Subcommittee will receive a report on the effort to obtain direct access to the **Federal Register** for publication of meeting announcements and consider recommending to the Board ratification of the Chief Legal Officer's actions in obtaining direct access to the **Federal Register**.

V. *UCR Agreement Amendment*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- *Succession Plan in Event of Chair and Vice Chair Vacancy:*

Proposal for amending the UCR Agreement to address Chair and Vice Chair vacancies will be reviewed and the Subcommittee will consider recommending action to the Board.

VI. *UCR Handbook Amendments*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- *School Buses:* New language for the handling of school buses for UCR purposes will be reviewed and the Subcommittee will consider whether to recommend to the Board approval of the language and placement in the Handbook.
- *Refund Procedure:* New language describing the UCR refund procedure will be reviewed and the Subcommittee will consider whether to recommend to the Board approval of the language and placement in the Handbook.
- *State Carrier Audit Procedure:* New language describing the state carrier audit procedure will be reviewed and the Subcommittee will consider whether to recommend to the Board approval of the language and placement in the Handbook.

Portions Closed to the Public

VII. *Update on Twelve Percent Logistics Litigation*—Scott Morris and Chief Legal Officer

Board will receive a report on the status of the litigation.

Portions Open to the Public

VIII. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

IX. *Adjourn*—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

Audit Subcommittee Meeting

Proposed Agenda

Open to the Public

I. *Call to Order*—Subcommittee Chair

The Subcommittee Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operations Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Approval of Minutes from January 28, 2019 Meeting*—Operations Manager

Minutes from the January 28, 2019 meeting will be reviewed and the Subcommittee will consider approval.

IV. *Update on Status of 2018 State Carrier Audits*—Subcommittee Chair

Chair will review number of 2018 state audit reports received to date.

V. *Proposal for Addressing Non-Compliant Carrier Audit Reports*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- Proposal for how UCR should address non-compliant carrier audit reports submitted by participating states will be reviewed and the Subcommittee will consider recommending approval of the proposal to the Board.

VI. *Update on Status of Focused Anomalies Review (FARs)*—DSL Transportation

DSL will provide an update on the status of FARs for 2018 and 2019.

VII. *Update on Audit Tool Development in NRS*—Seikosoft

Seikosoft will provide an update on the status of development for the new audit tool in the National Registration System.

VIII. *State Compliance Review in Alabama*—UCR Administrator

Subcommittee Chair will summarize the pilot state compliance review conducted in the state of Alabama.

IX. *State Auditor Training in Chicago*—Operations Manager

Operations Manager will summarize the state auditor training held in Chicago.

X. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

XI. *Adjournment*—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

Finance Subcommittee Meeting

Proposed Agenda

Portions Open to the Public

I. *Call to Order*—Subcommittee Chair

Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operations Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Approval of Minutes from January 28, 2019 Meeting*—Operations Manager

Minutes from the January 28, 2019 meeting will be reviewed and the Subcommittee will consider approval.

IV. *Proposed Policy for Establishing Contingency Reserve*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- Proposal for establishing a financial contingency reserve for the Plan will be reviewed and the Subcommittee will consider whether to recommend approval of the proposal to the Board.

V. *Development Priorities*—Subcommittee Chair

Discussion and Possible Subcommittee Action

- Subcommittee will consider potential recommendation(s) to the UCR Board of necessary system development projects based on updates above and consider whether to propose any of the recommendations to the Board for approval.

VI. *Updates*—UCR Administrator

- *Registrations YTD:* Subcommittee will receive an update on total carrier registrations to date.
- *Investment Program:* Subcommittee will receive an update on investments with both SunTrust and Bank of North Dakota.
- *Depository Audit:* Subcommittee will receive an update on the preparedness of the 2017 and 2018 financial statements for audit, along with the timing for process from fieldwork to delivery of audit report.
- *State Distributions for 2019:* Subcommittee will receive an update on distributions made to eligible participating states and potential timing.
- *2017 Registration Year Close:* Subcommittee will receive an update on the actions taken as a part of closing the 2017 registration year.
- *2018 Registration Year:* Subcommittee will receive an update on the status of reconciling the registration systems data with the depository data and related bank account balances.
- *Operating Costs Incurred YTD:* Subcommittee will receive an update on actual operating costs compared to the approved budgets.

VII. *National Registration System*—UCR Administrator

Subcommittee will receive an update on performance and status of certain system aspects to include convenience fee issues, refund procedures, and duplicated transactions.

Portions Closed to the Public

VIII. *Inform Subcommittee RE: Data Investigation*—Chair, Scott Morris, and Chief Legal Officer

Subcommittee will receive a report concerning a data investigation initiated since the last Subcommittee meeting.

IX. *Ratification of Agreement RE: Data Investigation*—Scott Morris and Chief Legal Officer

For Discussion and Possible Subcommittee Action:

- Subcommittee will consider a recommendation to the Board related to ratification of UCR Chair's expedient execution of a contract for information security and computer forensic services.

X. *Update on Twelve Percent Logistics Litigation*—Scott Morris and Chief Legal Officer

Subcommittee will receive a report on the status of the litigation.

Portions Open to the Public

XI. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

XII. *Adjourn*—Subcommittee Chair

Chair will adjourn the meeting.

Registration System Subcommittee Meeting

Proposed Agenda

Portions Open to the Public

I. *Call to Order*—Subcommittee Chair

Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operation Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Approval of Minutes from January 28, 2019 Meeting*—Operations Manager

Minutes from the January 28, 2019 meeting will be reviewed and the Subcommittee will consider approval.

IV. *Proposal to Ratify UCR Chair's Decision to Delay Enforcement to May 1, 2019*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- Subcommittee will consider whether to recommend that the Board ratify the UCR Chair's directive to postpone 2019 UCR enforcement to May 1, 2019.

V. *Proposed Policy RE: Blocking Certain Carrier Payments with History of Problems*—Subcommittee Chair

Discussion and Possible Subcommittee Action

- Proposal for new rules regarding the need to block specific payment methods utilized by carriers following multiple problems with that payment method will be reviewed and the Subcommittee will consider whether to recommend adoption of the policy to the Board.

VI. *Proposed Policy RE: Pending Payment Time Period*—Subcommittee Chair

Discussion and Possible Subcommittee Action

- Proposal for establishing a defined time period after which carriers having a payment pending in the National Registration System will cause the registration transaction to be deleted from the system will be reviewed and the Subcommittee will consider whether to recommend adoption of the policy to the Board.

VII. *Proposal from Seikosoft*—Subcommittee Chair

Discussion and Possible Subcommittee Action

- Proposal for additional administrative support to be provided by Seikosoft will be reviewed and Subcommittee will consider whether to recommend action on the proposal to the Board.

VIII. *Development Priorities*—Subcommittee Chair

Discussion and Possible Subcommittee Action

- Subcommittee will consider potential recommendation(s) to the Board of necessary system development projects based on updates above.

IX. *Updates: National Registration System*—Seikosoft

- *Registrations YTD:* Subcommittee will receive an update on total carrier registrations to date.
- *Customer Service Performance:* Subcommittee will receive an update on customer service metrics (calls, chats, emails).
- *Solicitation Module:* Subcommittee will receive an update on the new carrier solicitation functionality available to state administrators in the National Registration System, including a demonstration.

X. *Trial Period for Modified Carrier-Verification*—Subcommittee Chair

Subcommittee will receive an update on performance of trial period for modified carrier-verification (*e.g.,* rate of registrations since implemented; volume of questions, complaints).

XI. *UCR Bulletin for Participating States*—Operations Manager

Subcommittee will be reminded that bulletin carrying updates and information relevant to state administrators is now being sent electronically from the UCR Administrator.

Portions Closed to the Public

XII. *Inform Subcommittee RE: Data Investigation*—Subcommittee Chair and Chief Legal Officer

Subcommittee will receive a report concerning a data investigation initiated since the last Subcommittee meeting.

XIII. *Ratification of Agreement RE: Data Investigation*—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- Subcommittee will consider a recommendation to the Board related to ratification of UCR Chair's expedient execution of a contract for information security and computer forensic services.

Portions Open to the Public

XIV. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

XV. *Adjourn*—Subcommittee Chair

Chair will adjourn the meeting.

Education and Training Subcommittee Meeting

Proposed Agenda

Open to the Public

I. *Call to Order*—Subcommittee Chair

The Subcommittee Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operations Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Purpose of Subcommittee*—Subcommittee Chair

Subcommittee Chair will review the purpose of the new Education and Training Subcommittee.

IV. *Proposal for Strategic Direction*—Subcommittee Chair and Operations Manager

For Discussion and Possible Subcommittee Action

- Proposal for Kellen to provide strategic direction to the new UCR education and training program will be reviewed and the Subcommittee will consider whether to recommend any action to the Board, including possible approval of the proposal.

V. *Feedback on Potential Education Topics for State Administrators*—Subcommittee Chair

Subcommittee will hear feedback on potential topics for the new education and training program to cover.

VI. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

VII. *Adjournment*—Subcommittee Chair

Subcommittee Chair will adjourn the meeting.

Industry Advisory Subcommittee Meeting

Proposed Agenda

Open to the Public

I. *Call to Order*—Subcommittee Chair

The Subcommittee Chair will call the meeting to order.

II. *Verification of Meeting Notice*—Operations Manager

Publication of notice for the meeting in the **Federal Register** will be verified.

III. *Industry Feedback on National Registration System*—Subcommittee Chair

Subcommittee Chair will report on feedback received from industry on performance, functionality, etc. of new National Registration System.

IV. *Industry Feedback on UCR Handbook*—Subcommittee Chair

Subcommittee Chair will report on feedback received from industry on usefulness, as well as suggestions, related to the UCR Handbook.

V. *Other Items*—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

VI. *Adjournment*—Subcommittee Chair

Subcommittee Chair will adjourn the meeting.

These agendas will be available no later than 5:00 p.m. Mountain daylight time, May 23, 2019 at: *https://ucrplan.org.*

CONTACT PERSON FOR MORE INFORMATION: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors, (505) 827–4565, *Avelino.Gutierrez@state.nm.us.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2019–10581 Filed 5–16–19; 4:15 pm]

BILLING CODE 4910–YL–P

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