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Federal Register

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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 894

RIN 3206–AN58

Federal Employees Dental and Vision Insurance Program: Extension of Eligibility to Certain TRICARE-Eligible Individuals; Effective Date of Enrollment

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: In this final rule, the Office of Personnel Management (OPM) is finalizing an interim final rule that expanded eligibility for enrollment in the Federal Employees Dental and Vision Insurance Program (FEDVIP) to additional groups. The National Defense Authorization Act for Fiscal Year 2017 (FY17 NDAA) expanded FEDVIP eligibility to certain TRICARE-eligible individuals (TEIs). This final rule adopts the interim final rule and corrections as published. This final rule also includes technical clarifications to the interim final rule.

DATES: This final rule is effective June 7, 2019.

FOR FURTHER INFORMATION CONTACT: Julia Elam, Program Analyst, at *julia.elam@opm.gov* or (202) 606–2128.

SUPPLEMENTARY INFORMATION: On November 19, 2018, OPM issued an interim final rule (83 FR 58175) amending 5 CFR 894, to expand eligibility for enrollment in the FEDVIP to certain TEIs. OPM provided 60 days for the public to comment on the interim final rule. The comment period expired on January 18, 2019. OPM received no public comments. A correcting amendment, published on February 5, 2019, (84 FR 1599) corrected the interim final regulations by adding the definition for ''TEI family member'' and also amended an incorrect reference regarding the restriction on dual enrollments.

FEDVIP is administered by OPM in accordance with 5 U.S.C. chapters 89A and 89B and implementing regulations (5 CFR part 894). Section 715 of Public Law 114–328 authorizes the Secretary of Defense to enter into an agreement with the OPM Director to allow certain TEIs to enroll, or to be covered under an enrollment in FEDVIP. Further information about this rule can be found in the interim final rule.

This final rule also includes technical clarifications to the interim final regulations. First, in the **SUPPLEMENTARY INFORMATION** of the interim final rule, it should state, ''As of March 31, 2018, FEDVIP has 3.4 million enrollees with approximately 4.7 million covered individuals. Secondly, in 5 CFR 894.101, the term ''military'' is removed from the definition of sponsor in reference to the Reserves because all Reserves are not military. For example, the Coast Guard has a Reserve but is not military as it is an Armed Force. Thirdly, in 5 CFR 894.306 and 5 CFR 894.814, OPM clarifies that while a foster child of a TEI is generally excluded from FEDVIP eligibility, a foster child of a TEI who is a ward in the legal custody of a sponsor is eligible as a TEI family member. Lastly, the term sponsor should be in italics as it is a defined term, and the first letter of the term does not appear in italics in the interim final rule in 5 CFR 894.309 (a)(1), (a)(2), and (b)(1).

Expected Impact of the Final Rule

This rule is a deregulatory action because it offers more dental coverage options and new vision coverage in FEDVIP for TRICARE-eligible individuals. TRDP beneficiaries currently have one option for dental coverage or can seek coverage in the private dental insurance market. Vision coverage is a new government-offered benefit for this population. Eligibility to enroll in FEDVIP provides more coverage options for these individuals than are currently available to them.

OPM contracts with 10 dental carriers and 4 vision carriers to offer plans under FEDVIP. There are 15 dental plan options available across FEDVIP from these 10 dental carriers. Within the 4 vision carriers, there are 8 vision plan options that are nationwide and internationally available to all potential enrollees. While the rule expands the number of individuals who are potentially eligible for this FEDVIP, it will not have a large impact on the broader dental or vision insurance markets as FEDVIP generally constitutes a smaller percentage of an overall carrier's book of business.

Regulatory Impact Analysis

OPM has examined the impact of this rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). This rule is not a ''significant regulatory action,'' under Executive Order 12866 and has not been reviewed by OMB.

Reducing Regulation and Controlling Regulatory Costs

This final rule is considered an E.O. 13771 deregulatory action. Details can be found in the Expected Impact of The Final Rule section of the rule.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local or tribal governments of more than $100 million annually. Thus, no written assessment of unfunded mandates is required.

Congressional Review Act

This action pertains to agency management, personnel and organization and does not substantially

affect the rights or obligations of nonagency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves a collection of information subject to the PRA for the Federal Employees Dental and Vision Insurance Program (FEDVIP) Enrollment System, known as BENEFEDS OPM is in the process of seeking OMB approval. The public reporting burden for this collection is estimated to average 8 minutes for a respondent to submit an enrollment including time for reviewing education and support but may not include time for reviewing a plan and specific benefits. The total burden hour estimate for this form is 44,307 hours. The systems of record notice for this collection is: Central-1 found on *https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-central-1-civil-service-retirement-and-insurance-records.pdf.*

List of Subjects in 5 CFR Part 894

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

Accordingly, the interim final rule amending 5 CFR part 894, which was published on November 19, 2018, and the correcting amendments, published on February 5, 2019, are adopted as final without change, and 5 CFR part 894 is further amended by making the following correcting amendments:

PART 894—FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM

■ 1. The authority citation for part 894 continues to read as follows:

Authority: 5 U.S.C. 8962; 5 U.S.C. 8992; Subpart C also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604; Pub. L. 114–328.

Subpart A—Administration and General Provisions

■ 2. Amend § 894.101 by revising the definition for ''sponsor'' to read as follows:

§ 894.101 Definitions.

* * * * *

Sponsor generally means the individual who is eligible for medical or dental benefits under 10 U.S.C. chapter 55 based on his or her direct affiliation with the uniformed services (including members of the National Guard and Reserves), in accordance with § 894.804.

* * * * *

Subpart C—Eligibility

■ 3. Revise § 894.306 to read as follows:

§ 894.306 Are foster children eligible as family members?

Generally, foster children are eligible for coverage as *family members* under FEDVIP. However, a foster child is excluded from the definition of a *TEI family member,* except a foster child who is a ward in the legal custody of a *sponsor.* A pre-adoptive child and an eligible ward in the legal custody of a *sponsor* are eligible as *TEI family members.*

Subpart H—Special Provisions for TRICARE-Eligible Individuals (TEI)

■ 4. Revise § 894.814 to read as follows:

§ 894.814 Is a foster child included in the definition of TEI family member?

Generally, a foster child is excluded from coverage as they are not defined to be a *TEI family member.* However, a pre-adoptive child, adopted child, and an eligible ward in the legal custody of a *sponsor,* including a foster child who is a ward in the legal custody of a *sponsor,* are considered *TEI family members.*

[FR Doc. 2019–11939 Filed 6–6–19; 8:45 am]

BILLING CODE 6325–64–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524–AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process

AGENCY: National Institute of Food and Agriculture (NIFA), USDA.

ACTION: Final rule.

SUMMARY: This amendment to NIFA regulations updates the list of institutions that are granted Hispanic-Serving Agricultural Colleges and Universities (HSACU) certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2018, and ending September 30, 2019.

DATES: This rule is effective June 7, 2019 and applicable from October 1, 2018–September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Joanna Moore; Senior Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2272; 1400 Independence Avenue SW; Washington, DC 20250–2272; Voice: 202–690–6011; Fax: 202–401–7752; Email: *jmoore@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2019

This rule makes changes to the existing list of institutions in appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2018, and ending September 30, 2019.

Certification Process

As stated in 7 CFR 3434.4, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not appear on the Excluded Parties List System (EPLS), (4) be accredited, and (5) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions

(completion data) during the 2016–17 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in appendix A of 7 CFR part 3434 and to confirm that over the 2015–16 and 2016–17 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited and were not on the exclusions listing in the System for Award Management (*https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf*).

The updated list of HSACUs is based on (1) completions data from 2015–16 and 2016–17, and (2) enrollment data from Fall 2017. NIFA identified 158 institutions that met the eligibility criteria to receive HSACU certification for FY 2019 (October 1, 2018 to September 30, 2019).

Section 7102 of the Agriculture Act of 2018 (Pub. L. 115–334) amended Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) to remove the opt-in, opt-out language for Hispanic Serving Agricultural Colleges and Universities (HSACU) in order to apply for Non Land-Grant College of Agriculture (NLGCA) designation.

Appeal Process

As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* or the Congressional Review Act, 5 U.S.C. 801 *et seq.,* and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure, Agricultural research, education, extension, Hispanic-serving institutions, Federal assistance.

Title 7 of the Code of Federal Regulations is amended accordingly as set forth below:

PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise appendix B to read as follows:

Appendix B to Part 3434—List of HSACU institutions, 2018–2019

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2018, and ending September 30, 2019. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

Arizona (4)

Arizona Western College
Cochise County Community College
Mesa Community College
Pima Community College

California (67)

Allan Hancock College
Bakersfield College
Cabrillo College
California Baptist University
California State University—San Bernardino
California State University—Long Beach
California State University—Los Angeles
California State University—East Bay
California State University—Fullerton
California State University—Fresno
California State University—Chico
California State University—Bakersfield
California State University—Stanislaus
California State University—San Marcos
California State University—Monterey Bay
California State University—Channel Islands
California State Polytechnic—Pomona
Chaffey College
City College of San Francisco
Crafton Hills College
College of the Desert
College of the Sequoias
Cosumnes River College
Cuesta College
Cuyamaca College
El Camino Community College District
Foothill College
Fresno Pacific University
Fullerton College
Golden West College
Hartnell College
Humboldt State University
Imperial Valley College
Las Positas College
Long Beach City College
Los Angeles Pierce College
Mendocino College
Merced College
Mills College
Modesto Junior College
Mt San Antonio College
Mt San Jacinto Community College District
Napa Valley College
National University
Orange Coast College
Pacific Union College
Porterville College
Reedley College
Saddleback College
Santa Barbara City College
Santa Monica College
San Bernardino Valley College
San Diego City College
San Diego Mesa College
San Diego State University
San Joaquin State University
San Jose State University
Saint Mary's College of California
Southwestern College
University of California—Irvine
University of California—Riverside
University of California—Santa Barbara
University of California—Santa Cruz
Victor Valley College
West Hills College—Coalinga
Whittier College
Yuba College

Connecticut (1)

Norwalk Community College

Colorado (2)

Aims Community College
Community College of Denver

Florida (7)

Broward College
City College—Hollywood
Florida International University
Hillsborough Community College
Miami Dade College
South Florida State College
Valencia College

Illinois (3)

College of Lake County
Dominican University
Triton College

Kansas (2)

Dodge City Community College
Garden City Community College

Nevada (3)

College of Southern Nevada
Nevada State College
Truckee Meadows Community College

New Jersey (4)

Essex County College
Montclair State University
Saint Peter's University
William Paterson University of New Jersey

New Mexico (9)

Central New Mexico Community College
Eastern New Mexico University—Main Campus
Mesalands Community College
New Mexico Highlands University
Northern New Mexico College
Santa Fe Community College
Western New Mexico University
University of New Mexico—Los Alamos Campus
University of New Mexico—Main Campus

New York (8)

CUNY Hunter College
CUNY LaGuardia Community College
CUNY Lehman College
CUNY Queens College
CUNY Queensborough Community College
Mercy College
Nassau Community College
SUNY Westchester Community College

Puerto Rico (16)

Instituto Tecnologico de Puerto Rico—Recinto de Manati
Inter American University of Puerto Rico—Aguadilla
Inter American University of Puerto Rico—Bayamon
Inter American University of Puerto Rico—Metro
Inter American University of Puerto Rico—San German
Inter-American University of Puerto Rico—Ponce
Pontifical Catholic University of Puerto Rico—Arecibo
Pontifical Catholic University of Puerto Rico—Ponce
Universidad Del Turabo
Universidad Metropolitana
University of Puerto Rico—Humacao
University of Puerto Rico—Utuado
University of Puerto Rico—Mayaquez
University of Puerto Rico—Medical Sciences
University of Puerto Rico—Rio Piedras

Texas (28)

Angelo State University
Concordia University—Texas
Houston Community College
Frank Phillips College
Lee College
Odessa College
Palo Alto College
Saint Edwards's University
San Antonio College
Southwest Texas Junior College
St. Mary's University
Sul Ross University
Texas State University
Texas State Technical College
Texas A & M International University
Texas A & M University—Corpus Christi
Texas A & M University—Kingsville
The University of Texas at El Paso
The University of Texas Rio Grande Valley
The University of Texas at San Antonio
The University of Texas at Arlington
Texas Woman's University
University of Houston
University of Houston—Clear Lake
University of the Incarnate Word
University of St. Thomas
Western Texas College
Wayland Baptist University

Washington (4)

Big Bend Community College
Columbia Basin College
Wenatchee Valley College
Yakima Valley Community College

Done in Washington, DC, this 21 day of May 2019.

Steve Censky,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2019–12021 Filed 6–6–19; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0722; Product Identifier 2017–SW–104–AD; Amendment 39–19651; AD 2019–11–05]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–22–02 for certain Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. AD 2015–22–02 required inspecting the tail rotor (TR) pitch link assemblies. This AD retains the inspections of AD 2015–22–02 and requires replacing certain pitch link bearings. This AD was prompted by a new design bearing introduced by Bell. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 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–2018–0722; 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 Transport Canada AD, the regulatory evaluation, any comments received, and other information. The address for Docket Operations 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

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2015–22–02, Amendment 39–18306 (80 FR 65618, October 27, 2015) (''AD 2015–22–02'') and add a new AD. AD 2015–22–02 applied to Bell Model 429 helicopters with a TR pitch link assembly part number (P/N) 429–112–101 or 429–112–103 installed.

The NPRM published in the **Federal Register** on August 8, 2018 (83 FR 39004). The NPRM was prompted by a new design bearing introduced by Bell. The NPRM proposed to continue to require the inspections of AD 2015–22–02. The NPRM also proposed to require replacing certain pitch link bearings. We are issuing this AD to address a worn pitch link. This condition, if not corrected, could result in pitch link failure and subsequent loss of control of the helicopter.

Transport Canada, which is the aviation authority for Canada, issued Canadian AD No. CF–2015–16R2, dated April 3, 2017 (Transport Canada AD No. CF–2015–16R2), to correct an unsafe condition for certain Bell Model 429 helicopters. Transport Canada advises that Bell has reported that the TR pitch link assembly can be rotated during the 50-hour inspections to extend the serviceability life of the bearings. Transport Canada AD No. CF–2015–16R2 requires modified inspection procedures for the spherical bearings and requires replacing the TR pitch link bearings (or the TR pitch link assembly) with spherical bearings manufactured after January 12, 2015. Transport Canada AD No. CF–2015–16R2 also requires re-identifying TR pitch link assemblies with a different part number after installing the new bearings.

Comments

We gave the public the opportunity to participate in developing this final rule, 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 the Transport Canada AD. We are proposing this AD because we evaluated all information provided by Transport Canada and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting the AD requirements as proposed except for a minor editorial change. We have updated the estimated costs to reflect that this AD affects 90 helicopters of U.S. Registry rather than 85 helicopters. This change is consistent with the intent of the proposals in the NPRM and will not increase the economic burden on any operator nor increase the scope of this AD.

Related Service Information

We reviewed Bell Alert Service Bulletin No. 429–15–16, Revision B, dated June 15, 2016. This service information contains procedures for repetitively inspecting the TR pitch link assembly until it is upgraded by replacing the TR pitch link bearings.

Differences Between This AD and the Transport Canada AD

The Transport Canada AD requires the bearing inspection within 10 hours time-in-service (TIS) or before exceeding 60 hours TIS since new, whichever occurs later. This AD requires the bearing inspection within 50 hours TIS. The Transport Canada AD also requires replacing certain bearings within 200 hours TIS after the initial bearing inspection or within 250 hours TIS since new, whichever occurs first. This AD requires replacing the bearing within 200 hours of the initial inspection or at the next 50 hours TIS inspection if the hours TIS of a pitch link assembly exceed 250 hours TIS or are unknown.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this AD affects 90 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 hour, inspecting the TR pitch link assemblies requires 2 work-hours for a cost of $170 per helicopter and $15,300 for the U.S. fleet per inspection cycle. Replacing both spherical bearings in each TR pitch link assembly requires 3 work-hours, and required parts cost $3,088, for a cost of $3,343 per helicopter and $300,870 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

We determined that 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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–22–02, Amendment 39–18306 (80 FR 65618, October 27, 2015), and adding the following new AD:

2019–11–05 Bell Helicopter Textron Canada Limited: Amendment 39–19651; Docket No. FAA–2018–0722; Product Identifier 2017–SW–104–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada Limited Model 429 helicopters, certificated in any category, with a pitch link assembly part number (P/N) 429–012–112–101, 429–012–112–103, 429–012–112–101FM, or 429–012–112–103FM installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a worn pitch link. This condition, if not corrected, could result in pitch link failure and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2015–22–02, Amendment 39–18306 (80 FR 65618, October 27, 2015).

(d) Effective Date

This AD is effective July 12, 2019.

(e) 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.

(f) Required Actions

(1) Within 50 hours time-in-service (TIS) and thereafter at intervals not to exceed 50 hours TIS:

(i) Perform a dimensional inspection of each inboard and outboard pitch link assembly for axial and radial bearing play. With a 10X or higher power magnifying glass, inspect the bearing liner for a crack, deterioration of the liner, and extrusion of the liner from the plane. If there is axial or radial play that exceeds allowable limits, or if there is a crack, deterioration of the liner, or extrusion of the liner, before further flight, replace the bearing.

(ii) Inspect the pitch link assembly sealant for pin holes and voids and to determine if the sealant thickness is 0.025 inch (0.64 mm) or less, extends over the roll staked lip by 0.030 inch (0.76 mm) or more, and is clear of the bearing ball. If there is a pin hole or

void, or if the sealant exceeds 0.026 inch (0.66 mm), does not extend over the roll staked lip by 0.030 inch (0.76 mm) or more, or is not clear of the bearing ball, before further flight, replace the bearing.

(2) For pitch link assembly part number (P/N) 429–012–112–101, 429–012–112–103, 429–012–112–101FM, and 429–012–112–103FM, within 200 hours TIS following the initial inspection required by paragraph (f)(1) of this AD, or if the hours TIS of a pitch link assembly exceed 250 hours TIS or are unknown, at the next 50-hour-TIS inspection required by paragraph (f)(1) of this AD:

(i) Replace each bearing P/N 429–312–107–103 with a date of manufacture before January 13, 2015, with a bearing P/N 429–312–107–103 that was manufactured on or after January 13, 2015.

(ii) Using a white permanent fine point marker or equivalent, re-identify the pitch link assembly:

(A) Re-identify P/N 429–012–112–101 and 429–012–112–101FM as 429–012–112–111FM.

(B) Re-identify P/N 429–012–112–103 and 429–012–112–103FM as 429–012–112–113FM.

(iii) Apply a coating of DEVCON 2–TON (C–298) or equivalent over the new P/N.

(g) Special Flight Permits

Special flight permits are prohibited.

(h) 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.

(i) Additional Information

(1) Bell Alert Service Bulletin No. 429–15–16, Revision B, dated June 15, 2016, which is not incorporated by reference, contains 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–2015–16R2, dated April 3, 2017. You may view the Transport Canada AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2018–0722.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6720 Tail Rotor Control System.

Issued in Fort Worth, Texas, on May 31, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–11991 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0794; Product Identifier 2017–NM–175–AD; Amendment 39–19625; AD 2019–08–04]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–25–02, which applied to certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. AD 2012–25–02 required revising the airworthiness limitations section (AWL) of the instructions for continued airworthiness (ICA) of the maintenance requirements manual (MRM) by incorporating new procedures for repetitive inspections for cracking of the rear pressure bulkhead (RPB). AD 2012–25–02 also required revising the maintenance or inspection program to incorporate a revised task. This AD also mandates modification of the RPB and adds repetitive inspections for cracking of the RPB web, which terminates certain actions in this AD. This AD was prompted by additional in-service crack findings, which resulted in the development of a structural modification to the RPB. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 12, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 16, 2013 (77 FR 73902, December 12, 2012).

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 514–855–5000; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0794.

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–2018–0794; 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 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: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–25–02, Amendment 39–17283 (77 FR 73902, December 12, 2012) (''AD 2012–25–02''). AD 2012–25–02 applied to certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on September 13, 2018 (83 FR 46428). The NPRM was prompted by additional in-service crack findings, which resulted in the development of a structural modification to the RPB. The NPRM proposed to continue to require revising the AWL of the ICA of the MRM by incorporating new procedures for repetitive inspections for cracking of the

RPB. The NPRM also proposed to mandate modification of the RPB and add repetitive inspections for cracking of the RPB web, which would terminate certain actions in this AD. We are issuing this AD to address cracking in the RPB, which could result in reduced structural integrity and rapid decompression of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2011–30R2, dated June 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The MCAI states:

Cracks on the forward face of the Rear Pressure Bulkhead (RPB) web have been discovered on three CL–600–2B19 aeroplanes in-service.

A Temporary Revision has been made to Part 2 of the Maintenance Requirements Manual (MRM) to revise the existing AWL task by introducing an improved Non-Destructive Inspection (NDI) procedure to ensure that fatigue cracking of the RPB is detected and corrected.

The original issue of this [TCCA] AD [which corresponds to FAA AD 2012–25–02] mandated the incorporation of a new NDI procedure for AWL task number 53–61–153.

Additional in-service findings have resulted in the issue of revision 1 of this [TCCA] AD, which mandates a structural modification to the rear pressure bulkhead with revised threshold and repeat inspection intervals. This modification is intended to preclude the onset of multiple site fatigue damage for the remaining service life of the aeroplane. If not corrected, a failure of the RPB could result in loss of structural integrity of the aeroplane.

Revision 2 of this [TCCA] AD requires an inspection to be carried out prior to modification of the RPB. This revision also requires an additional modification to be completed on the RPB prior to terminating AWL task number 53–61–153. It also includes provisions to account for certain repairs as well as [alternative methods of compliance] AMOCs issued to earlier revisions of this [TCCA] AD.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0794.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

Endeavor Air stated its support for the NPRM.

Request To Add Reference Terminating Action

Bombardier requested that we revise paragraph (g) of the proposed AD to identify the terminating action provided in paragraph (o)(3) of the proposed AD. Bombardier pointed out that, since paragraph (g) of the proposed AD identifies terminating action in paragraph (m) of the proposed AD, paragraph (g) of the proposed AD should also identify the terminating action provided in paragraph (o)(3) of the proposed AD for consistency.

We do not agree to add reference to paragraph (o)(3) in the introductory text of paragraph (g) of this AD. Instead, because paragraph (o) of this AD already contains all of the terminating actions for paragraph (g) of this AD, for simplicity and consistency we have revised paragraph (g) of this AD to remove reference to terminating actions that were identified in the proposed AD. This change does not change the intent or requirements of paragraph (g) of this AD.

Request To Add Alternative Service Information for Repair

Bombardier requested that we revise paragraph (k) of the proposed AD to reference Bombardier Repair Engineering Order (REO) 601R–53–61–1285, Revision E, dated October 31, 2016; and Bombardier REO 601R–53–61–1541, Revision F, dated November 12, 2014; as alternative service information for the repair. Bombardier pointed out that this change corresponds with the provisions of Part I, section C., of the MCAI.

We agree with the request. We have determined that the actions specified in the alternative service information are acceptable for compliance for the repair. Therefore, we have revised paragraph (k)(2) of this AD to add the referenced REOs as alternative service information for the repair.

Request To Add Credit for Previous Actions Using Previous Service Information

Bombardier requested that we revise paragraph (p) of the proposed AD to provide credit for actions done before the effective date of the AD using earlier revisions of the service information specified in part III, section B., paragraphs (3), (5), (6), and (7) of the MCAI. Bombardier did not provide a justification for this request.

We partially agree with the request to provide credit for previously accomplished actions done using the earlier revisions of the specified service information. We have determined that the service information specified in part III, section B., paragraphs (3), (5), (6), and (7) of the MCAI is acceptable for accomplishing the applicable actions before the effective date of this AD, provided certain actions are done using the required service information. Therefore, we have added paragraph (p) to this AD to include the requested credit, and have redesignated subsequent paragraphs accordingly.

Request To Allow Approved Alternative Actions and Intervals

Endeavor Air requested that we revise paragraph (n) of the proposed AD, which would prohibit alternative actions and intervals once revision of the maintenance or inspection program is accomplished, except as approved in paragraph (p)(1) of the proposed AD (which specified approval by the FAA only). The commenter asserted that alternative actions and intervals should be allowed if approved by specifying ''paragraph (p)(1) or (p)(2)'' (paragraph (p)(2) specified approval by the FAA, TCCA, or the TCCA Design Approval Organization (DAO)). The commenter stated that this change would reduce unnecessary time and paperwork by eliminating the need for AMOC approval by the FAA after the operator has already received a generic REO (GREO) or REO that is TCCA DAO approved.

We do not agree to add reference to paragraph (q)(2) of this AD (paragraph (p)(2) of the proposed AD) in paragraph (n) of this AD. Since we do not currently have the authority to delegate AMOC approvals to foreign civil aviation authorities, the FAA is responsible for these approvals. We have not changed this AD in this regard.

Request To Allow Deviations to Certain Service Information

Air Wisconsin requested that necessary deviations from the instructions in Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016, be acceptable along with this REO for compliance with the requirements of paragraph (j)(2) of the proposed AD. Air Wisconsin pointed out that paragraph (j)(2) of the proposed AD would require a modification in accordance with Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016, and reported that it has incorporated this REO on several of its airplanes. In some cases, Air Wisconsin stated that it found it necessary to deviate from the instructions of this REO (*e.g.,* plugging holes with fasteners or installation of next oversize fastener). Therefore, since there are no approved deviations to the

inspection procedures in this REO, Air Wisconsin suggested that necessary deviations to this REO be considered acceptable under the following conditions:

- The deviation is approved by signature by TCCA or Bombardier, Inc.'s TCCA DAO; and
- The damage-tolerance analysis was performed as shown by the entry in block 6 (Additional Limitations) of the REO and the entry was determined to be ''None.''

We do not agree with the commenter's request. We do not consider it appropriate to include various provisions in an AD applicable only to an operator's unique configuration of affected airplanes. However, if an operator with an affected airplane cannot accomplish the required actions specified in the service information, or prefers to use different service information that is specific to their design, an AMOC can be requested in accordance with the provisions specified in paragraph (q) of this AD.

Further, as we explained in the ''Differences Between this Proposed AD and the Service Information'' section in the NPRM, the MCAI includes the following statement: ''If it is not possible to complete all of the instructions in Part II of this [Canadian] AD due to the configuration of the aeroplane . . . contact Bombardier Inc. . . . for approved instructions.'' This issue is addressed in 14 CFR 39.17, which states that ''If a change in a product affects your ability to accomplish the actions required by the AD in any way, you must request FAA approval of an AMOC . . . .'' Since we do not currently have the authority to delegate AMOC approvals to foreign civil aviation authorities, the FAA is responsible for these approvals.

We have not changed this AD regarding this issue.

Request To Extend Compliance Time

SkyWest Airlines (SkyWest) requested that we extend the phase-in compliance times required by paragraph (j) of the proposed AD, which would require a modification according to a schedule based on accumulated flight cycles. SkyWest reported that, due to its fleet utilization and the phase-in intervals, the work might need to be done outside of a scheduled heavy maintenance visit. SkyWest proposed an alternative phase-in schedule to allow a cushion of time in order for them to reach the next heavy maintenance visit.

We do not agree with the commenter's request to extend the phase-in compliance times specified in figure 1 to paragraph (j) of this AD. We have determined that the compliance times, as proposed, represent the maximum interval of time allowable for the affected airplanes to continue to safely operate before the modification is done. Since maintenance schedules vary among operators, there would be no assurance that the airplane would be modified during that maximum interval. Further, this commenter did not provide data verifying the safety of the proposed intervals. Although we have not changed the AD regarding this issue, under the provisions of paragraph (q)(1) of this AD, we will consider requests for approval of an alternative compliance time, if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Clarify Credit for Prior Accomplishment

Air Wisconsin requested that we revise paragraph (j) of the proposed AD to specify that the actions are required ''unless already accomplished.'' Air Wisconsin stated that several of its airplanes have been modified using the applicable service information.

We do not agree to revise paragraph (j) of this AD. Paragraph (f) of this AD requires compliance with all AD requirements ''unless already done.'' Therefore, the commenter's proposed wording is unnecessary. We have not changed this AD regarding this issue.

Request for Clarification of Locations for Nondestructive Inspection (NDI)

Air Wisconsin requested that we clarify whether the NDI specified in paragraph (j)(1) of the proposed AD is for areas that have not been modified using various REOs or Supplemental Type Certificate (STC) ST02308NY that would remain in place. The commenter added that the NDI may not be possible for those areas modified using Bombardier REO 601R–53–61–1541; or Bombardier REO 601R–53–61–1285, Revision D, dated October 31, 2011, or Revision E, dated October 31, 2016; which were approved by certain AMOCs; because the NDI has not yet been developed for those areas.

We agree that clarification is necessary. Unless this AD provides specific credit for an existing modification or repair NDI, an evaluation needs to be accomplished to determine whether the inspection associated with the existing modification or repair meets an acceptable level of safety. An AMOC is required for an alternative action based on the existing modification or repair. We have not changed this AD regarding this issue.

Request for Clarification of Affected Serial Number

Air Wisconsin noted that paragraph (m) of the proposed AD applies to ''any airplane having serial number 7610,'' and asked whether more than one Model CL–600–2B19 airplane had that serial number.

We agree that clarification is necessary. There is only one airplane with serial number 7610. We have revised paragraph (m) of this AD to specify ''For airplane serial number 7610.''

Request To Clarify Terminating Requirements

Air Wisconsin requested that we clarify paragraph (o)(1) of the proposed AD by explaining how compliance with paragraph (j) or (l) of the proposed AD would not entirely terminate the requirements of paragraph (g) of the proposed AD.

We agree that clarification may be necessary. Paragraph (o)(1) of this AD specifies that accomplishing the requirements of paragraph (j) or (l) terminates the requirements of paragraph (g) of this AD ''for the repaired area only.'' The inspections required by paragraph (g) of this AD must be repeated for non-repaired areas. This requirement corresponds with the MCAI. We have not changed this AD regarding this issue.

Request for Credit for Previous Repairs

Bombardier requested that we revise paragraphs (k)(1) and (k)(2) of the proposed AD to give credit for repairs done before the effective date of the AD, if those repairs were approved by the FAA, TCCA, or Bombardier's TCCA DAO and referred to the MCAI. Bombardier noted that this credit is provided in part I, section C., of the MCAI.

We partially agree. We agree to provide credit for repairs specified in paragraphs (k)(1) and (k)(2) of this AD, if those repairs were done before the effective date of this AD, and were done in accordance with a method approved by the Manager, New York ACO Branch, FAA; TCCA; or Bombardier's TCCA DAO; and the approval references TCCA AD CF–2011–30, dated August 24, 2011, or AD CF–2011–30R1, dated November 1, 2016. However, we do not agree to include that credit in paragraphs (k)(1) and (k)(2) of this AD. Instead, we have added paragraph (p)(1) to this AD to provide the requested credit. (As explained previously, we have redesignated paragraphs (p)(1) and

(p)(2) of the proposed AD as paragraphs (q)(1) and (q)(2) of this AD.)

Request To Correct Paragraph References

Bombardier noted a typographical error in paragraph (p)(1)(ii) of the proposed AD, which specified that previously approved AMOCs are acceptable for ''paragraphs (g), (k), and (l)'' of the proposed AD. Bombardier asserted that the correct paragraph references are (g), (h), and (i).

We agree that paragraph (p)(1)(ii) of the proposed AD included a typographical error in the paragraph references. We have revised paragraph (q)(1)(ii) of this AD (paragraph (p)(1)(ii) of the proposed AD) to reference the correct paragraphs.

Conclusion

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

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued the following service information.

- Bombardier REO 601R–53–61–1230, Revision F, dated October 31, 2011. This service information describes procedures for a repair to the pressure bulkhead web frame station (FS) 621.00, lintel installation.
- Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016. This service information describes procedures for a repair and modification to FS 621.00 pressure bulkhead web.
- Bombardier REO 601R–53–61–5828, Revision A, dated March 16, 2017. This service information describes procedures for a repair to FS 621.00 pressure bulkhead web at left buttock line (LBL) 27.5.

This AD also requires Bombardier Temporary Revision 2B–2187, dated June 22, 2011, to Appendix B-Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 MRM, which the Director of the Federal Register approved for incorporation by reference as of January 16, 2013 (77 FR 73902, December 12, 2012).

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

Costs of Compliance

We estimate that this AD affects 457 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 917 work-hours × $85 per hour = $77,945	Up to $6,000	Up to $83,945	Up to $38,362,865.

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

We determined that this 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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–25–02, Amendment 39–17283 (77 FR 73902, December 12, 2012), and adding the following new AD:

2019–08–04 Bombardier, Inc.: Amendment 39–19625; Docket No. FAA–2018–0794; Product Identifier 2017–NM–175–AD.

(a) Effective Date

This AD is effective July 12, 2019.

(b) Affected ADs

This AD replaces AD 2012–25–02, Amendment 39–17283 (77 FR 73902, December 12, 2012) (''AD 2012–25–02'').

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7002 through 8025 inclusive, 8030, and 8034.

(d) Subject

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

(e) Reason

This AD was prompted by multiple reports of cracks on the forward face of the rear pressure bulkhead (RPB) web, and additional in-service crack findings that resulted in the development of a structural modification to the RPB. We are issuing this AD to address cracking in the RPB, which could result in reduced structural integrity and rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Revision of the Maintenance Program With Minor Changes

This paragraph restates the requirements of paragraph (i) of AD 2012–25–02, with minor changes. Except for the airplane having serial number 7002, within 60 days after January 16, 2013 (the effective date of AD 2012–25–02): Revise the maintenance program by incorporating the revised inspection requirements specified in airworthiness limitation section (AWL) 53–61–153 of Bombardier temporary revision (TR) 2B–2187, dated June 22, 2011, to Appendix B-Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 Maintenance Requirements Manual (MRM). The initial compliance times for the task are at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD.

(1) For airplanes on which the special detailed inspection specified in AWL 53–61–153 of Bombardier TR 2B–2187, dated June 22, 2011; or Canadair Regional Jet TR 2B–2109, dated October 13, 2005; has not been done as of January 16, 2013 (the effective date of AD 2012–25–02): The initial compliance time for AWL 53–61–153 is at the applicable time specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD.

(i) For airplanes that have accumulated 10,500 total flight cycles or less as of January 16, 2013: Before the accumulation of 12,000 total flight cycles.

(ii) For airplanes that have accumulated more than 10,500 total flight cycles as of January 16, 2013: Within 1,500 flight cycles after January 16, 2013 (the effective date of AD 2012–25–02).

(2) For airplanes on which the special detailed inspection specified in AWL 53–61–153 of Bombardier TR 2B–2187, dated June 22, 2011; or Canadair Regional Jet TR 2B–2109, dated October 13, 2005; has been done as of January 16, 2013 (the effective date of AD 2012–25–02): The initial compliance time for AWL 53–61–153 is within 4,360 flight cycles after accomplishing the most recent special detailed inspection, or within 1,500 flight cycles after accomplishing the most recent detailed inspection as specified in AWL 53–61–153 of Canadair Regional Jet TR 2B–2109, dated October 13, 2005, whichever occurs later.

(h) Retained No Alternative Actions or Intervals, With New Exception

This paragraph restates the requirements of paragraph (j) of AD 2012–25–02, with a new exception. Except as required by paragraphs (j)(3), (l)(2), and (m) of this AD, after accomplishing the revisions required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used other than those specified in Bombardier TR 2B–2187, dated June 22, 2011, to Appendix B-Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 MRM, unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (q)(1) of this AD.

(i) Retained General Revision of the MRM, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2012–25–02, with no changes. The maintenance program revision required by paragraph (g) of this AD may be done by inserting a copy of Bombardier TR 2B–2187, dated June 22, 2011, into Appendix B-Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 MRM. When this TR has been included in general revisions of the MRM, the general revisions may be inserted in the MRM, provided the relevant information in the general revision is identical to that in this TR.

(j) New Requirements of This AD: Inspections, Modification, and Maintenance or Inspection Program Revision

Accomplish the actions required by paragraphs (j)(1), (j)(2), and (j)(3) of this AD at the time specified, except as provided by paragraphs (l) and (m) of this AD.

(1) At the applicable time specified in figure 1 to paragraph (j) of this AD: Do a nondestructive inspection for cracking of the forward face of the fuselage station (FS) 621 pressure bulkhead, in accordance with AWL 53–61–153 of Bombardier TR 2B–2187, dated June 22, 2011, to Appendix B—Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 MRM.

(2) At the applicable time specified in figure 1 to paragraph (j) of this AD: Modify the RPB and do a nondestructive inspection for cracking of the FS 621 pressure bulkhead web, in accordance with Bombardier Repair Engineering Order (REO) 601R–53–61–1240, Revision D, dated October 31, 2016.

(3) Before further flight after accomplishing the modification required by paragraph (j)(2) of this AD: Revise the existing maintenance or inspection program, as applicable, by incorporating the inspection requirements at the threshold and repetitive inspection times specified in the in-service deviation inspection requirements (SDIR) of Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016.

Figure 1 to Paragraph (j) of this AD – *Modification and Inspection Phase-In*

Airplane Flight Cycles as of the Effective Date of this AD	Compliance Time
For airplanes that have accumulated 35,000 total flight cycles or less	Prior to the accumulation of 40,000 total flight cycles
For airplanes that have accumulated more than 35,000 total flight cycles and less than 40,000 total flight cycles	Within 5,000 flight cycles after the effective date of this AD
For airplanes that have accumulated 40,000 total flight cycles or more	Prior to the accumulation of 45,000 total flight cycles

(k) Corrective Action

(1) If any crack is found during any inspection required by paragraph (j)(2), (l)(1), or (m) of this AD: Before further flight, repair using a method approved by the Manager, New York ACO Branch, FAA; Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(2) If any crack is found during any inspection required by paragraph (j)(1) of this AD: Before further flight, repair in accordance with the applicable service information specified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD, or using a method approved by the Manager, New York ACO Branch, FAA; TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Bombardier REO 601R–53–61–1230, Revision F, dated October 31, 2011; or Bombardier REO 601R–53–61–1285, Revision E, dated October 31, 2016.

(ii) Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016; or Bombardier REO 601R–53–61–1541, Revision F, dated November 12, 2014.

(l) Alternative Actions for Certain Airplanes

For airplanes on which the actions required by paragraphs (j)(1) and (j)(2) of this AD were performed before the effective date of this AD using the REOs identified in figure 2 to paragraph (l) of this AD: In lieu of accomplishing the actions required by paragraph (j) of this AD, accomplish the actions required by paragraphs (l)(1) and (l)(2) of this AD within 6,000 flight cycles after the effective date of this AD.

(1) Perform a special detailed inspection for cracking of Zone B of the RPB web, in accordance with Part B of Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016.

(2) Revise the existing maintenance or inspection program, as applicable, by incorporating the inspection requirements at the threshold and repetitive inspection times specified in Part B of the SDIR of Bombardier REO 601R–53–61–1240, Revision D, dated October 31, 2016. The inspection threshold is measured from the time of incorporation of the applicable REO specified in figure 2 to paragraph (l) of this AD.

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Figure 2 to paragraph (l) of this AD –
REOs Equivalent to Part A of REO 601R-53-61-1240

Serial Number	Bombardier REO
7029	601R-53-61-3032, Revision D, dated May 6, 2014
	601R-53-61-3059, Revision D, dated November 1, 2011
	601R-53-61-5220, Revision A, dated March 20, 2014
7033	601R-53-61-4391, dated February 6, 2012
	601R-53-61-4405, dated February 16, 2012
7054	601R-53-61-4398, Revision A, dated August 23, 2016
	601R-53-61-5801, dated August 23, 2016
7058	601R-53-61-5480, dated May 22, 2015
7060	601R-53-61-4385, Revision A, dated August 25, 2016
7206	601R-53-61-4750, dated January 15, 2013
7212	601R-53-61-5137, Revision A, dated August 25, 2016
7312	601R-53-61-5738, dated June 23, 2016
7424	601R-53-61-5295, Revision A, dated July 2, 2014
7430	601R-53-61-4950, dated June 28, 2013
7433	601R-53-61-2039, Revision A, dated August 24, 2016
7452	601R-53-61-4821, Revision A, dated February 28, 2013
	601R-53-61-4572, Revision C, dated February 27, 2013
	601R-53-61-4584, Revision A, dated February 27, 2013
7463	601R-53-61-4712, dated November 15, 2012
	601R-53-61-5369, dated October 14, 2014
7466	601R-53-61-4884, dated April 25, 2013
7468	601R-53-61-5779, Revision A, dated August 16, 2016
7476	601R-53-61-5727, Revision B, dated June 8, 2016
7484	601R-53-61-5040, dated October 2, 2013
	601R-53-61-5049, Revision A, dated October 9, 2013

Serial Number	Bombardier REO
7513	601R-53-61-5498, dated June 23, 2015
7591	601R-53-61-2360, Revision A, dated August 24, 2016
	601R-53-61-2361, dated October 11, 2007
	601R-53-61-2364, dated October 11, 2007
	601R-53-61-2368, dated October 10, 2007
	601R-53-61-2373, dated October 17, 2007
	601R-53-61-2380, dated October 20, 2007
7616	601R-53-61-5250, dated April 15, 2014
7626	601R-53-61-5377, dated November 5, 2014
	601R-53-61-5383, dated November 7, 2014
7643	601R-53-61-5076, dated October 31, 2013
	601R-53-61-5085, Revision A, dated November 11, 2013
7658	601R-53-61-4942, Revision A, dated July 8, 2013
7660	601R-53-61-5494, dated June 8, 2015
7767	601R-53-61-5207, dated March 7, 2014
	601R-53-61-5213, Revision A, dated March 14, 2014
7834	601R-53-61-4932, dated June 15, 2013
	601R-53-61-4940, Revision A, dated July 1, 2013
7852	601R-53-61-4264, Revision A, dated August 21, 2013

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(m) Alternative Actions for Airplane Serial Number 7610

For airplane serial number 7610: In lieu of accomplishing the actions required by paragraph (j) of this AD; within 6,000 flight cycles after the effective date of this AD, do a reinforcement of K601R36010—A at left buttock line (LBL) 27.5 and perform a special detailed inspection for cracking of the FS 621 pressure bulkhead web at LBL 27.5, in accordance with Bombardier REO 601R–53–61–5828, Revision A, dated March 16, 2017. Before further flight after accomplishing the reinforcement, or within 60 days after the effective date of this AD, whichever occurs later: Revise the maintenance or inspection program, as applicable, by incorporating the inspection requirements that include threshold and repetitive inspection times as specified in the SDIR of Bombardier REO 601R–53–61–5828, Revision A, dated March 16, 2017.

(n) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (j)(3), (l)(2), or (m) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (p)(1) of this AD.

(o) Terminating Actions for Paragraph (g) of This AD

(1) Accomplishment of the actions required by paragraph (j) or (l) of this AD terminates the requirements of paragraph (g) of this AD, for the repaired area only.

(2) Accomplishment of the actions required by paragraph (m) of this AD terminates the requirements of paragraph (g) of this AD.

(3) For airplanes on which the actions required by paragraph (j) or (l) of this AD have been done and on which the modification and inspection specified in REO 601R–53–61–1230, Revision F, dated October 31, 2011, have been done and there were no inspection findings: The actions required by paragraph (g) of this AD are terminated.

(p) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (k)(1) and (k)(2) of this AD, if those repairs were done before the effective date of this AD using a method approved by the Manager, New York ACO Branch, FAA; TCCA; or Bombardier, Inc.'s TCCA DAO; which references TCCA AD CF–2011–30, dated August 24, 2011, or AD CF–2011–30R1, dated November 1, 2016.

(2) This paragraph provides credit for the actions required by paragraph (k)(2) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (p)(2)(i), (p)(2)(ii), (p)(2)(iii), (p)(2)(iv), (p)(2)(v), or (p)(2)(vi) of this AD, provided that the maintenance or inspection program is revised by incorporating the inspection requirements at the threshold and repetitive inspection times specified in the SDIR of Bombardier REO 601R–53–61–1230, Revision F, dated November 7, 2011.

(i) Bombardier REO 601R–53–61–1230, dated February 10, 2005.

(ii) Bombardier REO 601R–53–61–1230, Revision A, dated November 6, 2009.

(iii) Bombardier REO 601R–53–61–1230, Revision B, dated October 5, 2005.

(iv) Bombardier REO 601R–53–61–1230, Revision C, dated November 10, 2005.

(v) Bombardier REO 601R–53–61–1230, Revision D, dated July 19, 2006.

(vi) Bombardier REO 601R–53–61–1230, Revision E, dated August 18, 2011.

(3) This paragraph provides credit for the actions required by paragraph (k)(2) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (p)(3)(i), (p)(3)(ii), (p)(3)(iii), (p)(3)(iv), or (p)(3)(v) of this AD, provided that the maintenance or inspection program is revised by incorporating the inspection requirements at the threshold and repetitive inspection times specified in the SDIR of Bombardier REO 601R–53–61–1285, Revision E, date October 31, 2016.

(i) Bombardier REO 601R–53–61–1285, dated March 24, 2005.

(ii) Bombardier REO 601R–53–61–1285, Revision A, dated November 6, 2009.

(iii) Bombardier REO 601R–53–61–1285, Revision B, dated April 14, 2010.

(iv) Bombardier REO 601R–53–61–1285, Revision C, dated August 19, 2011.

(v) Bombardier REO 601R–53–61–1285, Revision D, dated October 31, 2011.

(4) This paragraph provides credit for the actions required by paragraph (k)(2) of this AD if those actions were performed before the effective date of this AD using the service information specified in paragraph (p)(4)(i), (p)(4)(ii), (p)(4)(iii), (p)(4)(iv), (p)(4)(v), or (p)(4)(vi) of this AD, provided that the maintenance or inspection program is revised by incorporating the inspection requirements at the threshold and repetitive inspection times specified in the SDIR of Bombardier REO 601R–53–61–1541, Revision F, dated November 12, 2014.

(i) Bombardier REO 601R–53–61–1541, dated November 27, 2005.

(ii) Bombardier REO 601R–53–61–1541, Revision A, dated February 8, 2008.

(iii) Bombardier REO 601R–53–61–1541, Revision B, dated March 16, 2009.

(iv) Bombardier REO 601R–53–61–1541, Revision C, dated August 19, 2011.

(v) Bombardier REO 601R–53–61–1541, Revision D, dated October 31, 2011.

(vi) Bombardier REO 601R–53–61–1541, Revision E, dated November 5, 2013.

(5) This paragraph provides credit for the actions required by paragraph (m) of this AD, if those actions were performed before the effective date of this AD using Bombardier REO 601R–53–61–5828, dated November 1, 2016, provided that the maintenance or inspection program is revised by incorporating the inspection requirements at the threshold and repetitive inspection times specified in the SDIR of Bombardier REO 601R–53–61–5828, Revision A, dated March 16, 2017.

(q) Other FAA AD Provisions

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: 516–228–7300; fax: 516–794–5531.

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

(ii) AMOCs approved previously for AD 2012–25–02 are approved as AMOCs for the corresponding provisions in paragraphs (g), (h), and (i) of this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2011–30R2, dated June 12, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0794.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (s)(5) and (s)(6) of this AD.

(s) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on July 12, 2019.

(i) Bombardier Repair Engineering Order 601R–53–61–1230, Revision F, dated October 31, 2011.

(ii) Bombardier Repair Engineering Order 601R–53–61–1240, Revision D, dated October 31, 2016.

(iii) Bombardier Repair Engineering Order 601R–53–61–1285, Revision E, dated October 31, 2016.

(iv) Bombardier Repair Engineering Order 601R–53–61–1541, Revision F, dated November 12, 2014.

(v) Bombardier Repair Engineering Order 601R–53–61–5828, Revision A, dated March 16, 2017.

(4) The following service information was approved for IBR on January 16, 2013 (77 FR 73902, December 12, 2012).

(i) Bombardier Temporary Revision 2B–2187, dated June 22, 2011, to Appendix B-Airworthiness Limitations, of Part 2 of the Bombardier CL–600–2B19 Maintenance Requirements Manual.

(ii) [Reserved]

(5) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 514–855–5000; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.*

(6) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(7) 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 Des Moines, Washington, on April 19, 2019,

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–11956 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0696; Product Identifier 2017–SW–101–AD; Amendment 39–19650; AD 2019–11–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK 117 D–2 helicopters. This AD requires replacing the rescue hoist cable cut pushbutton flip guard (flip guard). This AD was prompted by reports of unintended lifting of several flip guards.

We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; phone: (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.

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–2018–0696; 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 European Aviation Safety Agency (EASA) AD, the regulatory evaluation, any comments received, and other information. The address for Docket Operations 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: Clark Davenport, Flight Test Engineer, Flight Test Branch, Compliance and Airworthiness Division, FAA, 10101 Hillwood Parkway, Fort Worth, TX 76177; phone: 817–222–5151; email: *clark.davenport@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model MBB BK 117 D 2 helicopters. The NPRM published in the **Federal Register** on August 27, 2018 (83 FR 43559). The NPRM was prompted by reports of unintended lifting of several flip guards. The NPRM proposed to require replacing the flip guard with flip guard part number (P/N) 79553511 on the collective lever switch unit.

We are issuing this AD to address unintended lifting of a flip guard. This condition could result in inadvertent cutting of the rescue hoist cable and subsequent personal injury.

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2017–0038, dated February 22, 2017 (EASA AD No. 2017–0038), to correct an unsafe condition for certain Airbus Helicopters Models MBB–BK 117 D–2 and MBB–BK 117 D–2m helicopters. EASA advises that multiple events were reported of unintended lifting of the flip guard and that the flip guard has two stable positions, open and closed. EASA AD No. 2017–0038 states that if the unintended lifting is not detected, the requirement for dual action when activating the rescue hoist cable cut is not guaranteed. According to EASA, this condition, if not corrected, could result in inadvertent cutting of the rescue hoist cable and subsequent personal injury.

EASA further advises that Airbus Helicopters has developed an improved mono-stable (closed) flip guard, and EASA AD No. 2017–0038 requires installing the new flip guard and re-identifying the collective lever switch unit.

Comments

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

FAA's Determination

These 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 applies to Airbus Helicopters Model MBB–BK 117 D–2m helicopters, whereas this AD does not since these models are not type certificated in the U.S. Also, the EASA AD requires compliance within 440 hours time in service (TIS), however, this AD requires compliance before the next hoist operation or within 440 hours TIS, whichever occurs first. Finally, the EASA AD requires identifying the collective lever switch unit with the service information number; this AD does not.

Related Service Information

Airbus Helicopters has issued Alert Service Bulletin No. MBB–BK117 D–2–67A–002, Revision 0, dated January 23, 2017. This service information contains procedures for replacing flip guard P/N 79552176 with improved flip guard P/N 79553511 and for identifying the collective lever switch unit with the alert service bulletin number.

Costs of Compliance

We estimate that this AD affects 21 helicopters of U.S. Registry. At an average labor rate of $85 per hour, we estimate that operators may incur the following costs in order to comply with this AD.

Replacing the flip guard requires about 14 hours, and required parts cost $735, for a cost per helicopter of $1,925 and a cost of $40,425 to the U.S. fleet.

According to Airbus Helicopter'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 Airbus Helicopters. 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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–11–04 Airbus Helicopters Deutschland GmbH: Amendment 39–19650; Docket No. FAA–2018–0696; Product Identifier 2017–SW–101–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 D–2 helicopters, certificated in any category, with a cable cut flip guard (flip guard) part number (P/N) 79552176 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as unintended lifting of a flip guard. This condition could result in inadvertent cutting of the rescue hoist cable and subsequent personal injury.

(c) Effective Date

This AD is effective July 12, 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

Before the next hoist operation or within 440 hours time in service, whichever occurs first, remove flip guard P/N 79552176 from service and install flip guard P/N 79553511 on the collective lever switch unit.

(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: Clark Davenport, Flight Test Engineer, Flight Test Branch, Compliance and Airworthiness Division, FAA, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone 817–222–5151; 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) Airbus Helicopters Alert Service Bulletin No. MBB–BK117 D–2–67A–002, Revision 0, dated January 23, 2017, 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; phone: (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. 2017–0038, dated February 22, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2018–0696.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6700 Rotorcraft Flight Control.

Issued in Fort Worth, Texas, on May 31, 2019.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2019–11993 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0206; Airspace Docket No. 19–ASO–6]

RIN 2120–AA66

Amendment of Class E Airspace; Monroe, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface in Monroe-Walton County Airport, Monroe, GA, to accommodate airspace reconfiguration due to the decommissioning of the Monroe non-directional radio beacon and cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also updates the geographic coordinates of this airport.

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 on line 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 Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

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 for Monroe-Walton County Airport, Monroe, GA, due to the decommissioning of the Monroe non-directional radio beacon and cancellation of the NDB approach.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 13575, April 5, 2019) for Docket No. FAA–2019–0206 to amend Class E airspace extending upward from 700 feet above the surface for Monroe-Walton County Airport, Monroe, GA, due to the decommissioning of the Monroe NDB and cancellation of the NDB approach.

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 part 71.1. The Class E airspace designation 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 amends Class E airspace extending upward from 700 feet above the surface at Monroe-Walton County Airport, Monroe, GA, by increasing the airport radius to 6.9 miles (from 6.3 miles), and eliminating the southwest extension of the airport to accommodate airspace reconfiguration due to the decommissioning of the Monroe NDB and cancellation of the NDB approach. Also, the geographic coordinates of the airport are adjusted to coincide with the FAA's aeronautical database. These changes are necessary for continued safety and management of IFR operations at this airport.

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. 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 5–6.5a. 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, 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.

* * * * *

ASO GA E5 Monroe, GA [Amended]

Monroe-Walton County Airport, GA
(Lat. 33°46′57″ N, long. 83°41′34″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Monroe-County Airport.

Issued in College Park, Georgia, on May 31, 2019.

Ryan Almasy,

Manager Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2019–11898 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9862]

RIN 1545–BO01

Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs]

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations effecting the repeal of the *General Utilities* doctrine by the Tax Reform Act of 1986 and preventing abuse of the Protecting Americans from Tax Hikes Act of 2015 (PATH Act). The final regulations impose corporate-level tax on certain transactions in which property of a C corporation becomes the property of a REIT. The final regulations affect RICs, REITs, C corporations the property of which becomes the property of a RIC or a REIT, and their shareholders.

DATES: *Effective Date:* These regulations are effective on June 7, 2019.

Applicability Dates: For dates of applicability, see § 1.337(d)–7(g)(2)(ii).

FOR FURTHER INFORMATION CONTACT: Austin Diamond-Jones, (202) 317–5363 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 1 under section 337(d) of the Internal Revenue Code (Code).

In *General Utilities & Operating Co.* v. *Helvering,* 296 U.S. 200 (1935), the Supreme Court held that corporations generally could distribute appreciated property to their shareholders without the recognition of any corporate-level gain (*General Utilities* doctrine). Beginning with legislation in 1969 and culminating in the Tax Reform Act of 1986, Public Law 99–514 (100 Stat. 2085), Congress repealed the *General Utilities* doctrine by enacting section 336(a) to apply gain and loss recognition

to liquidating distributions. Section 337(d) directs the Secretary of the Treasury (Secretary) to prescribe regulations that are necessary or appropriate to carry out the purposes of *General Utilities* repeal, including ''regulations to ensure that such purposes may not be circumvented through the use of any provision of law or regulations (including . . . part III of this subchapter) or through the use of a regulated investment company, real estate investment trust, or tax exempt entity. . . .''

On June 8, 2016, the Department of the Treasury (Treasury Department) and the IRS published temporary regulations (TD 9770) under section 337(d) (Temporary Regulations) in the **Federal Register** (81 FR 36793) effecting the repeal of the *General Utilities* doctrine as applied to certain transfers of property to RICs and REITs. A notice of proposed rulemaking (REG–126452–15) was published in the **Federal Register** (81 FR 36816) on the same day (2016 Proposed Regulations). The text of the Temporary Regulations served as the text for part of the 2016 Proposed Regulations, which also included an amendment not included in the Temporary Regulations. A correction to the Temporary Regulations was published in the **Federal Register** (81 FR 41800) on June 28, 2016.

In response to the 2016 Proposed Regulations, the Treasury Department and the IRS received one written comment and a letter addressed to the Secretary by the Chairmen and Ranking Members of the Ways and Means Committee of the U.S. House of Representatives and the Finance Committee of the U.S. Senate (Letter). The comment requested a public hearing, which was held on November 9, 2016.

After consideration of the written comment, the Letter, and comments made at the public hearing, the Treasury Department and the IRS adopted the 2016 Proposed Regulations, in part, in final regulations (TD 9810) published in the **Federal Register** (82 FR 5387) on January 18, 2017 (2017 Final Regulations). The 2017 Final Regulations adopted a definition of the term ''recognition period'' consistent with the definition used in section 1374(d), regarding S corporations, and amended and removed corresponding provisions in the Temporary Regulations. The preamble to the 2017 Final Regulations indicated that the Treasury Department and the IRS would continue to study other issues addressed in the Temporary Regulations and the 2016 Proposed Regulations.

Executive Order 13789 (E.O. 13789), issued on April 21, 2017, instructed the Secretary to review all significant tax regulations issued on or after January 1, 2016, and to take concrete action to alleviate the burdens of regulations that (i) impose an undue financial burden on U.S. taxpayers; (ii) add undue complexity to the Federal tax laws; or (iii) exceed the statutory authority of the IRS. E.O. 13789 further instructed the Secretary to submit to the President within 60 days an interim report identifying regulations that meet these criteria.

Notice 2017–38 (2017–30 I.R.B. 147 (July 24, 2017)) included the Temporary Regulations in a list of eight regulations identified by the Secretary in the interim report as meeting at least one of the first two criteria specified in E.O. 13789. In particular, Notice 2017–38 mentioned a concern raised by commenters that the Temporary Regulations ''could result in over-inclusion of gain in some cases, particularly where a large corporation acquires a small corporation that engaged in a Section 355 spinoff and the large corporation subsequently makes a REIT election.'' *See also* Executive Order 13789—Second Report to the President on Identifying and Reducing Tax Regulatory Burdens (Second Report), 82 FR 48013 (October 16, 2017) (stating that the Treasury Department and the IRS ''agree that the temporary regulations may produce inappropriate results in some cases''). In response to comments received addressing the Temporary Regulations and the 2016 Proposed Regulations, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–113943–17) addressing the potential over-inclusion of gain in the **Federal Register** (84 FR 11259) on March 26, 2019 (2019 Proposed Regulations). A correction to the 2019 Proposed Regulations was published in the **Federal Register** (84 FR 18999) on May 3, 2019. One substantive comment was received in response to the 2019 Proposed Regulations.

Summary of Comments and Explanation of Revisions

This Summary of Comments and Explanation of Revisions discusses the comments received in response to the 2016 Proposed Regulations, Notice 2017–38, and the 2019 Proposed Regulations. However, certain comments received in response to the 2016 Proposed Regulations and Notice 2017–38 were addressed in the Explanation of Provisions in the preamble to the 2019 Proposed Regulations and are not repeated in this Summary of Comments and Explanation of Revisions.

I. Consideration of Limitation for Planned Transactions

Under proposed § 1.337(d)–7(c)(6), a C corporation described in paragraph (f)(1) of that section would be treated as having made an election under § 1.337(d)–7(c)(5) (deemed sale election) with respect to a conversion transaction if (i) the conversion transaction occurs following a related section 355 distribution (as defined in paragraph (f)(1)(i) of that section), and (ii) the C corporation has not made such election (automatic deemed sale rule). Proposed § 1.337(d)–7(f)(1) would provide that the automatic deemed sale rule (or the corresponding rule in paragraph (b)(4) of that section) applies to a C corporation if (i) the C corporation engages in a conversion transaction involving a REIT during the twenty-year period beginning on the date that is ten years before the date of a related section 355 distribution and (ii) the C corporation engaging in the related section 355 distribution is either the distributing corporation or the controlled corporation (as those terms are defined in section 355(a)(1)), or a member of the separate affiliated group (as defined in section 355(b)(3)(B)) (SAG) of the distributing corporation or the controlled corporation. A conversion transaction occurs through (i) the qualification of a C corporation as a RIC or a REIT, or (ii) the transfer of property owned by a C corporation to a RIC or a REIT. Section 1.337(d)–7(a)(2)(ii).

One commenter recommended that the automatic deemed sale rule apply only if the conversion transaction and the related section 355 distribution are carried out as part of the same plan. To facilitate the identification of such a plan, the commenter requested a two-year presumption rule. Under that rule, (i) a conversion transaction completed within two years of a related section 355 distribution would be presumed to have been carried out as part of a plan that included the related section 355 distribution, and (ii) a conversion transaction not completed within two years of a related section 355 distribution would be presumed not to have been carried out as part of such a plan. The commenter also recommended additional provisions similar to the section 355(e) safe harbor rules and the section 707(a)(2)(B) disguised sale rules.

The Treasury Department and the IRS agree that the automatic deemed sale rule could apply to a conversion transaction and related section 355

distribution carried out as part of the same plan, but they have determined that the text and purposes of sections 355(h) and 856(c)(8) do not require the existence of a plan. Those provisions, as added by section 311 of the PATH Act, enacted as Division Q of the Consolidated Appropriations Act, 2016, Public Law 114–113 (129 Stat. 2422), prevent the circumvention of *General Utilities* repeal and apply without regard to the existence of a plan that includes both a related section 355 distribution and a conversion transaction. Under section 355(h), a distribution of the stock of a controlled corporation does not qualify for tax-free treatment under section 355(a) if either the distributing corporation or the controlled corporation (but not both) is a REIT. The section 856(c)(8) limitation on eligibility for REIT elections focuses on the ten-year period (rather than a two-year period) beginning on the date of a distribution to which section 355 (or so much of section 356 as relates to section 355) applies. In addition, the Treasury Department and the IRS have determined that the introduction of a plan concept (as well as the recommended safe harbor and anti-abuse rules) into the automatic deemed sale rule would substantially increase the rule's complexity, and thereby reduce its effectiveness and predictability.

II. Time Period Between Conversion Transaction and Related Section 355 Distribution

As described in part I of this Summary of Comments and Explanation of Revisions, application of the automatic deemed sale rule depends in part on whether a C corporation engages in a conversion transaction involving a REIT during the twenty-year period beginning on the date that is ten years before the date of a related section 355 distribution. *See* proposed § 1.337(d)–7(c)(6). A commenter requested that these final regulations reduce that twenty-year period to a ten-year period. The commenter relied upon § 1.337(d)–7(b)(2)(iii), which incorporates the five-year recognition period described in section 1374(d)(7)(A) specifically for purposes of applying the rules of section 1374 and the regulations thereunder. The commenter noted that the PATH Act had reduced the ten-year period historically required under section 1374(d)(7)(A) to the current five-year period, and asserted that the automatic deemed sale rule should employ a five-year recognition period, both before and after a related section 355 distribution, to maintain consistency with the recognition rules specific to section 1374.

The Treasury Department and the IRS recognize the commenter's preference for consistency. However, they have concluded that section 1374 treatment does not adequately implement the purposes of *General Utilities* repeal if a taxpayer effects a tax-free separation of REIT-qualifying assets from non-qualifying assets in a section 355 distribution and the REIT-qualifying assets become the assets of a REIT. *See* preamble to the Temporary Regulations (81 FR at 36795). As an example, the REIT and its shareholders may realize the benefit of appreciation on converted property without a transaction that is taxable at the corporate level. *See id.* at 36795–6. Moreover, without a section 355 distribution, a taxpayer generally could not separate REIT-qualifying assets from non-qualifying assets and cause one corporation to hold the REIT-qualifying assets and another corporation to hold the non-qualifying assets except by means of a taxable transaction. *See id.* at 36796. Consequently, the Treasury Department and the IRS have concluded that a five-year recognition period provided specifically for section 1374 and its underlying regulations should not affect the length of the recognition period for the automatic deemed sale rule.

The Treasury Department and the IRS have concluded that the ten-year eligibility limitation regarding REIT elections under section 856(c)(8) provides a more appropriate safeguard for *General Utilities* repeal, and supports the twenty-year recognition period in proposed § 1.337(d)–7(f)(1)(i). In general, section 856(c)(8) provides that a corporation may not elect REIT status during the ten-year period following a distribution qualifying under section 355 if such corporation was the distributing corporation or the controlled corporation in that distribution. When describing existing law prior to the enactment of section 856(c)(8), the staff of the Joint Committee on Taxation observed that, following a section 355 distribution, ''income from the assets held in the REIT is no longer subject to corporate level tax (unless there is a disposition of such assets that incurs tax under the built in gain rules).'' *See* Staff, Joint Committee on Taxation, Technical Explanation of the Protecting Americans from Tax Hikes Act of 2015, House Amendment #2 to the Senate Amendment to H.R. 2029, JCX–144–15, at 170 (2015). Consequently, to ensure the continuing integrity of *General Utilities* repeal, the Treasury Department and the IRS have concluded that the twenty-year period described in proposed § 1.337(d)–7(f)(1)(i) would provide a more appropriate recognition period.

III. Application of Automatic Deemed Sale Rule to Predecessors and Successors

Proposed § 1.337(d)–7(f)(2) would provide that, for purposes of identifying C corporations to which the automatic deemed sale rule could apply, ''any reference to a controlled corporation or a distributing corporation includes a reference to any predecessor or successor of such corporation.'' The terms ''predecessor'' and ''successor'' would ''include corporations which succeed to and take into account items described in section 381(c) of the distributing corporation or the controlled corporation, and corporations having such items to which the distributing corporation or the controlled corporation succeeded and took into account.'' Proposed § 1.337(d)–7(f)(2). Commenters have expressed concern that the word ''include'' will create uncertainty regarding the scope of the terms ''predecessor'' and ''successor'' and consequently would cause difficulties in performing due diligence. As a result, these commenters have requested that the word ''include'' be clarified or otherwise limited.

The Treasury Department and the IRS acknowledge these concerns, particularly those regarding due diligence burdens, but have determined that proposed § 1.337(d)–7(f)(2) strikes an appropriate balance between providing sufficiently predictable application of the automatic deemed sale rule and preventing avoidance of that rule. The application of predecessor and successor concepts to distributing corporations and controlled corporations in the 2016 Proposed Regulations, extended to members of the SAGs of those corporations in the 2019 Proposed Regulations, limits the potential avoidance of the automatic deemed sale rule. The Treasury Department and the IRS have determined that the language of proposed § 1.337(d)–7(f)(2) will provide sufficient certainty regarding the scope of the terms ''predecessor'' and ''successor,'' particularly in light of the 2019 Proposed Regulations' policy of ensuring that gain will be recognized ''only on property that is traceable to the section 355 distribution.'' Preamble to 2019 Proposed Regulations (84 FR 11261). Moreover, the distribution property limitation will reduce uncertainty as to the consequences of a

determination that a corporation is a predecessor or successor.

IV. Application to SAG Members of Distributing and Controlled Corporations

One commenter contended that the 2016 Proposed Regulations should not apply to a member of the SAG of the distributing corporation or the controlled corporation because corporate-level taxation would not be avoided in such a situation unless the stock of the SAG member itself were distributed in a section 355 distribution. The Treasury Department and the IRS have determined that corporate-level taxation could be avoided regardless of whether the stock of the SAG member were distributed.

As an example, a distributing corporation owns all of the stock of a controlled corporation, the sole assets of which consist of all of the stock in a subsidiary that owns only real estate assets. The distributing corporation distributes all of the controlled corporation stock in a distribution qualifying under section 355. Within ten years thereafter, the subsidiary elects REIT status. During the year following the election, the controlled corporation merges downstream into the subsidiary in a reorganization described in section 368(a), with the subsidiary surviving. Section 856(c)(8) would not apply to that transaction because the subsidiary was not a distributing corporation, a controlled corporation, or a successor to either corporation at the time of the REIT election (although the subsidiary subsequently becomes a successor to the controlled corporation as a result of the merger). Accordingly, the Treasury Department and the IRS have determined that the application of the automatic deemed sale rule to SAG members of the distributing corporation or a controlled corporation would further the intent of Congress to prevent avoidance of *General Utilities* repeal.

V. Scope of, and Exclusions to, the Automatic Deemed Sale Rule

A. Two-Year Requirement for Post-Distribution Distributing and Controlled REITs

Proposed § 1.337(d)–7(f)(3)(i) would preclude application of the automatic deemed sale rule if the distributing corporation and the controlled corporation are both REITs immediately after the related section 355 distribution and at all times during the two-year period thereafter. Commenters have requested the elimination of the two-year requirement.

The Treasury Department and the IRS have concluded, however, that the two-year requirement would appropriately limit potential avoidance of proposed § 1.337(d)–7(f)(3)(i). The two-year requirement is designed to protect the purposes of the PATH Act, and therefore *General Utilities* repeal, by ensuring that distributing corporations and controlled corporations that pursue the exception provided by section 355(h)(2)(A) continue to operate for a substantial duration as REITs. The Treasury Department and the IRS acknowledge concerns raised by commenters regarding the risk of inadvertent terminations of REIT status during this initial two-year period. However, section 856 provides opportunities for a REIT to cure an inadvertent technical failure to comply with that section's requirements without loss of REIT status. *See,* for example, sections 856(c)(6), (c)(7), and (g)(5) (election of REIT status terminates for failure to meet REIT requirements unless failure is due to reasonable cause and not due to willful neglect). Consequently, the Treasury Department and the IRS do not believe that the two-year requirement would cause the distributing corporation or the controlled corporation to recognize gain as a result of inadvertent noncompliance.

B. Consideration of Exclusion Involving REITs and Qualified REIT Subsidiaries

A commenter requested that the automatic deemed sale rule not apply to certain section 355 distributions within corporate groups, after which the corporate parent of the distributing corporation and the controlled corporation elects REIT status, and the distributing corporation, the controlled corporation, or both become qualified REIT subsidiaries (QRS).

The Treasury Department and the IRS decline to adopt this proposed exception to the automatic deemed sale rule based on the determination that such exception would create opportunities for circumventing *General Utilities* repeal. For example, a section 355 distribution of a controlled corporation that will be a QRS following the parent's election of REIT status could be used to reduce the value of the distributing corporation in order for such corporation to be a taxable REIT subsidiary following its parent's election of REIT status, even though, without such a reduction, the value of the distributing corporation would cause the parent to fail the requirement of section 856(c)(4)(B)(ii). In addition, the Treasury Department and the IRS note that, if the distributing corporation or the controlled corporation had liquidated (or had been deemed to liquidate) prior to the parent's REIT election, the parent would be a successor to the liquidated corporation and therefore ineligible to elect REIT status as a result of section 856(c)(8).

C. Consideration of Knowledge Standard for Automatic Deemed Sale Rule

A commenter requested the incorporation of a knowledge standard into the automatic deemed sale rule. Specifically, the commenter recommended that the automatic deemed sale rule should not apply to a REIT that receives property from a C corporation if the REIT (i) receives a representation that the C corporation (including specified predecessors and SAG members) has not engaged in a related section 355 distribution, and (ii) has no actual knowledge contrary to such representation. The commenter contended that, without a knowledge component, the level of diligence necessary to apply the automatic deemed sale rule could prove burdensome (for example, in situations that involve predecessors of SAG members or significant time lapses between relevant transactions). For similar reasons, the commenter asserted that the absence of a knowledge component could limit the practical utility of the distribution property limitation under proposed § 1.337(d)–7(c)(6)(ii), which would require the REIT to establish through such diligence that a subject property is not distribution property.

The Treasury Department and the IRS acknowledge the concerns expressed by the commenter, but have decided not to adopt this recommendation. The Treasury Department and the IRS have concluded that adoption of a knowledge component would reduce, rather than increase, certainty regarding the application of the automatic deemed sale rule because a knowledge component would inject subjectivity into the rule. Moreover, as the commenter noted, REITs ordinarily undertake extensive due diligence in connection with corporate transactions, such as mergers with C corporations, to ensure that the transaction will not terminate REIT status. For example, a REIT would routinely conduct an earnings and profits study of the C corporation. As a result, the Treasury Department and the IRS believe that REITs generally will possess adequate data to determine the appropriate tax consequences of a conversion transaction and make use of the distribution property limitation,

particularly because this limitation will apply on a property-by-property basis and thereby apply even if a REIT possesses incomplete records. In addition, a contemporaneous documentation of property owned at the time of a related section 355 distribution generally will provide sufficient records for establishing that any property not listed in such documentation is not distribution property.

VI. Definition of the Term ''Converted Property''

The 2016 Proposed Regulations would define the term ''converted property'' as ''property owned by a C corporation that becomes the property of a RIC or a REIT and any other property the basis of which is determined, directly or indirectly, in whole or in part, by reference to the basis of the property owned by a C corporation that becomes the property of a RIC or a REIT.'' Proposed § 1.337(d)–7(a)(2)(vii). A commenter requested that the definition be clarified to confirm the commenter's interpretation that the phrase ''any other property'' refers only to property of a RIC or a REIT. The Treasury Department and the IRS agree with the commenter's interpretation and have clarified the definition accordingly.

VII. Interaction of 2016 Proposed Regulations With Section 856(c)(8)

A commenter inquired whether the Treasury Department or the IRS intended the 2016 Proposed Regulations to override section 856(c)(8) (described in part I of this Summary of Comments and Explanation of Revisions). The 2016 Proposed Regulations do not override section 856(c)(8). Accordingly, if section 856(c)(8) would prevent a distributing corporation or a controlled corporation from electing REIT status, no gain would be recognized, absent further action (for example, a merger of the distributing corporation or the controlled corporation into a REIT).

VIII. Application of 2016 Proposed Regulations to RICs

The Treasury Department and the IRS requested comments on whether the rules set forth in the 2016 Proposed Regulations (other than the definition of the term ''converted property'') should apply to RICs. No recommendations were received in response to this request. The Treasury Department and the IRS have not become aware of a need to extend the rules to RICs and therefore decline to extend such rules to RICs at this time.

Effective/Applicability Dates

The 2019 proposed regulations included a proposal to issue the final rule with a 30-day delayed effective date. The Treasury Department and the IRS have concluded, however, that a 30-day delay in the effective date of these final regulations would be unnecessary and contrary to public interest. Specifically, the Treasury Department and the IRS have determined that any duration between the expiration of the Temporary Regulations and the effective date of these final regulations could cause significant confusion regarding the current state of the law. In addition, the Treasury Department and the IRS have concluded that the benefit of public notice ordinarily provided by such 30-day delay is significantly reduced in this particular instance because these final regulations adopt the proposed regulations without substantive change. In addition, the Treasury Department and the IRS note that these final regulations adopt the distribution property limitation under proposed § 1.337(d)–7(c)(6)(ii), which provides an exception to the general automatic deemed sale rule.

Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations. Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities. These final regulations would affect transactions in which property of a C corporation becomes the property of a REIT following a section 355 distribution of controlled C corporation stock. Generally, these section 355 distributions involve publicly traded C corporations, which typically are not small entities as defined by the Regulatory Flexibility Act. Transactions in which the property of such C corporation becomes the property of a REIT generally involve the transfer of all of the assets of the C corporation. Therefore, the transferee REIT likely also would not be a small entity, as defined by the Regulatory Flexibility Act. As a result, this certification is based on the conclusion that these final regulations would primarily affect large C corporations and REITs that have substantial numbers of shareholders. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Code, the proposed rule preceding this final regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business and no comments were received.

Drafting Information

The principal author of these regulations is Austin Diamond-Jones, Office of Associate Chief Counsel (Corporate). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is 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 * * *

■ **Par. 2.** Section 1.337(d)–7 is amended by:
■ 1. Revising paragraphs (a)(1) and (a)(2)(vi) through (vii).
■ 2. Adding paragraph (a)(2)(viii).
■ 3. Revising paragraphs (b)(4), (c)(1) and (6), (f), and (g)(2)(ii).

The revisions and additions read as follows:

§ 1.337(d)–7 Tax on property owned by a C corporation that becomes property of a RIC or REIT.

(a) *General rule*—(1) *Property owned by a C corporation that becomes property of a RIC or a REIT.* If property owned by a C corporation (as defined in paragraph (a)(2)(i) of this section) becomes the property of a RIC or a REIT in a conversion transaction (as defined in paragraph (a)(2)(ii) of this section), then section 1374 treatment will apply as described in paragraph (b) of this section, unless the C corporation elects, or is treated as electing, deemed sale treatment with respect to the conversion transaction as provided in paragraph (c) of this section. See paragraph (d) of this section for exceptions to this paragraph (a).

(2) * * *

(vi) *Section 355 distribution.* The term *section 355 distribution* means any distribution to which section 355 (or so much of section 356 as relates to section 355) applies, including a distribution on which the distributing corporation

recognizes gain pursuant to sections 355(d) or 355(e).

(vii) *Converted property.* The term *converted property* means—

(A) Property owned by a C corporation that becomes the property of a RIC or a REIT; and

(B) Any other property of a RIC or a REIT the basis of which is determined, directly or indirectly, in whole or in part, by reference to the basis of property described in paragraph (a)(2)(vii)(A) of this section.

(viii) *Distribution property.* The term *distribution property* means—

(A) Property owned immediately after a section 355 distribution by the distributing corporation, a controlled corporation (as those terms are defined in section 355(a)(1)), or a member of a separate affiliated group (as defined in section 355(b)(3)(B)) of which the distributing corporation or a controlled corporation is the common parent (but no formulation of the step transaction doctrine will be used to determine whether property acquired after the distribution is distribution property pursuant to this paragraph (a)(2)(viii)(A)); and

(B) Property with a basis determined, directly or indirectly, in whole or in part, by reference to property described in paragraph (a)(2)(viii)(A) of this section.

(b) * * *

(4) *Section 355 distribution following a conversion transaction*—(i) *In general.* If a REIT is described in paragraph (f)(1) of this section and the related section 355 distribution (as defined in paragraph (f)(1)(i) of this section) follows a conversion transaction, then for the taxable year in which the related section 355 distribution occurs, § 1.1374–2(a)(1) and (2) (as modified by paragraph (b)(2)(i) of this section) do not apply, and the REIT's net recognized built-in gain for such taxable year is the amount of its net unrealized built-in gain limitation (as defined in § 1.1374–2(a)(3)) for such taxable year.

(ii) *Basis adjustment*—(A) *In general.* If a REIT recognizes gain under paragraph (b)(4)(i) of this section, the aggregate basis of the converted property held by the REIT at the end of the taxable year in which the related section 355 distribution occurs shall be increased by an amount equal to the amount of gain so recognized, increased by the amount of the REIT's recognized built-in loss for such taxable year, and reduced by the amount of the REIT's recognized built-in gain and recognized built-in gain carryover for such taxable year.

(B) *Allocation of basis increase.* The aggregate increase in basis by reason of paragraph (b)(4)(ii)(A) of this section shall be allocated among the converted property in proportion to their respective built-in gains on the date of the conversion transaction.

* * * * *

(c) *Election of deemed sale treatment*—(1) *In general.* Paragraph (b) of this section does not apply if the C corporation that qualifies as a RIC or a REIT or transfers property to a RIC or a REIT makes the election described in paragraph (c)(5) of this section or is treated as making such election under paragraph (c)(6) of this section, except to the extent permitted by paragraph (c)(6)(ii) of this section. A C corporation that makes, or that is treated as making, such an election recognizes gain and loss as if it sold the converted property to an unrelated party at fair market value on the deemed sale date (as defined in paragraph (c)(3) of this section). See paragraph (c)(4) of this section concerning limitations on the use of loss in computing gain. Paragraph (c) of this section does not apply if its application would result in the recognition of a net loss. For this purpose, net loss is the excess of aggregate losses over aggregate gains (including items of income), without regard to character.

* * * * *

(6) *Conversion transaction following a section 355 distribution*—(i) *In general.* Except as provided in paragraph (c)(6)(ii) of this section, a C corporation described in paragraph (f)(1) of this section is treated as having made the election under paragraph (c)(5) of this section with respect to a conversion transaction if the conversion transaction occurs following the related section 355 distribution (as defined in paragraph (f)(1)(i) of this section) and the C corporation has not made such an election.

(ii) *Limitation.* A C corporation treated as having made the election under paragraph (c)(5) of this section as a result of paragraph (c)(6)(i) of this section is not treated as having made the election with respect to property that the taxpayer establishes is not distribution property with respect to the related section 355 distribution. For purposes of this paragraph (c)(6)(ii), any property with an adjusted basis in excess of its fair market value as of the date of the conversion transaction will not be treated as distribution property unless the taxpayer establishes that it owned such asset immediately after the related section 355 distribution. Paragraph (b) of this section will apply to property with respect to which the taxpayer is not treated as having made the election under paragraph (c)(5) of this section as a result of this paragraph (c)(6)(ii).

* * * * *

(f) *Conversion transaction preceding or following a section 355 distribution*—(1) *In general.* A C corporation or a REIT is described in this paragraph (f)(1) if—

(i) The C corporation or the REIT engages in a conversion transaction involving a REIT during the twenty-year period beginning on the date that is ten years before the date of a section 355 distribution (the *related section 355 distribution*); and

(ii) The C corporation or the REIT engaging in the related section 355 distribution is either—

(A) The distributing corporation or the controlled corporation, as those terms are defined in section 355(a)(1); or

(B) A member of the separate affiliated group (as defined in section 355(b)(3)(B)) of the distributing corporation or the controlled corporation.

(2) *Predecessors and successors.* For purposes of this paragraph (f), any reference to a controlled corporation, a distributing corporation, or a member of the separate affiliated group of a distributing corporation or a controlled corporation includes a reference to any predecessor or successor of such corporation. Successors include corporations which succeed to and take into account items described in section 381(c) of the distributing corporation or the controlled corporation. Predecessors include corporations having such items to which the distributing corporation or the controlled corporation succeeded and took into account.

(3) *Exclusion of certain conversion transactions.* A C corporation or a REIT is not described in paragraph (f)(1) of this section if—

(i) The distributing corporation and the controlled corporation are both REITs immediately after the related section 355 distribution (including by reason of elections under section 856(c)(1) made after the related section 355 distribution that are effective before the related section 355 distribution) and at all times during the two years thereafter;

(ii) Section 355(h)(1) does not apply to the related section 355 distribution by reason of section 355(h)(2)(B); or

(iii) The related section 355 distribution occurred before December 7, 2015, or is described in a ruling request referred to in section 311(c) of Division Q of the Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2422.

(g) * * *

(2) * * *

(ii) *Conversion transactions occurring on or after June 7, 2019, and certain prior conversion transactions.* Paragraphs (a)(1), (a)(2)(vi), (vii), and (viii), (b)(4), (c)(1) and (6), and (f) of this section apply to conversion transactions occurring on or after June 7, 2019, and to conversion transactions and related section 355 distributions for which the conversion transaction occurs before, and the related section 355 distribution occurs on or after, June 7, 2019. For conversion transactions that occurred on or after June 7, 2016, and before June 7, 2019 (other than conversion transactions and related section 355 distributions for which the conversion transaction occurs before, and the related section 355 distribution occurs on or after, June 7, 2019), see §§ 1.337(d)–7 and 1.337(d)–7T as contained in 26 CFR part 1 in effect on April 1, 2019.

* * * * *

§ 1.337(d)–7T [Removed]

■ Par. 3. Section 1.337(d)–7T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

Approved: May 29, 2019.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2019–11753 Filed 6–3–19; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0443]

RIN 1625–AA08

Special Local Regulation; Great Western Tube Float; Colorado River, Parker, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is issuing this rulemaking to change the location of the special local regulation for the annual Great Western Tube Float, which is held on the navigable waters of the Colorado River in Parker, AZ. The change of the location for the special local regulation is necessary to provide for the safety of life on the navigable waters during the event.

DATES: This rule is effective from 7:00 a.m. through 6:00 p.m. on June 8, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0443 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 Briana Biagas, Coast Guard; telephone 619–278–7656, email *D11MarineEventsSD@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 doing so would be impracticable. We were notified that the event location would be changed permanently on April 26, 2019. Due to the timing of the event we are unable to issue a NPRM before the event is scheduled.

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 because the immediate implementation is necessary to ensure the safety of life during the Great Western Tube Float event.

III. Legal Authority and Need for Rule

The Great Western Tube Float is an annual recurring event listed in Table 1, Item 9 of 33 CFR 100.1102, Annual Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona). Special local regulations exist for the marine event to allow for special use of the Colorado River, Parker, AZ for this event.

Section 100.1102 of title 33 of the CFR lists the annual marine events and special local regulations on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona). The enforcement date and regulated location for this marine event are listed in Table 1, Item 9 of § 100.1102. The location listed in the Table indicates that the marine event will occur on the navigable waters of the Colorado River from La Paz County Park to the BlueWater Resort and Casino, immediately before the Headgate Dam. However, due to a change of the location of this year's event from Buckskin Mountain State Park to La Paz County Park, a temporary rule is needed to reflect the actual location of this year's event.

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041, which authorizes the Coast Guard to establish and define special local regulations. The COTP San Diego is establishing a special local regulation for the waters of the Colorado River, Parker, AZ. The purpose of this rule is to ensure safety of participants, vessels and the navigable waters in the regulated area before, during, and after the scheduled event.

IV. Discussion of the Rule

The Coast Guard is temporarily suspending the regulations in 33 CFR 100.1102 for Table 1, Item 9 of that Section and is inserting a temporary regulation as Item 100.1102T11–0443 of that Section in order to reflect that the special local regulation will be effective and enforced from 7:00 a.m. to 6:00 p.m. on June 8, 2019. This change is needed to accommodate the sponsor's event plan and ensure that adequate regulations are in place to protect the safety of vessels and individuals that may be present in the regulated area. No other portion of Table 1 of § 100.1102 or other provisions in § 100.1102 shall be affected by this regulation.

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, duration, and time-of-day of the special local regulation. The Coast Guard will publish a LNM that details the vessel restrictions of the regulated area.

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 regulated area 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 Environmental Planning COMDTINST 5090.1 (series), 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 establishment of marine event special local regulations on the navigable waters of the Colorado River. It is categorically excluded from further review under paragraph L[61] in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C 70041; 33 CFR 1.05–1.

■ 2. In § 100.1102, in Table 1 to § 100.1102, suspend item ''9'' and add item ''100.1102T11–0443'' in numerical order to read as follows:

§ 100.1102 Annual Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).

* * * * *

TABLE 1 TO § 100.1102

[All coordinates referenced use datum NAD 83]

* * * * * * *

100.1102T11–0443. Great Western Tube Float

Sponsor	City of Parker, AZ.
Event Description	River float.
Date	June 8, 2019.
Location	Parker, AZ.
Regulated Area	The navigable waters of the Colorado River from Buckskin Mountain State Park to La Paz County Park.

Dated: June 3, 2019.

J.R. Buzzella,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2019–12008 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0334]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Miles 109.9–184, St. Louis, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Upper Mississippi River from mile marker (MM) 109.9 to MM 184 in St. Louis, MO. This action is necessary to provide for the safety of persons and vessels, on these navigable waters as a result of increasing flow and high water conditions on the river. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective without actual notice from June 7, 2019 through July 3, 2019. For the purposes of enforcement, actual notice will be used from May 31, 2019, through June 7, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0334 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 Christian Barger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email *Christian.J.Barger@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Upper Mississippi River
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 because we must establish this safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone 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 this rule would be contrary to public interest because immediate action is necessary to respond to the potential safety hazards associated with floodwaters and high flow of the river.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with flood waters exist on the Upper Mississippi River between St. Louis, MO and Chester, IL. Increased flow rates and river height make navigating this area extremely difficult due to a high number of highway and railroad bridges in the area, and vessel traffic poses a risk to overtopping or damaging flood control levees. This rule is necessary to ensure the safety of persons and vessels on these navigable waters.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from June 1, 2019 through July 3, 2019, or until terminated by the Captain of the Port Sector Upper Mississippi River (COTP), whichever occurs. The safety zone covers all navigable waters of the Upper Mississippi River from MM 109.9 to MM 184, unless reduced in scope by the COTP, as flood conditions warrant.

No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River. To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. The COTP or a designated representative will inform the public of the effective period for the

safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size of the safety zone as flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs), 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 emergency nature of the action and the increasing flow rates and river height. When the Upper Mississippi River gauge in St. Louis, MO reaches 38 feet above zero, increased flow rates and vertical clearances associated with bridges in the St. Louis area between MM 179 and MM 184 result in difficulty with making safe approaches to the bridges and increase the potential for bridge strikes. When the Upper Mississippi River gauge at St. Louis, MO reaches 45 feet above zero, increased flow rates and river heights coupled with passing vessels will threaten overtopping or failure of levees between MM 109.9 and MM 179. Moreover, the Coast Guard will issue a Local Notice to Mariners (LNMs), Marine Safety Information Bulletins (MSIBs), andBNM via VHF–FM marine channel 16 about the zones, and the rule allows vessels to seek permission to enter the zone on a case-by-case basis.

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 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 Environmental Planning COMDTINST 5090.1 (series), 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 safety zone prohibiting entry to vessels and persons on a 74 mile stretch of the Upper Mississippi River that is experiencing significant flooding. It is categorically excluded from further review under paragraph L60(d) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. 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.T08–0334 to read as follows:

§ 165.T08–0334 Safety Zone; Upper Mississippi River, Miles 109.9–184, St. Louis, MO.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Mississippi River from mile marker (MM) 109.9 to MM 184. This section will be enforced on all navigable waters of the Upper Mississippi River from MM 109.9 to MM 184, unless reduced in scope by the Captain of the Port Sector Upper Mississippi River (COTP) as flood conditions warrant.

(b) *Effective period.* This section is effective without actual notice from June 7, 2019 until July 3, 2019, or until cancelled by the COTP, whichever occurs first. For the purposes of enforcement, actual notice will be provided on June 1, 2019 until June 7, 2019.

(c) *Period of enforcement.* This section will be enforced from June 1, 2019 through July 3, 2019, or until terminated by the Captain of the COTP, whichever occurs first.

(d) *Regulations.* (1) In accordance with the general safety zone regulations in § 165.23, entry of persons or vessels into this safety zone described in paragraph (a) of this section 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 (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size of the safety zone as flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: May 31, 2019.

S.A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2019–11962 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0435]

RIN 1625–AA00

Safety Zone, Dive Operations; Cape May Canal, Cape May, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of all vessels and equipment involved in diving and debris removal operations within the Cape May Canal in Cape May, New Jersey. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by dive operations and debris removal near the railroad bridge in the Cape May Canal. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Delaware Bay or his designated representative.

DATES: This rule is effective without actual notice from June 7, 2019 through 4 p.m. on June 13, 2019. For the purposes of enforcement, actual notice will be used from 6 a.m. on June 3, 2019, through June 7, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0435 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 Edmund Ofalt, U.S. Coast Guard Sector Delaware Bay, Waterways Management Division; telephone 215–271–4889, email *Edmund.J.Ofalt@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

In mid-May, the Coast Guard was notified that part of the fendering system for the Cape May Canal Railroad Bridge failed and fell into the Cape May Canal. The bridge owner has contracted services needed to remove the debris and, with it, the hazard it poses to waterway users.[1] Due to potential dangers associated with the debris removal, the Captain of the Port Delaware Bay (COTP) has determined that a safety zone is necessary to protect personnel, vessels, and the marine environment while the debris is recovered.

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. It is impracticable and contrary to the public interest to publish an NPRM because immediate action is needed to respond to the potential safety hazards associated with dive operations and debris removal scheduled to take place on June 3, 2019.

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 the public interest because

[1] While the fallen debris poses a potential hazard to waterway users, due to the depth of the water, the Coast Guard has determined that waterway restrictions have not been needed to adequately address the threat prior to this time. The Coast Guard has been issuing safety marine information broadcasts every 6 hours to mariners regarding the hazard.

immediate action is needed to respond to the potential safety hazards associated with dive operations and debris removal. The rule must be in place by the time the dive operations and debris removal occur on June 3, 2019, to protect personnel, vessels, and the marine environment while the debris is recovered.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with diving and debris removal operations starting June 3, 2019, will be a safety concern for anyone within a 100-yard radius of associated dive vessels and working barges. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during diving and debris removal operations.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 a.m. on June 3, 2019 through 4 p.m. on June 13, 2019. The safety zone will cover all navigable waters within 100 yards of dive vessels and working barges being used for dive and debris recovery operations. Dive vessels and working barges refers to those vessels used as dive platforms and 40 foot by 15 foot flexi-float barges utilized for the purpose of debris removal. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the debris is recovered. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or his designated representative. Vessels with a beam greater than 15 feet must contact the working vessels via VHF–FM channel 13 or 16 at least 30 minutes prior to arrival in order to arrange safe passage.

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 and duration of the zone. Small vessels with a beam less than 15 feet will generally be able to pass through the zone as needed upon receiving authorization from the COTP or his designated representative. Vessels with a beam greater than 15 feet will be able to pass through the zone if at least 30 minutes notice is given prior to arrival. Diving and debris recovery operations will only take place from 7 a.m. through 4 p.m. daily beginning June 3, 2019 through June 13, 2019.

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 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 Environmental Planning COMDTINST 5090.1 (series), 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 that will prohibit entry within 100 yards of dive vessels and working barges being used for diving and debris recovery operations in the Cape May Canal. It is categorically excluded from further review under paragraph L[60a] in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. 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; 50 U.S.C. 191; 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.T05–0435 to read as follows:

§ 165.T05–0435 Safety Zone, Dive Operations; Cape May Canal, Cape May, NJ.

(a) *Location.* The following area is a safety zone: All navigable waters within 100 yards of dive vessels and working barges being used for diving and debris recovery operations within the Cape May Canal.

(b) *Definitions* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

Working barges means those vessels associated with debris removal near the Cape May Canal Railroad Bridge in the Cape May Canal.

Dive vessels means those vessels used for dive operations, and marked appropriately in accordance with navigation rules of the road, which are associated with debris removal near the Cape May Canal Railroad Bridge in the Cape May Canal.

(c) *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.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. 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.

(3) Vessels with a beam greater than 15 feet must contact working vessels, via VHF–FM channel 13 or 16, at least 30 minutes prior to arrival in order to arrange safe passage.

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This zone will be enforced from 6 a.m. on June 3, 2019, through 4 p.m. on June 13, 2019.

Dated: May 31, 2019.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2019–11964 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0409]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation; changes of enforcement.

SUMMARY: The Coast Guard will enforce two safety zones for fireworks displays: The first taking place over the Chester River, at Kent Island Narrows, MD, on July 2, 2019, (an alternate date on July 3, 2019) and the second over the Chesapeake Bay, at Chesapeake Beach, MD, on July 3, 2019, (an alternate date on July 5, 2019). This action is necessary to ensure the safety of life on navigable waterways during these fireworks displays. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District identifies the safety zones for these fireworks display events. During the enforcement periods, vessels may not enter, remain in, or transit through the safety zones unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene.

DATES: The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(24) Coast Guard Sector Maryland-National Capital Region—COTP Zone from 8:30 p.m. through 11 p.m. on July 2, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8:30 p.m. through 11 p.m. on July 3, 2019.

The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506 at (b)(9) Coast Guard Sector Maryland-National Capital Region—COTP Zone from 8 p.m. until 10:30 p.m. on July 3, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 5, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region, Waterways Management Division; telephone 410–576–2674, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(24) for the Kent Island Narrows, MD, fireworks display from 8:30 p.m. through 11 p.m. on July 2, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8:30 p.m. through 11 p.m. on July 3, 2019. This date is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—Thursday before July 4th (observed); and or July 4th, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on

navigable waterways during the fireworks display. Our regulation for recurring Fireworks Displays in the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for this safety zone for the Kent Island Narrows, MD, fireworks display, which encompasses portions of the Chester River in Queen Anne's County, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone.

The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (b)(9) for the Town of Chesapeake Beach, MD, fireworks display from 8 p.m. through 10:30 p.m. on July 3, 2019. If necessary due to inclement weather, the fireworks display event will be rescheduled and the safety zone will be enforced from 8 p.m. through 10:30 p.m. on July 5, 2019. This date is a slight change from the anticipated date and times of enforcement appearing in the CFR for this event—July 4th or the Sunday before, from 5:30 p.m. to 1 a.m. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. The table to § 165.506 at (b)(9) specifies the location of the regulated area for this safety zone for the Town of Chesapeake Beach, MD, fireworks display, which encompasses portions of the Chesapeake Bay near Chesapeake Beach, MD. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port Sector Maryland-National Capital Region (COTP) or designated Coast Guard patrol personnel on scene. The Coast Guard may be assisted by other federal, state, or local agencies in the enforcement of the safety zone. (b)(9).

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods via the Local Notice to Mariners and marine information broadcasts.

Dated: May 30, 2019.

Joseph B. Loring,

Captain, U.S. Coast Guard Captain of the Port Maryland-National Capital Region.

[FR Doc. 2019–11963 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0171]

RIN 1625–AA00

Safety Zone; Illinois River, Miles 0 to 187, Grafton, IL to Peoria, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending a temporary safety zone on the navigable waters of the Illinois River from mile marker (MM) 0 to MM 187 between Grafton, IL and Peoria, IL. This action is necessary to provide for the safety of persons, vessels, and the marine environment on these navigable waters as a result of increasing flood conditions on the river that threaten to overtop levees. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective without actual notice from June 7, 2019 through July 7, 2019. For the purposes of enforcement, actual notice will be used from June 7, 2019, through June 7, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0171 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 Christian Barger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email *Christian.J.Barger@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Upper Mississippi River
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

On May 5, 2019, Coast Guard Sector Upper Mississippi River received multiple reports from the Illinois State Emergency Operations Center and private citizens located along the Illinois River between mile marker (MM) 0 at Grafton, IL and MM 187 at Peoria, IL of water surge impacts from vessel traffic on the Illinois River overtopping levees resulting in damage to the levees and increased flooding. In response, on May 10, 2019, the Coast Guard published a temporary final rule titled *Safety Zone; Illinois River, Miles 0 to 187, Grafton, IL to* Peoria, IL (84 FR 20547). The safety zone was established on May 10, 2019 and is scheduled to expire on June 6, 2019.

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 because we must establish this safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone 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 this rule would be contrary to public interest because immediate action is necessary to respond to the potential safety hazards associated with floodwaters threatening to overtop levees along the river.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with flood waters threaten to overtop levees along the river due to reports that vessel traffic in the affected area is causing water to overtop levees resulting in increased damage to the levees and flooding impacts to local communities and residential areas. This rule is necessary to ensure the safety of persons, vessels, and the marine environment on these navigable waters

due to the flood impacts to U.S. Army Corps of Engineers levees.

IV. Discussion of the Rule

Due to the ongoing flood along the Illinois River, Coast Guard Sector Upper Mississippi River in coordination with the U.S. Army Corp of Engineers determined river levels at which vessel traffic threatens to overtop or damage flood control levees located along the Illinois River between mile marker (MM) 0 at Grafton, IL and MM 187 at Peoria, IL. The COTP has determined that the sudden increase in flood waters approaching the tops of levees along the Illinois River poses a hazard to the safety of persons, vessels, and the marine environment as a result of floodwaters overtopping the levees. This rule extends the current temporary safety zone due to the unanticipated longevity of flooding conditions and establishes a temporary safety zone from June 7, 2019 until July 7, 2019, or until cancelled by the COTP, whichever occurs first. The safety zone will cover all navigable waters of the Illinois River from MM 0 to MM 187, unless reduced in scope by the COTP as flood conditions warrant.

No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River. To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size of the safety zone as flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs), 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 location, duration, and the emergency nature of the action. It extends the current safety zone established on navigable waters of the Illinois River from mile marker (MM) 0 to MM 187 between Grafton, IL and Peoria, IL for 30 days to deal with an ongoing flood in the area. Moreover, the Coast Guard will issue Local Notice to Mariners (LNMs), Marine Safety Information Bulletins (MSIBs), and BNM via VHF–FM marine channel 16 about the zone. In addition, the rule allows vessels to seek permission to enter the zone on a case-by-case basis to minimize the impacts of this rule.

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 Environmental Planning COMDTINST 5090.1 (series), 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 safety zone prohibiting entry to vessels and persons on a one hundred eighty one mile stretch of the Illinois River that is experiencing significant flooding that is impacting levees. It is categorically excluded from further review under paragraph L60(d) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. Because this regulation is for a temporary safety zone established to deal with an emergency, and which is longer than one week in duration, a Record of Environmental Consideration is not required at this time, but will be made available in the docket after the issuance of this rule 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.T08–0171 to read as follows:

§ 165.T08–0171 Safety Zone; Illinois River, Miles 0–187, Grafton, IL to Peoria, IL.

(a) *Location.* The following area is a safety zone: All navigable waters of the Illinois River from mile marker (MM) 0 to MM 187, unless reduced in scope by the Captain of the Port Sector Upper Mississippi River (COTP) as flood conditions warrant.

(b) *Effective period.* This section is effective without actual notice from June 7, 2019 through July 7, 2019. For the purposes of enforcement, actual notice will be used from June 7, 2019, through June 7, 2019.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in § 165.23, entry of persons or vessels into this safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size of the safety zone as flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: May 31, 2019.

S.A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2019–11960 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0208]

RIN 1625–AA00

Safety Zone; St Lucie River, Stuart, Florida

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the St Lucie River in Stuart, Florida. This action is necessary to provide for the safety of life on these navigable waters east of the Roosevelt/U.S. Route 1 Bridge during the Stuart Air Show. This regulation prohibits vessels and persons from entering the safety zone unless authorized by the Captain of the Port (COTP) Miami or a designated representative.

DATES: This rule is effective from 6 p.m. until 7:30 p.m. on July 4, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0208 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 about this proposed rulemaking, call or email Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard, telephone 305–535–4317, email *omar.beceiro@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On March 27, 2019, Stuart Airshow Inc. notified the Coast Guard that it would be sponsoring the Stuart Airshow on July 4, 2019 from 6 p.m. through 7:30 p.m. The air show would take place east of the Roosevelt/U.S. Route 1 Bridge on the St Lucie River in Stuart, Florida. The COTP Miami determined the air show would present a safety concern for persons and/or vessels operating beneath aerial demonstrations. In

response, the Coast Guard published a notice of proposed rulemaking (NPRM) on April 22, 2019, entitled ''Safety Zone; St Lucie River, Stuart, Florida'' (84 FR 16630). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended May 22, 2019, we did not receive any comments.

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 the public interest because immediate action is needed to protect the public, spectators, vessels, and marine environment during the air show.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP Miami has determined that potential hazards associated with the Stuart Air Show on July 4, 2019 will be a safety concern for persons or vessels operating underneath aerial demonstrations. The purpose of this rule is to ensure the safety of vessels and navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM that published on April 22, 2019. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone on July 4, 2019 from 6 p.m. through 7:30 p.m. The safety zone will cover certain navigable waters east of the Roosevelt/U.S. Route 1 Bridge on the St Lucie River in Stuart, Florida. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the air show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around the safety zone, which would affect a small designated area of the St Lucie River for approximately 90 minutes during the evening. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard did not receive any comments from the Small Business Administration on this rulemaking. 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 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.

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 Environmental Planning COMDTINST 5090.1 (series), 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 approximately 90 minutes that will prohibit entry into a regulated area on the St Lucie River east of the Roosevelt/U.S. Route 1 Bridge in Stuart, Florida. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. 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; and Department of Homeland Security Delegation No. 0170.1.

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

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

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

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

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

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

(d) *Enforcement period.* This regulation will be enforced from 6 p.m. until 7:30 p.m. on July 4, 2019.

Dated: June 3, 2019.

J.F. Burdian,

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

[FR Doc. 2019–11987 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0007, EPA–HQ–OLEM–2018–0253, 0580, 0581, 0582, 0583, 0585, and 0586; FRL–9994–86–OLEM]

National Priorities List; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule, correction.

SUMMARY: On May 15, 2019, the Environmental Protection Agency published a final rule which added seven new sites to the National Priorities List (NPL) and changed the name of an NPL site. That document inadvertently contained a typographical error, citing Table 1 (General Superfund Section) in the instructions to make the site name change rather than Table 2 (Federal Facilities Section). This document corrects the final rule.

DATES: Effective June 14, 2019.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: In FR Doc. 2019–09924 (84 FR 21708), appearing on page 21708 of the **Federal Register** of Wednesday, May 15, 2019, the following correction is made:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN [CORRECTED]

■ 1. On page 21713, in the third column, amendatory instruction 2 and its corresponding regulatory text are corrected to read as follows:

■ 2. Appendix B to part 300 is amended as follows:

■ a. In Table 1, adding entries for ''Copper Bluff Mine'', ''Cliff Drive Groundwater Contamination'', ''McLouth Steel Corp'', ''Sporlan Valve Plant #1'', ''Magna Metals'', ''PROTECO'', and ''Shaffer Equipment/Arbuckle Creek Area'' in alphabetical order by state.

■ b. In Table 2, adding an entry for ''Hunters Point Naval Shipyard'' in alphabetical order by state and removing the entry for ''Treasure Island Naval Station-Hun Pt An''.

The additions read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
* * *	* * *	* * *	
CA	Cooper Bluff Mine	Hoopa	
* * *	* * *	* * *	
IN	Cliff Drive Groundwater Contamination.	Logansport	
* * *	* * *	* * *	
MI	McLouth Steel Corp	Trenton	
* * *	* * *	* * *	
MO	Sporlan Valve Plant #1	Washington	
* * *	* * *	* * *	
NY	Magna Metals	Cortlandt Manor	
* * *	* * *	* * *	
PR	PROTECO	Peñuelas	
* * *	* * *	* * *	
WV	Shaffer Equipment/Arbuckle Creek Area.	Minden	
* * *	* * *	* * *	

(a) A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

* * * * * * *

P = Sites with partial deletion(s).

TABLE 2—FEDERAL FACILITIES SECTION

State	Site name	City/county	Notes (a)
* * *	* * *	* * *	
CA	Hunters Point Naval Shipyard	San Francisco	P.
* * *	* * *	* * *	

* * * * * * *

(a) A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

* * * * * * *

P = Sites with partial deletion(s).

Dated: May 29, 2019.

Barry N. Breen,

Acting Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2019–11759 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 422, 423, 438, and 498

[CMS–4185–CN]

RIN 0938–AT59

Medicare and Medicaid Programs; Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Programs of All-Inclusive Care for the Elderly (PACE), Medicaid Fee-For-Service, and Medicaid Managed Care Programs for Years 2020 and 2021; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical and typographical errors that appeared in the final rule published in the April 16, 2019 **Federal Register** titled ''Medicare and Medicaid Programs; Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Programs of All-Inclusive Care for the Elderly (PACE), Medicaid Fee-For-Service, and Medicaid Managed Care Programs for Years 2020 and 2021''.

DATES: *Effective Date:* The corrections to the preamble of the final rule published on April 16, 2019 (84 FR 15680), are effective June 7, 2019. The correction in instruction 8 (§ 423.120) is effective June 17, 2019. The corrections in instructions 5 (§ 422.561), 6 (§ 422.562), 7 (§ 422.633), and 9 (§ 423.120) are effective on January 1, 2020. The correction in instruction 4 (§ 422.107(d)) is effective January 1, 2021.

FOR FURTHER INFORMATION CONTACT: Theresa Wachter, (410) 786–1157. Cali Diehl, (410) 786–4053.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2019–06822 of April 16, 2019 (84 FR 15680), there were a number of technical and typographical errors that are identified and corrected in the Correction of Errors section of this correcting document. The provisions in this correction document are effective as if they had been included in the document published April 16, 2019.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 15680, in our listing of the effective dates, we made an error in a regulatory citation.

On page 15713, in our discussion of dual eligible special needs plans and contracts with states, we made a typographical error.

On page 15736, in our discussion of integrated grievances, we made an error in regulatory citation.

B. Summary of Errors in the Regulations Text

On page 15828, in the regulation text for § 422.107(d), we made a typographical error.

On page 15834, in the regulation text for § 422.561, we inadvertently misspelled the term ''complaint'' and in § 422.562, we made errors in two cross-references.

On page 15838, in the regulation text § 422.633, we made inadvertent technical errors in language of two regulatory provisions regarding integrated reconsideration.

On page 15840, we made errors in the placement of the regulatory text revisions for § 423.120(c)(6)(iv) and (v). We inadvertently included the revisions for § 423.120(c)(6)(iv) with the amendments effective June 17, 2019 (instead of January 1, 2020) and the revisions for § 423.120(c)(6)(v) with the amendments effective January 1, 2020 (instead of June 17, 2019).

III. Waiver of Proposed Rulemaking

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Act requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements of the APA or section 1871 of the Act. This correcting document corrects technical errors in the preamble and regulation text of the final rule but does not make substantive changes to the policies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest to ensure that final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering payment eligibility or benefit methodologies or policies, but rather, simply implementing correctly the policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the final rule accurately reflects these policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2019–06822 of April 16, 2019 (84 FR 15680), make the following corrections:

A. Corrections of Errors in the Preamble

1. On page 15680, first column, fourth full paragraph (Dates section), line 9, the reference ''423.120(c)(6)(iv)'' is corrected to read ''423.120(c)(6)(v)''.

2. On page 15713, third column, second full paragraph, line 29, the phrase ''arrange for'' is corrected to read ''arranges for''.

3. On page 15736, first column, first partial paragraph, line 6, the reference ''§ 422.630(e)(2)(ii)'' is corrected to read: ''§ 422.630(e)(2)''.

B. Corrections of Errors in the Regulations Text

§ 422.107 [Corrected]

■ 4. Effective January 1, 2021, on page 15828, third column, in § 422.107(d), the phrase ''or arrange for'' is corrected to read ''or arranges for''.

§ 422.561 [Corrected]

■ 5. Effective on January 1, 2020, on page 15834, first column, in § 422.561, in the definition of ''Integrated grievance,'' the term ''compliant'' is corrected to read ''complaint''.

§ 422.562 [Corrected]

■ 6. Effective on January 1, 2020, on page 15834, in § 422.562—

■ a. In paragraph (b)(2), the reference, ''§ 422.631'' is corrected to read, ''§ 422.631(c)''.

■ b. In paragraph (b)(4)(ii), the reference ''§ 422.633(f)'' is corrected to read ''§ 422.633(e)''.

§ 422.633 [Corrected]

■ 7. Effective on January 1, 2020, on page 15838, in § 422.633—

■ a. In paragraph (f)(1), the phrase, ''no longer than'' is corrected to read ''no later than''.

■ b. In paragraph (f)(2), the phrase ''of receipt for'' is corrected to read ''of receipt of''.

§ 423.120 [Corrected]

■ 8. Effective June 17, 2019, on page 15840, in second column, amendatory instruction 28 for § 423.120 and its corresponding text is corrected in its entirety to read as follows:

28. Effective June 17, 2019, § 423.120 is amended by revising paragraph (c)(6)(v) to read as follows:

§ 423.120 Access to covered Part D drugs.

* * * * *

(c) * * *

(6) * * *

(v)(A) CMS sends written notice to the prescriber via letter of his or her inclusion on the preclusion list. The notice must contain the reason for the inclusion on the preclusion list and inform the prescriber of his or her appeal rights. A prescriber may appeal his or her inclusion on the preclusion list under this section in accordance with part 498 of this chapter.

(B) If the prescriber's inclusion on the preclusion list is based on a contemporaneous Medicare revocation under § 424.535 of this chapter:

(*1*) The notice described in paragraph (c)(6)(v)(A) of this section must also include notice of the revocation, the reason(s) for the revocation, and a description of the prescriber's appeal rights concerning the revocation.

(*2*) The appeals of the prescriber's inclusion on the preclusion list and the prescriber's revocation must be filed jointly by the prescriber and, as applicable, considered jointly under part 498 of this chapter.

(C)(*1*) Except as provided in paragraph (c)(6)(v)(C)(*2*) of this section, a prescriber will only be included on the preclusion list after the expiration of either of the following:

(*i*) If the prescriber does not file a reconsideration request under § 498.5(n)(1) of this chapter, the prescriber will be added to the preclusion list upon the expiration of the 60-day period in which the prescriber may request a reconsideration.

(*ii*) If the prescriber files a reconsideration request under § 498.5(n)(1) of this chapter, the prescriber will be added to the preclusion list effective on the date on which CMS, if applicable, denies the prescriber's reconsideration.

(*2*) An OIG excluded prescriber is added to the preclusion list effective on the date of the exclusion.

* * * * *

§ 423.120 [Corrected]

■ 9. Effective on January 1, 2020, on page 15840, beginning in the second column, amendatory instruction 29 for § 423.120 and its corresponding text is corrected in its entirety to read as follows:

29. Section 423.120 is further amended by—

a. Revising paragraph (c)(6)(iv); and

b. Adding paragraphs (c)(6)(vii) and (viii).

The revision and additions read as follows:

§ 423.120 Access to covered Part D drugs.

* * * * *

(c) * * *

(6) * * *

(iv) With respect to Part D prescribers who have been added to an updated preclusion list but are not currently excluded by the OIG, the Part D plan sponsor must do all of the following:

(A) Subject to all other Part D rules and plan coverage requirements, and no later than 30 days after the posting of this updated preclusion list, must provide an advance written notice to any beneficiary who has received a Part D drug prescribed by an individual added to the preclusion list in this update and whom the plan sponsor has identified during the applicable 30-day period.

(B)(*1*) Subject to paragraph (c)(6)(iv)(B)(*2*) of this section, must ensure that reasonable efforts are made to notify the individual described in paragraph (c)(6)(iv) of this section of a beneficiary who was sent a notice under paragraph (c)(6)(iv)(A) of this section.

(*2*) Paragraph (c)(6)(iv)(B)(*1*) of this section applies only upon a prescriber writing a prescription in Medicare Part D when:

(*i*) The plan sponsor has enough information on file to either copy the prescriber on the notification previously sent to the beneficiary or send a new notice informing the prescriber that they may not see plan beneficiaries due to their preclusion status; and

(*ii*) The claim is received after the claim denial or reject date in the preclusion file.

(C) Must not reject a pharmacy claim or deny a beneficiary request for reimbursement for a Part D drug prescribed by the prescriber, solely on the ground that they have been included in the updated preclusion list, in the 60-day period after the date it sent the notice described in paragraph (c)(6)(iv)(A) of this section.

* * * * *

(vii)(A) Except as provided in paragraphs (c)(6)(vii)(C) and (D) of this section, a prescriber who is revoked under § 424.535 of this chapter will be included on the preclusion list for the same length of time as the prescriber's reenrollment bar.

(B) Except as provided in paragraphs (c)(6)(vii)(C) and (D) of this section, a prescriber who is not enrolled in Medicare will be included on the preclusion list for the same length of time as the reenrollment bar that CMS could have imposed on the prescriber had the prescriber been enrolled and then revoked.

(C) Except as provided in paragraph (c)(6)(vii)(D) of this section, an individual, regardless of whether the individual is or was enrolled in

Medicare, that is included on the preclusion list because of a felony conviction will remain on the preclusion list for a 10-year period, beginning on the date of the felony conviction, unless CMS determines that a shorter length of time is warranted. Factors that CMS considers in making such a determination are—

(*1*) The severity of the offense;

(*2*) When the offense occurred; and

(*3*) Any other information that CMS deems relevant to its determination.

(D) In cases where an individual is excluded by the OIG, the individual must remain on the preclusion list until the expiration of the CMS-imposed preclusion list period or reinstatement by the OIG, whichever occurs later.

(viii) Payment denials under paragraph (c)(6) of this section that are based upon the prescriber's inclusion on the preclusion list are not appealable by beneficiaries.

* * * * *

Dated: June 3, 2019.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2019–11923 Filed 6–5–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 88

RIN 0945–AA10

Protecting Statutory Conscience Rights in Health Care; Delegations of Authority

Correction

In rule document 2019–09667 beginning on page 23170 in the issue of Tuesday, May 21, 2019 make the following correction:

On pages 23170 through 23272 the date at the top of the page should read ''Tuesday, May 21, 2019''.

[FR Doc. C1–2019–09667 Filed 6–6–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10, 11, and 15

[Docket No. USCG–2018–0100]

RIN 1625–AC46

Amendments to the Marine Radar Observer Refresher Training Regulations

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its merchant mariner credentialing regulations to remove obsolete portions of the radar observer requirements and harmonize the radar observer endorsement with the merchant mariner credential. These revisions will reduce an unnecessary financial burden on mariners required to hold a radar observer endorsement. This rule will affect mariners who have served on radar-equipped vessels, in a position that routinely uses radar for 1 year in the previous 5 years for navigation and collision avoidance purposes, and mariners who have taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years. These mariners will no longer be required to complete a Coast Guard-approved or accepted radar refresher or recertification course in order to renew their radar observer endorsements. We are retaining the existing requirements for mariners seeking an original radar observer endorsement and for mariners who do not have 1 year of routine relevant sea service on board radar-equipped vessels in the previous 5 years or have not taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years. This final rule adopts, with modification, the notice of proposed rulemaking published on June 11, 2018.

DATES: This final rule is effective July 22, 2019.

ADDRESSES: You may view comments and related material identified by docket number USCG–2018–0100 using the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Davis Breyer, Coast Guard; telephone 202–372–1445, email *davis.j.breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

ARPA Automatic Radar Plotting Aids
BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
CGAA 2015 Coast Guard Authorization Act of 2015
CGAA 2018 Coast Guard Authorization Act of 2018
DHS Department of Homeland Security
FR Federal Register
MERPAC Merchant Marine Personnel Advisory Committee
MMC Merchant Mariner Credential
MMLD Merchant Mariner Licensing and Documentation
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
RA Regulatory analysis
RFA Regulatory Flexibility Act
§ Section
STCW International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
STCW Code Seafarers' Training, Certification and Watchkeeping Code
U.S.C. United States Code

II. Basis and Purpose

This rule amends the radar observer requirements by removing obsolete portions and harmonizing the expiration dates of the radar observer endorsement and the merchant mariner credential (MMC). Title 46 of the United States Code (U.S.C.), Section 7101 authorizes the Coast Guard to determine and establish the experience and professional qualifications required for the issuance of officer credentials. The Secretary of the Department of Homeland Security (DHS) has delegated 46 U.S.C. 7101 authority to the Commandant of the Coast Guard by Department of Homeland Security Delegation No. 0170.1(II)(92)(e). The specifics of these professional qualifications and the Coast Guard's evaluation process are prescribed by Title 46 Code of Federal Regulations (CFR) parts 10 and 11, and the manning requirements are detailed in 46 CFR part 15. Section 304 of the Coast Guard Authorization Act of 2015 (CGAA 2015), Public Law 114–120, February 8, 2016

(codified as a statutory note to 46 U.S.C. 7302), requires the harmonization of expiration dates of a mariner's radar observer endorsement with the MMC and the medical certificate, subject to certain exceptions.[1] The CGAA 2015 specifies that the process to harmonize cannot require a mariner to renew the MMC before it expires. Section 829 of the Coast Guard Authorization Act of 2018 (CGAA 2018), Public Law 115–282, requires the Coast Guard to issue a final rule eliminating the requirement that a mariner actively using the mariner's credential complete a Coast Guard-approved or accepted refresher or re-certification course to maintain a radar observer endorsement. Section 829 exempts the final rule eliminating the refresher course requirement from 5 U.S.C. chapters 5 and 6, and Executive Orders 12866 and 13563. This rule meets the statutory requirement of Section 304 of the CGAA 2015 with regard to the radar observer endorsement as well as Section 829 of the CGAA 2018 regarding elimination of the refresher course requirement. The CGAA 2015 requirement regarding the medical certificate has already been met through policy.[2]

III. Background and Regulatory History

Prior to this rule, 46 CFR 11.480 required that a mariner with a radar observer endorsement complete a Coast Guard-approved or accepted radar observer refresher or re-certification course every 5 years to maintain a valid radar observer endorsement on his or her MMC. In the notice of proposed rulemaking (NPRM) [83 FR 26933], we explained the history of that requirement and why, without regulatory change, it was not possible to harmonize the expiration dates of the radar course completion certificate and the MMC.[3] The NPRM also explained the recommendations received from the Merchant Marine Personnel Advisory Committee (MERPAC). MERPAC is the federal advisory group representing matters relating to maritime personnel, including training, qualifications, certification, documentation, fitness standards, and other matters. At Meeting 43 in September 2015, MERPAC recommended that the Coast Guard review whether requiring training for radar renewal every five years makes sense or if underway service on a vessel equipped with radar should be considered adequate experience for renewal (MERPAC Recommendation 2015–56).[4] MERPAC recommended the Coast Guard consider the history of the radar observer endorsement, the current state of radar observer training and prevalence of radar, and the concept that knowledge and skills will degrade with time if not used or refreshed through training. MERPAC also recommended that the Coast Guard consider whether the radar observer endorsement must be on the credential. The Coast Guard considered these recommendations when drafting the NPRM.

In response to Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), the Coast Guard asked the public and each of the Coast Guard's federal advisory committees for suggestions on Coast Guard regulations, guidance documents, interpretive documents, and collections of information that should be removed or modified to alleviate unnecessary burdens. The Coast Guard received requests to revise its radar endorsement renewal regulations from both inquiries. In March 2018, MERPAC recommended again that the Coast Guard address radar observer endorsement renewal requirements.[5] Additionally, from the general solicitation to the public, the Coast Guard received three requests for the Coast Guard to address radar observer endorsement renewal requirements.[6]

The Coast Guard has concluded that the current requirement for the completion of a Coast Guard-approved or accepted radar refresher or re-certification course for mariners with relevant and recent service in a position using radar for navigation and collision avoidance purposes, on board vessels equipped with radar, is not necessary. Completion of radar renewal training is unnecessarily burdensome to mariners who serve in a position that routinely uses radar for navigational and collision avoidance purposes. The potential for accidents still exists, and it is important for mariners to be proficient in the use of radar as both a navigation and collision avoidance tool. But, radar carriage requirements, both in the United States and internationally, have increased in the last 60 years, and the current domestic training requirements have been in place for 36 years. As a result, currently, mariners on vessels outfitted with radar maintain proficiency in the use of radar through its constant use to navigate and prevent collisions.

Section 304 of the CGAA 2015 requires the harmonization of expiration dates of a mariner's radar observer endorsement with his or her MMC, and prohibits requiring a mariner to renew a credential before it expires. In this context, the MMC is the primary credential documenting the individual's qualifications to perform specific functions on board a ship, and should be the point of alignment when harmonizing the expiration dates of a mariner's endorsements.

In looking at this requirement, the Coast Guard also considered Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) of January 30, 2017, the Office of Management and Budget (OMB) Guidance of April 5, 2017, on that Executive order, and Executive Order 13777 (Enforcing the Regulatory Reform Agenda) of February 24, 2017. These directives require agencies to review regulations in order to provide a reduction of regulatory costs to members of the public. Elimination of the requirement to take a radar refresher or re-certification course every 5 years will eliminate an unnecessary burden on the active mariner and make harmonization possible.

The NPRM published on June 11, 2018, and the comment period closed on July 11, 2018. In the NPRM, the Coast Guard proposed to remove the radar refresher or re-certification course requirement for an active mariner who serves, for 1 year in the previous 5 years, in a position using radar for navigation and collision avoidance purposes on vessels equipped with radar, or serves as a qualified instructor for a Coast Guard-approved or accepted radar course at least twice within the past 5 years. Radar technology and other equipment associated with radar is still evolving. Radar observer trainees and mariners with limited sea service need current information provided via

[1] Public Law 114–120, sec. 304(c), creates an exception for individuals (1) holding a merchant mariner credential with—(A) an active Standards of Training, Certification, and Watchkeeping endorsement; or (B) Federal first-class pilot endorsement; or (2) who have been issued a time-restricted medical certificate.

[2] CG–MMC Policy Letter 01–18: Guidelines for Requesting Harmonization of Expiration Dates of Merchant Mariner Credentials and Mariner Medical Certificates when Applying for an Original or Renewal Merchant Mariner Credential. *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/MMC/CG-MMC-2%20Policies/CG-MMC%2001-18%20Harmonization.pdf?ver=2018-03-02-071916-180.*

[3] 83 FR 26933, 26934, June 11, 2018.

[4] Task Statement #91 from MERPAC. (available at *https://homeport.uscg.mil/Lists/Content/DispForm.aspx?&ID=805&Source=https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac/task-statements-2.*

[5] MERPAC Recommendation #4 to Task Statement #103 (available at *https://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=13660&Source=/Lists/Content/DispForm.aspx?ID=13660*).

[6] *https://www.regulations.gov/document?D=USCG-2017-0480-0102* (page 3) and *https://www.regulations.gov/document?D=USCG-2017-0480-0147* (page 11).

training to maximize their familiarization with the equipment furnished on board when serving on their first vessel as a radar observer. Mariners with appropriate sea service, including experience using radar, will be exposed to these developments on board. Instructors of Coast Guard-approved or accepted radar courses will be exposed to developments by updating course materials and teaching. These instructors must regularly update course materials in order to ensure that they remain current on developments and are able to properly lecture and critique their students during simulations.

This final rule adopts the June 11, 2018 NPRM, with the following 5 modifications. First, we have amended the regulatory text in § 10.232(a)(2)(vii) and § 11.480(g) to clarify that a mariner must serve in a position that routinely uses radar for navigation and collision avoidance purposes on vessels equipped with radar. The Coast Guard added the ''routine'' requirement to the regulatory text to clarify that this rule eliminates the requirement for refresher or re-certification training for those mariners who have keep their radar skills ''refreshed'' and up to date through the use of radar. Radar skills are not refreshed on board a vessel when not routinely used. The concept of ''routine use'' was discussed in the preamble to the NRPM, but was not specifically laid out in the regulatory text. Second, as requested by a commenter, we have clarified in § 10.232(a)(6) that the Coast Guard intended to include maritime pilots within the scope of the NPRM. Therefore, for pilots seeking to renew a radar observer endorsement, the pilot association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes. Third, we have clarified regulatory text in § 15.815(d) that allows for mariners to sail without a radar observer endorsement, provided that they hold, and have immediately available, a course completion certificate issued within in the last 5 years from a Coast Guard-approved or accepted radar course. In this final rule we have clarified that this exception is only available for five years after the effective date of the final rule and that the certificate must have been issued within the previous 5 years. Fourth, we have removed the reference to a license as Merchant Mariner Credentials have replaced licenses. Finally, we clarified in 46 CFR 11.480(g) and (h) that this rulemaking applies to mariners applying for raises of grade or new endorsements under 46 CFR 10.231.

IV. Discussion of Comments and Changes

The Coast Guard received 74 submissions by the public in response to the NPRM published on June 11, 2018. Comments came from maritime training institutions that teach radar observer courses, individual radar course instructors, national and local trade associations—including those for pilots, towing, assistance towing tugs, barges, and passenger vessels—individual mariners, and members of the general public. Commenters expressed a wide range of experiences, including both on oceans and inland rivers. The following discussion contains an analysis of comments received and an explanation of changes made to the rule as proposed in the NPRM. The Coast Guard appreciates all the comments on this matter.

Comments in Support of the Proposal

The majority of commenters agreed with the proposed changes. Those agreeing with the NPRM generally stated that the existing required training is a financial burden to active mariners, especially because the required training focuses on the use of techniques that are not suitable for modern ships and radar equipment.

Comments Opposed to the Proposal, Anticipating Increase in Accident Rate and Company Liabilities

Several commenters felt that this rule would increase accident rates, with some citing the possibility of increased liability and a change of the apportionment of damages in the event of a casualty. The Coast Guard disagrees. The amended regulations will not change the current level of safety. Sections 15.405 (Familiarity with Vessel Characteristics) and 15.1105 (Familiarization and Basic Training (BT)) of 46 CFR remain unchanged. These regulations require that, before assuming their duties, credentialed mariners become familiar with their duties and the equipment that they will be using. The company's responsibility in the event of a casualty remains the same. And, radar observer training continues to be required for mariners without recent experience either using radar or instructing others in its use.

Concerns About Possible Skill Loss

Some commenters were concerned that changing the radar refresher or re-certification training requirements will result in the loss of radar skills. The Coast Guard disagrees. Although mariners serving on vessels equipped with modern radars and automatic radar plotting aids (ARPA) may not be performing transfer plotting of all radar contacts, they are using their knowledge, experience, and skill in vector analysis and the true and relative motion concepts learned in radar observer training to make their own assessment of collision risk and to verify the target data determined by the radar or ARPA. This consistent use of true and relative motion concepts and vector analysis is sufficient for mariners to retain proficiency. Additionally, 46 CFR 15.405 and 15.1105 address familiarization regarding the proper operation of the radar equipment for mariners on board ships. Therefore, the Coast Guard does not believe that this will have any negative impact on safety.

Skill Retention Through Recent Experience

One commenter disagreed that 1 year of sea service in the last 5 years is adequate, by itself, to demonstrate relevant knowledge and recency in radar and felt that the Coast Guard should still require a refresher or recertification course. This commenter also disagreed with the Coast Guard's comparison to the 1:5 standard for Basic Training in the development of the standard for radar. The commenter felt that the comparison to the Basic Training standard was inadequate because there are no monthly drill requirements to reinforce skills taught in a radar course as monthly fire and abandon ship drills do for Basic Training skills. The Coast Guard disagrees. A radar operator retains proficiency in the skills learned in the mariner's original radar endorsement training through shipboard experience using radar during navigational watchkeeping. Monthly drills are not required to retain this proficiency when radar is being regularly used by a mariner. The Coast Guard has historically accepted that a stated minimum amount of relevant sea service meets the renewal requirements for each specific MMC endorsement. In general, refresher training is only required of those mariners who do not meet the renewal sea service requirements. Radar has been the only exception to this policy. The requirement for a radar refresher or recertification course is a holdover from when radar was not prevalent and training was not universally required. That is no longer the case. The use of radar is now so prevalent and automated that it is equivalent to the skills for other MMC endorsements with regard to skill retention. Therefore, the

Coast Guard has retained the sea service requirements as proposed in the NPRM.

Rivers and Inland Waters vs. Ocean Radar Use

Some commenters noted that mariners on rivers and inland waters do not use radar for collision avoidance in the same way as mariners on oceans. These commenters said that the re-certification or refresher courses covering open-water relative motion concepts is not relevant to a river environment. These commenters agreed that mariners who work on rivers and confined inland waters do not retain relative motion concepts, but disagreed on how this issue should be addressed. One commenter asserted that the traditional ''unlimited'' re-certification course covering open-water relative motion concepts should be retained, while another felt that because mariners do not use these concepts on rivers, they do not need to be refreshed by training. A third commenter felt that refresher or re-certification training on open-water concepts is not appropriate for inland and rivers mariners, but that refresher or re-certification training tailored to rivers operations should be required. The Coast Guard acknowledges that mariners on rivers and confined inland waters use radar differently than mariners on oceans, but disagrees that mariners who serve in positions that routinely use radar need recurrent training. Regardless of the type of waterway, active mariners with 1 year of service in the previous 5 years in a position that routinely uses radar will retain proficiency for the waters upon which they operate.

Suggested Alternative Radar Observer Refresher or Re-Certification Requirements

Some commenters suggested that the Coast Guard revise current radar observer refresher or re-certification course requirements to provide mariners with information that updates their knowledge and skills with the latest radar-associated equipment, such as radar equipment features, Automatic Identification Systems, ARPA, and Electronic Chart Display and Information Systems. The Coast Guard is reviewing these comments and may take separate action in the future on this matter, if it is warranted after a complete analysis. This rule, however, addresses the requirement to take the course rather than the content of the course.

The Coast Guard also noticed that many commenters, both agreeing and disagreeing with the proposed rule change, believed that the current value of the radar refresher or re-certification courses lay in the provision of updates to the mariner about new developments in radar technology. The Coast Guard will consider whether and how this information should be distributed, and may ask MERPAC to consider the matter in the future.

Suggested Removal of All Radar Observer Renewal Requirements

Some commenters requested that the Coast Guard remove the radar observer renewal requirement for all mariners, even those with less than 1 year of sea service in a position that routinely uses radar within the last 5 years. The Coast Guard disagrees. A mariner who has not used radar as part of his or her navigational watchkeeping for 1 year within the last 5 years will lose proficiency; as discussed in the NPRM, studies have shown that skills deteriorate over time when not performed. This rule retains the current refresher or re-certification requirements for those mariners.

Clarifying That Maritime Pilots Are Included Within the Proposed Rule

Several commenters requested clarification about whether the Coast Guard had intended to include maritime pilots within the proposed rule. The Coast Guard intended to include maritime pilots within the proposed rule and has amended § 10.232(a)(6) to provide that clarification.

Limiting the Rule to Only Credentialed Masters and Mates

One commenter recommended that the removal of the radar observer requirement should be limited to masters and mates. The commenter felt it would be hard for a company to verify that a particular mariner used radar for collision avoidance purposes. The Coast Guard partially agrees with the commenter's concern. The Coast Guard has amended the regulatory text to state that the radar observer position on board ships must routinely use radar for navigation and collision avoidance purposes, but the Coast Guard did not restrict the affected positions to masters and mates as suggested. The Coast Guard recognizes that there are positions on board vessels, other than mate or master that routinely use radar and are required to hold additional radar endorsements.

Suggested Removal of the Radar Observer Requirement for Mariners Working on board Assistance Towing Vessels Equipped With Radar

A commenter suggested that mariners within the assistance towing industry be exempted from the requirement to hold a radar endorsement if they are working on board assistance towing vessels equipped with radar, because the assistance towing industry is exempt from the radar carriage requirement. This comment is outside the scope of this rulemaking. While we appreciate this commenter's concerns and request, this rulemaking is limited to the renewal requirements of existing radar observer endorsements.

Drug Testing Requirements

A commenter asked for a change to drug testing requirements, citing that the requirements for periodic drug testing were changed in a previous rulemaking and resulted in an increased number of periodic drug tests. While we appreciate this commenter's concerns and request, this rulemaking is limited to the renewal requirements of existing radar observer endorsements. We have shared this comment with the appropriate Coast Guard office.

Suggestions for Radar Direct Scope Plotting Capabilities and Returning Loran-C to Operation

A commenter suggested that marine electronics manufacturers provide a direct scope plotting capability to their radar and ARPA products in order to receive type approval. This commenter also suggested the reinstatement of Loran-C as a backup to GPS. These systems were either discontinued or the equipment specifications were adapted nationally and internationally to the current requirements many years ago. While we appreciate this commenter's concerns and request, this rulemaking is limited to the renewal requirements of existing radar observer endorsements.

Suggestions for Documenting Sea Service

A commenter suggested that the Coast Guard develop a radar sea service letter template to provide the affected public with a sample document depicting the information needed for the mariner's use of the alternative provided by this rulemaking. The Coast Guard has declined to do so at this time. The Coast Guard does not believe that a unique sea service letter is needed beyond the documentation requirements of 46 CFR 10.232 for those mariners in positions that routinely use radar for navigation and collision avoidance purposes. The Coast Guard is amending 46 CFR 10.232 to include information on whether the vessel is equipped with radar and if the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes. The information provided on sea service

documents meeting the requirements of 46 CFR 10.232 should provide sufficient documentation. If the need develops for a radar sea service letter after the implementation of this rule, the Coast Guard will then consider developing a template.

One commenter asked that the Coast Guard ''clarify that '1 year of sea service within the last 5 years' does not mean one year of consecutive service, but instead requires the mariner to demonstrate a total of at least 365 days of relevant service over the five-year period.'' Generally, the Coast Guard defines 1 year, for the purpose of complying with the service requirements of 46 subchapter B, as 360 days when a person is assigned to work. In order to use sea service in lieu of the required radar refresher or re-certification courses, a mariner must provide documentary evidence of 360 days of aggregate service in the previous 5 years in a position that routinely uses radar for navigation and collision avoidance. The Coast Guard notes that 46 CFR 10.107 provides definitions for service, year, and day. Mariners should consult this regulation to determine the specific sea service credit to which each mariner is entitled.

A national pilot's association requested that, if the rule covers pilots, that the Coast Guard allow pilots to submit a letter from a pilot's association attesting to the applicant's sea service. The association provided draft language to be inserted into the Coast Guard's proposed revised language for § 10.232(a)(6). As discussed above, the Coast Guard intended to include pilots in this rule. The language provided by the association has been adopted into this final rule in an amended § 10.232(a)(6). Pilots seeking to renew a radar observer endorsement can submit a letter from a pilot's association attesting to the applicant's sea service. The association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes.

Online Renewal Training

Some commenters suggested that the Coast Guard should allow online renewal training. Although the Coast Guard may approve certain training to be offered online, we do not believe it is feasible for radar observer re-certification courses. As radar observer re-certification courses are typically 1 day in duration and consist almost exclusively of graded examinations and practical exercises, the course is not well-suited for online delivery. However, online training is possible for portions of an original radar observer course, or a multi-day refresher course. Guidance on the Coast Guard's policy concerning online training is found in Enclosure (5) of Navigation and Vessel Inspection Circular 3–14.[7]

V. Discussion of the Rule

In this rule, the Coast Guard is revising its regulations to eliminate the requirement that a mariner actively using the mariner's credential complete an approved or accepted refresher or re-certification course to maintain a radar observer endorsement. A mariner who serves in a relevant position on board a radar-equipped vessel for 1 year in the previous 5 years will no longer be required to complete a Coast Guard-approved or accepted radar refresher or re-certification course per 46 CFR 11.480 to renew his or her radar observer endorsement. The new requirement for 1 year of sea service within the past 5 years is consistent with similar existing sea service requirements found in, for example, 46 CFR 10.227(e)(1) (Requirements for Renewal); 46 CFR 11.302(c) (Basic Training); and 46 CFR 11.303(c) (Advanced Firefighting). For the purposes of this rule, relevant sea service means having served in a position that routinely uses radar for navigation and collision avoidance purposes on a radar-equipped vessel.

Additionally, mariners who provide evidence of being a qualified instructor and having taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years will not be required to complete a radar refresher or re-certification course. The 5-year interval is based on both national and the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) endorsement requirements that follow recognized principles and standards of maritime skill acquisition and retention. The provision to allow renewal of the endorsement by an instructor of the radar course is consistent with the provision in 46 CFR 10.227(e)(1)(v) applicable to MMC renewals. This provision would be applied to the radar observer endorsement.

This rule eliminates the requirement to carry a certificate of training if the radar observer endorsement is on the MMC, and allows the endorsement and MMC to expire at the same time.

The Coast Guard did consider removing the radar refresher or re-certification course requirement altogether. However, the Coast Guard believes that the competencies required by a radar observer would degrade if the mariner does not use them on board vessels or periodically refresh them by teaching or completing a course. The concept that knowledge and skills will degrade with time if not used or refreshed has been applied in other areas of maritime training, such as the STCW requirements for basic training course every 5 years, and is a recognized factor within the education industry. While there are few specific studies in skill degradation in the maritime industry, this issue has been the subject of discussion for decades in other industries, including the aviation industry.[8] Also, radar continues to be incorporated into other shipboard systems and continues to change with advancements in technology. The radar observer must keep current with these changes through onboard utilization of skills or a formal course of instruction. As a result, the Coast Guard did not pursue removing radar renewal training altogether.

In summary, the Coast Guard will continue to require attendance at a radar

[7] Available at *https://www.dco.uscg.mil/Portals/9/NMC/pdfs/announcements/2014/nvic-03-14_Course_Approval_Final_with_encls_20140122.pdf.*

[8] Michael W. Gillen, Degradation of Piloting Skills (Master's Thesis), University of North Dakota, Grand Forks (2008), assesses professional aircraft pilots' basic instrument skills in the age of highly automated cockpits. In addition to the specific findings related to the aircraft pilots, the document contains a literature review of applicable background studies concerning the general theory of learning related to skill acquisition, retention, and declination. The referenced literature includes a discussion of the inverse nature of practice and completion time. Previous studies showed that the time required to perform a task declined at a decreasing rate as experience with the task increased. Results from some of these previous studies indicated a rapid rate of learning depreciation.

Arthur Winfred, Jr., Bennett Winston, Jr., Pamela L. Stanush, and Theresa L. McNelly, ''Factors That Influence Skill Decay and Retention: A Quantitative Review and Analysis,'' 11(1) Human Performance 57 (1998), presents a review of skill retention and skill decay literature about factors that influence the loss of trained skills or knowledge over extended periods of non-use. Results indicated that there is substantial skill loss after more than 365 days of non-use or non-practice. Physical, natural, and speed-based tasks—such as checklist and repetitive tasks—were less susceptible to skill loss than decision-making tasks that are cognitive, artificial, and accuracy-based. Collision avoidance and navigation using radar can be considered examples of the latter category.

John M. O'Hara, ''The Retention of Skills Acquired Through Simulator-based Training,'' 33(9) Ergonomics 1143 (1990), examines the loss of skills among two groups of merchant marine cadets that were tested for watchstanding skills immediately preceding and following a 9-month simulator-based training program. The mitigation of decay as a function of a retraining experience was also evaluated. The results indicated that watchstanding skills improved following training and declined over the 9-month retention interval, and that refresher training was effective in terms of skill loss mitigation for some skill areas.

refresher or re-certification course for mariners seeking to renew a radar observer endorsement on the basis of sea service if they do not have 1 year of relevant sea service in the previous 5 years in a position that routinely uses radar for navigation and collision avoidance purposes, on vessels equipped with radar. As discussed earlier, mariners with radar observer endorsements who do have 1 year of relevant sea service within the previous 5 years and have served in a position that routinely uses radar for navigation and collision avoidance purposes, on board a radar-equipped vessel, or who have met certain instructor requirements, will be able to renew the radar observer endorsement without completing a course. In addition, the radar observer endorsement will expire with the MMC, and the mariner with a radar observer endorsement will no longer be required to present a course completion certificate within 48 hours of the demand to do so by an authorized official.

Following is a section-by-section discussion of the changes.

46 CFR 11.480 Radar Observer

This rule revises 46 CFR 11.480(d), (e), (f), (g), and (h). A current course completion certificate from a Coast Guard-approved or accepted radar refresher or re-certification course in accordance with 46 CFR 11.480 will no longer be the only determinant of a mariner's continued competency as a radar observer.

This rule revises 46 CFR 11.480 to apply the provisions of 46 CFR 10.227(e)(1)(v) to the radar observer endorsement. A qualified instructor who has taught a Coast Guard-approved or accepted radar observer course at least twice within the past 5 years will not be required to complete a refresher or re-certification course, because he or she will have met the standards to receive a course completion certificate. The course approval process, in accordance with 46 CFR subpart D, evaluates instructors to determine whether they are qualified to teach the course.

Mariners will be allowed to use recent sea service in place of completing a radar refresher or re-certification course. Mariners able to provide evidence of 1 year of relevant sea service within the last 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on vessels equipped with radar will not be required to attend a refresher or recertification course. This also applies to mariners applying for raises of grade or new endorsements under 46 CFR 10.231. As a result, 46 CFR 11.480(g) and (h) were amended.

Prior to this rule, 46 CFR 11.480(h) allowed an applicant seeking a raise of grade or increase in scope of an MMC endorsement, where the increased grade or scope required a radar observer certificate, to use an expired certificate to fulfill that requirement. However, a radar endorsement was not placed on the credential. This provision was put in place because, prior to this rule, expirations of MMCs and radar certificates rarely expired on or near the same date. We are revising 46 CFR 11.480(h) to align the MMC with the radar endorsement and ensure evidence of competence in the use of the radar through experience or completion of the course. Consequently, applicants for a raise of grade or increase in scope that requires radar but do not currently have radar endorsed on their MMC, will be required to renew the radar endorsement. A radar endorsement on the MMC will be considered acceptable evidence of current radar experience or knowledge for purposes of a raise of grade or increase in scope where that increase requires radar training.

To renew a radar endorsement the applicant must provide the following information: (1) Evidence of 1 year of sea service within the last 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on board radar-equipped vessels; or (2) evidence of having been a qualified instructor who has taught a Coast Guard-approved or accepted radar observer course at least twice within the past 5 years; or (3) successful completion of a Coast Guard-approved or accepted radar course within the past 5 years. If the applicant does not provide evidence of meeting the requirements for the radar observer endorsement, the endorsement will not be granted.

46 CFR 15.815 Radar Observers

This rule revises 46 CFR 15.815 to eliminate the requirement that a person required to hold a radar endorsement must have his or her course completion certificate readily available. Having the course completion certificate available is no longer necessary, because the expiration date of the MMC and the radar endorsement coincide, making the radar observer endorsement in the MMC prima facie evidence that its holder meets the radar training standards. That was not the case previously. The Coast Guard recognizes the need for a transition period. Therefore, we are modifying the language in § 15.815(d) and removing paragraph (e) related to carrying and producing the radar course completion certificate. If a mariner qualifies for a radar endorsement after their MMC is issued, they can apply for a radar endorsement to be added to their MMC. This provision will expire on July 22, 2024. After that date, mariners may serve on board a vessel in a position that uses radar if they have a radar observer endorsement on their MMC. While the NPRM proposed revising § 15.815(d) to allow the mariners listed in § 15.815(a), (b), and (c) to sail without a radar observer endorsement, provided that they hold, and have immediately available, a course completion certificate issued within the last 5 years from a Coast Guard-approved or accepted radar course, the proposed text lacked clarity and a termination date. This final rule modifies the revision of § 15.815(d) to retain the intended flexibility for mariners who were not qualified for the radar observer endorsement at their last credential application, but have subsequently completed a Coast Guard-approved or accepted radar course and hold a course completion certificate. Section 304 of Public Law 114–120, CGAA 2015, directed the Coast Guard to harmonize MMC, medical certificate, and radar observer expiration dates. It further directed the Coast Guard to establish a process that would not require mariners to renew their MMCs early. Consistent with the Congressional intent in section 304(b)(1) that mariners not be required to incur unnecessary application fees, the Coast Guard is providing this flexibility to ensure that mariners with valid radar observer course completion certificates do not have to apply to add the radar endorsement to their MMCs before their next MMC renewal.

46 CFR 10.232 Sea Service

Finally, the Coast Guard is adding corresponding requirements to § 10.232(a) so that the sea service letter indicates whether the vessel the mariner has served on is equipped with radar, and that the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes. While certain vessels are required to be equipped with radar, some vessels are not required to do so, such as offshore supply vessels of less than 100 gross tons and mechanically propelled vessels of less than 1,600 gross tons in ocean or coastwise service. Although these vessels are not required to be equipped with radar, some of them are equipped with radars. This rule ensures that mariners serving in a position that routinely uses radar for navigation and collision avoidance purposes, on vessels equipped with radar, will get credit towards renewal of

the radar observer endorsement, regardless of whether the vessel was required to carry radar.

In addition, the Coast Guard did not propose specific regulatory text on radar observer endorsement requirements for maritime pilots seeking to renew a radar observer endorsement. In response to several public comments asking about pilots, the Coast Guard is amending § 10.232(a)(6) to clarify that, for pilots seeking to renew a radar observer endorsement, their association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes.

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) 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 (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. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. DHS considers this rule to be an Executive Order 13771 deregulatory action. See OMB's Memorandum ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017). Details on the estimated cost savings of this rule can be found in the rule's regulatory analysis (RA) that follows.

Table 1 summarizes the changes to the regulatory text from the NPRM to this final rule. In this final rule, the Coast Guard incorporated ''routinely'' into §§ 10.232(a)(2)(vii) and 11.480(g), and ''For those pilots seeking to renew a radar observer endorsement, the association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes'' in § 10.232(a)(6). These revisions to the regulatory text proposed in the NPRM were only for clarification purposes; thus, the numerical assessment and conclusions from the RA included in the NPRM (83 FR 26933, June 11, 2018) remain unchanged.

TABLE 1—SUMMARY OF CHANGES FROM NPRM TO FINAL RULE

Regulatory text	NPRM	Final rule	Resulting impact on RA
§ 10.232(a)(2)(vii)	Mariner served in a positon using radar	Mariner served in a position that routinely uses radar.	No impact; edits made for clarification purposes.
§ 10.232(a)(6)	An applicant who has been acting as a pilot may submit a letter from a pilot's association attesting to the applicant's sea service. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, pilots must comply with the requirements of paragraph (a)(2) of this section.	An applicant who has been acting as a pilot may submit a letter from a pilot's association attesting to the applicant's sea service. For those pilots seeking to renew a radar observer endorsement, the association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, pilots must comply with the requirements of paragraph (a)(2) of this section.	No impact; edits made for consistency with 46 CFR 10.232(a)(2)(vii).
§ 11.480(g)	1 year of relevant sea service within the last 5 years in a position using radar.	1 year of relevant sea service within the last 5 years in a position that routinely uses radar.	No impact; edits made for clarification purposes.
§ 11.480(h)	An applicant for renewal of a license or MMC who does not provide evidence of meeting the renewal requirements of paragraphs (d), (f), or (g) of this section will not have a radar observer endorsement placed on his or her MMC.	An applicant for renewal of a MMC who does not provide evidence of meeting the renewal requirements of paragraphs (d), (f), or (g) of this section will not have a radar observer endorsement placed on his or her MMC.	No impact; edit made for accuracy.
§ 15.815(d)	In the event that a person described in paragraphs (a), (b), or (c) of this section does not hold an endorsement as radar observer, he or she must have immediately available a valid course completion certificate from a Coast Guard-approved radar course.	Until July 22, 2024, a person may satisfy the requirements in paragraphs (a), (b), or (c) by having immediately available a valid course completion certificate from an appropriate Coast Guard-approved or accepted radar course that was issued within the previous 5 years.	No impact; edits made for standardization.

This RA provides an evaluation of the economic impacts associated with this rule. The Coast Guard is revising its regulations so that a mariner who served on board a radar-equipped vessel for 1 year in the previous 5 years, in a position that routinely uses radar for navigation and collision avoidance purposes, is not required to complete a Coast Guard-approved or accepted radar refresher or re-certification course to renew their radar observer endorsement, as discussed in section V of this rule. Additionally, mariners who provide evidence of being a qualified instructor and having taught a Coast Guard-approved or accepted radar observer course at least twice within the past 5 years will not be required to complete a radar refresher or re-certification course. Table 2 provides a summary of the affected population, costs, and cost savings after implementation of this rule. The total 10-year discounted cost savings of the rule will be $47,678,762 and the annualized total cost savings will be $6,788,383, both discounted at 7 percent. We expect that an average of 7,037 mariners will benefit from this rule each year. This rule will result in cost savings to these mariners for no longer incurring the costs to complete the radar observer refresher or re-certification course. There will be no impact to those mariners seeking an original radar observer endorsement or who do not have 1 year of relevant sea service in a position that routinely uses radar for navigation and collision avoidance purposes, on board radar-equipped vessels in the previous 5 years. This rule will not impose costs on industry.

TABLE 2—SUMMARY OF THE IMPACTS OF THE FINAL RULE

Change	Description	Affected population	Costs	Cost Savings
Revise 46 CFR 11.480 (d), (e), (f), (g), and (h).	Revise the merchant mariner credentialing regulations to allow mariners who are qualified instructors and mariners who have served 1 year of sea service in the previous 5 in a position that routinely uses radar for navigation and collision avoidance purposes on radar-equipped vessels to retain their radar observer endorsement without being required to take a radar renewal or re-certification course.	Total of 35,183 mariners will no longer be required to take radar refresher or re-certification course.. Annual average of 7,037 mariners per year benefit from rule (rounded).	No cost	$6,788,383 annualized and $47,678,762 10-year present value monetized industry benefits (cost savings) (7% discount rate).
Revise 46 CFR 15.815	Remove requirement that a person with a radar observer endorsement must have a certificate of training readily available.	35,183 mariners	No cost	No cost savings.
Revise 46 CFR 10.232(a)(2)	Add requirement that sea service letters include the information that the vessel the mariner has served on is radar equipped and the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes.	35,183 mariners	No quantifiable cost. Cost to add one line item to company's regular update to the service letter is too small to quantify.	No cost savings.

The revisions to 46 CFR 11.480 will result in cost savings to those mariners who will no longer have to complete the radar observer refresher or re-certification course.

The revisions to 46 CFR 15.815 will eliminate the requirement that a person holding a radar endorsement must also have his or her course completion certificate readily available. While the mariner will no longer physically have to carry the certificate, he or she will still have to physically carry an MMC that reflects a radar observer endorsement. The costs of obtaining the copy of the certificate are included in the cost of the completion of the course. Therefore, any cost savings from these revisions are included in the calculations of the cost savings to the revisions to 46 CFR 11.480. Those mariners who do not have an MMC that reflects a radar observer endorsement will be allowed to sail if they hold, and have immediately available, a course completion certificate, issued within the last 5 years, from a Coast Guard-approved or accepted radar course. There is no impact to these mariners, as they currently have to carry a certificate to show course completion. This exemption is only available for 5 years after the effective date of this rule.

The revisions to 46 CFR 10.232 will add a requirement that the sea service letter for those seeking to renew a radar observer endorsement indicate whether the mariner served on a vessel equipped with radar, and if the mariner served in a position that routinely used radar for navigation and collision avoidance purposes. The operating companies that use service letters are already required to provide mariner service information. These companies will have to add a line item once per vessel, and then the line item will be available for all mariners serving on that radar-equipped vessel, if they are serving in a position that routinely uses radar for navigation and collision avoidance purposes. The companies generally produce a service letter once every 5 years to provide the employees the documentation necessary to renew their credentials. We expect the additional line will be included in the company's regular updates to service letters.

Affected Population

We expect that this rule will affect mariners with a radar observer endorsement and mariners who will need one in the future. More specifically, it will affect those mariners with at least 1 year of sea service in the previous 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on board a

radar-equipped vessel, as they will no longer be required to complete a Coast Guard-approved or accepted radar refresher or re-certification course, per 46 CFR 11.480, in order to renew their radar observer endorsement. It will also affect mariners who have taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years, the majority of whom hold a valid endorsement and will be included in the affected population. The radar observer endorsement will expire with the MMC, and the mariner will no longer be required to carry the course completion certificate.

We used data from the Coast Guard's Merchant Mariner Licensing and Documentation (MMLD) system to estimate the average number of mariners affected by this rule. The MMLD system is used to produce MMCs at the National Maritime Center. Table 3 below shows the radar endorsement data from the MMLD system used to estimate the affected population. The MMLD system does not have exam data prior to 2011 for the mariners who took the rules of the road exam to renew an MMC.

TABLE 3—MARINERS HOLDING RADAR OBSERVER ENDORSEMENTS

Year	Mariners who hold a radar observer endorsement (current total population)	Mariners who took rules of the road exam to renew MMC	Mariners who benefit from rule
2011	37,612	488	37,124
2012	38,114	572	37,542
2013	37,011	638	36,373
2014	35,262	671	34,591
2015	34,280	716	33,564
2016	34,546	777	33,769
2017	34,076	755	33,321
Average total mariners	35,843	660	35,183
Impacted per year	7,169	132	7,037

The ''Mariners Who Hold a Radar Observer Endorsement'' column shows the number of unique mariners who, on January 1 of each year, held a valid MMC with a radar observer endorsement. Per § 11.480, each applicant for a renewal of a radar observer endorsement must complete the appropriate Coast Guard-approved or accepted refresher or re-certification course, receive the appropriate course completion certificate, and present the certificate or a copy of the certificate to the Coast Guard. A radar observer endorsement is valid for 5 years from the date of completion of the Coast Guard-approved or accepted course. From 2011 to 2017, an average of 35,843 total mariners held a valid MMC with a radar observer endorsement. The Coast Guard does not have more detailed information as to the expiration for each mariner's radar observer endorsement. Therefore, we divided the total number of mariners by 5 to estimate that an average of 7,169 mariners will need to take the radar refresher or re-certification course each year (35,843 total number of mariners ÷ 5, rounded to nearest whole number).

Under this rule, the Coast Guard expects that a portion of this total will not have 1 year of sea service in the last 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on board radar-equipped vessels. Some mariners are inactive, but still complete the requirements to renew an MMC. The requirements for the renewal of an MMC are in § 10.227. In order to renew their credentials, mariners must present acceptable documentary evidence of at least 1 year of sea service during the past 5 years, or pass a comprehensive, open-book exercise that includes a rules of the road examination. The MMLD database tracks mariners who take the rules of the road exam. The ''Mariners Who Took Rules of the Road Exam to Renew MMC'' column in table 3 shows the number of the unique mariners in the ''Mariners Who Hold a Radar Observer Endorsement (Current Total Population)'' column who took the rules of the road examination as part of the MMC renewal process for their existing valid MMCs, not the number of mariners who took the rules of the road exam in that given year. Therefore, we used this as a proxy to estimate the number of mariners who did not have 1 year of sea service in the last 5 years. Under this rule, an average of 660 total mariners will still have to take a Coast Guard-approved or accepted radar refresher or re-certification course in order to maintain the radar observer endorsement. The Coast Guard does not have more detailed information as to when each mariner took the radar refresher or re-certification course over the 5-year period. We divided the total number of mariners by 5 to find an average of 132 mariners will still need to take the exam each year (660 total number of mariners ÷ 5).

We subtracted the number in the ''Mariners Who Took Rules of the Road Exam to Renew MMC'' column from the number in the ''Mariners Who Hold a Radar Observer Endorsement'' column to find the mariners who, under this rule, will not have had to take a radar refresher or re-certification course when they last renewed their MMC. From 2011 to 2017, an average of 35,183 mariners held radar observer endorsements and had at least 1 year of relevant sea service during the past 5 years. This number represents the total number of mariners expected to benefit from this rule. We divided the total number of mariners expected to benefit from this rule by 5 to find the average number of mariners who will benefit each year (35,183 total number of mariners ÷ 5). This totals to an average of 7,037 (rounded to nearest whole number) mariners per year who will no longer have to take a Coast Guard-approved or accepted radar refresher or re-certification course.

Costs

The regulatory changes in this rule will not impose any costs to industry or government, because of its deregulatory nature.

Cost Savings

The cost savings to industry equal the difference between the current baseline cost to industry and the remaining cost to industry when the regulatory changes in this rule are implemented.

Baseline Cost to Industry

Mariners incur costs for the radar refresher or re-certification course. To estimate the cost savings to industry, we first estimated the current costs to industry. These include the cost of the refresher or re-certification course, the time to take the course, and time and mileage costs to travel to take the course. To estimate the cost of the course, the Coast Guard researched and found a sample of course costs from five training centers that offer Coast Guard-approved or accepted radar refresher or re-certification courses. The cost of the courses ranged from $199 to $250. We took an average of the 5 estimates to find the average cost of the courses is $228 (($199 + $250 + $225 + $225 + $243) ÷ 5, rounded to nearest dollar).[9] [10] [11] [12] [13]

We then estimated the cost of the time for the mariners to take the renewal course. The 5 training centers state that the radar refresher or re-certification course is 1-day. For the purposes of complying with service requirements, we defined a day as 8 hours (46 CFR 10.107, Definitions in subchapter B).[14] We obtained the wage rate of a mariner from the Bureau of Labor Statistics (BLS), using Occupational Series 53–5021, Captains, Mates, and Pilots of Water Vessels (May 2016). The BLS reports that the mean hourly wage rate for a Captain, Mate, or Pilot is $39.19.[15] To account for employee benefits, we used a load factor of 1.52, which we calculated from 2016 4th quarter BLS data.[16] The loaded wage for a mariner is estimated at $59.57 ($39.19 wage rate × 1.52 load factor). We multiplied the loaded wage rate by the hourly burden to find the current cost for a mariner to take the radar refresher or re-certification course is $476.56 ($59.57 wage rate × 8-hour burden).

The Coast Guard then estimated the cost for the mariners to travel to take the refresher or re-certification course. The radar refresher or re-certification course must be taken in person at a training center. This means the mariners incur costs for time to travel to take the course. We estimated mileage using travel costs assumptions from the ''Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements'' final rule.[17] On average, a mariner commutes 50 miles to a training course one-way, or 100 miles round trip. The Federal Highway Administration reports the average commute speed for private vehicles is 28.87 miles per hour.[18] We divided the average round trip mileage to the training center by the average commute time to find that it takes an average of 3.46 hours for a mariner to travel to and from the training center (100 miles ÷ 28.87 miles per hour, rounded). We multiplied this by the loaded hourly wage rate to find that the hourly burden per mariner to travel to the training center to take the refresher or re-certification course is $206.11 (3.46 hours × $59.57). The mariners also incur additional mileage costs for traveling to the training facility to take the 1-day course, such as gas and wear and tear on their vehicles. We used the U.S. General Services Administration privately owned vehicle mileage reimbursement rate of $0.54 per mile to estimate this additional cost.[19] We multiplied this rate by the 100 miles round trip to the training facility to estimate that the mariners incur a cost of $54 per mariner for the additional mileage costs.

Table 4 summarizes the costs per mariner to take the radar refresher or re-certification course. Adding the cost of the 1-day course, the opportunity cost of time to take the course, and the opportunity cost of roundtrip travel time and mileage costs to get to the training center, we found that it costs $964.67 per mariner to take the radar refresher or re-certification course.

TABLE 4—COSTS PER MARINER FOR RADAR REFRESHER OR RE-CERTIFICATION COURSE

Cost category	Cost
1-Day Course	$228.00
Opportunity Cost of Time (8 hours) Spent in Training Facility	476.56
Opportunity Cost of Roundtrip Travel Time to Training Center	206.11
Mileage Costs	54.00
Total	964.67

To find the baseline total cost for all mariners to take the radar refresher or re-certification course, we multiplied the total cost per mariner of $964.67 by the annual average number of mariners who currently hold radar observer endorsements. As shown in table 3, we found this to be an annual average of 7,169 mariners. Therefore, the total baseline annual average cost for all mariners is $6,915,719 (7,169 mariners × $964.67 per mariner, rounded).

Remaining Costs to Industry After Implementation of the Regulatory Changes

The Coast Guard is revising § 11.480 so that the number of mariners required to take a radar refresher or re-certification course to renew their radar observer endorsement will be reduced. As shown in table 3 in the ''Affected Population'' subsection, an average of 132 mariners will still need to take the radar refresher or re-certification course each year. These mariners will continue to have the same costs per mariner shown in table 4. Multiplying the cost per mariner by the average mariners who will still need to take the course each year, we found the total annual cost to industry under this rule will be $127,336 (132 mariners × $964.67 per mariner).

Cost Savings

To find the total cost savings of this rule, we subtracted the remaining costs from the baseline costs to industry after implementation of the rule. Subtracting $127,336 from $6,915,719, we found the total cost savings of this rule will be $6,788,383 per year. Table 5 shows the total 10-year undiscounted industry cost savings of this rule will be $67,883,830. The 10-year estimated discounted cost savings to industry will be $47,678,762, with an annualized cost savings of $6,788,383, using a 7-percent discount rate. Using a perpetual period of

[9] Maritime Professional Training, course cost of $199, found at *http://www.mptusa.com/course/149-Radar-Observer-Recertification-Renewal.*

[10] Compass Courses, course cost of $250, found at *https://compasscourses.com/maritime-safety-training-courses/radar-re-certification/.*

[11] The Marine Training Institute, course cost of $225, found at *http://themarine traininginstitute.com/ecdis-radar-recertification/.*

[12] Calhoon MEBA Engineering School, course cost of $225, per correspondence with school representative, found at *http://www.mebaschool.org/*

[13] Maritime Institute of Technology & Graduate Studies, course cost of $243, found at *https://www.mitags-pmi.org/courses/view/Radar_Observer_Recertification.*

[14] 46 CFR 10.107, *https://ecfr.io/Title-46/pt46.1.10#se46.1.10_1107.*

[15] Mean wage, *https://www.bls.gov/oes/2016/may/oes535021.htm.*

[16] Employer Costs for Employee Compensation provides information on the employer compensation and can be found in table 9 at *https://www.bls.gov/news.release/archives/ecec_03172017.pdf.* The loaded wage factor is equal to the total compensation of $28.15 divided by the wages and salary of $18.53. Values for the total compensation, wages, and salary are for all private industry workers in the transportation and material moving occupations, 2016 4th quarter. We use 2016 data to keep estimated cost savings in 2016 dollars.

[17] Found at *https://www.regulations.gov/docket?D=USCG-2004-17914.* Non-commuting driving time estimate found on page 132 of the Regulatory Analysis and Final Regulatory Flexibility Analysis, located under Supporting Documents.

[18] ''Summary of Travel Trends: 2009 National Household Travel Survey'', table 27, found at *http://nhts.ornl.gov/2009/pub/stt.pdf.*

[19] Found at *https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-rates/pov-mileage-rates-archived.* We use the 2016 rate to keep all costs in 2016 dollars.

analysis, we estimated the total annualized cost savings of the rule will be $5,541,343 in 2016 dollars (assuming a Year 1 of 2019), using a 7-percent discount rate.

TABLE 5—TOTAL ESTIMATED COST SAVINGS OF THE RULE OVER A 10-YEAR PERIOD OF ANALYSIS (DISCOUNTED AT 7 AND 3 PERCENT)

Year	Total undiscounted cost savings	Total, discounted	
		7%	3%
1	$6,788,383	$6,344,283	$6,590,663
2	6,788,383	5,929,237	6,398,702
3	6,788,383	5,541,343	6,212,332
4	6,788,383	5,178,825	6,031,390
5	6,788,383	4,840,023	5,855,719
6	6,788,383	4,523,386	5,685,164
7	6,788,383	4,227,464	5,519,577
8	6,788,383	3,950,901	5,358,812
9	6,788,383	3,692,431	5,202,730
10	6,788,383	3,450,870	5,051,194
Total	67,883,830	47,678,762	57,906,284
Annualized	.....	6,788,383	6,788,383

Benefits

This final rule also provides some qualitative benefits. The CGAA 2015 required the Coast Guard to harmonize the expiration dates of the mariner's radar observer endorsement with expiration of the mariner's MMC. Thus, the promulgation of this final rule facilitates compliance with Section 304 of the CGAA 2015. The elimination of the refresher or re-certification course, and validating qualification with a sea service letter with attestation of radar utilization at the time of application for renewal of an MMC brings the endorsement into concurrence with the MMC date of issuance.

B. Small Entities

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.

Based on the RFA's definition of a small entity, section 601(6), where it comprises small businesses, non-profit organizations, and small governmental jurisdictions, this final rule only affects mariners and not companies that hire mariners; therefore, mariners do not fall under the definition of a small business, small organization, or small governmental jurisdiction as defined by sections 601(3), 601(4) and 601(5) of the RFA.

This rule reduces the burden on mariners by removing the requirement to attend a radar refresher or re-certification course every 5 years for mariners who have 1 year of relevant sea service in the previous 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on board radar-equipped vessels, or for Coast Guard-approved or accepted radar course-qualified instructors who have taught the class at least twice within the past 5 years. The MMC and radar observer endorsement is in the mariner's name and not the company's name, so we assume the affected mariners receive the cost savings from this final rule. We do not have, nor did we receive during the public comment period, any further information that companies would reimburse the mariners for these costs and would accrue the costs savings.

Therefore, 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.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. 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. The information collection associated with this rule is the currently approved collection 1625–0040 (MMC Application).[20] The revisions to 46 CFR 15.815 will eliminate the requirement that a person holding a radar endorsement must also have his or her course completion certificate readily available. While the mariner will no longer physically have to carry the certificate, he or she will still have to carry an MMC that reflects a radar observer endorsement. Those mariners who do not have an MMC that reflects a radar observer endorsement will be allowed to sail provided that they hold, and have immediately available, a course completion certificate, issued within the last 5 years, from a Coast Guard-approved or accepted radar refresher or re-certification course. There is no impact to these mariners, as they currently have to carry a certificate to show course completion.

[20] The full title of COI 1625–0040 is ''Application for Merchant Mariner Credential (MMC), Application for Medical Certificate, Application for Medical Certificate—Short Form, Small Vessel Sea Service (Optional) Form, DOT/USCG Periodic Drug Testing (Optional) Form, and Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions (Optional) Form.''

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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 Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows. It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). Because this rule involves the credentialing of mariners under 46 U.S.C. 7101, it relates to personnel qualifications and is, therefore, foreclosed from regulation by the States. Because the States may not regulate within this category, this rule is consistent with the principles of federalism and preemption requirements in Executive Order 13132.

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

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will 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.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards will be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 (series) and Commandant Instruction 5090.1 (COMDTINST 5090.1), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. This rule is categorically excluded under paragraphs L52, L54, and L56 of Appendix A, Table 1 of DHS Instruction Manual 023–01 (series). Paragraph L52 pertains to regulations concerning vessel operation safety standards, paragraph L54 pertains to regulations which are editorial or procedural, and paragraph L56 pertains to regulations concerning the training, qualifying, and licensing of maritime personnel. This rule involves merchant mariner credentialing regulations to remove obsolete portions of the radar observer requirements, harmonize the radar observer endorsement with the MMC, and reduce an unneeded financial burden on mariners required to hold a radar observer endorsement.

List of Subjects

46 CFR Part 10

Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 11

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10, 11, and 15 as follows:

PART 10—MERCHANT MARINER CREDENTIAL

■ 1. The authority citation for part 10 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 73; 46 U.S.C. chapter 75; 46 U.S.C. 2104; 46 U.S.C. 7701, 8903, 8904, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 10.232 as follows:
■ a. Redesignate paragraphs (a)(2)(vii) through (x) as paragraphs (a)(2)(viii) through (xi), respectively;
■ b. Add new paragraph (a)(2)(vii); and
■ c. Revise paragraph (a)(6).

The addition and revision read as follows:

§ 10.232 Sea service.

(a) * * *

(2) * * *

(vii) For those seeking to renew a radar observer endorsement, whether the vessel is equipped with radar and if the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes.

* * * * *

(6) An applicant who has been acting as a pilot may submit a letter from a pilot's association attesting to the applicant's sea service. For those pilots seeking to renew a radar observer endorsement, the association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, pilots must comply with the requirements of paragraph (a)(2) of this section.

* * * * *

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 3. The authority citation for part 11 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

■ 4. Amend § 11.480 as follows:

■ a. In paragraph (d), remove the text ''paragraph (e)'' and add in its place the text ''paragraphs (f) or (g)''; and

■ b. Revise paragraphs (e) through (h).

The revisions read as follows:

§ 11.480 Radar observer.

* * * * *

(e) A radar observer endorsement issued under this section is valid until the expiration of the mariner's MMC.

(f) A mariner may also renew his or her radar observer endorsement by providing evidence of meeting the requirements in 46 CFR 10.227(e)(1)(v).

(g) The Coast Guard will accept on-board training and experience through acceptable documentary evidence of 1 year of relevant sea service within the last 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on vessels equipped with radar as meeting the refresher or re-certification requirements of paragraph (d) of this section. This also applies to mariners applying for raises of grade or new endorsements under 46 CFR 10.231.

(h) An applicant for renewal of an MMC who does not provide evidence of meeting the renewal requirements of paragraph (d), (f), or (g) of this section will not have a radar observer endorsement placed on his or her MMC.

PART 15—MANNING REQUIREMENTS

■ 5. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; sec. 617, Pub. L. 111–281, 124 Stat. 2905; and Department of Homeland Security Delegation No. 0170.1.

■ 6. Amend § 15.815 by revising paragraph (d) and removing paragraph (e).

The revision reads as follows:

§ 15.815 Radar observers.

* * * * *

(d) Until July 22, 2024, a person may satisfy the requirements in paragraph (a), (b), or (c) by having immediately available a valid course completion certificate from an appropriate Coast Guard-approved or accepted radar course that was issued within the previous 5 years.

Dated: May 31, 2019.

J.P. Nadeau,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2019–11905 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 84, No. 110
Friday, June 7, 2019

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–FAA–2019–0427; Notice No. 25–19–07–SC]

Special Conditions: TTF Aerospace, LLC, Airbus Model A330–300 and Model A330–900 Series Airplanes; Bulk Cargo Lower Deck Crew Rest Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Airbus Model A330–300 and Model A330–900 series airplanes. These airplanes, as modified by TTF Aerospace, LLC (TTF Aerospace), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a lower deck mobile crew rest (LD–MCR) installed in the aft cargo compartment of Model A330–300 and Model A330–900 series airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before June 27, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2019–0427 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, Airframe & Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206 231 3215; email *alan.sinclair@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Background

On February 20, 2019, TTF Aerospace applied for a supplemental type certificate for a LD–MCR installed in the aft cargo compartment of Airbus Model A330–300 and Model A330–900 series airplanes. The Airbus Model A330–300 and Model A330–900 series airplanes are twin-engine, transport category airplanes with maximum takeoff weights of 405,650 and 533,518 pounds, respectively, and seating for 440 passengers.

The LD–MCR compartment will be located under the passenger cabin floor in the aft cargo compartment of Airbus Model A330–300 and Model A330–900 airplanes. It will be removable from the cargo compartment. The LD–MCR compartment will be occupied in flight but not during taxi, takeoff, or landing. No more than ten crewmembers at a time will be permitted to occupy it. The LD–MCR compartment will have a smoke detection system, a fire suppression system, and an oxygen system.

The LD–MCR compartment will be accessed from the main deck via a ''stairhouse.'' The floor within the stairhouse has a hatch that leads to stairs that occupants use to descend into the LD–MCR compartment. An interface will keep this hatch open when the stairhouse door is open. In addition, there will be an emergency hatch that opens directly into the main passenger cabin. The LD–MCR compartment has a maintenance door. This door is intended to be used to allow maintenance personnel and cargo handlers to enter the LD–MCR from the cargo compartment when the airplane is not in flight.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, TTF Aerospace must show that the Airbus Model A330–300 and Model A330–900 series airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A46NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards

for the Airbus Model A330–300 and Model A330–900 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A330–300 and Model A330–900 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Airbus Model A330–300 and Model A330–900 series airplanes will incorporate the following novel or unusual design features:

This design feature is a LD–MCR installed in the aft cargo compartment of Model A330–300 and Model A330–900 series airplanes.

Discussion

While the installation of the crew rest compartment is not a new concept for large transport category airplanes, each crew rest compartment has unique features based on design, location, and use on the airplane. The LD–MCR compartment is novel in terms of part 25 of title 14 of the CFR in that it will be located under the passenger cabin floor in the aft cargo compartment of Airbus Model A330–300 and Model A330–900 series airplanes, which is not contemplated by § 25.819 regarding lower deck service compartments (including galleys). Due to the novel or unusual features associated with the installation of a LD–MCR compartment, special conditions are considered necessary to provide a level of safety equal to that established by the airworthiness regulations incorporated by reference in the type certificates of these airplanes as applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature.

Most of these special conditions come from § 25.819 but they require more stringent standards for fire protection and emergency egress, because of design features and location of the LD–MCR. The applicant should note that the FAA considers smoke or fire detection and fire suppression systems (including airflow management features that prevent hazardous quantities of smoke or fire extinguishing agent from entering any other compartment occupied by crewmembers or passengers) for crew rest compartments complex in terms of paragraph 6d of Advisory Circular (AC) 25.1309–1A, ''System Design and Analysis,'' dated June 21, 1988. In addition, the FAA considers failure of the crew rest compartment fire protection system (*i.e.,* smoke or fire detection and fire suppression systems) in conjunction with a crew rest fire to be a catastrophic event. Based on the ''Depth of Analysis Flowchart'' shown in Figure 2 of AC 25.1309–1A, the depth of analysis should include both qualitative and quantitative assessments. Refer to paragraphs 8d, 9, and 10 of AC 25.1309–1A. In addition, it should be noted that flammable fluids, explosives, or other dangerous cargo are prohibited from being carried in the crew rest areas.

The requirements to enable crewmembers' quick entry to the crew rest compartment and to locate a fire source inherently places limits on the amount of baggage that may be carried and the size of the crew rest area. The FAA considers that the crew rest area must be limited to the stowage of crew personal luggage and must not be used for the stowage of cargo or passenger baggage. The design of such a system to include cargo or passenger baggage would require additional requirements to ensure safe operation.

Furthermore, the addition of galley equipment or a kitchenette incorporating a heat source (*e.g.,* cook tops, microwaves, coffee pots, etc.), other than a conventional lavatory or kitchenette hot water heater, within the LD–MCR compartment defined in the ''Novel or Unusual Design Features'' section, may require additional special conditions to be considered. A hot water heater is acceptable without further special conditions consideration.

Finally, amendment 25–38 modified the requirements of § 25.1439(a) by adding, ''In addition, protective breathing equipment must be installed in each isolated separate compartment in the airplane, including upper and lower lobe galleys, in which crewmember occupancy is permitted during flight for the maximum number of crewmembers expected to be in the area during any operation.'' The LD–MCR compartment is an isolated separate compartment, so § 25.1439(a) is applicable. However, the § 25.1439(a) protective breathing equipment (PBE) requirements for isolated separate compartments are not appropriate because the LD–MCR is novel or unusual in terms of the number of occupants.

In 1976, when amendment 25–38 was adopted, small galleys were the only isolated compartments that had been certificated. Two crewmembers were the maximum expected to occupy those galleys.

This crew rest compartment can accommodate up to ten crewmembers. This large number of occupants in an isolated compartment was not envisioned at the time amendment 25–38 was adopted. It is not appropriate for all occupants to don PBEs in the event of a fire because the first action should be to leave the confined space unless the occupant is fighting the fire. Taking the time to don the PBE would prolong the time for the emergency evacuation of the occupants and possibly interfere with efforts to extinguish the fire. These special conditions therefore provide procedures that establish a level of safety equivalent to the PBE requirements.

Operational Evaluations and Approval

These special conditions outline requirements for flightcrew and cabin crew rest compartment design approvals (*e.g.,* type design change or supplemental type certificate) administered by the FAA's Aircraft Certification Service. Prior to operational use of a flight (cabin) crew rest compartment, the FAA's Flight Standards Service must evaluate for operational suitability the flight (cabin) crew sleeping quarters and rest facilities. Refer to §§ 91.1061(b)(1), 121.485(a), 121.523(b), and 135.269(b)(5).

Compliance with these special conditions does not ensure that the applicant has demonstrated compliance with the requirements of 14 CFR parts 91, 121, or 135.

To obtain an operational evaluation, the type design holder must contact the appropriate Aircraft Evaluation Group (AEG) in the Flight Standards Service and request an evaluation for operational suitability of the flightcrew sleeping quarters in their crew rest facility. Results of these evaluations should be documented and appended to the applicable Flight Standardization Board (FSB) Report. Individual operators may reference these standardized evaluations in discussions with their FAA Principal Operating Inspector (POI) as the basis for an

operational approval, in lieu of an on-site operational evaluation.

Any changes to the approved flight (cabin) crew rest compartment configuration that affect crewmember emergency egress or any other procedures affecting the safety of the occupying crewmembers and/or related training shall require a re-evaluation and approval. In the event of any design change that affects egress, safety procedures, or training, the applicant is responsible for notifying the FAA's AEG that a new crew rest facility evaluation is required.

All instructions for continued airworthiness (ICAs) will be submitted to the Seattle AEG for approval acceptance, including service bulletins, before issuance of the FAA modification approval.

These proposed special conditions are the same as Special Condition 25–281–SC, except the maximum occupancy is ten rather than seven occupants and a change to the table in Special Condition 20. The proposed conditions provide an appropriate level of safety for the proposed occupancy limit as only the size of the compartment will increase to accommodate the additional occupants but all other requirements for safety, fire suppression, and emergency evacuation will remain the same. In addition, the change to the table in Special Condition 20 is related to the location of the crew rest and specifics of the crew rest design. Stowage compartments located in the vicinity of critical equipment or located in an overhead area would typically be listed as conditional. However, this LD–MCR is located in the Class C cargo compartment with all of its features that provide fire protection (*e.g.,* the use of liner material that meets appendix F to part 25, part III; control of ventilation; active fire suppression; active fire detection; etc.). These features remain when the crew rest is installed.

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

Applicability

As discussed above, these special conditions are applicable to the Airbus Model A330–300 and Model A330–900 airplanes. Should TTF Aerospace apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Certification of the Airbus Model A330–300 and Model A330–900 airplanes with the LD–MCR is currently scheduled for June 2019. The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. Therefore, because a delay would significantly affect the applicant's installation of the system and the certification of the airplane, we are shortening the public comment period to 20 days.

Conclusion

This action affects only a certain novel or unusual design feature on Airbus Model A330–300 and Model A330–900 of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Airbus Model A330–300 and Model A330–900 airplanes, as modified by TTF Aerospace.

1. Occupancy of the LD–MCR compartment is limited to the total number of installed bunks and seats in each compartment. For each occupant permitted in the LD–MCR compartment, there must be an approved seat or berth able to withstand the maximum flight loads when occupied. The maximum occupancy in the LD–MCR compartment is ten.

a. There must be appropriate placards displayed in a conspicuous place at each entrance to the LD–MCR compartment indicating the following information:

(1) The maximum number of occupants allowed;

(2) That occupancy is restricted to crewmembers trained in the evacuation procedures for the LD–MCR compartment;

(3) That occupancy is prohibited during taxi, takeoff and landing;

(4) That smoking is prohibited in the LD–MCR compartment; and

(5) That the LD–MCR compartment is limited to the stowage of personal luggage of crewmembers and must not be used for the stowage of cargo or passenger baggage.

b. There must be at least one ashtray located conspicuously on or near the entry side of any entrance to the LD–MCR compartment.

c. There must be a means to prevent passengers from entering the LD–MCR compartment in an emergency or when no flight attendant is present.

d. There must be a means for any door installed between the LD–MCR compartment and the passenger cabin to be capable of being quickly opened from inside the LD–MCR compartment, even when crowding occurs at each side of the door.

e. For all doors installed in the evacuation routes, there must be a means to preclude anyone from being trapped inside a compartment. If a locking mechanism is installed, it must be capable of being unlocked from the outside without the aid of special tools. The lock must not prevent opening from the inside of a compartment at any time.

2. There must be at least two emergency evacuation routes, which could be used by each occupant of the LD–MCR compartment to rapidly evacuate to the main cabin and could be closed from the main passenger cabin after evacuation.

a. The routes must be located with one at each end of the LD–MCR compartment or with two having sufficient separation within the LD–MCR compartment and between the routes to minimize the possibility of an event (either inside or outside of the LD–MCR compartment) rendering both routes inoperative.

b. The routes must be designed to minimize the possibility of blockage, which might result from fire, mechanical or structural failure, or from persons standing on top of or against the escape route. If an evacuation route utilizes an area where normal movement of passengers occurs, it must be demonstrated that passengers would not impede egress to the main deck. If a hatch is installed in an evacuation route, the point at which the evacuation route terminates in the passenger cabin should not be located where normal movement by passengers or crew occur, such as in a main aisle, cross aisle, passageway or galley complex.

If such a location cannot be avoided, special consideration must be taken to ensure that the hatch or door can be opened when a person who is the weight of a ninety-fifth percentile male is standing on the hatch or door.

The use of evacuation routes must not be dependent on any powered device. If there is low headroom at or near an

evacuation route, provision must be made to prevent or to protect occupants of the LD–MCR compartment from head injury.

c. Emergency evacuation procedures, including the emergency evacuation of an incapacitated crewmember from the LD–MCR compartment, must be established. All of these procedures must be transmitted to the operator for incorporation into its training programs and appropriate operational manuals.

d. There must be a limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of evacuation routes.

3. There must be a means for the evacuation of an incapacitated crewmember who is representative of a 95th percentile male from the LD–MCR compartment to the passenger cabin floor. The evacuation must be demonstrated for all evacuation routes. A flight attendant or other crewmember (a total of one assistant within the LD–MCR compartment) may provide assistance in the evacuation. Additional assistance may be provided by up to three persons in the main passenger compartment. For evacuation routes having stairways, the additional assistants may descend down to one half the elevation change from the main deck to the LD–MCR compartment or to the first landing, whichever is higher.

4. The following signs and placards must be provided in the LD–MCR compartment:

a. At least one exit sign that meets the requirements of § 25.812(b)(1)(i) at amendment 25–58 must be located near each exit. However, a sign with reduced background area of no less than 5.3 square inches (excluding the letters) may be utilized, provided that it is installed such that the material surrounding the exit sign is light in color (*e.g.,* white, cream, light beige). If the material surrounding the exit sign is not light in color, a sign with a minimum of a one-inch wide background border around the letters would also be acceptable;

b. An appropriate placard that defines the location and the operating instructions for each evacuation route must be located near each exit;

c. Placards must be readable from a distance of 30 inches under emergency lighting conditions; and

d. The exit handles and the placards with the evacuation path operating instructions must be illuminated to at least 160 microlamberts under emergency lighting conditions.

5. There must be a means for emergency illumination to be automatically provided for the LD–MCR compartment in the event of failure of the main power system of the airplane or of the normal lighting system of the LD–MCR compartment.

a. This emergency illumination must be independent of the main lighting system.

b. The sources of general cabin illumination may be common to both the emergency and the main lighting systems, if the power supply to the emergency lighting system is independent of the power supply to the main lighting system.

c. The illumination level must be sufficient for the occupants of the LD–MCR compartment to locate and transfer to the main passenger cabin floor by means of each evacuation route.

d. The illumination level must be sufficient to locate a deployed oxygen mask with the privacy curtains in the closed position for each occupant of the LD–MCR compartment.

6. There must be means for two-way voice communications between crewmembers on the flightdeck and crewmembers in the LD–MCR compartment. Section 25.785(h) at amendment 25–51 requires flight attendant seats near required floor level emergency exits. Each such exit seat on the aircraft must have a public address system microphone that allows two-way voice communications between flight attendants and crewmembers in the LD–MCR compartment. One microphone may serve more than one such exit seat, provided the proximity of the exits allows unassisted verbal communications between seated flight attendants.

7. There must be a means for manual activation of an aural emergency alarm system, audible during normal and emergency conditions, to enable crewmembers on the flightdeck and at each pair of required floor-level emergency exits to alert crewmembers in the LD–MCR compartment of an emergency. Use of a public address or crew interphone system will be acceptable, provided an adequate means of differentiating between normal and emergency communications is incorporated. The system must be powered in flight for at least ten minutes after the shutdown or failure of all engines and auxiliary power units (APU) or the disconnection or failure of all power sources that are dependent on the continued operation of the engines and APUs.

8. There must be a means, readily detectable by seated or standing occupants of the LD–MCR compartment, which indicates when seat belts should be fastened. If there are no seats, at least one means, such as sufficient handholds, must be provided to cover anticipated turbulence. Seat belt-type restraints must be provided for berths and must be compatible with the sleeping attitude during cruise conditions. There must be a placard on each berth indicating that seat belts must be fastened when the berth is occupied. If compliance with any of the other requirements of these special conditions is predicated on specific head location, there must be a placard specifying the head position.

9. To provide a level of safety equivalent to that provided to occupants of a small isolated galley, in lieu of the requirements of § 25.1439(a) at amendment 25–38 that pertain to isolated compartments, the following equipment must be provided in the LD–MCR compartment:

a. At least one approved hand-held fire extinguisher appropriate for the kinds of fires likely to occur;

b. Two portable Protective Breathing Equipment (PBE) units approved to Technical Standard Order (TSO)-C116 or equivalent, which are suitable for fire-fighting, or one PBE for each hand-held fire extinguisher, whichever is greater; and

c. One flashlight.

Note: Additional PBEs and fire extinguishers in specific locations, beyond the minimum numbers prescribed in Special Condition No. 9, may be required as a result of any egress analysis accomplished to satisfy Special Condition No. 2(a).

10. A smoke or fire detection system or systems must be provided to monitor each occupiable area within the LD–MCR compartment, including those areas partitioned by curtains. Flight tests must be conducted to show compliance with this requirement. Each smoke or fire detection system must provide the following:

a. A visual indication to the flightdeck within one minute after the start of a fire;

b. An aural warning in the LD–MCR compartment; and

c. A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the positioning of flight attendants throughout the main-passenger compartment during various phases of flight.

11. The LD–MCR compartment must be designed such that fires within it can be controlled without a crewmember having to enter the compartment or be designed such that crewmembers equipped for fire-fighting have unrestricted access to the compartment. The time for a crewmember on the main deck to react to the fire alarm, don the fire-fighting equipment, and gain access

must not exceed the time for the compartment to become smoke-filled, making it difficult to locate the source of the fire.

12. There must be a means provided to exclude hazardous quantities of smoke or extinguishing agent originating in the LD–MCR compartment from entering any other compartment occupied by crewmembers or passengers. This means must include the time periods during the evacuation of the LD–MCR compartment and, if applicable, when accessing the LD–MCR compartment to manually fight a fire. Smoke entering any other compartment occupied by crewmembers or passengers when the LD–MCR compartment is opened during an emergency evacuation must dissipate within five minutes after the LD–MCR compartment is closed.

Hazardous quantities of smoke may not enter any other compartment occupied by crewmembers or passengers during subsequent access to manually fight a fire in the LD–MCR compartment. (The amount of smoke entrained by a firefighter exiting the LD–MCR compartment through the access is not considered hazardous.)

During the one-minute smoke detection time, penetration of a small quantity of smoke from the LD–MCR compartment into an occupied area is acceptable. Flight tests must be conducted to show compliance with this requirement.

If a built-in fire suppression system is used in lieu of manual fire-fighting, the fire suppression system must be designed so that no hazardous quantities of extinguishing agent will enter other compartments occupied by passengers or crewmembers. The system must have adequate capacity to suppress any likely fire occurring in the LD–MCR compartment, considering the fire threat, the volume of the compartment and the ventilation rate.

13. For each seat and berth in the LD–MCR compartment, there must be a supplemental oxygen system equivalent to that provided for main deck passengers. The system must provide an aural and visual warning to alert the occupants of the LD–MCR compartment of the need to don oxygen masks in the event of decompression. The warning must activate before the cabin pressure altitude exceeds 15,000 feet. The aural warning must sound continuously for a minimum of five minutes or until a reset push button in the LD–MCR compartment is depressed. Procedures for crewmembers in the LD–MCR compartment to follow in the event of decompression must be established. These procedures must be transmitted to the operator for incorporation into their training programs and appropriate operational manuals.

14. The following requirements apply to LD–MCR compartments that are divided into several sections by the installation of curtains or doors:

a. To warn crewmembers who may be sleeping, there must be an aural alert that accompanies automatic presentation of supplemental oxygen masks. The alert must be able to be heard in each section of the LD–MCR compartment. A visual indicator that occupants must don an oxygen mask is required in each section where seats or berths are not installed. A minimum of two supplemental oxygen masks is required for each seat or berth. There must also be a means to manually deploy the oxygen masks from the flightdeck.

b. A placard is required adjacent to each curtain that visually divides or separates the LD–MCR compartment into small sections for privacy purposes. The placard must indicate that the curtain is to remain open when the private section it creates is unoccupied.

c. For each section created by the installation of a curtain, the following requirements of these special conditions must be met both with the curtain open and with the curtain closed:

(1) Emergency illumination (Special Condition No. 5);

(2) Aural emergency alarm (Special Condition No. 7);

(3) Fasten seat belt signal or return to seat signal as applicable (Special Condition No. 8); and

(4) Smoke or fire detection (Special Condition No. 10).

d. Crew rest compartments visually divided to the extent that evacuation could be affected must have exit signs that direct occupants to the primary stairway exit. The exit signs must be provided in each separate section of the LD–MCR compartment and must meet the requirements of § 25.812(b)(1)(i) at amendment 25–58. An exit sign with reduced background area, as described in Special Condition No. 4(a), may be used to meet this requirement.

e. For sections within a LD–MCR compartment that are created by the installation of a partition with a door separating the sections, the following requirements of these special conditions must be met with the door open and with the door closed:

(1) There must be a secondary evacuation route from each section to the main deck, or it must be shown that any door between the sections has been designed to preclude anyone from being trapped inside the compartment. Removal of an incapacitated crewmember from this area must be considered. A secondary evacuation route from a small room designed for only one occupant for a short period of time, such as a changing area or lavatory, is not required. However, removal of an incapacitated occupant from this area must be considered.

(2) Any door between the sections must be shown to be openable when crowded against, even when crowding occurs at each side of the door.

(3) There may be no more than one door between any seat or berth and the primary stairway exit.

(4) There must be exit signs in each section that meet the requirements of § 25.812(b)(1)(i) at amendment 25–58 that direct occupants to the primary stairway exit. An exit sign with reduced background area, as described in Special Condition No. 4(a), may be used to meet this requirement.

(5) Special Conditions No. 5 (emergency illumination), No. 7 (aural emergency alarm), No. 8 (fasten seat belt signal or return to seat signal as applicable) and No. 10 (smoke and fire detection) must be met both with the door open and the door closed.

(6) Special Conditions No. 6 (two-way voice communication) and No. 9 (PBE and other equipment) must be met independently for each separate section, except in lavatories or other small areas that are not intended to be occupied for extended periods of time.

15. Where a waste disposal receptacle is fitted, it must be equipped with a built-in fire extinguisher designed to discharge automatically upon occurrence of a fire in the receptacle.

16. Materials, including finishes or decorative surfaces applied to the materials, must comply with the flammability standards of § 25.853 at amendment 25–66. Mattresses must comply with the flammability standards of § 25.853(b) and (c) at amendment 25–66.

17. A lavatory within the LD–MCR compartment must meet the same requirements as a lavatory installed on the main deck, except with regard to Special Condition No. 10 for smoke detection.

18. When a LD–MCR compartment is installed or enclosed as a removable module in part of a cargo compartment or is located directly adjacent to a cargo compartment without an intervening cargo compartment wall, the following conditions apply:

a. Any wall of the LD–MCR compartment, which forms part of the boundary of the reduced cargo compartment and is subject to direct flame impingement from a fire in the cargo compartment, and any interface

item between the LD–MCR compartment and the airplane structure or systems must meet the applicable requirements of § 25.855 at amendment 25–60.

b. Means must be provided to ensure that the fire protection level of the cargo compartment meets the applicable requirements of §§ 25.855 at amendment 25–60; 25.857 at amendment 25–60; and 25.858 at amendment 25–54 when the LD–MCR compartment is not installed.

c. Use of each emergency evacuation route must not require occupants of the LD–MCR compartment to enter the cargo compartment in order to return to the passenger compartment.

d. The aural emergency alarm specified in Special Condition No. 7 must sound in the LD–MCR compartment in the event of a fire in the cargo compartment.

19. Means must be provided to prevent access into the Class C cargo compartment, whether or not the LD–MCR is installed, during all airplane flight operations and to ensure that the maintenance door is closed and secured during all airplane flight operations.

20. All enclosed stowage compartments within the LD–MCR compartment that are not limited to stowage of emergency equipment or airplane supplied equipment (*i.e.,* bedding), must meet the design criteria given in the table below. As indicated in the table, enclosed stowage compartments larger than 200 ft^3 in interior volume are not addressed by this Special Condition. The in-flight accessibility of very large enclosed stowage compartments and the subsequent impact on the crewmembers' ability to effectively reach any part of the compartment with the contents of a hand fire extinguisher will require additional fire protection considerations similar to those required for inaccessible compartments such as Class C cargo compartments.

Fire protection features	Stowage compartment interior volumes		
	Less than 25 ft^3	25 ft^3 to 57 ft^3	57 ft^3 to 200 ft^3
Materials of Construction [1]	Yes	Yes	Yes.
Detectors [2]	No	Yes	Yes.
Liner [3]	No	No	Yes.
Location Detector [4]	No	Yes	Yes.

[1] *Material:* The material used to construct each enclosed stowage compartment must at least be fire resistant and must meet the flammability standards established for interior components per the requirements of § 25.853. For compartments less than 25 ft^3 in interior volume, the design must ensure the ability to contain a fire likely to occur within the compartment under normal use.

[2] *Detectors:* Enclosed stowage compartments equal to or exceeding 25 ft^3 in interior volume must be provided with a smoke or fire detection system to ensure that a fire can be detected within a one-minute detection time. Flight tests must be conducted to show compliance with this requirement. Each system (or systems) must provide:

(a) A visual indication in the flight-deck within one minute after the start of a fire;

(b) An aural warning in the crew rest compartment; and

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the positioning of flight attendants throughout the main passenger compartment during various phases of flight.

[3] *Liner:* If it can be shown that the material used to construct the stowage compartment meets the flammability requirements of a liner for a Class B cargo compartment, no liner would be required for enclosed stowage compartments equal to or greater than 25 ft^3 but less than 57 ft^3 in interior volume. For all enclosed stowage compartments equal to or greater than 57 ft^3 but less than or equal to 200 ft^3 in interior volume, a liner must be provided that meets the requirements of § 25.855 at amendment 25–60 for a Class B cargo compartment.

[4] *Location Detector:* LD–MCR compartments that contain enclosed stowage compartments with an interior volume that exceeds 25 ft^3 and are located away from one central location, such as the entry to the LD–MCR compartment or a common area within the LD–MCR compartment, would require additional fire protection features or devices to assist the firefighter in determining the location of a fire.

Issued in Des Moines, Washington, on May 31, 2019.

Paul Siegmund,

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

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BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0400; Product Identifier 2019–NM–022–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231 and A321–232 airplanes. This proposed AD was prompted by a quality control review, which determined that the wrong aluminum alloy was used to manufacture several structural parts. This proposed AD would require a one-time eddy current conductivity measurement of certain structural parts of the outer flaps to determine if the incorrect alloy was used, and replacement if necessary, as specified in an European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 22, 2019.

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

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

For the material identified in this proposed AD that will be incorporated by reference (IBR), contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0400; 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 is listed above. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites 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–2019–0400; Product Identifier 2019–NM–022–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The agency will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0012, dated January 24, 2019 (''EASA AD 2019–0012'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231 and A321–232 airplanes. The MCAI states:

> Following a quality control review on the Airbus final assembly line, it was discovered that wrong aluminum alloy was delivered by a supplier for several structural parts. The results of the investigations highlighted that part of the stock could be impacted by this wrong material. Prompted by this finding, EASA published AD 2015–0218 [which corresponds to FAA AD 2017–05–02 (82 FR 12407, March 3, 2017)], requiring an [special detailed inspection] SDI of certain cabin, cargo compartment and airframe parts. Subsequent investigation results established that outer flaps structure are also affected. Structural investigations demonstrated the capability to sustain the static limits loads, and sufficient fatigue life up to a certain inspection threshold.
>
> This condition, if not detected and corrected, could affect the structural integrity of the outer flap, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued the inspection [service bulletin] SB to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time SDI of suspected parts for material identification and, depending on findings, replacement with serviceable parts.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0012 describes procedures for a one-time eddy current conductivity measurement of certain structural parts on the outer flaps to determine if an incorrect aluminum alloy was used, and replacement of any affected part with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0012, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. This proposed AD also would require sending the inspection results to Airbus SAS.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, the FAA expects that EASA AD 2019–0012 will be incorporated by reference in the FAA's final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0012, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0012 that is required for compliance with EASA AD 2019–0012 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0400 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 29 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
6 work-hours × $85 per hour = $510	$0	$510	$14,790

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about one work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the

cost of reporting the inspection results on U.S. operators to be $2,465, or $85 per product.

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition actions specified in this proposed AD.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the agency has included all known costs in the cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information proposed by this NPRM is 2120–0056. The paperwork cost associated with this NPRM has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this NPRM would be mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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.

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

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

Regulatory Findings

The FAA has 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. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2019–0400; Product Identifier 2019–NM–022–AD.

(a) Comments Due Date

The FAA must receive comments by July 22, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231 and A321–232 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a quality control review, which determined that the wrong aluminum alloy was used to manufacture several structural parts. The FAA is issuing this AD to address structural parts made of incorrect aluminum alloy, which could result in reduced structural integrity of the outer flaps and reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (EASA) AD 2019–0012, dated January 24, 2019 (''EASA AD 2019–0012'').

(h) Exceptions to EASA AD 2019–0012

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0012 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0012 does not apply to this AD.

(3) Where paragraph (5) of EASA AD 2019–0012 mandates a parts installation limitation, this AD requires the following parts installation limitation: From the effective date of this AD, only serviceable parts as defined in EASA AD 2019–0012 are allowed to be installed on any airplane.

(4) Where any service information referenced in EASA AD 2019–0012 specifies reporting, this AD requires reporting all inspection results at the applicable time specified in paragraph (h)(4)(i) or (h)(4)(ii) of this AD. If operators have reported findings as part of obtaining any corrective actions approved by Airbus SAS's EASA Design Organization Approval (DOA), operators are not required to report those findings as specified in this paragraph.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA,

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

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

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0012 that contains RC procedures and tests: Except as required by paragraphs (h)(4) and (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) *Paperwork Reduction Act Burden Statement:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately one hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(j) Related Information

(1) For information about EASA AD 2019–0012, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA AD 2019–0012 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0400.

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

Issued in Des Moines, Washington, on May 29, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–11832 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0453; Product Identifier 2018–NM–028–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for certain Bombardier, Inc., Model DHC–8–400 series airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding a requirement to replace the lower lock link of the nose landing gear (NLG), which would terminate the repetitive inspections proposed in the NPRM. This action also reduces the applicability in the NPRM. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, we are reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on May 30, 2018 (83 FR 24694), is reopened.

We must receive comments on this SNPRM by July 22, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0453; 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 SNPRM, 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: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531.

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–2018–0453; Product Identifier 2018–NM–028–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy

aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on May 30, 2018 (83 FR 24694). The NPRM was prompted by reports of the NLG locking in a partially extended position due to loose bushings on a lock link of the NLG locking mechanism. The NPRM proposed to require repetitive inspections of the bushings and the lower lock link of the NLG for discrepancies, and corrective actions if necessary. We are issuing this AD to address excessive free play at the lock link of the NLG locking mechanism, and consequent inability to fully retract or deploy the NLG, which could result in collapse of the NLG and affect the safe landing of the airplane.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that to adequately address the unsafe condition, it is necessary to require replacement of the NLG lower lock link with a new lower lock link having a new configuration.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–01R1, dated February 4, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–400 series airplanes. The MCAI states:

A landing incident took place whereby the aeroplane's nose landing gear (NLG) was locked in a partially-extended position, leading to gear collapse upon NLG touch down. The investigation revealed that the NLG was locked in this position due to the bushings on the lock link of the NLG locking mechanism becoming loose. This condition was present due to insufficient interference fit which resulted in some bushing outer diameter wear and fretting. A dislodged bushing will also cause the bushing sealant to break. Broken sealant allows moisture ingress and corrosion that can accelerate free play buildup. Excessive free play at the lock link can result in the inability to fully retract or deploy the NLG, resulting in a risk of NLG collapse on landing.

Bombardier Inc. has developed an inspection to identify and correct this condition. [The original version of this Canadian AD required] a repetitive inspection [to detect discrepancies] and corrective actions based on the inspection findings.

Revision 1 of this [Canadian] AD is issued to modify the NLG with a lower lock with improved bushing retention and greasing provisions. Implementing this modification is a terminating action to this [Canadian] AD. The modification has been introduced in production, therefore the applicability of this [Canadian] AD has been reduced. Clarifications have also been made to the retained text of the original version.

Discrepancies include any signs of migration of the bushings, broken or missing edge sealant, diagonal paint cracks on the sealant, and paint stripe misalignment. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0453.

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comments received.

Request To Include Revised Service Information

Horizon Air asked that Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, be incorporated into the proposed AD (in the NPRM). Horizon Air added that a credit paragraph should also be included for the original issue of the referenced service information.

We partially agree with the commenter's request. We have revised this proposed AD to identify Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, as the appropriate source of service information for the inspection specified in paragraph (g) of this proposed AD. Revision A merely clarifies certain actions and corrects a certain task number, and adds no new work. We have added paragraph (j) to this proposed AD to provide credit for actions done before the effective date of this AD using the original issue of the referenced service information. However, for clarification, we have included the correct task number for greasing all drag strut joints, which is AMM Task 12–20–01–640–802. Bombardier Service Bulletin 84–32–153, dated September 22, 2017, specifies AMM Task 12–20–01–640–803, which is incorrect. We have redesignated subsequent paragraphs accordingly.

Request To Add Terminating Action for Repetitive Inspections

Horizon Air asked that we include an option for terminating action for the repetitive inspections required by paragraph (g) of the proposed AD (in the NPRM). Horizon Air stated that Bombardier Service Bulletin 84–32–154, Revision A, dated November 21, 2018, includes a modification that involves reconfiguration of the lower lock link of the NLG by adding new bushings with improved retention and greasing provisions.

We partially agree with the commenter's request. We agree to include terminating action for the repetitive inspections, but to adequately address the unsafe condition, we have determined that it is necessary to mandate this action instead of providing it as an option. We have added paragraph (k) of this proposed AD to require the modification, which would terminate the repetitive inspections specified by paragraph (g) of this proposed AD. We have redesignated subsequent paragraphs accordingly.

Request To Include Global Alternative Method of Compliance (AMOC)

Horizon Air asked that we incorporate Global AMOC AARDG–2018/A02 to Canadian AD CF–2018–01 into the FAA proposed AD (in the NPRM). Horizon Air stated that this global AMOC provides the initial compliance time for lower lock links of the NLG that have been repaired based on flight cycles accumulated since repair, instead of total flight cycles accumulated. Horizon Air added that justification for this AMOC was that repair of the lower lock link in accordance with the applicable component maintenance manual yields the same bushing retention properties as a new part.

We agree with the commenter's request. Canadian AD CF–2018–01R1 added compliance times for a repaired or replaced NLG lower lock link. Therefore, we have included paragraph (h) in this proposed AD to allow the compliance times to be measured from the time of repair or replacement of the existing lower lock link for a repair or replacement that was done using a specified method.

Request To Exclude Setup and Closeout Actions

Horizon Air asked that the job setup and closeout actions specified in Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, be excluded from the requirements of paragraph (g) of the proposed AD (in the NPRM). Horizon Air stated that these

actions do not directly correct the unsafe condition. Horizon Air added that incorporating these actions restricts an operator's ability to perform other maintenance in conjunction with incorporation of the referenced service information.

We partially agree with the commenter's request. We agree to remove the closeout actions, but to adequately perform the corrective actions the job setup actions specified in Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, must be included. Paragraph 3.A., ''Job Set-Up,'' of Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, includes specific airplane maintenance manual tasks and instructions that properly establish a baseline needed to evaluate excessive play at the lower lock link of the NLG locking mechanism, and correctly address the unsafe condition. In addition, the operator is directed to paragraph 3.A.(5) of the Job Setup section in the Accomplishment Instructions of Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018, for the applicable corrective action. Therefore, we have revised the requirements of paragraph (g) accordingly.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information:

- Service Bulletin 84–32–153, Revision A, dated February 27, 2018, which describes procedures for an inspection of the bushings and the lower lock link of the NLG for discrepancies. The service information also describes procedures for repair or replacement of a discrepant lock link.
- Service Bulletin 84–32–154, Revision A, dated November 21, 2018, which describes procedures for replacement of the existing lower lock link with a new configuration lock link.

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 and Requirements of This SNPRM

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

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this proposed AD affects 64 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	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle	$10,880 per inspection cycle.
Replacement	6 work-hours × $85 per hour = $510	5,923	$6,433	$411,712.

We have received no definitive data that enables us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Will not affect intrastate aviation in Alaska; and
3. 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):

Bombardier, Inc.: Docket No. FAA–2018–0453; Product Identifier 2018–NM–028–AD.

(a) Comments Due Date

We must receive comments by July 22, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 through 4585 inclusive, and 4587.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports of the nose landing gear (NLG) locking in a partially extended position due to loose bushings on a lock link of the NLG locking mechanism. We are issuing this AD to address excessive free play at the lock link of the NLG locking mechanism, and consequent inability to fully retract or deploy the NLG, which could result in collapse of the NLG and affect the safe landing of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Except as provided by paragraphs (h) and (i) of this AD: Do a general visual inspection for the NLG lower lock link part number and discrepancies of the bushings and of the lower lock link of the NLG locking mechanism, at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, in accordance with paragraphs 3.A. and 3.B., or 3.A. and 3.D., as applicable, of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018. If any discrepancy is found, before further flight, repair or replace the NLG lower lock link, as applicable, in accordance with paragraphs 3.B. or 3.D, as applicable, of Bombardier Service Bulletin 84–32–153, Revision A, dated February 27, 2018. Repeat the inspection thereafter at intervals not to exceed 1,600 flight cycles on any NLG lower lock link.

(1) For airplanes on which an NLG lower lock link has accumulated 7,200 or fewer total flight cycles as of the effective date of this AD: Before the accumulation of 8,000 total flight cycles on the NLG lower lock link.

(2) For airplanes on which an NLG lower lock link has accumulated more than 7,200 total flight cycles as of the effective date of this AD: Within 800 flight cycles on the NLG lower lock link after the effective date of this AD.

(h) Inspections After Repair or Replacement of NLG Lower Lock Link

For airplanes with an NLG lower lock link that is repaired or replaced as specified in paragraph (h)(1), (h)(2), (h)(3), or (h)(4) of this AD: The next inspection specified by paragraph (g) of this AD is required for the NLG lower lock link on the airplane at the applicable time specified in figure 1 to paragraph (h) of this AD.

Figure 1 to the introductory text of paragraph (h) – *Compliance times for next inspection on repaired or replaced NLG lower lock link*

Flight Cycles as of the Effective Date of this AD	Compliance Time
Airplanes on which the NLG lower lock link has accumulated 7,200 or fewer flight cycles since the NLG lower link was repaired or replaced	Before the accumulation of 8,000 flight cycles on the NLG lower lock link since the repair or replacement
Airplanes on which the NLG lower lock link has accumulated more than 7,200 flight cycles since the NLG lower link was repaired or replaced	Within 800 flight cycles on the NLG lower lock link after the effective date of this AD

(1) Repaired as specified in Bombardier Repair Drawing 8/4–32–0338.

(2) Repaired as specified in the Goodrich Aerospace Canada Ltd. Component Maintenance Manual, Part Number (P/N) 47300, 32–21–03.

(3) Replaced with a serviceable lock link having P/N 47324–1 (SCR–093–17–B); or

(4) Replaced with a new lock link having P/N 47324–1.

(i) Lock Link Excepted From Inspection Requirements

The inspections specified in this AD are not required for any new NLG lower lock link having P/N 47324–3.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–32–153, dated September 22, 2017, provided all drag strut joints were greased, as specified in paragraphs 3.B.(1)(h) and 3.D.(1)(c)*5* of the Accomplishment Instructions of this service information, using AMM Task 12–20–01–640–802.

(k) Terminating Action for Repetitive Inspections

Within 8,000 flight cycles or 48 months on the NLG lower lock link after the effective date of this AD, whichever occurs first: Replace the existing NLG lower lock link with a new lower lock link having P/N 47324–3, in accordance with paragraphs 3.A. and 3.B. of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–154, Revision A, dated November 21, 2018. Replacement of the lower lock link on the NLG terminates the repetitive inspections required by paragraphs (g) and (h) of this AD for that airplane.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the New York ACO Branch, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local

flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–01R1, dated February 4, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0453.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531.

Issued in Des Moines, Washington, on May 31, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–11879 Filed 6–6–19; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–109826–17]

RIN 1545–BN89

Exception for Interests Held by Foreign Pension Funds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations regarding the exception from taxation with respect to gain or loss of a qualified foreign pension fund attributable to certain interests in United States real property. The proposed regulations also include rules for certifying that a qualified foreign pension fund is not subject to withholding on certain dispositions of, and distributions with respect to, certain interests in United States real property. The proposed regulations affect certain holders of certain interests in United States real property and withholding agents that are required to withhold tax on certain dispositions of, and distributions with respect to, such property.

DATES: Written or electronic comments and requests for a public hearing must be received by September 5, 2019.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–109826–17), Internal Revenue Service, Room 5203, 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–109826–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–109826–17).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Milton Cahn or Logan M. Kincheloe, (202) 317–6937; concerning submissions of comments or requests for a public hearing, Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

I. In General

This document contains proposed amendments to 26 CFR part 1 under sections 897, 1445, and 1446 (the ''proposed regulations''). Section 323(a) of the Protecting Americans from Tax Hikes Act of 2015, Public Law 114–113, div. Q (the ''PATH Act''), added section 897(l) to the Code, and Section 101(q) of the Tax Technical Corrections Act of 2018, Public Law 115–141, div. U (the ''Technical Corrections Act'') amended certain aspects of section 897(l). Section 897(l) provides an exemption to the application of section 897(a) on gain or loss on certain dispositions of, and distributions with respect to, United States real property interests (''USRPIs'') for certain foreign pension funds and their subsidiaries. The proposed regulations contain rules relating to the qualification for the exemption under section 897(l), as well as rules relating to withholding requirements under sections 1445 and 1446 for dispositions of USRPIs by foreign pension funds and their subsidiaries.

II. Taxation of Foreign Persons Under Section 897

Section 897(a)(1) provides that gain or loss of a nonresident alien individual or foreign corporation from the disposition of a USRPI is taken into account under section 871(b)(1) or 882(a)(1), as applicable, as if the nonresident alien individual or foreign corporation were engaged in a trade or business within the United States during the taxable year and such gain or loss were effectively connected with that trade or business.

Section 897(c)(1)(A) defines a USRPI as an interest in real property (including an interest in a mine, well, or other natural deposit) located in the United States or the Virgin Islands, and any interest (other than solely as a creditor) in any domestic corporation unless the taxpayer establishes that such corporation was at no time a United States real property holding corporation (''USRPHC'') during the applicable testing period (generally, the five-year period ending on the date of the disposition of the interest). Under section 897(c)(2), a USRPHC means any corporation if the fair market value of its USRPIs equals or exceeds 50 percent of the total fair market value of its USRPIs, its interests in real property located outside the United States, plus any other assets that are used or held for use in a trade or business. However, section 897(c)(1)(B) generally provides that an interest in a corporation is not a USRPI if the corporation does not hold any USRPIs as of the date its stock is sold and the corporation disposed of all of the USRPIs that it held during the applicable testing period in transactions in which the full amount of gain, if any, was recognized.

Section 897(h)(1) provides that any distribution by a qualified investment entity (QIE) to a nonresident alien individual, a foreign corporation, or other QIE is, to the extent attributable to gain from sales or exchanges by the QIE of USRPIs, treated as gain recognized by such nonresident alien individual, foreign corporation, or other QIE from the sale or exchange of a USRPI, subject to certain exceptions. Under section 897(h)(4)(A), a QIE includes any real estate investment trust (REIT) and certain regulated investment companies.

III. Exception for Qualified Foreign Pension Funds Under Section 897(l)

Section 897(l)(1) provides that a qualified pension fund is not treated as a nonresident alien individual or foreign corporation for purposes of section 897. Cf. section 897(a) (subjecting nonresident alien individuals and foreign corporations to tax on gain or loss from the disposition of a USRPI). For this purpose, an entity all the interests of which are held by a qualified foreign pension fund (referred to in this Preamble and the proposed regulations as a ''qualified controlled entity'') is also treated as a qualified foreign pension fund.

Under section 897(l)(2), a qualified foreign pension fund is defined as any trust, corporation, or other organization or arrangement (any one of which is

referred to in this Preamble and the proposed regulations as an ''eligible fund'') that satisfies five separate requirements. Specifically, a qualified foreign pension fund is an eligible fund (A) that is created or organized under the law of a country other than the United States, (B) that is established (i) by such country (or one or more political subdivisions thereof) to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees, as a result of services rendered by such employees to their employers, or (ii) by one or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees in consideration for services rendered by such employees to such employers, (C) that does not have a single participant or beneficiary with a right to more than five percent of its assets or income, (D) that is subject to government regulation and with respect to which annual information about its beneficiaries is provided, or is otherwise available, to the relevant tax authorities in the country in which it is established or operates, and (E) with respect to which, under the laws of the country in which it is established or operates (i) contributions to such eligible fund that would otherwise be subject to tax under such laws are deductible or excluded from the gross income of such entity or arrangement or taxed at a reduced rate, or (ii) taxation of any investment income of such eligible fund is deferred or such income is excluded from gross income of such entity or arrangement or is taxed at a reduced rate.

Section 897(l)(3) provides that the Secretary of the Treasury (Secretary) shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 897(l).

IV. Applicable Withholding Rules

A. Section 1445 Withholding

Section 1445(a) generally imposes a withholding tax obligation on the transferee when a foreign person disposes of a USRPI. Section 1445(e)(6) provides that, if any portion of a distribution from a QIE to a nonresident alien individual or a foreign corporation is treated under section 897(h)(1) as gain realized by such individual or corporation from the sale or exchange of a USRPI, the QIE must deduct and withhold tax under section 1445(a) on the amount so treated.

A transferee of a USRPI is not required to withhold under section 1445(a) if the transferor furnishes to the transferee a certification that, among other things, states that the transferor is not a foreign person. § 1.1445–2(b)(2)(i). Generally, upon a distribution and other transactions subject to withholding, certain entities may treat a holder of an interest in the entity as a U.S. person if that interest holder furnishes to the entity or fiduciary a certification stating that the interest holder is not a foreign person. § 1.1445–5(b)(3)(ii)(A). Upon the distribution of any amount attributable to the disposition of a USRPI, a QIE may rely on the same certification, a Form W–9, Request for Taxpayer Identification Number and Certification, or a form that is substantially similar to the Form W–9 to determine whether an interest holder is a U.S. person. § 1.1445–8(e).

Section 323(b) of the PATH Act amended section 1445(f)(3) to provide that, for purposes of section 1445, the term ''foreign person'' means any person other than (A) a United States person, and (B) except as otherwise provided by the Secretary, an entity with respect to which section 897 does not apply by reason of section 897(l). On February 19, 2016, the Department of the Treasury (the ''Treasury Department'') and the IRS published final regulations under section 1445 of the Code (''updated section 1445 regulations'') in the **Federal Register** (81 FR 8398–01) to reflect the PATH Act's amendments to section 1445(f)(3). A correcting amendment to the updated section 1445 regulations was published on April 26, 2016 in the **Federal Register** (81 FR 24484–01). As corrected, the updated section 1445 regulations provide that neither a qualified foreign pension fund nor an entity all of the interests of which are held by a qualified foreign pension fund is treated as a foreign person, and thus may provide a certification to a transferee. *See* §§ 1.1445–2(b)(2)(i) (flush language) and 1.1445–5(b)(3)(ii)(A).

B. Section 1446 Withholding

A partnership generally must pay a withholding tax under section 1446 on effectively connected taxable income (''ECTI'') allocable under section 704 to a foreign partner. Section 1446(c) provides that ECTI includes the taxable income of a partnership that is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States, subject to certain adjustments. For this purpose, ECTI includes any partnership income treated as effectively connected with the conduct of a trade or business in the United States pursuant to section 897. § 1.1446–2(b)(2)(ii).

A foreign partner's allocable share of partnership ECTI does not include income or gain exempt from U.S. tax by reason of a provision of the Code or by operation of any U.S. income tax treaty or reciprocal agreement. § 1.1446–2(b)(2)(iii). In the case of income excluded by reason of a treaty provision, such income must be derived by a resident of an applicable treaty jurisdiction, the resident must be the beneficial owner of the item, and all other requirements for benefits under the treaty must be satisfied. To exclude income or gain from ECTI, the partnership must receive from the partner a valid withholding certificate (that is, Form W–8BEN–E, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities)) containing the information necessary to support the claim for treaty benefits required in the forms and instructions. *Id.*

A domestic partnership required to withhold under both sections 1445 and 1446 with respect to income treated as ECTI pursuant to section 897 is deemed to satisfy the withholding requirements of section 1445 if it complies with the requirements of section 1446. § 1.1446–3(c)(2)(i).

V. Prior Request for Comments

In the Preamble to the updated section 1445 regulations that were published on February 19, 2016, the Treasury Department and the IRS requested comments regarding what regulations, if any, should be issued pursuant to section 897(l)(3). Twenty-one comments were received, requesting, in particular, guidance on issues related to qualification as a ''qualified foreign pension fund'' under section 897(l)(2). The comments will be included in the administrative record for this notice of proposed rulemaking. The Treasury Department and the IRS considered all of the comments, and in response to the comments have issued the proposed regulations to provide clarification on the application of section 897(l). Each significant comment, other than any comment rendered moot by the Technical Corrections Act, is discussed in the relevant part of the Explanation of Provisions section of this preamble.

Explanation of Provisions

The proposed regulations provide guidance regarding the scope of the exception described in section 897(l)(1), the application of the requirements described in section 897(l)(2) that an

eligible fund must satisfy to be treated as a qualified foreign pension fund, and rules regarding exemptions from withholding under section 1445 or section 1446.

I. Scope of the Exception

A. General Rule

As described in the Background section of this Preamble, section 897(a) applies to gain or loss of a nonresident alien individual or a foreign corporation from the disposition of a USRPI. Similarly, section 897(h) generally treats any distribution from a QIE to a nonresident alien individual, a foreign corporation, or other QIE, to the extent attributable to gain from sales or exchanges by the QIE of USRPIs, as gain recognized by such nonresident alien individual, foreign corporation, or other QIE from the sale or exchange of a USRPI for purposes of section 897(a). Section 897(l)(1) provides that, for purposes of section 897, a qualified foreign pension fund is not treated as a nonresident alien individual or a foreign corporation. For this purpose, a qualified controlled entity is treated as a qualified foreign pension fund. Accordingly, section 897(l) excepts from section 897(a) gain or loss of a qualified foreign pension fund or a qualified controlled entity from the disposition of a USRPI, including gain from a distribution described in section 897(h).

Consistent with section 897(l), the proposed regulations provide that gain or loss of a qualified foreign pension fund or a qualified controlled entity (under the proposed regulations, each a ''qualified holder'') from the disposition of a USRPI, including gain from a distribution described in section 897(h), is not subject to section 897(a). This exception from section 897(a) applies solely with respect to gain or loss recognized by a qualified holder that is attributable to one or more qualified segregated accounts maintained by the qualified holder. The proposed regulations define a qualified segregated account as an identifiable pool of assets maintained for the sole purpose of funding qualified benefits (generally, retirement, pension, and certain ancillary benefits) to qualified recipients (generally, plan participants and beneficiaries). See Section II.B of this Explanation of Provisions for a detailed discussion of qualified benefits and qualified recipients.

The proposed regulations provide separate standards for determining whether an identifiable pool of assets constitutes a qualified segregated account depending on whether the pool of assets is maintained by an eligible fund (including an eligible fund that satisfies the requirements to be treated as a qualified foreign pension fund) or a qualified controlled entity. An identifiable pool of assets of an eligible fund is a qualified segregated account if the assets in the pool and the income earned with respect to those assets are subject to legal or contractual requirements requiring that all such income and assets are used exclusively to fund the provision of qualified benefits to qualified recipients or to satisfy necessary reasonable expenses of the eligible fund. A qualified controlled entity is treated as maintaining a qualified segregated account if all of the net earnings of the qualified controlled entity are credited to its own account or to the qualified segregated account of a qualified foreign pension fund or another qualified controlled entity, and all of the assets of the qualified controlled entity, after satisfaction of liabilities to persons having interests in the entity solely as creditors, vest in the qualified segregated account of a qualified foreign pension fund or another qualified controlled entity upon dissolution. In either case, a pool of assets will not be treated as a qualified segregated account if the assets or income associated with such assets may inure to the benefit of a person other than a qualified recipient. For this purpose, the fact that assets or income may inure to the benefit of a governmental unit by operation of escheat or similar laws is ignored.

B. Qualified Controlled Entities

Several comments submitted in response to the updated section 1445 regulations requested clarification concerning the exception under section 897(l) for an entity all the interests of which are held by a qualified foreign pension fund. The proposed regulations define a qualified controlled entity as a trust or corporation organized under the laws of a foreign country all of the interests of which are held directly by one or more qualified foreign pension funds or indirectly through one or more qualified controlled entities or partnerships. The Treasury Department and the IRS have determined that it is unnecessary to treat partnerships as qualified controlled entities because the proposed regulations' exemption from section 897(a) applies to gain or loss earned indirectly through one or more partnerships. Accordingly, the proposed regulations provide that only corporations and trusts may be treated as qualified controlled entities.

1. Indirectly Held Entities

Comments requested that the proposed regulations provide that an entity held indirectly through one or more corporations or partnerships by a qualified foreign pension fund may be treated as a qualified controlled entity. Thus, for example, if a qualified foreign pension fund owned all of the interests of Entity A, and Entity A owned all of the interests of Entity B, the comments indicated that Entity B should be eligible to be treated as a qualified controlled entity. The Treasury Department and the IRS agree that there is no policy reason to distinguish between direct and indirect ownership for purposes of determining whether an entity is a qualified controlled entity. Accordingly, the proposed regulations provide that a qualified controlled entity may be owned directly or indirectly through one or more qualified controlled entities.

2. Multiple Qualified Foreign Pension Fund Owners

Comments requested that the proposed regulations provide that an entity may qualify as a qualified controlled entity when all of its interests are owned by multiple qualified foreign pension funds. Comments noted that qualified foreign pension funds frequently pool their investments, such that permitting qualified controlled entities to be held by multiple qualified foreign pension funds would be consistent with current investment practices. Further, comments argued that there is no policy rationale for providing the exception of section 897(l) to an investment that benefited one qualified foreign pension fund but not to an investment that benefited multiple qualified foreign pension funds. The Treasury Department and the IRS agree with these comments. Accordingly, the proposed regulations provide that the interests in a qualified controlled entity may be held by one or more qualified foreign pension funds directly or indirectly through one or more qualified controlled entities.

3. Creditor Interests

One comment recommended that, for purposes of determining whether an entity is a qualified controlled entity, only equity interests should be taken into account. *Cf.* section 897(c)(1)(A) (defining a USRPI as including any interest (other than solely as a creditor) in any domestic corporation unless the taxpayer establishes that such corporation was at no time a USRPHC during the applicable testing period). The comment noted that requiring a

qualified foreign pension fund to hold all of the creditor's interests issued by a qualified controlled entity would prevent the use of external leverage by a qualified controlled entity, even though there is no such restriction on direct leveraged investments by a qualified foreign pension fund. The Treasury Department and the IRS agree that a creditor's interest in an entity should not be an interest taken into account for purposes of determining whether the entity is treated as a qualified controlled entity if the interest does not share in the earnings or growth of the entity. Section 1.897–1(d)(5) provides that, unless otherwise stated, the term ''interest'' as used with regard to an entity in the regulations under sections 897, 1445, and 6039C, means an interest other than an interest solely as a creditor. Given the absence of an express provision to the contrary in the proposed regulations, the application of § 1.897–1(d)(5) results in an interest in an entity solely as a creditor not being taken into account for purposes of determining whether the entity is a qualified controlled entity.

4. Interaction With Section 892

Comments requested clarification that an entity may constitute a qualified controlled entity whether or not the entity constitutes a controlled entity as defined in § 1.892–2T(a)(3). The Treasury Department and the IRS have determined that the definition of ''qualified controlled entity'' in the proposed regulations plainly does not limit qualified controlled entity status to only those entities that would qualify as a ''controlled entity'' within the meaning of § 1.892–2T(a)(3). It is, therefore, unnecessary for these proposed regulations to provide an express rule.

5. De Minimis Ownership

A comment requested that the proposed regulations provide that *de minimis* ownership of a qualified controlled entity be disregarded under certain circumstances. For instance, the comment indicated that de minimis ownership, including by managers or directors, may be required by corporate law in certain jurisdictions. The Treasury Department and the IRS have determined that permitting a person other than a qualified foreign pension fund to own an interest in a qualified controlled entity would impermissibly expand the scope of the exception in section 897(l) by allowing taxpayers other than qualified foreign pension funds to avoid tax under section 897. Accordingly, the proposed regulations do not permit ownership of a qualified controlled entity by a person other than a qualified foreign pension fund or another qualified controlled entity.

6. Avoidance of Section 897

One comment recommended that the Treasury Department and the IRS consider rules to prevent a qualified foreign pension fund from indirectly acquiring a USRPI held by a foreign corporation, which would permit the acquired corporation to avoid tax on gain that would otherwise be subject to tax under section 897. For example, assume that FP, a foreign corporation that is not a qualified holder, owns 100 percent of the stock of FS, a foreign corporation, and that FS owns a USRPI with a basis of $80x and a fair market value of $200x. Assume that FP sells the stock of FS to a qualified foreign pension fund. If FS were treated as a qualified controlled entity and FS later sold the USRPI for $200x, neither FP nor FS would be subject to tax under section 897 on the $120x gain attributable to its investment in the USRPI, even though the gain accrued while FS was owned by FP. Similar issues could arise with entities treated as part of an organization or arrangement that is a qualified foreign pension fund.

To address the inappropriate avoidance of section 897, the proposed regulations provide that a qualified holder does not include any entity or governmental unit that, at any time during the testing period, determined without regard to this limitation, was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity. For this purpose, the testing period generally means the shortest of (i) the period beginning on the date that section 897(l) became effective (December 18, 2015), and ending on the date of a disposition described in section 897(a) or a distribution described in section 897(h), (ii) the ten-year period ending on the date of the disposition or the distribution, or (iii) the period during which the entity (or its predecessor) was in existence. This limitation does not apply to an entity or governmental unit that did not own a USRPI as of the date it became a qualified controlled entity, a qualified foreign pension fund, or part of a qualified foreign pension fund.

C. Organizations or Arrangements

Section 897(l)(2) provides that a qualified foreign pension fund may include any ''trust, corporation, or other organization or arrangement'' that satisfies certain requirements. Congress intended the term ''arrangement'' to be a flexible term that accommodates a broad range of structures. *See* STAFF OF THE JOINT COMM. ON TAX'N, General Explanation of Tax Legislation Enacted in 2015 (JCS–1–16) (General Explanation) 283, n. 967 (2016) (''Foreign pension funds may be structured in a variety of ways, and may comprise one or more separate entities. The word 'arrangement' encompasses such alternative structures.'').

Several comments submitted in response to the updated section 1445 regulations described the multiple ways that foreign retirement and pension systems—particularly those that are administered entirely or in part by a foreign government—could be organized. The comments described structures involving multiple entities, one or more accounts on government balance sheets, foreign legal structures, and a combination of the foregoing. Although such pension and retirement plans are often not organized as a single trust or corporation, the organizations or arrangements, when viewed as a whole, may satisfy the requirements set forth in section 897(l)(2). Based on the General Explanation's indication that foreign pension funds may be structured in a variety of ways, and may be comprised of separate entities, the comments recommended that the proposed regulations permit a broad range of alternative structures to be treated as a qualified foreign pension fund.

The Treasury Department and the IRS have determined that the purpose of section 897(l) is best served by permitting a broad range of structures to be eligible to be treated as a qualified foreign pension fund. Accordingly, the proposed regulations provide that, for purposes of section 897(l), the term ''organization or arrangement'' means one or more trusts, corporations, governmental units, or employers. The proposed regulations provide that the term ''governmental unit'' means any foreign government or part thereof, including any person, body, group of persons, organization, agency, bureau, fund, instrumentality, however designated, of a foreign government. The proposed regulations include several examples illustrating the application of the requirements of section 897(l) and the proposed regulations to different types of organizations and arrangements, including organizations and arrangements that include governmental units.

The proposed regulations permit an employer to be part of an organization or arrangement to address cases in which an employer is organized as an entity other than a trust or corporation but operates as part of an organization

or arrangement to provide pension or retirement benefits.

II. Requirements Applicable to a Qualified Foreign Pension Fund

A. Created or Organized

Section 897(l)(2)(A) and the proposed regulations require that a qualified foreign pension fund must be created or organized under the law of a country other than the United States. Comments indicated that many foreign pension funds are created or organized under the laws of states or political subdivisions of a foreign country and requested that the proposed regulations clarify that those pension funds would satisfy section 897(l)(2)(A). The Treasury Department and the IRS agree that it is appropriate to allow such foreign pension funds to be considered qualified foreign pension funds. Accordingly, the proposed regulations provide that references to a foreign country include references to a state, province, or political subdivision of a foreign country, subject to an exception described in part II.E.4 of this Explanation of Provisions.

B. Established To Provide Retirement or Pension Benefits

Section 897(l)(2)(B) requires that an eligible fund be established either (i) by the country in which it is created or organized (or one or more political subdivisions thereof) to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals), or persons designated by such employees, as a result of services rendered by such employees to their employers; or (ii) by one or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees (including self-employed individuals) or persons designated by such employees in consideration for services rendered by such employees to such employers.

1. Pension Funds Eligible for Section 897(l)(2)(B)

Several comments requested that the regulations clarify that multi-employer pension funds and government-sponsored public pension funds that provide pension and pension-related benefits may satisfy section 897(l)(2)(B). These comments are consistent with the General Explanation, which noted that ''[m]ulti-employer and government-sponsored public pension funds that provide pension and pension-related benefits may still satisfy [section 897(l)(2)(B)]. For example, such pension funds may be established for one or more companies or professions, or for the general working public of a foreign country.'' General Explanation at 283, n. 968.

The Treasury Department and the IRS agree that it is appropriate to allow such multi-employer pension funds and government-sponsored public pension funds to be considered qualified foreign pension funds. Accordingly, the proposed regulations provide that an eligible fund must be established by either (i) the foreign country in which it is created or organized to provide retirement or pension benefits to participants or beneficiaries that are current or former employees or persons designated by such employees as a result of services rendered by such employees to their employers, or (ii) one or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees or persons designated by such employees in consideration for services rendered by such employees to such employers.

Under the proposed regulations, qualified recipients generally include persons eligible to participate in the retirement or pension plan. Therefore, with respect to an eligible fund established by one or more employers, the term ''qualified recipient'' includes a current or former employee or any person designated by such current or former employee to receive qualified benefits. With respect to an eligible fund established by a foreign country to provide qualified benefits to qualified recipients as a result of services rendered by such qualified recipients to their employers, the term includes any person eligible to be treated as a participant or beneficiary of such eligible fund and any person designated by such person to receive qualified benefits. In response to comments, the proposed regulations provide that a person is treated as designating another person to receive qualified benefits if such other person is entitled to receive benefits under the contractual terms applicable to the eligible fund or under the laws of the foreign country in which the eligible fund is created or organized, whether or not the first person expressly designated such person as a beneficiary.

In response to comments, the proposed regulations clarify that a retirement or pension fund that is organized by a trade union, professional association, or similar group may be treated as a qualified foreign pension fund by providing that an eligible fund is treated as established by any employer that funds, in whole or in part, the eligible fund. In addition, the proposed regulations clarify that, for purposes of the requirement in section 897(l)(2)(B), a self-employed individual is treated as both an employer and an employee.

2. Benefits Other Than Retirement or Pension Benefits

Comments noted that many foreign pension funds provide a limited amount of other benefits, including death, disability, survivor, medical, unemployment, and similar benefits, to participants and beneficiaries. Comments requested guidance on whether a qualified foreign pension fund could provide certain benefits other than retirement and pension benefits, and whether there is any limitation on the amount of those benefits that a qualified foreign pension fund may provide to participants and beneficiaries. Some comments recommended that the proposed regulations set forth a specific limitation on the percentage of benefits other than retirement or pension benefits that a qualified foreign pension fund may provide, while other comments recommended a facts and circumstances test or another subjective standard.

The Treasury Department and the IRS have determined that section 897(l) was not intended to exclude common foreign pension arrangements that provide a relatively small amount of ancillary benefits to participants and beneficiaries. The Treasury Department and the IRS have also determined that a specific limit on the percentage of ancillary benefits that a qualified foreign pension fund may provide to its participants and beneficiaries is more administrable and provides more certainty to taxpayers than a subjective standard. Accordingly, the proposed regulations require that all of the benefits that an eligible fund provides are qualified benefits to qualified recipients, and that at least 85 percent of the present value of the qualified benefits that the eligible fund reasonably expects to provide in the future are retirement or pension benefits. For this purpose, qualified benefits include retirement, pension, or ancillary benefits. The proposed regulations define ancillary benefits as benefits payable upon the diagnosis of a terminal illness, death benefits, disability benefits, medical benefits, unemployment benefits, or similar benefits. The Treasury Department and the IRS request comments on whether the regulations should also define retirement or pension benefits (for example, with reference to whether there are penalties for early withdrawals).

3. Insuring Qualified Benefits and Similar Activities

One comment requested that the proposed regulations provide that an eligible fund may be treated as a qualified foreign pension fund if it is established by a foreign government to provide qualified benefits to qualified recipients (directly or indirectly) in the event that one or more qualified foreign pension funds that are created or organized in the same foreign country are unable to satisfy their liabilities with respect to the provision of qualified benefits to their own qualified recipients. Although the proposed regulations do not expressly address such plans, the proposed regulations do not differentiate between plans that are primarily responsible for the provision of qualified benefits to qualified recipients, on the one hand, and plans that are secondarily responsible for the provision of qualified benefits to qualified recipients, on the other hand. Therefore, whether a plan is established to provide qualified benefits to qualified recipients is determined without regard to whether such plan has primary responsibility to provide qualified benefits to qualified recipients or rather is established to provide the qualified benefits to qualified recipients only in the event of the default of one or more other plans.

C. Five Percent Limitation

Consistent with section 897(l)(2)(C), the proposed regulations provide that a qualified foreign pension fund may not have a single participant or beneficiary with a right to more than five percent of its assets or income (the five-percent limitation). Comments submitted in response to the updated section 1445 regulations indicated that it would be appropriate for the proposed regulations to include attribution rules to prevent a single individual from using related parties to circumvent the five-percent limitation. The Treasury Department and the IRS agree with the comments. Accordingly, the proposed regulations provide that, for purposes of applying the five percent limitation, an individual is considered to have a right to the assets and income of an eligible fund to which any person who bears a relationship to the individual described in section 267(b) or section 707(b) has a right.

One comment requested guidance on calculating a participant or beneficiary's entitlement to the assets and income of a qualified foreign pension fund for purposes of applying the five-percent limitation. In light of the complexity that any such rule would entail and the relatively few cases in which it would be expected to apply, the proposed regulations do not provide specific rules regarding the computation of the five-percent limitation. Instead, this determination should be made based on the underlying facts and circumstances of each case.

D. Regulation and Information Reporting

Section 897(l)(2)(D) and the proposed regulations set forth two requirements for a qualified foreign pension fund. First, a qualified foreign pension fund must be subject to government regulation (''regulation requirement''). Second, a qualified foreign pension fund must provide annual information about its beneficiaries to the relevant tax authorities in the country in which it is established or operates, or such information must otherwise be available to those authorities (''information requirement''). Several comments requested that the proposed regulations set forth the specific information that must be provided or otherwise made available pursuant to the information requirement in section 897(l)(2)(D). The proposed regulations adopt the recommendation included in several comments by providing that an eligible fund is treated as satisfying the information requirement only if the eligible fund annually provides to the relevant tax authorities in the foreign country in which it is established or operates the amount of qualified benefits provided to each qualified recipient by the eligible fund (if any), or such information is otherwise available to those authorities. An eligible fund is not treated as failing to satisfy the information requirement if the eligible fund is not required to provide information to the relevant tax authorities in a year in which no qualified benefits are provided to qualified recipients. The Treasury Department and the IRS request comments as to whether the final regulations should permit other types of information to satisfy the information requirement.

Several comments indicated that foreign government-sponsored retirement and pension plans frequently are not subject to substantial information reporting and regulation compared with private foreign pension or retirement plans, in part because the government administers the pension or retirement program itself. The comments recommended that the proposed regulations treat a government-sponsored retirement or pension plan as automatically satisfying both the regulation and information requirements of section 897(l)(2)(D). The Treasury Department and the IRS agree that, when a government administers a pension or retirement plan itself, the requirements of section 897(l)(2)(D) are effectively satisfied because the government has control over the program and access to the information about the program's beneficiaries. Accordingly, the proposed regulations generally provide that an eligible fund that is administered by one or more governmental units, other than in its capacity as an employer, is deemed to satisfy the requirements of section 897(l)(2)(D).

Comments noted that many foreign pension funds must provide information to one or more governmental bodies in the country in which the foreign retirement or pension fund is organized, including agencies that are specifically responsible for regulating pensions. In many cases, those governmental bodies may be distinct from the tax authority in that foreign country. In light of the wide range of foreign information reporting regimes that may apply to an eligible fund, the Treasury Department and the IRS agree that a flexible rule is necessary and appropriate to carry out the purposes of section 897(l). Accordingly, the proposed regulations provide that an eligible fund is treated as satisfying the information requirement of section 897(l)(2)(D) if the eligible fund is required, pursuant to the laws of the foreign country in which it is established or operates, to provide the required information to one or more governmental units of the foreign country in which the eligible fund is created or organized, or if such information is otherwise available to one or more governmental units of the foreign country in which the eligible fund is created or organized.

E. Foreign Tax Treatment

Section 897(l)(2)(E) and the proposed regulations provide that, to be a qualified foreign pension fund, the laws of the foreign country in which the eligible fund is established or operates must provide that either (i) contributions to the eligible fund that would otherwise be subject to tax under such laws are deductible or excluded from the gross income of the eligible fund or taxed at a reduced rate, or (ii) taxation of any investment income of the eligible fund is deferred or such income is excluded from the gross income of the eligible fund or is taxed at a reduced rate.

1. Countries With No Income Tax

Comments requested clarification that an eligible fund may qualify for the

exemption in section 897(l) if it is created or organized in a country that does not have an income tax. The Treasury Department and the IRS have determined that the purposes of section 897(l) would not be served by limiting the availability of the exemption to eligible funds organized in jurisdictions with an income tax. Accordingly, the proposed regulations provide that an eligible fund is treated as satisfying the requirement of section 897(l)(2)(E) if the eligible fund is established and operates in a foreign country that has no income tax.

2. Degree of Reduction

Comments noted that an eligible fund that otherwise satisfies section 897(l)(2)(E) may be subject to current income tax at ordinary rates with respect to a relatively small portion of its income or gain. The comments requested guidance on the percentage of income or contributions that must be eligible for preferential tax treatment in order for an eligible fund to satisfy section 897(l)(2)(E). Other comments requested guidance on the extent to which ordinary income tax rates must be reduced under section 897(l)(2)(E). To address these comments, the proposed regulations provide that an eligible fund is treated as satisfying the requirement of section 897(l)(2)(E) in a taxable year if, under the income tax laws of the foreign country in which the eligible fund is established or operates, at least 85 percent of the contributions to the eligible fund are deductible or excluded from the gross income or taxed at a reduced rate, or tax on at least 85 percent of the investment income of the eligible fund is deferred or taxed at a reduced rate (including by excluding such investment income from gross income). The 85 percent threshold was chosen based on the best judgment of the Treasury Department and the IRS, and is consistent with suggestions from commenters for an appropriate threshold in an analogous context in the proposed regulations (namely, for the percentage of benefits provided by an eligible fund that must be retirement or pension benefits as opposed to ancillary benefits), but is not based on any specific quantitative analysis. The Treasury Department and the IRS request additional comments regarding whether the 85 percent threshold is appropriate and especially solicit comments that provide data, other evidence, and models that can enhance the rigor of the process by which such threshold is determined.

3. Other Preferential Regimes

Comments requested that the proposed regulations provide that the requirement of section 897(l)(2)(E) may be satisfied if, under the income tax law of the country in which an eligible fund is established or operates, an eligible fund is subject to a preferential tax regime that is, in substance, equivalent to the type of deductions or exclusions specifically described in section 897(l)(2)(E). For example, one comment described a preferential regime in which certain eligible funds taxable as insurance companies are entitled to reserve deductions designed to effectively exclude from gross income investment income earned by the eligible funds. The Treasury Department and the IRS agree that the purposes of section 897(l) are best served by accommodating a broad range of preferential tax regimes applicable to retirement or pension funds. Therefore, the proposed regulations provide that an eligible fund that is not specifically subject to the tax treatment described in section 897(l)(2)(E) is nonetheless treated as satisfying the requirement of section 897(l)(2)(E) if the eligible fund establishes that it is subject to a preferential tax regime due to its status as a retirement or pension fund, and that the preferential tax regime has a substantially similar effect as the specific tax treatment described in section 897(l)(2)(E).

4. Subnational Tax Exemptions

One comment requested that the proposed regulations provide that preferential treatment with respect to a tax levied by a state, province, or political subdivision (sub-national tax) be sufficient to satisfy the requirement of section 897(l)(2)(E). The Treasury Department and the IRS have determined that the exemption in section 897(l) was not intended to benefit foreign persons that fail to benefit from an exemption from an otherwise applicable national income tax. Sub-national taxes generally constitute a minor component of an entity's overall tax burden in a foreign jurisdiction and therefore it would not be appropriate to allow preferential treatment with respect to sub-national taxes to satisfy the requirement of section 897(l)(2)(E) when such preference had only a minimal impact on reducing the fund's overall tax burden. Accordingly, the proposed regulations do not adopt this recommendation, and, to the contrary, provide that for purposes of section 897(l)(2)(E), references to a foreign country do not include references to a state, province, or political subdivision of a foreign country.

F. Application to Organizations and Arrangements

The proposed regulations provide rules on the application of the requirements described in section 897(l)(2) to an eligible fund that is an organization or arrangement.

1. Single Entity Treatment

The proposed regulations provide that an eligible fund that is an organization or arrangement is treated as a single entity to determine whether the requirements of section 897(l)(2) are satisfied. Notwithstanding the foregoing, the proposed regulations provide that each person or governmental unit that is part of an organization or arrangement must independently satisfy the requirement of section 897(l)(2)(A), such that each component of the organization or arrangement must be created or organized under the law of a country other than the United States.

2. Relevant Income and Assets

As noted in several comments, an eligible fund may be organized in various ways. For example, an eligible fund may be comprised of multiple entities and governmental bodies, one or more of which may conduct activities that are unrelated to the provision of retirement or pension benefits. Applying certain requirements of section 897(l)(2) to an eligible fund requires identifying the specific assets and income of an organization or arrangement that must be tested under the proposed regulations. For instance, under the proposed regulations, an organization or arrangement may include a pension system in which a private employer provides pension benefits to its employees that are funded by the investments of a separate entity, such as a pension trust organized by a foreign government. Assets and income of the private employer that do not fund the provision of pension benefits would generally not be relevant to determining whether the organization or arrangement satisfies the requirements of section 897(l)(2) and the proposed regulations. For instance, income of the employer generally would not be subject to preferential tax treatment, and the assets of the employer not used to fund the provision of pension benefits would not be relevant for purposes of applying the five percent limitation in section 897(l)(2)(C).

Accordingly, the proposed regulations generally provide that the determination as to whether an eligible fund satisfies the requirements of section 897(l)(2) is

made solely with respect to income and assets held by the eligible fund in one or more qualified segregated accounts, the qualified benefits funded by the qualified segregated accounts, the information reporting and regulation related to the qualified segregated accounts, and the qualified recipients whose benefits are funded by the qualified segregated accounts. For this purpose, all qualified segregated accounts maintained by an eligible fund are treated as a single qualified segregated account.

G. Coordination With Definition of a Pension Fund Under U.S. Income Tax Treaties

Comments requested that the proposed regulations provide that an entity that qualifies as a pension fund or scheme under a U.S. income tax treaty or as an exempt beneficial owner under an intergovernmental agreement (IGA) is treated as a qualified foreign pension fund under section 897(l). The statute is clear that an exemption from section 897(a) is allowed only for entities meeting the definition of a ''qualified foreign pension fund.'' There is no indication in the legislative history that Congress intended the Treasury Department and the IRS to expand the exemption to entities that met the definition of a pension fund under a U.S. income tax treaty or IGA. Furthermore, the definitions of pension fund under a U.S. income tax treaty or IGA were designed with policy goals that are unrelated to section 897, and therefore pension funds as defined in those agreements are not necessarily the types of entities for which an exemption from section 897(a) is appropriate. Thus, a foreign pension fund that qualifies for other benefits under an income tax treaty or IGA must make a separate determination as to whether it is a qualified foreign pension fund under section 897(l)(2).

III. Withholding Rules

Comments requested clarification regarding the documentation a qualified foreign pension fund should provide to a transferee or partnership to claim an exemption under section 897(l) and requested a form for this purpose. Comments suggested modifying existing forms, such as Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting, for this purpose. Comments also requested clarification regarding the reporting and withholding responsibilities of transferees and partnerships that receive documentation from a qualified foreign pension fund.

In response to comments, the IRS intends to revise Form W–8EXP to permit qualified holders to certify their status under section 897(l). Prior to the release of revised Form W–8EXP, a certificate of non-foreign status described in § 1.1445–5(b)(3) may be used for purposes of both section 1445 and section 1446. In addition to permitting withholding agents and partnerships to rely on revised Form W–8EXP, the proposed regulations also integrate the new exception for qualified holders into existing reporting regimes as described below.

A. Withholding Under Section 1445

1. Withholding on Dispositions of USRPIs Under Section 1445(a)

Section 1445(a) requires a transferee to withhold 15 percent of the amount realized on any disposition of a USRPI by a foreign person. Section 1445(b)(2) provides that no withholding is required if the transferor furnishes to the transferee a certificate of non-foreign status. Section 1445(f)(3)(B) provides that for purposes of section 1445, the term ''foreign person'' generally does not include an entity described in section 897(l)(1). The proposed regulations revise the updated section 1445 regulations to utilize the definitions in proposed § 1.897(l)–1(d) and permit a qualified holder to certify that it is exempt from withholding under section 1445 by providing a certificate of non-foreign status to a withholding agent. The proposed regulations provide that a qualified holder may provide a Form W–8EXP for this purpose, but the transferee, at its option, may request a certification of non-foreign status or Form W–8EXP. Consistent with the approach of current § 1.1445–2(b)(1) (permitting a transferee to request documentation satisfactory to the transferee), the transferee may withhold under section 1445 if the requested certification is not provided and will be considered to have been required to withhold for purposes of sections 1461 through 1463.

A transferee must report transactions subject to section 1445(a) using Form 8288, U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests, and Form 8288–A, Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests. § 1.1445–1(c). However, because a transferee may treat a qualified holder as not foreign, the transferee is not required to file Form 8288 or Form 8288–A but is subject to the retention and reliance rules generally applicable to certificates of non-foreign status. *See* § 1.1445–2(b)(3).

2. Withholding on Certain Distributions Under Section 1445(e)

Certain distributions and other transactions involving domestic or foreign corporations, partnerships, trusts, and estates can give rise to a withholding requirement under section 1445(e). However, an entity or fiduciary is not required to withhold under section 1445(e) with respect to a distribution or transfer to an interest holder that is not a foreign person. Consistent with the changes to the documentation requirements under section 1445(a), the proposed regulations provide that a qualified holder may provide a certificate of non-foreign status or a revised Form W–8EXP to certify its status as a qualified holder. Although providing such documentation will relieve the entity or fiduciary from withholding obligations under section 1445(e), any otherwise applicable reporting requirements (for example, reporting required on Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding) remain applicable.

B. Withholding Under Section 1446

A partnership determines whether it must withhold tax under section 1446 by first determining whether it has any foreign partners, and, if it does have foreign partners, by determining whether it has ECTI allocable under section 704 to any of its foreign partners. § 1.1446–1(b). A partner that is treated as a U.S. person only for certain specified purposes is considered a foreign partner for purposes of section 1446. § 1.1446–1(c)(1). Accordingly, a qualified holder is treated as a foreign partner for purposes of section 1446. However, the proposed regulations generally provide that any gain from the disposition of a USRPI, or distribution received from a QIE, that is not otherwise treated as effectively connected with a trade or business in the United States will not be treated as ECTI subject to section 1446 withholding to the extent allocable to a qualified holder.

A partnership may rely on a valid Form W–8 submitted for purposes of section 1441 or section 1442 to establish a partner's foreign status. § 1.1446–1(c)(2)(ii). The proposed regulations update the description of withholding certificates applicable to each type of partner by permitting a partnership to rely on Form W–8EXP both to determine a partner's foreign status and, as appropriate, to exclude any gain from the disposition of a USRPI, including any distribution treated as gain from the disposition of a USRPI under section

897(h), from the determination of such partner's allocable share of ECTI. A partnership may also rely on a certificate of non-foreign status to treat a partner as a qualified holder.

The proposed regulations do not modify general reporting requirements applicable to partnerships. For example, a partnership required to file a partnership return for a taxable year ''shall furnish to every person who was a partner'' a statement of the partner's distributive share of income, gain, loss, deduction, or credit. § 1.6031(b)–1T. The requirement applies regardless of whether the partner is domestic or foreign. As a result, a partnership that is required to file Form 1065, U.S. Return of Partnership Income, and accompanying schedules must report income allocable to a qualified holder on Schedule K–1, Partner's Share of Income, Deductions, Credit, etc., notwithstanding that such income is exempt from section 897.

C. Coordination With Sections 1441 and 1442

Sections 1441 and 1442 require withholding agents to deduct and withhold a 30 percent tax on payments of U.S. source fixed or determinable, annual or periodical income to foreign persons, including a U.S. source corporate distribution described in section 301(c)(1). A corporate distribution described in section 301(c)(2) or (c)(3) that is not subject to withholding under section 1441 or section 1442 (for example, because the distributing corporation made the election described in § 1.1441–3(c)(1)) may nonetheless be subject to withholding under section 1445 if the distributing corporation is a USRPHC or QIE. Section 1.1441–3(c)(4)(i)(A) and a similar rule in § 1.1441–3(c)(4)(i)(C) coordinate withholding under sections 1441 and 1445 with respect to distributions from USRPHCs and QIEs. Because a qualified holder is treated as foreign for purposes of section 1441 but not for purposes of section 1445, distributions that would otherwise be subject to the coordination rule should be subject exclusively to section 1441 if made to a qualified holder. Accordingly, the proposed regulations provide that distributions made by a USRPHC or QIE to a qualified holder are not subject to the coordination rules under § 1.1441–3(c)(4) and instead are subject only to the requirements of section 1441.

IV. Applicability Dates

The proposed regulations are generally proposed to apply with respect to dispositions of USRPIs and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. However, proposed §§ 1.897(l)–1(b)(1), 1.897(l)–1(d)(5), 1.897(l)–1(d)(7), 1.897(l)–1(d)(9), 1.897(l)–1(d)(11), and 1.897(l)–1(d)(14) are proposed to apply with respect to dispositions of USRPIs and distributions described in section 897(h) occurring on or after June 6, 2019. See section 7805(b)(1)(B). These provisions contain definitions that prevent a person that would otherwise be a qualified holder from claiming the exemption under section 897(l) in situations where the exemption may inure, in whole or in part, to the benefit of a person other than a qualified recipient. See Section I.B.6 of this Explanation of Provisions. The Treasury Department and the IRS have determined that an immediate applicability date under section 7805(b)(1)(B) is appropriate for these provisions in order to address transactions that are inconsistent with the purposes of section 897(l) that may occur before these rules are adopted as final regulations.

A taxpayer may rely on the proposed regulations with respect to dispositions or distributions occurring on or after December 18, 2015, and prior to the applicability date of the final regulations, if the taxpayer consistently and accurately complies with the rules in the proposed regulations.

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

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.

These proposed regulations have been designated as a significant regulatory action by the Office of Management and Budget's Office of Information and Regulatory Affairs (''OIRA'') and subject to review under Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

A. Background

Section 897, more commonly known as the Foreign Investment in Real Property Tax Act (''FIRPTA''), was enacted in 1980 due to concerns that the Code provided foreign persons an advantage in investing in U.S. real property interests (USRPI) over U.S. taxpayers because, unlike U.S. taxpayers, foreigners were not subject to U.S. capital gains tax on dispositions of USRPI. Under FIRPTA, when a foreign person sells USRPI, any gain on the sale generally is subject to U.S. income tax.

Section 897(l), enacted in 2015 in the Protecting Americans from Tax Hikes Act (''PATH Act''), exempts qualified foreign pension funds (''QFPFs'') from tax under FIRPTA on gain from the sale of USRPI, the so-called ''foreign pension fund exemption.'' Such an exemption has the effect of encouraging foreign pension fund investment in the United States (through investment in real property) and, in general, provides consistent tax treatment between foreign pension funds and U.S. pension funds, which normally are not taxed at the entity level. This exemption is the subject of the proposed regulations.

The foreign pension fund exemption also affects a related withholding tax levied under section 1445 on the sale of USRPI to help enforce payment of the tax owed by reason of section 897. The rate for this withholding is 15 percent of gross sales. In cases where the gross withholding tax would exceed the tax owed on the net capital gains, foreigners typically request and receive approval for reduced rates of gross withholding tax. If withholding is excessive or insufficient relative to tax owed on the net capital gains, the difference is made up on the foreigner's U.S. tax return. Thus, guidance that governs the foreign pension fund exemption additionally necessitates guidance over the withholding tax.

IRS tax data for 2015 and 2016 show an average of approximately 160 foreign pension funds earning income from U.S. real property. Only a fraction of these funds are likely to sell or transfer USRPI in any given year.

B. The Need for Proposed Regulations

Comments received indicate that some foreign pension funds have refrained from investment in U.S. real property, including infrastructure projects, due to ambiguities over their qualification for the foreign pension fund exemption. Affected parties have provided a number of comments requesting clarifications of the statutes. The Treasury Department and the IRS have determined that such comments

warrant the issuance of further guidance. The proposed regulations do not specifically aim to increase or decrease foreign pension fund investment in the U.S. Instead, they aim to provide guidance such that investment can be made on an efficient basis consistent with the intents and purposes of the statute.

C. Summary of Proposed Regulations

The regulations clarify and modify the conditions under which foreign pension funds are exempt from taxation under section 897. In plain language, the proposed regulations provide further clarity over (a) the entities and organizational structures that are eligible for the foreign pension fund exemption; (b) the nature of the benefits, beneficiaries, and foreign taxation of eligible funds; and (c) the documentation rules that apply to exemptions from withholding taxes otherwise required by sections 1445 (these exemptions from withholding taxes flow from the foreign pension fund exemption from tax under section 897). In addition, the proposed regulations provide rules to prevent the inappropriate avoidance of FIRPTA by imposing conditions on the sale of certain investment vehicles wholly owned by a foreign pension fund.

D. Economic Analysis

1. Baseline

The Treasury Department and the IRS have assessed the benefits and costs of the proposed regulations relative to a no-action baseline reflecting anticipated Federal income tax-related behavior in the absence of these proposed regulations.

2. Summary of Economic Effects

In general, a tax system that prioritizes minimization of distortions aims to treat income earned by similar economic activities similarly, subject to considerations of compliance burden and tax administrability and to the intents and purposes of Congress. The proposed guidance adheres to this principle. In plain language, section 897(l) exempts certain foreign pension funds from tax under FIRPTA, and the proposed guidance qualifies the terms of this exemption by further defining the permissible activities, ownership patterns, and other economic decisions undertaken by foreign pension funds. Such guidance helps ensure that the tax system does not favor or disfavor particular QFPF activities over economically similar QFPF activities, a requirement for an economically efficient tax system conditional on the underlying Code.

As a result of the added clarity and reduced compliance burdens relative to the baseline, the proposed regulations have the effect of providing more efficient investment incentives, relative to the baseline and in light of the intents and purposes of the statute. The Treasury Department and the IRS have not estimated the effects of the proposed regulations on the U.S. economy.

3. Economic Analysis of Specific Provisions

The Treasury Department and the IRS identified four provisions in the proposed regulations for which economic analysis might play a meaningful role in selecting the form of the regulations. This part I.D.2 of this Special Analyses describes this analysis. The Treasury Department and the IRS solicit comments on the economics of each of the items discussed subsequently and of any other items of the proposed regulations not discussed in this section. The Treasury Department and the IRS particularly solicit comments that provide data, other evidence, or models that could enhance the rigor of the process by which provisions might be developed for the final regulations.

a. Investing in USRPI Directly and Using Pooled Investment Vehicles

Foreign pension funds often hold USRPI indirectly through intermediate entities, including entities with multiple foreign pension fund owners. While the statute contains language stating that an entity wholly owned by a QFPF is itself a QFPF, section 897(l) is silent on whether the entity must be wholly owned by a single QFPF (or, alternatively, may be wholly owned by multiple QFPFs).

Because the economic incentives faced by foreign pension funds under these various ownership structures regarding investment in USRPI are similar to the incentives faced by QFPFs with simpler structures, the Treasury Department and the IRS have determined that it would be consistent with the intents and purposes of the statute and minimize the potential for distortionary choices for them to be eligible for the foreign pension fund exemption. Thus, the proposed regulations explicitly allow indirect investments and pooled investments to qualify for the exemption. The Treasury Department and the IRS considered alternative guidance that was more restrictive than the proposed regulations but, under that alternative, foreign pension funds could avail themselves of an exemption only on a more restricted set of U.S. investment options and would be denied the exemption on economically similar investments, a situation that would generally lead to an economically inferior outcome.

b. Avoidance Through Use of Foreign Subsidiary

A foreign person that is not a qualified foreign pension fund (''non-QFPF'') that holds USRPI directly would be taxed under FIRPTA if the non-QFPF sells the USRPI. If the non-QFPF instead holds USRPI indirectly through a foreign subsidiary, the non-QFPF can sell the foreign subsidiary without taxation under section 897, but, in that case, the unrealized gain in the USRPI would remain potentially subject to tax under FIRPTA on disposition of the USRPI. Absent a provision to the contrary in the proposed regulations, if the non-QFPF instead sells the foreign subsidiary to a QFPF, the QFPF could cause the foreign subsidiary to sell the USRPI immediately (or in the future) without incurring tax under section 897, thus eliminating the taxation (or potential for future taxation) of gain in the USRPI. As a result, subject to other provisions and judicial doctrines (for example, the step transaction doctrine and the economic substance doctrine), a QFPF could be used as a conduit for a non-QFPF to sell a USRPI to a purchaser without incurring (or preserving) tax under section 897 on the unrealized gain of the seller. The Treasury Department and the IRS project that such activity would reduce U.S. tax revenue and would not result in an accompanying economic benefit to the U.S. economy.

To curtail this tax avoidance, the proposed regulations provide a transitory restriction on exemption when a foreign subsidiary that owns USRPI is purchased by a QFPF or qualified controlled entity (''QCE'') of a QFPF from a non-QFPF or a foreign person that is not a QCE. This transitory restriction, referred to as a testing period, is described in full in part I.B.6 of the Explanation of Provisions of the Preamble. Among other criteria, under the proposed regulations the foreign pension fund exemption generally is not available for gain recognized by an entity from the disposition of a USRPI if such entity was not a QFPF or QCE at any time during the 10-year period prior to the recognition of that gain.

The Treasury Department and the IRS considered as an alternative requiring the controlled entity acquired by the foreign pension fund to account for the gain at the time the entity was acquired by the foreign pension fund (known as mark-to-market) or requiring tracking of the unrealized gain at the time of sale

to a QFPF or QCE for later recognition and also considered, under the testing period approach, different lengths for that component of the testing period. The mark-to-market or tracking approaches impose greater compliance and administrative costs relative to the testing period approach without providing any accompanying general economic benefit.

The Treasury Department and the IRS aim, through this testing period approach and accompanying requirements, to minimize tax avoidance while facilitating efficient foreign pension fund investment in USRPI, consistent with the intents and purposes of the statute. The Treasury Department and IRS solicit comments on this proposal, particularly comments that provide data, other evidence, or models that could enhance the rigor of the process by which anti-abuse provisions might be developed for the final regulations.

c. Ancillary Benefits

Section 897(l) specifies, along with other qualifications, that the exemption is available to foreign entities that are ''established'' to provide retirement or pension benefits. However, many foreign pension funds provide ancillary benefits such as death, terminal health, disability, medical, unemployment, and survivor benefits in addition to retirement and pension benefits. These funds may be reluctant to invest in USRPI due to uncertainty over whether the fund meets this particular statutory criterion.

The Treasury Department and the IRS considered an option to deny the exemption to foreign pension funds that provide any benefits other than retirement and pension benefits. This option runs the risk of effectively eliminating foreign pension fund investment in USRPI because it would deny the exemption to foreign pension funds no matter how close to 100 percent of their benefits were retirement or pension related, or would require funds that wanted to invest in the U.S. under competitive conditions to undergo costly restructuring to eliminate or segregate those benefits, if such options were even feasible under the foreign country's laws and institutions. Both of these outcomes are economically inefficient relative to the proposed policies and the baseline because relative to these options, they incentivize socially costly tax avoidance choices and/or overly restrict incrementally improving market-driven choices.

The proposed regulations provide a bright-line test limiting the amount of ancillary benefits to 15 percent or lower. Such threshold was chosen in part based on suggestions from comments. The Treasury Department and the IRS aim, through the bright-line approach and this specific percentage test, to facilitate foreign pension fund investment in the U.S. consistent with the intents and purposes of the statute. The Treasury Department and the IRS solicit comments on this proposed standard, and particularly solicit comments that provide data, other evidence, or models that could enhance the rigor of the process by which the percentage limitation might be developed for the final regulations.

The Treasury Department and the IRS recognize that the threshold approach may result in a small number of foreign pension funds oscillating between qualifying and not qualifying on a year-to-year basis and that such approach requires measurement of ancillary benefits relative to retirement and pension benefits. Thus, the Treasury Department and the IRS further solicit comments on alternatives to the threshold approach and particularly solicit comments that provide data, other evidence, or models that could enhance the rigor of the process by which the tax treatment of foreign pension funds that provide ancillary benefits might be developed for the final regulations.

d. Determination of Foreign Tax Preference

Under the statute, to qualify for exemption a foreign pension fund must be subject to tax laws in the country in which the fund is established or operates such that contributions to the fund are deductible or excluded from the gross income of the fund or taxed at a reduced rate, or tax on investment income of the fund is deferred or that income is taxed a reduced rate.

To provide further specificity over what qualifies as a preferential tax rate on contributions to or income from the fund, the Treasury Department and the IRS considered providing a substantive, analytical test for determining whether a foreign pension fund benefits from a preferential tax rate. This option would prove difficult to administer and require complex rules to determine whether a pension fund benefits from a preferential tax regime in the country in which it is established.

To reduce compliance burden and enhance administrability, the proposed regulations expand the scope of the potential preferential tax regimes and provide a bright-line test for determining preferential treatment by setting a threshold (85 percent) for the percentage of fund contributions/income that is subject to a preferential regime. The 85 percent threshold was chosen in part based on suggestions from comments. The Treasury Department and the IRS aim, through this bright-line approach and this specific percentage test, to facilitate foreign pension fund investment in USRPI consistent with the intents and purposes of the statute while minimizing the costs of tax administrability.

The Treasury Department and the IRS solicit comments on this proposal, and in particular comments that provide data, other evidence, or models that could enhance the rigor of the process by which the 897(l)(2)(E) requirements might be developed for the final regulations.

II. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (''PRA''), information collection requirements contained in these proposed regulations are in §§ 1.1441–3(c)(4)(iii), 1.1445–2, 1.1445–4, 1.1445–5, 1.1445–8, and 1.1446–1.

In 2018, the IRS released and took comment on drafts of three forms in order to give members of the public the opportunity to benefit from certain specific revisions made to the Code. The forms were Form 1042–S, ''Foreign Person's U.S. Source Income Subject to Withholding,'' Form 1042, ''Annual Withholding Tax Return for U.S. Source Income of Foreign Persons'' and Form W–8EXP, ''Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding or Reporting.'' The IRS received no comments on the forms during the comment period. Consequently, the IRS made the forms available for use by the public on November 30, 2018 (in the case of Form 1042–S), November 21, 2018 (in the case of Form 1042), and July 20, 2017 (in the case of Form W–8EXP). The IRS is contemplating making additional changes to those three forms in connection with these regulations.

The Treasury Department and the IRS request comments on all aspects of information collection burdens related to the proposed regulations, including estimates for how much time it would take to comply with the paperwork burdens described below for each relevant form and ways for the IRS to minimize the paperwork burden. Proposed revisions to these forms that reflect the information collections contained in these proposed regulations will be made available for public comment at *www.irs.gov/draftforms and*

will not be finalized until after these regulations take effect and have been approved by OMB under the PRA. The Treasury Department and the IRS have not estimated the burden, including that of any new information collections, related to the requirements under the proposed regulations.

A. Information Collections Contained in § 1.1441–3(c)(4)(iii)

The proposed regulations provide that distributions made by a USRPHC or QIE to a qualified holder are subject only to the requirements of section 1441 and not the coordination rule under § 1.1441–3(c)(4). Proposed § 1.1441–3(c)(4)(iii). As a result, a USRPHC or QIE making a distribution to a qualified holder would be required to report the distribution on Form 1042–S, ''Foreign Person's U.S. Source Income Subject to Withholding,'' and file Form 1042, ''Annual Withholding Tax Return for U.S. Source Income of Foreign Persons.'' For purposes of this reporting, the IRS is planning to revise Form 1042–S to include an income code designating payments made to Qualified Foreign Pension Plans. No revisions are being made to Form 1042 in connection with payments made to Qualified Foreign Pension Plans.

For purposes of the PRA, the reporting burden associated with proposed § 1.1441–3(c)(4)(iii) will be reflected in the PRA submissions for Form 1042 (OMB control numbers 1545–0123 for business filers and 1545–0096 for all other Form 1042 filers) and Form 1042–S (OMB control number 1545–0096). The PRA submissions for Form 1042 reflect IRS's transition to an updated statistical model that calculates burden based on the taxpayer filing experience as a whole. As such, Form 1042 is in a transition state, as the burden incurred by business filers is captured in OMB control number 1545–0123 (under the updated burden model) and the burden represented incurred by all other filers is represented in 1545–0096 (legacy model).

B. Information Collections in §§ 1.1445–2, 1.1445–4, 1.1445–5, 1.1445–8, and 1.1446–1

Proposed §§ 1.1445–2, 1.1445–4, 1.1445–5, 1.1445–8, and 1.1446–1 would require a qualified foreign pension fund wishing to claim an exemption under section 897(l) to provide a withholding agent with either a Form W–8EXP, ''Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding or Reporting,'' or, at a withholding agent's request and in lieu of Form W–8EXP, a certificate of non-foreign status containing the same information as Form W–8EXP. The IRS plans to revise Form W–8EXP for use by qualified foreign pension funds. For purposes of the PRA, the reporting burden associated with proposed §§ 1.1445–2, 1.1445–4, 1.1445–5, 1.1445–8, and 1.1446–1, will be reflected in the PRA submission for Form W–8EXP (OMB control number 1545–1621).

The reporting burdens associated with the information collections in the proposed regulations are included in the aggregate burden estimates for OMB control numbers 1545–0096 (which represents a total estimated burden time for all forms and schedules of 2.70 million hours) and 1545–1621 (which represents a total estimated burden time, including all other related forms and schedules for other filers, of 25.13 million hours and total estimated monetized costs of $2.39 billion). The overall burden estimates for the OMB control numbers are aggregate amounts that relate to the entire package of forms associated with the applicable OMB control number and will in the future include, but not isolate, the estimated burden of the tax forms that will be or have been revised as a result of the information collections in the proposed regulations. These numbers are therefore unrelated to the future calculations needed to assess the burden imposed by the proposed regulations. These burdens have been reported for other regulations related to the taxation of cross-border income and the Treasury Department and the IRS urge readers to recognize that these numbers are duplicates and to guard against overcounting the burden that international tax provisions imposed prior to the PATH Act.

III. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that the proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act. This certification is based on the fact that foreign entities are not considered small entities. These regulations will affect foreign pension funds and not U.S. pension funds. In addition, based on comments received, the foreign pension funds that are affected are sovereign funds, which are not small entities. 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.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately $150 million. This rule does not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications, does not impose substantial direct compliance costs on state and local governments, and does not preempt state law within the meaning of the Executive Order.

Comments and Requests for 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. 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 authors of these proposed regulations are Joshua Rabon, formerly with the Office of Associate Chief Counsel (International), and Milton Cahn, Office of Associate Chief Counsel (International). However, other personnel from the Treasury

Department and the IRS participated in their development.

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 is amended by adding entries to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.897(l)–1 also issued under 26 U.S.C. 897(l).

* * * * *

■ **Par. 2.** Section 1.897(l)–1 is added to read as follows:

§ 1.897(l)–1 Exception for interests held by foreign pension funds.

(a) *Overview.* This section provides rules regarding the exception from section 897 for qualified holders. Paragraph (b) of this section provides the general rule excepting qualified holders from section 897. Paragraph (c) of this section provides the requirements that an eligible fund must satisfy to be treated as a qualified foreign pension fund. Paragraph (d) of this section provides definitions. Paragraph (e) of this section provides examples illustrating the application of the rules of this section. Paragraph (f) of this section provides applicability dates. For rules applicable to a qualified foreign pension fund or qualified controlled entity claiming an exemption from withholding under chapter 3, see generally §§ 1.1441–3, 1.1445–2, 1.1445–4, 1.1445–5, 1.1445–8, 1.1446–7.

(b) *Exception from section 897*—(1) *In general.* Gain or loss of a qualified holder from the disposition of a United States real property interest, including gain from a distribution described in section 897(h), is not subject to section 897(a).

(2) *Limitation.* Paragraph (b)(1) of this section applies solely with respect to gain or loss that is attributable to one or more qualified segregated accounts maintained by a qualified holder.

(c) *Qualified foreign pension fund requirements*—(1) *In general.* This paragraph (c) provides rules regarding the application of the requirements of section 897(l)(2) to an eligible fund. Paragraph (c)(2) of this section provides requirements that an eligible fund must satisfy to be treated as a qualified foreign pension fund. Paragraph (c)(3) of this section provides rules on the application of the requirements in paragraph (c)(2) of this section, including rules regarding the application of the requirements in paragraph (c)(2) of this section to an eligible fund that is an organization or arrangement.

(2) *Requirements applicable to an eligible fund*—(i) *Created or organized.* An eligible fund must be created or organized under the law of a foreign country. For purposes of this paragraph (c)(2)(i), a governmental unit is treated as created or organized in the foreign country with respect to which it is, or is a part of, the foreign government.

(ii) *Purpose of eligible fund*—(A) *In general.* An eligible fund must be established by—

(*1*) The foreign country in which it is created or organized to provide retirement or pension benefits to participants or beneficiaries that are current or former employees or persons designated by such employees as a result of services rendered by such employees to their employers; or

(*2*) One or more employers to provide retirement or pension benefits to participants or beneficiaries that are current or former employees or persons designated by such employees in consideration for services rendered by such employees to such employers.

(B) *Established to provide retirement or pension benefits.* An eligible fund is treated as satisfying the requirement of paragraph (c)(2)(ii)(A) of this section if and only if—

(*1*) All of the benefits that an eligible fund provides are qualified benefits provided to qualified recipients; and

(*2*) At least 85 percent of the present value of the qualified benefits that the eligible fund reasonably expects to provide are retirement or pension benefits.

(C) *Certain employers and employees.* For purposes of this section, the following rules apply:

(*1*) A self-employed individual is treated as both an employer and an employee;

(*2*) Employees of an individual, trust, corporation, or partnership are treated as employees of each member of the employer group that includes the individual, trust, corporation, or partnership; and

(*3*) An eligible fund established by a trade union, professional association, or similar group is treated as established by any employer that funds, in whole or in part, the eligible fund.

(iii) *Single participant or beneficiary*—(A) *In general.* An eligible fund may not have a single qualified recipient that has a right to more than five percent of the assets or income of the eligible fund.

(B) *Constructive ownership.* For purposes of paragraph (c)(2)(iii)(A) of this section, an individual is considered to have a right to the assets and income of an eligible fund to which any person who bears a relationship to the individual described in section 267(b) or 707(b) has a right.

(iv) *Regulation and information reporting*—(A) *In general.* An eligible fund must—

(*1*) Be subject to government regulation, and

(*2*) Provide annual information about its beneficiaries to the relevant tax authorities in the foreign country in which it is established or operates, or such information must otherwise be available to the relevant tax authorities in the foreign country in which it is established or operates.

(B) *Information to be provided.* An eligible fund is treated as satisfying the requirement of paragraph (c)(2)(iv)(A)(*2*) of this section only if the eligible fund annually provides to the relevant tax authorities in the foreign country in which it is established or operates the amount of qualified benefits provided to each qualified recipient by the eligible fund (if any), or such information is otherwise available to such relevant tax authorities. An eligible fund is not treated as failing to satisfy the requirement of paragraph (c)(2)(iv)(A)(*2*) of this section as a result of the eligible fund not being required to provide information to the relevant tax authorities in a year in which no qualified benefits are provided to qualified recipients.

(C) *Relevant tax authorities.* An eligible fund is treated as satisfying the requirement of paragraph (c)(2)(iv)(A)(*2*) of this section if the eligible fund is required, pursuant to the laws of the foreign country in which it is established or operates, to provide the information described in paragraph (c)(2)(iv)(B) of this section to one or more governmental units of the foreign country in which the eligible fund is created or organized, or if such information is otherwise available to one or more governmental units of the foreign country in which the eligible fund is created or organized.

(D) *Treatment of certain governmental units.* An eligible fund that is described in paragraph (c)(2)(ii)(A)(*1*) of this section, but is not also described in paragraph (c)(2)(ii)(A)(*2*) of this section, is deemed to satisfy the requirements of paragraph (c)(2)(iv)(A) of this section.

(v) *Tax treatment*—(A) *In general.* The laws of the foreign country in which the eligible fund is established or operates

must provide that, due to the status of the eligible fund as a retirement or pension fund, either—

(*1*) Contributions to the eligible fund that would otherwise be subject to tax under such laws are deductible or excluded from the gross income of the eligible fund or taxed at a reduced rate; or

(*2*) Taxation of any investment income of the eligible fund is deferred or excluded from the gross income of the eligible fund or such income is taxed at a reduced rate.

(B) *Income subject to preferential tax treatment.* An eligible fund is treated as satisfying the requirement of paragraph (c)(2)(v)(A) of this section in a taxable year if, under the income tax laws of the foreign country in which the eligible fund is established or operates—

(*1*) At least 85 percent of the contributions to the eligible fund are subject to the tax treatment described in paragraph (c)(2)(v)(A)(*1*) of this section, or

(*2*) At least 85 percent of the investment income of the eligible fund is subject to the tax treatment described in paragraph (c)(2)(v)(A)(*2*) of this section.

(C) *Income not subject to tax.* An eligible fund is treated as satisfying the requirement of paragraph (c)(2)(v)(A) of this section if the eligible fund is exempt from the income tax of the foreign country in which it is established and operates or the foreign country in which it is established and operates has no income tax.

(D) *Other preferential tax regimes.* An eligible fund that does not receive the tax treatment described in either paragraphs (c)(2)(v)(A)(*1*) or (*2*) of this section is nonetheless treated as satisfying the requirement of paragraph (c)(2)(v)(A) of this section if the eligible fund establishes that each of the conditions described in paragraphs (c)(2)(v)(D)(*1*) and (*2*) of this section is satisfied:

(*1*) Under the laws of the country in which the eligible fund is established and operates, the eligible fund is subject to a preferential tax regime due to its status as a retirement or pension fund; and

(*2*) The preferential tax regime described in paragraph (c)(2)(v)(D)(*1*) of this section has a substantially similar effect as the tax treatment described in paragraphs (c)(2)(v)(A)(*1*) or (*2*) of this section.

(E) *Subnational jurisdictions.* Solely for purposes of this paragraph (c)(2)(v), a reference to a foreign country does not include a reference to a state, province, or political subdivision of a foreign country.

(3) *Rules on the application of the requirements in paragraph (c)(2) of this section*—(i) *In general.* Except as provided in paragraph (c)(3)(ii) of this section, an organization or arrangement is treated as a single entity for purposes of determining whether the requirements of paragraph (c)(2) of this section are satisfied.

(ii) *Foreign status determined independently.* Each person or governmental unit that is part of an organization or arrangement must independently satisfy the requirement of paragraph (c)(2)(i) of this section.

(iii) *Relevant income, assets, and functions.* The determination of whether an eligible fund satisfies the requirements of paragraphs (c)(2)(ii) through (v) of this section is made solely with respect to the income and assets held by the eligible fund in one or more qualified segregated accounts, the qualified benefits funded by the qualified segregated accounts, the information reporting and regulation related to the qualified segregated accounts, and the qualified recipients whose benefits are funded by the qualified segregated accounts. For this purpose, all qualified segregated accounts maintained by an eligible fund are treated as a single qualified segregated account.

(d) *Definitions.* The following definitions apply for purposes of this section.

(1) *Ancillary benefits.* The term *ancillary benefits* means benefits payable upon the diagnosis of a terminal illness, death benefits, disability benefits, medical benefits, unemployment benefits, or similar benefits.

(2) *Eligible fund.* The term *eligible fund* means a trust, corporation, or other organization or arrangement that maintains one or more qualified segregated accounts.

(3) *Employer group.* The term *employer group* means all individuals, trusts, partnerships, and corporations with a relationship to each other specified in section 267(b) or section 707(b).

(4) *Foreign country.* The term *foreign country* means a country other than the United States. Except for purposes of paragraph (c)(2)(v) of this section, references in this section to a foreign country include references to a state, province, or political subdivision of a foreign country. Solely for purposes of this section, the Commonwealth of Puerto Rico and any possession of the United States are treated as a foreign country.

(5) *Governmental unit.* The term *governmental unit* means any foreign government or part thereof, including any person, body, group of persons, organization, agency, bureau, fund, or instrumentality, however designated, of a foreign government.

(6) *Organization or arrangement.* The term *organization or arrangement* means one or more trusts, corporations, governmental units, or employers.

(7) *Qualification date.* The term *qualification date* means, with respect to an entity or governmental unit, the earliest date during an uninterrupted period ending on the date of the disposition or the distribution, as the case may be, in which the trust, corporation, governmental unit, or employer is a qualified foreign pension fund or a qualified controlled entity.

(8) *Qualified benefits.* The term *qualified benefits* means retirement, pension, or ancillary benefits.

(9) *Qualified controlled entity.* The term *qualified controlled entity* means a trust or corporation organized under the laws of a foreign country all of the interests of which are held by one or more qualified foreign pension funds directly or indirectly through one or more qualified controlled entities or partnerships.

(10) *Qualified foreign pension fund.* The term *qualified foreign pension fund* means an eligible fund that satisfies the requirements of paragraph (c) of this section.

(11) *Qualified holder*—(i) *In general.* The term *qualified holder* means a qualified foreign pension fund or a qualified controlled entity.

(ii) *Limitation.* Notwithstanding paragraph (d)(11)(i) of this section, a qualified holder does not include any trust, corporation, governmental unit, or employer that, at any time during the testing period, determined without regard to this paragraph (d)(11)(ii), was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity. The preceding sentence does not apply to an entity that owned no United States real property interests as of the qualification date.

(12) *Qualified recipient*—(i) *In general.* The term *qualified recipient* means—

(A) With respect to an eligible fund described in paragraph (c)(2)(ii)(A)(*1*) of this section, any person eligible to be treated as a participant or beneficiary of such eligible fund and any person designated by such participant or beneficiary to receive qualified benefits, and

(B) With respect to an eligible fund described in paragraph (c)(2)(ii)(A)(*2*) of this section, a current or former employee or any person designated by

such current or former employee to receive qualified benefits.

(ii) *Special rule regarding automatic designation.* For purposes of paragraph (d)(12)(i) of this section, a person is treated as designating another person to receive benefits if the other person is, by reason of such person's relationship or other status with respect to the first person, entitled to receive benefits pursuant to the contractual terms applicable to the eligible fund or pursuant to the laws of the foreign country in which the eligible fund is created or organized, whether or not the first person expressly designated such person as a beneficiary.

(13) *Qualified segregated account*—(i) *In general.* The term *qualified segregated account* means an identifiable pool of assets maintained for the sole purpose of funding qualified benefits to qualified recipients.

(ii) *Assets held by eligible funds.* For purposes of paragraph (d)(13)(i) of this section, an identifiable pool of assets of an eligible fund is treated as maintained for the sole purpose of funding qualified benefits to qualified recipients only if the contractual terms applicable to the eligible fund or the laws of the foreign country in which the eligible fund is established or operates require that all the assets in the pool, and all the income earned with respect to such assets, be used exclusively to fund the provision of qualified benefits to qualified recipients or to satisfy necessary reasonable expenses of the eligible fund, and that such assets or income may not inure to the benefit of a person other than a qualified recipient. For this purpose, the fact that assets or income may inure to the benefit of a governmental unit by operation of escheat or similar laws is ignored.

(iii) *Assets held by qualified controlled entities.* For purposes of paragraph (d)(13)(i) of this section, the assets of a qualified controlled entity are treated as an identifiable pool of assets maintained for the sole purpose of funding qualified benefits to qualified recipients only if both of the following requirements are satisfied:

(A) All of the net earnings of the qualified controlled entity are credited to its own account or to the qualified segregated account of a qualified foreign pension fund or another qualified controlled entity, with no portion of its income inuring to the benefit of a person other than a qualified recipient; and

(B) All of the assets of the qualified controlled entity, after satisfaction of liabilities to persons having interests in the entity solely as creditors, vest in a qualified segregated account of a qualified foreign pension fund or another qualified controlled entity upon dissolution.

(14) *Testing period.* The term *testing period* means, with respect to a trust, corporation, governmental unit, or employer and a disposition described in section 897(a) or a distribution described in section 897(h), as the case may be, the shortest of—

(i) The period beginning on December 18, 2015, and ending on the date of the disposition or the distribution;

(ii) The ten-year period ending on the date of the disposition or the distribution; and

(iii) The period during which the entity (or its predecessor) was in existence.

(e) *Examples.* This paragraph (e) provides examples that illustrate the rules of this section. The following examples do not illustrate the application of the applicable withholding rules, including sections 1445 and 1446 and the regulations thereunder. For the purposes of the examples in this paragraph (e), unless otherwise stated, the following facts are presumed. No person is entitled to more than five percent of any eligible fund's assets or income, taking into account the constructive ownership rules in paragraph (c)(2)(iii)(B) of this section. The limitation described in paragraph (d)(11)(ii) of this section does not apply to any entity.

(1) Example 1. No legal entity—(i) *Facts.* Country A establishes Retirement Plan for the sole purpose of providing retirement benefits to all citizens of Country A aged 65 or older. Retirement Plan is comprised of Asset Pool and Agency. Asset Pool is a group of accounts maintained on the balance sheet of the government of Country A. Pursuant to the laws of Country A, income and gain earned by Asset Pool is used solely to support the provision of retirement benefits by Retirement Plan. Agency is a Country A agency that administers the provision of benefits by Retirement Plan and manages Asset Pool's investments. Under the laws of Country A, investment income earned by Retirement Plan is not subject to Country A's income tax. In Year 1, Agency sells Property, which is an interest in real property located in the United States owned by Asset Pool, recognizing $100x of gain with respect to Property that would be subject to tax under section 897(a) unless paragraph (b) of this section applies with respect to the gain.

(ii) *Analysis.* (A) Retirement Plan, which is comprised of Asset Pool and Agency, is comprised of one or more governmental units described in paragraph (d)(5) of this section. Accordingly, Retirement Plan is an organization or arrangement described in paragraph (d)(6) of this section. Furthermore, Retirement Plan maintains a qualified segregated account in the form of Asset Pool, an identifiable pool of assets maintained for the sole purpose of funding retirement benefits to beneficiaries of the Retirement Fund (qualified recipients as defined in paragraph (d)(12)(i)(A) of this section). Therefore, Retirement Plan is an eligible fund within the meaning of paragraph (d)(2) of this section.

(B) In determining whether or not Retirement Plan is an eligible fund that satisfies the requirements of paragraph (c)(2) of this section and is treated as a qualified foreign pension fund, the rules of paragraph (c)(3) of this section apply. Accordingly, the activities of Asset Pool and Agency are integrated and treated as undertaken by a single entity to determine whether the requirements of paragraphs (c)(2)(ii) through (v) of this section are met. However, Asset Pool and Agency must independently satisfy the requirement of paragraph (c)(2)(i) of this section.

(C) Retirement Plan is comprised of Asset Pool and Agency, each of which is a governmental unit and treated as created or organized under the law of Country A for purposes of paragraph (c)(2)(i) of this section. Accordingly, Retirement Plan satisfies the requirement of paragraph (c)(2)(i) of this section.

(D) Retirement Plan is established by Country A to provide retirement benefits, which are qualified benefits described in paragraph (d)(8) of this section, to all citizens of Country A, who are qualified recipients described in paragraph (d)(12)(i)(A) of this section because they are eligible to be participants or beneficiaries of Retirement Plan. In addition, all of the benefits that Retirement Plan provides are qualified benefits provided to qualified recipients, and at least 85 percent of the benefits that Retirement Plan reasonably expects to provide are retirement or pension benefits. Accordingly, Retirement Plan satisfies the requirement of paragraph (c)(2)(ii) of this section.

(E) Retirement Plan provides retirement benefits to all citizens of Country A aged 65 or older, with no citizen entitled to more than five percent of Retirement Fund's assets or to more than five percent of the income of the eligible fund. Accordingly, Retirement Plan satisfies the requirement of paragraph (c)(2)(iii) of this section.

(F) Retirement Plan is comprised solely of governmental units within the meaning of paragraph (d)(5) of this section. Accordingly, under paragraph (c)(2)(iv)(D) of this section, Retirement Plan is treated as satisfying the requirements of paragraph (c)(2)(iv)(A) of this section.

(G) Investment income earned by Retirement Plan is not subject to income tax in Country A. Accordingly, Retirement Plan satisfies the requirement of paragraph (c)(2)(v) of this section.

(H) Because Retirement Plan satisfies the requirements of paragraphs (c)(2)(i) through (v) of this section, Retirement Plan is a qualified foreign pension fund as defined in paragraph (d)(10) of this section. Because Retirement Plan is a qualified foreign pension fund and the limitation described in paragraph (d)(11)(ii) of this section does not apply, Retirement Plan is a qualified holder. Retirement Plan's gain with respect to

Property is attributable solely to Asset Pool, a qualified segregated account maintained by Retirement Plan. Accordingly, under paragraph (b) of this section, the $100x gain recognized by Retirement Plan attributable to the disposition of Property is not subject to section 897(a).

(2) Example 2. Fund established by an employer—(i) *Facts.* Employer, a corporation organized in Country B, establishes Fund to provide retirement benefits to current and former employees of Employer and S1, a Country B corporation that is wholly owned by Employer. Fund is established as a trust under the law of Country B, and Employer retains discretion to invest assets and to administer benefits on Fund's behalf. Fund receives contributions from Employer and contributions from employees that are beneficiaries of Fund. All contributions to Fund and all of Fund's earnings are separately accounted for on Fund's books and records and are required by Fund's organizational documents to exclusively fund the provision of benefits to Fund's beneficiaries, except as necessary to satisfy reasonable expenses of the Fund. Fund currently has over 100 beneficiaries, a number that is reasonably expected to grow as Employer expands. Fund will pay benefits to employees upon retirement based on years of service and employee contributions, but, if a beneficiary dies before retirement, Fund will pay a death benefit to the beneficiary's designee (or deemed designee under local law if the beneficiary fails to identify a beneficiary). It is reasonably expected that such death benefits will account for less than fifteen percent of the present value of the qualified benefits that Fund expects to provide in the future. Fund annually provides to the tax authorities of Country B the amount of qualified benefits distributed to each participant (or designee). Country B's tax authorities prescribe rules and regulations governing Fund's operations. Under the laws of Country B, Fund is not taxed on its investment income.

(ii) *Analysis.* (A) Fund is a trust that maintains an identifiable pool of assets for the sole purpose of funding retirement and ancillary benefits to current and former employees of Employer (qualified recipients as defined in paragraph (d)(12)(i)(B) of this section). All assets held by Fund, and all income earned by Fund, are used to provide such benefits. Therefore, Fund is a trust that maintains a qualified segregated account within the meaning of paragraph (d)(13) of this section. Accordingly, Fund is an eligible fund within the meaning of paragraph (d)(2) of this section.

(B) Because Fund is created or organized under the law of Country B, Fund satisfies the requirement of paragraph (c)(2)(i) of this section.

(C) All of the benefits provided by Fund are qualified benefits because the only benefits that Fund provides are pension or retirement benefits or ancillary benefits described in paragraph (d)(1) of this section, which are qualified benefits described in paragraph (d)(8) of this section, to qualified recipients. Furthermore, Fund reasonably anticipates that more than 85 percent of the present value of benefits paid to qualified participants will be retirement or pension benefits. Accordingly, Fund is established by Employer to provide retirement or pension benefits to qualified recipients in consideration for services rendered by such qualified recipients to such employers, and Fund satisfies the requirement of paragraph (c)(2)(ii) of this section.

(D) No single qualified recipient has a right to more than five percent of the assets or income of the eligible fund. Accordingly, Fund satisfies the requirement of paragraph (c)(2)(iii) of this section.

(E) Fund is regulated and annually provides to the relevant tax authorities in the foreign country in which it is established or operates the amount of qualified benefits provided to each qualified recipient by the eligible fund. Accordingly, Fund satisfies the requirements of paragraph (c)(2)(iv) of this section.

(F) Fund is not subject to income tax on its investment income. Accordingly, Fund satisfies the requirement of paragraph (c)(2)(v) of this section.

(G) Because Fund meets the requirements of paragraph (c)(2) of this section, Fund is treated as a qualified foreign pension fund described in paragraph (d)(10) of this section. As a qualified foreign pension fund with respect to which the limitation described in paragraph (d)(11)(ii) of this section does not apply, Fund is a qualified holder. All of Fund's assets are held in a qualified segregated account within the meaning of paragraph (d)(13) of this section. Consequently, under paragraph (b) of this section, any gain or loss of Fund from the disposition of a United States real property interest, including any distribution treated as gain from the disposition of a United States real property interest under section 897(h), is not subject to section 897(a).

(3) Example 3. Employer controlled group—(i) *Facts.* The facts are the same as in *Example 2,* except that S2, a Country B corporation that is wholly owned by Employer, performs all tax compliance functions for Employer, S1, and S2, including information reporting with respect to Fund participants.

(ii) *Analysis.* For purposes of testing the requirements of paragraph (c)(2) of this section, Fund and S2 are an organization or arrangement that is treated as a single entity under paragraph (c)(3)(i) of this section and an eligible fund under (d)(2) of this section with respect to the qualified segregated account held by Fund. Because the eligible fund comprised of Fund and S2 satisfies the requirements of paragraph (c)(2) of this section (including the requirement under paragraph (c)(3)(ii) of this section that each entity satisfy the foreign organization requirement of paragraph (c)(2)(i) of this section), the eligible fund that is comprised of Fund and S2 constitutes a qualified foreign pension fund described in paragraph (d)(10) of this section. Thus, under paragraph (b) of this section, gain or loss of Fund from the disposition of a United States real property interest, including any distribution treated as gain from the disposition of a United States real property interest under section 897(h), is not subject to section 897(a).

(4) Example 4. Third-party assumption of pension liabilities—(i) *Facts.* The facts are the same as in *Example 2,* except that Fund anticipates $100x of qualified benefits will be paid each year beginning in Year 5. Fund enters into an agreement with Guarantor, a privately held Country B corporation, which provides that Fund will, in Year 1, cede a portion of its assets to Guarantor in exchange for annual payments of $100x beginning in Year 5 and continuing until one or more previously identified participants (and their designees) ceases to be eligible to receive benefits. Guarantor has discretion to invest the ceded assets as it chooses, subject to certain agreed upon investment restrictions. Pursuant to its agreement with Fund, Guarantor must maintain Segregated Pool, a pool of assets securing its obligations under its agreement with Fund. The value of Segregated Pool must exceed a specified amount (determined based on an agreed upon formula) until Guarantor's payment obligations are completed, and any remaining assets in Segregated Pool (that is, assets exceeding the required payments to Fund) are retained by Guarantor. Guarantor bears all investment risk with respect to Segregated Pool. Accordingly, Guarantor is required to make annual payments of $100x to Fund regardless of the performance of Segregated Pool. In Year 2, Guarantor purchases stock in Company A, a United States real property holding company that is a United States real property interest, and holds the Company A stock in Segregated Pool. In Year 4, Guarantor sells the stock in Company A, realizing a gain of $100x.

(ii) *Analysis.* The Segregated Pool is not a qualified segregated account, because it is not maintained for the sole purpose of funding qualified benefits to qualified recipients, and because income attributable to assets in the Segregated Pool (including the Company A stock) may inure to Guarantor, which is not a qualified recipient. Accordingly, Fund and Guarantor do not qualify as an organization or arrangement that is an eligible fund with respect to the Company A stock. Therefore, Guarantor is not exempt under paragraph (b) of this section with respect to the $100x of gain realized in connection with the sale of its shares in Company A.

(5) Example 5. Asset manager—(i) *Facts.* The facts are the same as in *Example 4* except that instead of ceding legal ownership of the assets to Guarantor, Fund transfers assets to Guarantor to be held in Trust on behalf of Fund. Guarantor has exclusive management authority over the assets, and is entitled to a reasonable fixed management fee which it withdraws annually from Trust's assets.

(ii) *Analysis.* Assets held by Fund, including its interest in Trust, are treated as held by Fund, a qualified holder within the meaning of paragraph (d)(11) of this section, in a qualified segregated account within the meaning of paragraph (d)(13) of this section. Paragraph (d)(13)(ii) of this section provides that the assets of the qualified segregated account may be used to satisfy reasonable expenses of the eligible fund, such that the reasonable fixed management fee paid to Guarantor does not cause the assets held in Trust to fail to be treated as held in a qualified segregated account. Consequently, the limitation of paragraph (b)(2) of this

section does not apply and Fund Guarantor is exempt under paragraph (b) of this section with respect to the $100x of gain realized in connection with the sale of its shares in Company A.

(6) Example 6. Partnership—(i) *Facts.* The facts are the same as in *Example 4* except that instead of ceding legal ownership of the assets to Guarantor, Fund contributes the assets to a partnership (PRS) formed with Guarantor. Guarantor contributes nominal capital to the partnership, but receives a profits interest in the partnership that is reasonable in light of the Guarantor's management activity. Guarantor serves as the general partner of PRS and has discretionary authority to buy and sell PRS assets without approval from Fund.

(ii) *Analysis.* All of Fund's assets, including the partnership interest, are held in a qualified segregated account within the meaning of paragraph (d)(13) of this section. See *Example 2,* paragraph (ii)(A) of this section. Accordingly, Fund is exempt under paragraph (b) of this section with respect to gain or loss from the disposition of a United States real property interest, including any distribution treated as gain from the disposition of a United States real property interest under section 897(h), that is allocable to Fund from PRS. Guarantor is not exempt under paragraph (b) of this section with respect to gain or loss allocable to Guarantor from PRS.

(7) Example 7. Wholly-owned entity—(i) *Facts.* Fund is a qualified foreign pension fund organized in Country C that meets the requirements of paragraph (c)(2) of this section. Fund owns all the outstanding stock of OpCo, a manufacturing corporation organized in Country C, in a qualified segregated account maintained by Fund. Fund originally formed OpCo on January 1, 2016, for the purpose of conducting the manufacturing business and utilizing the business profits to fund pension liabilities. OpCo either retains or distributes to Fund all of its net earnings, and upon dissolution, must distribute all of its assets to stockholders after satisfaction of liabilities to its creditors. Fund has held all of the stock of OpCo since OpCo was formed. On June 1, 2017, OpCo realizes $100 of gain on the disposition of Property A, a United States real property interest.

(ii) *Analysis.* (A) A qualified holder described in paragraph (d)(11) of the section includes a qualified controlled entity described in paragraph (d)(9) of this section. A qualified controlled entity includes any corporation organized under the laws of a foreign country all the interests of which are owned by one or more qualified foreign pension funds directly or indirectly through one or more qualified controlled entities. Fund is a qualified foreign pension fund that wholly owns OpCo. Accordingly, OpCo is a qualified controlled entity.

(B) A qualified controlled entity is a qualified holder under paragraph (d)(11) of this section, but only if the qualified controlled entity was a qualified controlled entity throughout the entire testing period. The testing period under paragraph (d)(14) of this section is the shortest of the period beginning on December 18, 2015, and ending on the date of the disposition or the distribution; the ten-year period ending on the date of the disposition or the distribution; or the period during which the entity was in existence. Thus, the testing period is January 1, 2016 (the date of formation) to June 1, 2017 (the date of the disposition). Because OpCo was a qualified controlled entity as defined in paragraph (d)(9) of this section at all times during that period, the limitation in paragraph (d)(11)(ii) of this section does not apply to OpCo, and OpCo is a qualified holder under paragraph (d)(11) of this section.

(C) Under paragraph (b)(2) of this section, only gain or loss attributable to a qualified segregated account is exempt under section 897(l). All of OpCo's net earnings are credited to its own account or distributed to Fund and credited to Fund's qualified segregated account. Upon dissolution, all of OpCo's assets, after satisfaction of liabilities to persons having interests in the entity solely as creditors, would be distributed to OpCo's sole shareholder, Fund, and credited to Fund's qualified segregated account. Accordingly, all of OpCo's assets constitute a qualified segregated account. Therefore, the limitation in paragraph (b)(2) of this section does not apply, and the $100x gain realized by OpCo, a qualified holder, from the disposition of Property A on June 1, 2017, is not subject to tax under section 897(a).

(8) Example 8. Not a qualified holder—(i) *Facts.* The facts are the same as in *Example 7,* except that Opco was formed by a person other than Fund on January 1, 2016, and Fund acquired all the stock of OpCo on November 1, 2016. During the period from January 1, 2016, and October 31, 2016, Opco was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity. OpCo owned Property A before November 1, 2016.

(ii) *Analysis.* Under paragraph (d)(11)(ii) of this section, a qualified holder does not include any entity that was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity at any time during the testing period. The testing period with respect to OpCo is the period from January 1, 2016 (the date of formation of OpCo) to June 1, 2017 (the date of the disposition). Because OpCo was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity from January 1, 2016 to November 1, 2016, OpCo was not a qualified foreign pension fund, a part of a qualified foreign pension fund, or a qualified controlled entity at all times during the testing period. Accordingly, OpCo is not a qualified holder with respect to the disposition of Property A, and the $100x of gain recognized by OpCo is not exempt from tax under section 897(l), regardless of the amount of unrealized gain in Property A as of November 1, 2016.

(f) *Applicability date*—(1) *In general.* Except as otherwise provided in paragraph (f)(2) of this section, this section applies to a disposition of a United States real property interest, or a distribution described in section 897(h), occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

(2) *Certain Provisions.* Paragraphs (b)(1), (d)(5), (7), (9), (11), and (14) of this section apply with respect to dispositions of United States real property interests and distributions described in section 897(h) occurring on or after June 6, 2019.

■ **Par. 3.** Section 1.1441–3 is amended by adding paragraph (c)(4)(iii) to read as follows:

§ 1.1441–3 Determination of amounts to be withheld.

* * * * *

(c) * * *

(4) * * *

(iii) *Special rule for qualified holders*—(A) *In general.* Any corporate distribution made by a USRPHC or a QIE to a payee that is a qualified holder (as defined in § 1.897(l)–1(d)(11)) shall not be subject to the rules of this paragraph (c)(4) but shall be subject to the requirements of paragraphs (c)(1) through (3) of this section.

(B) *Applicability date.* Paragraph (c)(4)(iii)(A) of this section applies to distributions made by a USRPHC or a QIE occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

* * * * *

■ **Par. 4.** Section 1.1445–2 is amended by revising paragraphs (b)(1) and (b)(2)(i)(C) and adding paragraph (b)(2)(v) and a new sentence at the end of paragraph (e) to read as follows:

§ 1.1445–2 Situations in which withholding is not required under section 1445(a).

* * * * *

(b) * * *

(1) *In general.* No withholding is required under section 1445 if the transferor of a U.S. real property interest is not a foreign person. Therefore, paragraph (b)(2) of this section provides rules pursuant to which the transferor can provide a certification of non-foreign status to inform the transferee that withholding is not required. A transferee that obtains such a certification must retain that document for five years, as provided in paragraph (b)(3) of this section. Except to the extent provided in paragraph (b)(4) of this section, obtaining this certification excuses the transferee from any liability otherwise imposed by section 1445 and § 1.1445–1(e). However, section 1445 and the rules of this section do not impose any obligation upon a transferee to obtain a certification from the transferor; thus, a transferee may instead rely upon other means to ascertain the

non-foreign status of the transferor. If, however, the transferee relies upon other means and the transferor was, in fact, a foreign person, then the transferee is subject to the liability imposed by section 1445 and § 1.1445–1(e).

(i) A transferee is in no event required to rely upon other means to ascertain the non-foreign status of the transferor and may demand a certification of non-foreign status or Form W–8EXP in the case of a qualified holder (as defined in § 1.897(l)–1(d)(11)). If the certification or form is not provided, the transferee may withhold tax under section 1445 and will be considered, for purposes of sections 1461 through 1463, to have been required to withhold such tax.

(ii) [Reserved]

(2) * * *

(i) * * *

(C) (*1*) Is signed under penalties of perjury.

(*2*) In general, a foreign person is a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, or foreign estate, except that a qualified holder (as defined in § 1.897(l)–1(d)(11)) is not a foreign person. Additionally, a foreign corporation that has made a valid election under section 897(i) is generally not treated as a foreign person for purposes of section 1445. In this regard, see § 1.1445–7. Pursuant to § 1.897–1(p), an individual's identifying number is the individual's Social Security number and any other person's identifying number is its U.S. employer identification number (EIN). A certification pursuant to this paragraph (b) must be verified as true and signed under penalties of perjury by a responsible officer in the case of a corporation, by a general partner in the case of a partnership, and by a trustee, executor, or equivalent fiduciary in the case of a trust or estate. No particular form is needed for a certification pursuant to this paragraph (b), nor is any particular language required, so long as the document meets the requirements of this paragraph (b)(2)(i). Samples of acceptable certifications are provided in paragraph (b)(2)(iv) of this section.

* * * * *

(v) *Qualified holders.* As an alternative to a certification of non-foreign status described in paragraph (b)(2)(i) of this section, a qualified holder (as defined in § 1.897(l)–1(d)(11)) may provide a Form W–8EXP to certify that it is treated as not foreign for purposes of section 1445. A Form W–8EXP provided for this purpose is subject to the general requirements of a certification of non-foreign status. For example, a Form W–8EXP provided for this purpose must be retained for the five-year period described in paragraph (b)(3) of this section regardless of whether it is required to be retained for purposes of section 1441 and the regulations thereunder.

* * * * *

(e) * * * Paragraphs (b)(1), (b)(2)(i) and (v) of this section, as revised by the Treasury decision adopting these rules as final regulations, apply with respect to dispositions of U.S. real property interests and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

■ **Par. 5.** Section 1.1445–4 is amended by revising paragraphs (a)(2) and (b)(2) and adding paragraph (g) to read as follows:

§ 1.1445–4 Liability of agents.

(a) * * *

(2) The transferee is furnished with a non-foreign certification pursuant to § 1.1445–2(b)(2) or a certification regarding qualified holder status provided on Form W–8EXP and either:

(i) The agent knows that the certification is false; or

(ii) The agent represents a transferor that is a foreign corporation that is not a qualified holder. An agent that represents a transferor that is a foreign corporation is not required to provide notice to the transferee if the foreign corporation provided a non-foreign certification or certification regarding qualified holder status provided on Form W–8EXP, as applicable, to the transferee prior to such agent's employment and the agent does not know that the corporation did so.

(b) * * *

(2) The entity or fiduciary is furnished with a non-foreign certification pursuant to § 1.1445–5(b)(3)(ii) or a certification regarding qualified holder status provided on Form W–8EXP and either:

(i) The agent knows that such certification is false; or

(ii) The agent represents a foreign corporation (other than a qualified holder) that made such a certification.

* * * * *

(g) *Certain applicability dates.* Paragraphs (a)(2) and (b)(2) of this section, as revised by the Treasury decision adopting these rules as final regulations, apply with respect to dispositions of U.S. real property interests and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

■ **Par. 6.** Section 1.1445–5 is amended by revising paragraph (b)(3)(ii)(A) and adding a new sentence at the end of paragraph (h) to read as follows:

§ 1.1445–5 Special rules concerning distributions and other transactions by corporations, partnerships, trusts, and estates.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) *In general.* For purposes of this section, an entity or fiduciary may treat any holder of an interest in the entity as a U.S. person if that interest-holder furnishes to the entity or fiduciary a certification stating that the interest-holder is not a foreign person, in accordance with the provisions of paragraph (b)(3)(ii)(B) of this section. In general, a foreign person is a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, or foreign estate, except that a qualified holder (as defined in § 1.897(l)–1(d)(11)) is not a foreign person.

* * * * *

(h) * * * Paragraph (b)(3)(ii)(A) of this section, as revised by the Treasury decision adopting these rules as final regulations, applies with respect to dispositions of U.S. real property interests and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

■ **Par. 7.** Section 1.1445–8 is amended by revising paragraph (e) and adding paragraph (j) to read as follows:

§ 1.1445–8 Special rules regarding publicly traded partnerships, publicly traded trusts and real estate investment trusts (REITs).

* * * * *

(e) *Determination of non-foreign status by withholding agent.* A withholding agent may rely on a certificate of non-foreign status pursuant to § 1.1445–2(b), a Form W–9, a Form W–8EXP (in the case of a qualified holder (as defined in § 1.897(l)–1(d)(11)), or a form that is substantially similar to such forms, to determine whether an interest holder is not a foreign person. Reliance on these documents will excuse the withholding agent from liability imposed under section 1445(e)(1) in the absence of actual knowledge that the interest holder is a foreign person. A withholding agent may also employ other means to determine the status of an interest holder, but, if the agent relies

on such other means and the interest holder proves, in fact, to be a foreign person, then the withholding agent is subject to any liability imposed pursuant to section 1445 and the regulations thereunder for failure to withhold.

* * * * *

(j) *Certain applicability dates.* Paragraph (e) of this section, as revised by the Treasury decision adopting these rules as final regulations, applies with respect to dispositions of U.S. real property interests and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

■ **Par. 8.** Section 1.1446–1 is amended by revising the second sentence of paragraph (c)(2)(ii)(G) and revising paragraph (c)(2)(ii)(H) to read as follows:

§ 1.1446–1 Withholding tax on foreign partners' share of effectively connected taxable income.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(G) * * * However, except as set forth in § 1.1446–2(b)(2)(iii)(B) (regarding certain qualified holders described in § 1.897(l)–1(d)(11)) and § 1.1446–3(c)(3) (regarding certain tax-exempt organizations described in section 501(c)), the submission of Form W–8EXP will have no effect on whether there is a 1446 tax due with respect to such partner's allocable share of partnership ECTI. * * *

(H) *Foreign corporations, certain foreign trusts, and foreign estates.* Consistent with the rules of this paragraph (c)(2) and (3) of this section, a foreign corporation, a foreign trust (other than a foreign grantor trust described in paragraph (c)(2)(ii)(E) of this section), or a foreign estate may generally submit any appropriate Form W–8 (*e.g.,* Form W–8BEN–E or Form W–8IMY) to the partnership to establish its foreign status for purposes of section 1446. In addition to Form W–8BEN–E, a foreign entity may also submit Form W–8EXP or a certification of non-foreign status described in § 1.1445–5(b)(3) for purposes of documenting itself as a qualified holder (as defined in § 1.897(l)–1(d)(11)).

* * * * *

■ **Par. 9.** Section 1.1446–2 is amended by adding paragraph (b)(4)(iii) to read as follows:

§ 1.1446–2 Determining a partnership's effectively connected taxable income allocable to foreign +partners under section 704.

* * * * *

(b) * * *

(4) * * *

(iii) *Special rule for qualified holders.* With respect to a foreign partner that is a qualified holder (as defined in § 1.897(l)–1(d)(11)), the foreign partner's allocable share of partnership ECTI does not include gain or loss that is not taken into account by the qualified holder under § 1.897(l)–1(b) and that is not otherwise treated as effectively connected with a trade or business in the United States. The partnership must have received from the partner a valid certificate of non-foreign status or Form W–8EXP. See § 1.1446–1(c)(2)(ii)(G) and (H) regarding documentation of qualified holders.

* * * * *

■ **Par. 10.** Section 1.1446–7 is amended by revising the section heading and adding a new sentence at the end of the paragraph to read as follows:

§ 1.1446–7 Effective/Applicability date.

* * * Sections 1.1446–1(c)(2)(ii)(G) and (H) and 1.1446–2(b)(2)(iii)(A) and (B), as revised by the Treasury decision adopting these rules as final regulations, apply with respect to dispositions of U.S. real property interests and distributions described in section 897(h) occurring on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

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DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2019–OSERS–0044]

Proposed Waiver and Extension of the Project Period for Various Grants That Provide Technical Assistance on Transition

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

ACTION: Proposed waiver and extension of project periods.

SUMMARY: The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable 33 projects under CFDA numbers 84.326E, 84.328M, 84.235F and 84.235G to receive funding for an additional period, not to exceed September 30, 2020.

DATES: We must receive your comments on or before July 8, 2019.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to use *Regulations.gov*'' in the Help section.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priority and requirements, address them as follows:

For the National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities, CFDA number 84.326E, to Selete Avoke, U.S. Department of Education, 400 Maryland Avenue SW, Room 5002, Potomac Center Plaza, Washington, DC 20202–5076 or to Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5094, Potomac Center Plaza, Washington, DC 20202–5076;

For the OSEP-funded Parent Training and Information Centers, CFDA number 84.328M, to Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5162, Potomac Center Plaza, Washington, DC 20202–5076; and

For the RSA-funded Parent Information and Training Centers, CFDA number 84.235F and the National Technical Assistance for Parent Information and Training Centers, CFDA number 84.235G, to Tara Jordan, U.S. Department of Education, 400 Maryland Avenue SW, Room 5058E, Potomac Center Plaza, Washington, DC 20202–5076.

Privacy Note: The Department's policy is to make all comments received

from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For the National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities, CFDA number 84.326E, contact Selete Avoke, U.S. Department of Education, 400 Maryland Avenue SW, Room 5002, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: 202–245–7260. Email: *Selete.Avoke@ed.gov*. Or contact Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5094, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: 202–245–6103. Email: *Kristen.Rhinehart@ed.gov*.

For the OSEP-funded Parent Training and Information Centers, CFDA number 84.328M, contact Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW, Room 5162, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: 202–245–6595. Email: *Carmen.Sanchez@ed.gov*; and

For the RSA-funded Parent Information and Training Centers, CFDA number 84.235F, and the National Technical Assistance for Parent Training and Information Centers, CFDA number 84.235G, contact Tara Jordan, U.S. Department of Education, 400 Maryland Avenue SW, Room 5058E, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: 202–245–7341. Email: *Tara.Jordan@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension. To ensure that your comments have maximum effect in developing the final waiver and extension, we urge you to identify clearly the specific grant or grants that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 13771 and their overall requirement of reducing regulatory burden that might result from these proposed waivers and extensions. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed waiver and extension of the project period in Room 5059, 550 12th Street SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed waiver and extension. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

We are proposing to extend 33 projects under three programs in order to align and coordinate all OSERS-funded training and technical assistance (TA) services focused on transition-age children and youth with disabilities and their families. The waivers and extensions would allow OSERS to align and coordinate, and improve the efficiency and cost-effectiveness of, direct training and technical assistance services focused on transition-age children and youth with disabilities and their families. In addition, the Department will consider approaches for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and families and to allow for efficient use of the funding available to support these activities.

The projects that provide transition-age TA services (and other TA services for individuals with disabilities and their families) are:

The National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students With Disabilities (NTACT) (CFDA 84.326E)

In September 2014, OSEP and RSA jointly made a 60-month award to the University of North Carolina at Charlotte to establish and operate the National Technical Assistance Center on Improving Transition to Postsecondary Education and Employment for Students with Disabilities. NTACT was funded under the TA and Dissemination Program as authorized under sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1463 and 1481(d), and section 303(b) of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (Rehabilitation Act), 29 U.S.C 793(b). The current project period ends on December 31, 2019.

The purpose of the NTACT is to provide TA to State educational agencies (SEAs), local education agencies (LEAs), State vocational rehabilitation agencies (SVRAs), and other vocational rehabilitation (VR) service providers to implement evidence-based and promising practices and strategies to ensure that students with disabilities, including those with significant disabilities, graduate from high school with the knowledge, skills, and supports needed for success in postsecondary education and employment.

Specifically, NTACT has five primary goals aligned with OSEP and RSA priorities:

1. Youth and young adults with disabilities receive and participate in evidence-based and promising practices in secondary transition services and supports.
2. SEAs and LEAs implement evidence-based and promising practices and strategies, including early warning and intervention systems to reduce dropout and increase graduation rates.
3. Students with disabilities participate in career-related curricula so they are prepared for postsecondary employment and careers.
4. Students with disabilities receive rigorous academic preparation so they are prepared for success in postsecondary education.
5. SEAs, SVRAs, LEAs, and local VR offices use data-driven decision making to develop their respective plans and reports.

OSEP-Funded Parent Training and Information Centers (CFDA 84.328M)

In September 2014, OSEP made twenty-three 60-month awards to the following entities to operate Parent Training and Information Centers (PTIs):

Center	State
Raising Special Kids, Inc	AZ
Advocates for Justice and Education, Inc.	DC
Parent Information Center of Delaware, Inc.	DE
Learning Disabilities Association of Hawaii.	HI
Access for Special Kids Resource Center, Inc.	IA
Idaho Parents Unlimited, Inc	ID

Center	State
Indiana Resource Center for Families with Special Needs.	IN
Families Helping Families of Greater New Orleans.	LA
Federation for Children with Special Needs, Inc.	MA
PACER Center, Inc	MN
Missouri Parents Act (MPACT)	MO
Mississippi Coalition for Citizens with Disabilities.	MS
Exceptional Children's Assistance Center, Inc.	NC
NH Coalition for Citizens with Disabilities.	NH
Oklahoma Parents Center, Inc	OK
Parent Education and Advocacy Leadership Center.	PA
Rhode Island Parent Information Network.	RI
South Dakota Parent Connection, Inc	SD
Support & Training for Exceptional Parents, Inc.	TN
Parent Educational Advocacy Training Center.	VA
PAVE	WA
WVPTI, Inc	WV
Parents Helping Parents of Wyoming, Inc.	WY

In June 2016, OSEP made a 36-month award to Learning Disabilities Associates of Hawaii to operate a PTI to serve the outlying areas and freely associated States in the Pacific (American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau).

All 24 of the OSEP-funded PTIs are funded under the Training and Information for Parents of Children with Disabilities program as authorized under section 671 and 681(d) of IDEA, 20 U.S.C. 1463, and all current project periods end on September 30, 2019.

The purpose of the OSEP-funded PTIs is to provide services designed to meet the information and training needs of parents of children with disabilities, and transition-age youth with disabilities. The OSEP-funded PTIs were funded to help youth become effective self-advocates and provide parents with information, individual assistance, and training to enable them to: (a) Ensure that their children are included in general education classrooms and extracurricular activities with their peers; (b) help their children meet developmental and academic goals; (c) help their children meet challenging expectations established for all children, including college- and career-ready academic standards; and (d) prepare their children to achieve positive postsecondary outcomes that lead to lives that are as productive and independent as possible.

Specifically, the OSEP-funded PTIs (a) inform parents of children with disabilities and youth with disabilities of how they can benefit from the services provided by the PTI; (b) provide high-quality services that increase parents' capacity to help their children with disabilities improve their early learning, school-aged, and postsecondary outcomes and increase youth's capacity to be effective self-advocates; and (c) work in partnership with any Community Parent Resource Centers (CPRCs) and any other PTIs funded in the State under sections 672 and 671 of IDEA, respectively, and local, State, and national organizations and agencies, such as protection and advocacy agencies and VR agencies, that serve children and youth with disabilities and their families.

RSA-Funded Parent Information and Training Centers (CFDA 84.235F)

In September 2014, RSA made seven 60-month awards to the following entities to operate RSA-funded Parent Information and Training Centers (PTIs):

Center	State
PEAK Parent Center	CO.
Statewide Parent Advocacy Network	NJ.
Open Doors for Multicultural Families	WA.
Federation for Children with Special Needs, Inc.	MA.
Resources for Children with Special Needs, Inc.	NY.
PACER Center Inc	MN.
Missouri Parents Act MPACT	MO.

These RSA-funded PTIs are funded under the Parent Information and Training Program as authorized under section 303(c) of the Rehabilitation Act. The current project periods end on September 30, 2019.

These RSA-funded PTIs are designed to meet the unique training and information needs of those individuals who live in the areas to be served, particularly those who are members of populations that have been unserved or underserved by programs under the Rehabilitation Act. The RSA-funded PTIs are geographically distributed to the extent possible throughout the country. The RSA-funded PTIs coordinate and work closely with the OSEP-funded PTIs and with the centers for independent living.

The RSA-funded PTIs provide information and training to individuals with disabilities and their parents, family members, guardians, advocates, and other authorized representatives. Specifically, the RSA-funded PTIs help individuals with disabilities and their families to: (a) Better understand VR and independent living programs and services; (b) provide follow-up support for transition services and employment programs; (c) communicate effectively with transition and rehabilitation personnel and other relevant professionals; (d) provide support in the development of individualized plans for employment; (e) provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and (f) understand the provisions of the Rehabilitation Act, particularly provisions relating to employment, supported employment, and independent living.

National Technical Assistance for Parent Information and Training Centers (84.235G)

In September 2014, RSA made one 60-month award to the Statewide Parent Advocacy Network (SPAN), New Jersey to establish and operate the national PTI TA center. The center is funded under the Parent Information and Training Program as authorized by section 303(c) of the Rehabilitation Act. The current project period ends on September 30, 2019.

The purpose of the national PTI TA Center is to ensure that the seven State-level PTI centers funded by RSA are providing consistent information and training to assist individuals with disabilities and their families, including youth with disabilities who are of transition age, achieve their employment and independent living goals.

The national PTI TA Center also disseminates information on promising and evidence-based practices that lead to high-quality employment outcomes and independent living for individuals with disabilities; shares strategies for communicating effectively with individuals from culturally, ethnically, and linguistically diverse backgrounds; and coordinates the seven State-level PTI centers funded by RSA and the PTI centers funded by OSEP in disseminating information and training materials on transition services, VR, supported employment, independent living, and career development.

Waivers and Extensions

We do not believe that it would be in the public interest to run competitions for these programs in FY 2019, because the Department is reviewing the alignment of its training and TA services focused on transition from high school to college, careers, and adult services for children and youth with disabilities and their families. During the remainder of FY 2019 the Department will consider approaches

for improving coordination among programs that provide these services to more efficiently and effectively meet the needs of States, service providers, youth with disabilities, and their families and to allow for more efficient use of the funding available to support these activities.

The Department has also concluded that it would not be in the public interest to have a lapse in the critically needed resources currently provided by these programs. Allowing funding to lapse before the Department establishes a new, coordinated strategy for training and TA services would leave youth and families without access to critical services and assistance that ensure that students with disabilities, including those with significant disabilities, transition from K–12 prepared for postsecondary success.

For these reasons, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver would allow the Department to issue one-time FY 2019 continuation awards to the projects originally funded in FY 2014 and 2016, estimated as follows.

CFDA	Recipient	Amount
84.235F	PEAK Parent Center	$130,933
84.235F	Statewide Parent Advocacy Network	130,933
84.235F	Open Doors for Multicultural Families	130,845
84.235F	Federation for Children with Special Needs, Inc	130,886
84.235F	Resources for Children with Special Needs, Inc	130,309
84.235F	PACER Center Inc	130,000
84.235F	Missouri Parents Act MPACT	130,929
84.235G	Statewide Parent Advocacy Network	250,000
84.326E	University of North Carolina	300,000
84.328M	Raising Special Kids, Inc	392,365
84.328M	Advocates for Justice and Education, Inc	200,000
84.328M	Parent Information Center of Delaware, Inc	200,000
84.328M	Learning Disabilities Association of Hawaii (Hawaii PTI)	200,000
84.328M	Access for Special Kids Resource Center, Inc	201,543
84.328M	Idaho Parents Unlimited, Inc	200,000
84.328M	Indiana Resource Center for Families with Special Needs	399,970
84.328M	Families Helping Families of Greater New Orleans	290,932
84.328M	Federation for Children with Special Needs, Inc	346,661
84.328M	PACER Center, Inc	307,684
84.328M	Missouri Parents Act (MPACT)	358,058
84.328M	Mississippi Coalition for Citizens with Disabilities	213,590
84.328M	Exceptional Children's Assistance Center, Inc	590,453
84.328M	NH Coalition for Citizens with Disabilities	200,000
84.328M	Oklahoma Parents Center, Inc	236,936
84.328M	Parent Education and Advocacy Leadership Center	695,235
84.328M	Learning Disabilities Association of Hawaii (Pacific PTI)	200,000
84.328M	Rhode Island Parent Information Network	200,000
84.328M	South Dakota Parent Connection, Inc	200,000
84.328M	Support & Training for Exceptional Parents, Inc	386,028
84.328M	Parent Educational Advocacy Training Center	462,823
84.328M	PAVE	384,480
84.328M	WVPTI, Inc	200,000
84.328M	Parents Helping Parents of Wyoming, Inc	200,000

Any activities carried out during the year of this continuation award must be consistent with the scope, goals, and objectives of the grantees' applications as approved in either the 2014 or 2016 competitions. The requirements for continuation awards are set forth in 34 CFR 75.253.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected by the proposed waiver and extension of the project period are the current grantees and any other potential applicants.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available at *www.govinfo.gov*. At this

site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Johnny W. Collett,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2019–12016 Filed 6–6–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2019–0011; FRL–9994–83–OAR]

RIN 2060–AU14

Reconsideration of the Area Designation for the 2010 1-Hour Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard for Williamson County, Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to reconsider the nonattainment designation under the Clean Air Act (CAA) for the Williamson County, Illinois area for the 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS). On June 30, 2016, the EPA Administrator signed a final action that designated the Williamson County, Illinois area as nonattainment based on a review of available information. On September 12, 2016, Southern Illinois Power Cooperative (SIPC), the owner of the largest source of SO_2 emissions in the area (the Marion Power Station), submitted to the EPA an updated modeling analysis that characterized SO_2 air quality in the area at the time of the final designation action. The EPA has reviewed that modeling and concludes the available information demonstrates that, as of the date of the Administrator's signature on the final action, the Williamson County, Illinois area was not violating the 2010 1-hour SO_2 NAAQS and was not contributing to a NAAQS violation in a nearby area. Therefore, the EPA is proposing to change the initial designation of Williamson County, Illinois, from nonattainment to attainment/unclassifiable.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0011, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.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: For further information concerning this action, please contact Corey Mocka, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; by telephone at (919) 541–5142 or by email at *mocka.corey@epa.gov.*

SUPPLEMENTARY INFORMATION:

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

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I. General Information

A. Glossary of Terms and Acronyms

The following are abbreviations of terms used in this notice.

AERMOD American Meteorological Society/EPA Regulatory Model
APA Administrative Procedure Act
CAA or Act Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
DC District of Columbia
EPA or Agency Environmental Protection Agency
FR Federal Register
NAAQS National Ambient Air Quality Standards
NTTAA National Technology Transfer and Advancement Act
SIP State Implementation Plan
SIPC Southern Illinois Power Cooperative
SO_2 Sulfur Dioxide
RFA Regulatory Flexibility Act
UMRA Unfunded Mandate Reform Act of 1995
TAD Technical Assistance Document
TSD Technical Support Document
U.S. United States

B. Docket

All documents in the docket are listed in the *www.regulations.gov* index, identified by Docket ID No. EPA–HQ–OAR–2019–0011. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center. Air dispersion modeling input and output files are too large to post in the docket or on the website and must be requested from the contact listed in the **FOR FURTHER INFORMATION CONTACT** section or from the EPA Docket Center. The EPA Docket

Center can be contacted at (202) 566–1744, and is located at EPA Docket Center Reading Room, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The hours of operation at the EPA Docket Center are 8:30 a.m.–4:30 p.m., Monday–Friday.

II. Background

A. Designations of Areas for the 1-Hour SO_2 NAAQS

In 2010, the EPA issued a notice of final rulemaking that revised the primary SO_2 NAAQS (75 FR 35520; June 22, 2010). The EPA established the revised primary SO_2 NAAQS at 75 parts per billion (ppb) which is attained when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb. The notice for the final rulemaking provides information on the health effects of exposures to SO_2 concentrations and other information on the NAAQS.

The process for designating areas following promulgation of a new or revised NAAQS is contained in CAA section 107(d) (42 U.S.C. 7407(d)). After promulgation of a new or revised NAAQS, each governor or tribal leader is required to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA.[1] The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. By no later than 120 days prior to promulgating designations, the EPA is required to notify states, territories, and tribes, as appropriate, of any intended modifications to an area designation or boundary recommendation that the EPA deems necessary.

B. Round 2 Designation of Williamson County, Illinois[2]

The Marion Power Station, owned by SIPC, is a source of SO_2 emissions located in southern Williamson County, Illinois in a rural area adjacent to the Lake of Egypt. The EPA was required under the conditions of a May 2015 enforceable court order to designate the area around the Marion Power Station by July 2, 2016 (*see* 81 FR 45039).

In 2011, following the promulgation of the revised SO_2 NAAQS, the state of Illinois initially recommended a designation of unclassifiable for Williamson County. In September 2015, Illinois updated its recommendation for Williamson County to attainment based on air quality modeling conducted by the state and submitted to the EPA. No ambient monitoring data were available for any part of the county. While formulating the EPA's intended designation, we also received air quality modeling from Sierra Club for this area that purported to demonstrate the area was not attaining the 2010 SO_2 NAAQS. In our review of the two modeling submissions, the EPA found the state's September 2015 modeling used an emission rate that was below actual 2012–2014 emission rates. The Sierra Club's modeling, in contrast, used actual 2012–2014 emission rates, consistent with the EPA's SO_2 NAAQS Designations Modeling Technical Assistance Document (TAD). Most other aspects of the Sierra Club modeling were similar to the modeling submitted by Illinois, though the Sierra Club modeled SO_2 air quality at receptors on the facility-owned ''Northern Property'' adjacent to the main plant (and identified nonattainment receptors on that property) and Illinois' modeling did not. The Sierra Club modeling used the same building dimensions as the Illinois modeling. Neither Illinois' nor Sierra Club's modeling suggested that the Marion Power Station (or any other sources in the county) contributed to a violation of the NAAQS in any separate nearby area. In February 2016, the EPA notified Illinois of our intended designation of nonattainment for the entirety of Williamson County based primarily on Sierra Club's modeling along with consideration of other available evidence.[3] [4]

During the March 2016 public comment period on the intended nonattainment designation, the EPA received three new modeling runs for the area from a consultant to SIPC that purported to demonstrate the area around the Marion Power Station was attaining the 2010 SO_2 NAAQS.[5] [6] These modeling runs were all based on actual 2013–2015 emissions. The SIPC modeling runs differed from Illinois' modeling in some respects but were the same as the Illinois modeling with respect to using the same building geometries and excluding modeling receptors on the facility-owned ''Northern Property'' adjacent to the main plant. In its comments on the intended nonattainment designation for Williamson County, the state endorsed the new modeling from the SIPC consultant. After analyzing issues with SIPC's modeling, the EPA concluded that SIPC's modeling ''was incomplete in the sense that an important receptor area [*i.e.,* the Northern Property] was inappropriately excluded from the analysis.'' [7] In the final action signed on June 30, 2016, the EPA designated the entirety of Williamson County as nonattainment, based on consideration of all submitted modeling. Full reviews of all the modeling analyses submitted to the EPA for the designation of Williamson County can be found in the technical support document (TSD) for the intended Illinois designations and the TSD for the final Illinois designations. This designation triggered Illinois' duty to develop and submit to the EPA a state implementation plan (SIP) under CAA sections 172, 191 and 192 demonstrating attainment of the SO_2 NAAQS.

C. Petitions and Additional Modeling Received From SIPC Subsequent to the Designation of Williamson County

In September 2016, SIPC submitted a petition for reconsideration of the EPA's nonattainment designation for Williamson County.[8] [9] SIPC included several additional modeling runs as part of the petition for reconsideration that reflected different building dimensions at the Marion Power Station than those used in Illinois' modeling, Sierra Club's modeling, and SIPC's previous March 2016 modeling.[10] Overall, SIPC's

[1] Tribal leaders are also invited to make air quality designation recommendations for areas of Indian country.

[2] The EPA refers to the designations of selected areas, including Williamson County, Illinois, for the 1-hour SO_2 NAAQS that the Agency finalized in 2016 as ''Round 2'' designations. The EPA also finalized designations for other selected areas in 2013 (Round 1; *see* 78 FR 47191) and 2018 (Round 3; *see* 83 FR 1098 and 83 FR 14597).

[3] Letter dated February 16, 2016 from Robert A. Kaplan, Acting Regional Administrator, EPA Region 5, to Illinois Governor Bruce Rauner regarding the EPA's intended designations for the 2010 SO_2 NAAQS, Docket Item No. EPA–HQ–OAR–2014–0464–0127.

[4] Illinois Technical Support Document for the EPA's Intended Designations, Docket Item No. EPA–HQ–OAR–2014–0464–0128.

[5] Docket Item No. EPA–HQ–OAR–2014–0464–0318.

[6] Two of SIPC's modeling runs used non-regulatory AERMOD options that the EPA could not rely on to evaluate whether the Williamson County, Illinois area was meeting the 2010 SO_2 NAAQS. The EPA's discussion here and in the TSD for the final designations for areas in Illinois thus focus on analyzing the one SIPC modeling run that used AERMOD in its regulatory default mode.

[7] Illinois Technical Support Document for the EPA's Final Designations, Docket Item No. EPA–HQ–OAR–2014–0464–0402.

[8] Docket Item No. EPA–HQ–OAR–2014–0464–0427.

[9] SIPC also filed a petition for judicial review of the designation in the Court of Appeals for the Seventh Circuit, which was later transferred to the Court of Appeals for the D.C. Circuit.

[10] Accurate representation of building parameters is important to better account for the effects on modeled concentrations of downwash, eddies, and wakes from buildings. Generally, modeling with building downwash effects tends to result in higher modeled ground concentrations near the building

September 2016 modeling of actual emissions indicated no violations of the NAAQS in the 3-year period of 2013–2015 and did not identify any nonattainment receptors on the Northern Property. In January 2017, Administrator McCarthy denied SIPC's petition for reconsideration, explaining that the petition did not meet the criteria the EPA elected to use to evaluate whether the action warranted reconsideration.[11]

In June 2017, SIPC submitted a petition to the EPA seeking error correction of the final rule designating Williamson County, Illinois as nonattainment. In this June 2017 petition, SIPC requested that the EPA correct what SIPC alleged to be particular errors in the EPA's final designation action for Williamson County.

In September 2017, EPA Administrator Pruitt responded to the letter transmitting SIPC's petition for error correction by indicating the EPA's intention to undertake an administrative action with notice and comment to revisit the nonattainment designation.[12] In its September 2016 petition for reconsideration, SIPC indicated that the revised building dimensions were based on a survey conducted in 2016. On November 6, 2018, SIPC submitted to the EPA supplemental information with regard to the specifics of and the basis for the revised building inputs used in the modeling submitted as part of its September 2016 petition for reconsideration.[13] This proposal initiates our notice and comment administrative action to reconsider the designation, based upon our review of this submitted information that characterizes SO_2 air quality at the time of this area's designation.

III. Proposed Action

In September 2016, SIPC submitted to the EPA additional information and updated modeling, which included modeling receptors on the Northern Property, pertaining to the designation of Williamson County, Illinois. On November 6, 2018, SIPC submitted to the EPA supplemental information to clarify the specifics of and the basis for the revised building inputs used in the September 2016 modeling. A full review of this supplemental information is provided in the TSD for this action, which is available in the public docket. Based on this review, including consideration of this clarifying information, the EPA proposes that the September 2016 SIPC modeling is representative of the relevant calendar years (2013–2015 actual emissions) of SO_2 air quality in Williamson County at the time of the final designation on June 30, 2016.[14] The EPA also proposes to find that the modeling demonstrates that in the 2013–2015 modeling period the area was not violating the 1-hour SO_2 NAAQS or was not contributing to a violation in any nearby area at the time of the 2016 final designation.

This information includes the addition of receptors in the Northern Property and refinements of the building dimensions as processed for downwash purposes. The EPA proposes to find that this modeling, with our evaluation of the additional information submitted by SIPC documenting building dimensions and evidence that modeled predictions in the Northern Property are below the 1-hr SO_2 NAAQS, provides a credible assessment of air quality throughout the area at the time of designation. Based on this updated modeling, the EPA proposes to conclude that the entire area had no violations of the 1-hr SO_2 NAAQS in the period 2013–2015, the three most recent calendar years prior to our designations final action. Additionally, SIPC does not contribute to any nearby nonattainment area. The nearest SO_2 nonattainment area is over 160 kilometers away, beyond the distance at which Marion Power Station would likely have impact on SO_2 air quality.

Accordingly, we are proposing to change the initial designation of Williamson County, Illinois for the 2010 1-hour SO_2 NAAQS. Based on the information available to the EPA, we are proposing to finalize the Williamson County, Illinois area's initial designation as attainment/unclassifiable for that SO_2 NAAQS. If the EPA takes final action to change Williamson County, Illinois' designation, that final action would relieve Illinois of the obligation under CAA sections 172, 191, and 192 to submit a SIP that demonstrates attainment of the SO_2 NAAQS. The EPA invites public input on this proposed action regarding the Williamson County, Illinois area during the 30-day comment period provided in this notice. At this time, the EPA is not taking action or soliciting public comment on the 2010 1-hour SO_2 NAAQS designations for geographic areas beyond Williamson County, Illinois. This opportunity for public comment does not affect any rights or obligations of any state, territory, or tribe, or of the EPA, which might otherwise exist pursuant to the CAA section 107(d).

IV. Environmental Justice Considerations

When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the United States as either nonattainment, attainment, or unclassifiable. This proposal is reconsidering the nonattainment designation for the Williamson County, Illinois area for the 2010 1-hour SO_2 NAAQS. Area designations address environmental justice concerns by ensuring that the public is properly informed about the air quality in an area. In locations where air quality does not meet the NAAQS, the CAA requires relevant state authorities to initiate appropriate air quality management actions to ensure that all those residing, working, attending school, or otherwise present in those areas are protected, regardless of minority and economic status.

V. 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 exempt from review by the Office of Management and Budget because it is a designation for the Williamson County, Illinois area for the 2010 1-hour SO_2 NAAQS.

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

This action is not an Executive Order 13771 regulatory action because actions such as air quality designations after promulgating a new revised NAAQS are exempt under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. In this action, the EPA is reconsidering the SO_2 NAAQS designation for the Williamson County, Illinois area promulgated previously on

versus modeling without downwash effects. Therefore, an accurate representation of physical structures, such as buildings, in the vicinity of a plume is important to ensure reliable estimates of ambient air concentrations.

[11] *See* the EPA's response to SIPC's September 2016 petition for reconsideration, Docket Item Nos. EPA–HQ–OAR–2014–0464–0439 and EPA–HQ–OAR–2014–0464–0444. This response letter with enclosures is also available at *https://www.epa.gov/sites/production/files/2017-01/documents/bonebrake_letter_and_enclosure.pdf.*

[12] Upon being informed of the EPA's intention to undertake further administrative proceedings regarding this area's designation, the D.C. Circuit granted the EPA's motion to place the judicial petitions from SIPC in abeyance.

[13] Docket Item No. EPA–HQ–OAR–2014–0464–0458.

[14] Technical Support Document for Williamson County, Illinois Modeling Submitted September 2016, Docket No. EPA–HQ–OAR–2019–0011.

July 12, 2016, and does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action under CAA section 107(d) is not subject to the RFA. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. Section 107(d)(2)(B) of the CAA explicitly provides that designations are exempt from the notice-and-comment provisions of the APA. In addition, designations under CAA section 107(d) are not among the list of actions that are subject to the notice-and-comment rulemaking requirements of CAA section 307(d).

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the federal government and the states for purposes of implementing the NAAQS is established under the CAA.

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

This action does not have tribal implications, as specified in Executive Order 13175. This action concerns the designation of Williamson County, Illinois for the 2010 SO_2 NAAQS. This rule does not have a substantial direct effect on one or more Indian tribes. This action when final would change the initial designation for Williamson County for the 2010 1-hour SO_2 NAAQS, but no areas of Indian country are intended to be designated or to have their designation changed by this action. There are no areas of Indian country in or near Williamson County. Furthermore, this rule does not affect the relationship or distribution of power and responsibilities between the federal government and Indian tribes. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply.

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

The EPA interprets Executive Order 13045 as applying 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 establish an environmental standard intended to mitigate health or safety risks.

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

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

J. National Technology Transfer and Advancement Act (NTTA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either nonattainment, attainment, or unclassifiable. This action is reconsidering the nonattainment designation for the Williamson County, Illinois area for the 2010 1-hour SO_2 NAAQS. Area designations address environmental justice concerns by ensuring that the public is properly informed about the air quality in an area. In locations where air quality does not meet the NAAQS, the CAA requires relevant state authorities to initiate appropriate air quality management actions to ensure that all those residing, working, attending school, or otherwise present in those areas are protected, regardless of minority and economic status. The documentation for this determination is contained in Section IV of this preamble, ''Environmental Justice Considerations.''

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: May 28, 2019.

William L. Wehrum,

Assistant Administrator.

[FR Doc. 2019–12064 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0041; FRL–9993–93]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals In or On Various Commodities (April 2019)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

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

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) number and Pesticide Petition number (PP) 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

(RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov;* or Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@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 pesticide petition 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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

A. Amended Tolerances for Non-Inerts

PP 8E8730. (EPA–HQ–OPP–2019–0205). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.697 by removing the established tolerances for residues of flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethyl)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile, including its metabolites and degradates, in or on the raw agricultural commodities Cantaloupe at 0.07 ppm; Cherry at 0.40 ppm; Cucumber at 0.20 ppm; Grape at 0.70 ppm; Squash at 0.05 ppm and Strawberry at 0.50 ppm. *Contact:* RD.

B. New Tolerance Exemptions for Inerts (Except Pips)

PP IN–11245. (EPA–HQ–OPP–2019–0129). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish an exemption from the requirement of a tolerance for residues of ethylenebis(oxyethylene) bis[3-(5-tert-butyl-4-hydroxy-m-tolyl) propionate (CAS No. 36443–68–2) when used as a pesticide inert ingredient (stabilizer) in pesticide formulations under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

C. New Tolerance Exemptions for Non-Inerts (Except Pips)

1. *PP 8F8697.* (EPA–HQ–OPP–2019–0266). AgBiTech Pty Ltd., 8 Rocla Ct., Glenvale, Queensland 4350, Australia (c/o V.A. Forster Consulting, Inc., P.O. Box 4097, Wilmington, DE 19807), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the insecticide *Autographa californica* MNPV strain R3 in or on all food commodities. The petitioner believes no analytical method is needed because the petition requests an exemption from the requirement of a tolerance. Further, it is expected that, when used as proposed, *Autographa californica* MNPV strain R3 would not result in residues that are of toxicological concern. *Contact:* BPPD.

2. *PP 8F8726.* (EPA–HQ–OPP–2019–0183). Bi-PA nv, Technologielaan 7, B–1840 Londerzeel, Belgium (c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Trichoderma atroviride* strain SC1 in or on all food commodities. The petitioner believes no analytical method is needed because of its request for an exemption from the requirement of a tolerance for residues of *Trichoderma atroviride*

strain SC1; therefore, the requirement to provide an analytical method for the detection of residues of *Trichoderma atroviride* strain SC1 in agricultural commodities or processed food is not applicable. *Contact:* BPPD.

D. New Tolerances for Non-Inerts

1. *PP 4F8338.* (EPA–HQ–OPP–2018–0599). Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, sulfoxaflor (1-(6-trifluoromethylpyridin-3-yl)ethyl)(methyl)-oxido-λ4-sulfanylidenecyyanamide), in or on rice, grain at 5 parts per million (ppm); rice, straw at 5 ppm; rice, hulls at 14 ppm; and avocado, whole fruit at 0.15 ppm. The Analytical method 091116, ''Enforcement Method for the Determination of Sulfoxaflor (XDE–208) and its Main Metabolites in Agricultural Commodities using Offline Solid-Phase Extraction and Liquid Chromatography with Tandem Mass Spectrometry Detection'' was validated on a variety of plant matrices. The method was validated over the concentration range of 0.010–5.0 mg/kg with a validated limit of detection (LOD) of 0.003 mg/kg and limit of quantitation (LOQ) of 0.010 mg/kg. *Contact:* RD.

2. *PP 8E8672.* (EPA–HQ–OPP–2008–0771). Valent U.S.A. LLC, P.O. Box 8025, Walnut Creek, CA 94596, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, clothianidin, in or on persimmon at 0.5 parts per million (ppm). The liquid chromatography/mass spectroscopy/mass spectroscopy (LC/MS/MS analysis) is used to measure and evaluate the chemical clothianidin, (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine. *Contact:* RD.

3. *PP 8E8731.* (EPA–HQ–OPP–2019–0070). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180.650 by establishing tolerances for residues of isoxaben, N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-2, 6-dimethoxybenzamide in or on the raw agricultural commodities Hop, dried cones at 0.01 parts per million (ppm) and Caneberry subgroup 13–07A at 0.01 ppm. Acceptable analytical methods are available for enforcement purposes. *Contact:* RD.

4. *PP 8F8695.* (EPA–HQ–OPP–2018–0718). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419 requests to establish a tolerance in 40 CFR part 180.475 for residues of the fungicide difenoconazole in or on vegetable, leaves of root and tuber, group 2 at 8.0 parts per million (ppm) and vegetable, root, subgroup 1A at 0.60 ppm. The gas chromatography equipped with a nitrogen-phosphorous detector and the liquid chromatography (LC)/mass spectrometry (MS)/MS) method are used to measure and evaluate the chemical difenoconazole. *Contact:* RD.

5. *PP 8F8729.* (EPA–HQ–OPP–2019–0130). Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, trifloxystrobin (benzeneacetic acid, (E,E)-α-(methoxyimino)-2-[[[[1-[3-(trifluoromethyl) phenyl]ethylidene]amino]oxy]methyl]-methyl ester) and the free form of its acid metabolite CGA–321113 ((E,E)-methoxyimino-[2-[1-(3-trifluoromethyl-phenyl)-ethylideneaminooxymethyl]-phenyl]acetic acid) in or on dried shelled pea and bean (except soybean) subgroup 6C at 0.06 parts per million (ppm). The analytical method involves solvent mixtures and solvent to matrix ratio, deuterated internal standards, and Liquid Chromatography/Mass Spectrometry-Mass Spectrometry (LC/MS–MS) with an electrospray interface, operated in the positive ion mode. Residues of trifloxystrobin are quantified by high-pressure liquid chromatography/triple stage quadrupole mass spectrometry (LC/MS/MS) using stable-labeled internal standards. *Contact:* RD.

6. *PP 9F8733.* (EPA–HQ–OPP–2019–0062). Syngenta Crop Protection, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, mandipropamid: 4-chloro-N-[2-[3-methoxy-4-(2-propynyloxy) phenyl]ethyl]-alpha-(2-propynyloxy)-benzeneacetamide, in or on cocoa bean at 0.05 parts per million (ppm). The analytical method involves extraction of mandipropamid residues from crop samples by homogenization with acetonitrile:water (80:20 v/v). Extracts are centrifuged and aliquots diluted with water prior to being cleaned-up using polymeric solid-phase extraction cartridges. Residues of mandipropamid are quantified using high performance LC–MS/MS. *Contact:* RD.

7. *PP 9F8736.* (EPA–HQ–OPP–2019–0128). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180.685 for residues of the fungicide oxathiapiprolin (1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone), in or on bushberry crop subgroup 13–07B at 0.5 parts per million (ppm); tree nuts, crop group 14–12 at 0.01 ppm; and almond hulls at 0.05 ppm. High-pressure liquid chromatography with tandem mass-spectrometry (LC–MS/MS) detection is used to measure and evaluate residues of the chemical oxathiapiprolin. *Contact:* RD.

8. *PP 9F8744.* (EPA–HQ–OPP–2019–0273). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish rotational crop tolerances in 40 CFR part 180 for residues of the fungicide, pydiflumetofen, in or on rice, grain at 0.01 parts per million (ppm); Non-grass animal feed (crop group 18), forage at 0.01 ppm; non-grass animal feed (crop group 18), hay at 0.03 ppm; grasses, forage at 0.15 ppm; grasses, hay at 0.50 and grasses, straw at 0.04 ppm. The QuEChERS method is used to measure and evaluate the chemical in plant commodities. *Contact:* RD.

Authority: 21 U.S.C. 346a *et seq.*

Dated: May 20, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–11930 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 239

[FRL–9994–84–Region 2]

The Territory of the United States Virgin Islands: Notification of Tentative Determination of Adequacy of the U.S. Virgin Islands Municipal Solid Waste Landfill Permit Program; Public Hearings and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Virgin Islands (USVI) has requested that EPA consider approving its Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfills (MSWLF) Permit Program and with this action, EPA is proposing a Tentative Determination of Adequacy of the USVI MSWLF Permit Program. Although RCRA does not require EPA to hold a hearing on any determination to approve a State/Tribe's MSWLF program, the Region has scheduled three public hearings on this tentative

determination. Details appear below in the **DATES** section.

DATES: All comments on EPA's tentative determination of adequacy of the USVI RCRA Subtitle D MSWLF Permit Program must be received by the close of business on Friday, August 2, 2019. One public hearing will be held on St. Croix, USVI on Tuesday, July 23, 2019; a second hearing will take place on St. Thomas, USVI on Wednesday, July 24, 2019; a third hearing will take place on St. John, USVI on Thursday, July 25, 2019. Each hearing will begin at 6 p.m. The Government of the USVI is expected to participate in the public hearings held by EPA on this matter.

ADDRESSES: Copies of key documents concerning this matter are available between 8:30 a.m. and 5:00 p.m. at the following addresses for inspection and copying: U.S. EPA Region 2 Library, 290 Broadway, 16th Floor, New York, New York, 10007–1866, telephone (212) 637–3185; the USVI Department of Planning and Natural Resources, Division of Environmental Protection, 2607 Tutu Park Mall, St. Thomas, USVI 00802, telephone (340) 774–3320; the Elaine Ione Strauve Public Library, Enighed Estate, St. John, USVI 00831, telephone (340) 776–6395; the USVI Department of Planning and Natural Resources, Division of Environmental Protection, 45 Estate Mars Hill, Frederiksted, St. Croix, USVI, 00840, telephone (340) 773–1082; the USEPA Caribbean Environmental Protection Division (CEPD) City View Plaza II—Suite 7000 #48 Rd. 165 km 1.2 Guaynabo, PR 00968–8069. Written comments should be sent to Judy-Ann Mitchell, Acting Deputy Division Director, Land, Chemicals, and Redevelopment Division, USEPA Region 2, 290 Broadway, New York, NY 10007 or via email at *mitchell.judy-ann@epa.gov.* The St. Croix public hearing on Tuesday, July 23, 2019 will be held at the Florence A. Williams Public Library, 1122 King Street, Christiansted, St. Croix, USVI 00823; the St. Thomas public hearing on Wednesday, July 24, 2019 will held at the Department of Planning and Natural Resources Charles W. Turnbull Regional Public Library Auditorium, 2607 Tutu Park Mall, St. Thomas, USVI 00802; the St. John public hearing on Thursday, July 25 will be held at the Cleone H. Creque Legislative Conference Room, St. John Legislative Annex, Cruz Bay, St. John, USVI 00830.

FOR FURTHER INFORMATION CONTACT: Judy-Ann Mitchell, Acting Deputy Division Director, Land, Chemicals, and Redevelopment Division, U.S. EPA Region 2, 290 Broadway, New York, New York, 10007–1866, telephone (212) 637–3721, *mitchell.judy-ann@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984, requires States to develop and implement permit programs or other systems of prior approval to ensure that MSWLFs which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria. The RCRA requires the Environmental Protection Agency (EPA) to determine whether States have adequate ''permit'' programs for MSWLFs. Pursuant to the RCRA, the term ''State'' includes the territory of the U.S. Virgin Islands. To implement these statutory provisions, EPA promulgated a State Implementation final rule, which provides criteria and procedures for making adequacy determinations of State municipal landfill permit programs. The EPA approval of state MSWLF programs provides Directors of approved states with various flexibilities including the authority to approve expansion of an existing landfill or siting a new landfill in a seismic zone, application of alternative daily cover, and alternate financial assurance mechanisms. The EPA notes that federal landfill criteria apply to all permitted and unpermitted MSWLF facilities.

On October 9, 1991, EPA promulgated revised criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs or other systems of prior approval to ensure that MSWLFs comply with the Federal Criteria under part 258. RCRA also requires in Section 4005(c)(1)(C), 42 U.S.C. 6945(c)(1)(C) that EPA determine whether State MSWLF permit programs are adequate to comply with the revised Federal Criteria. Title 40 CFR part 239 specifies the minimum requirements which State landfill permit programs must satisfy to be determined by EPA to be adequate, including: The state must have legally adopted enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF landfill criteria; the state must have an adequate compliance monitoring program and the legal authority to issue permits or other forms of prior approval to all new and existing MSWLFs in its jurisdiction; the State must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA, 42 U.S.C. 6974(b); and the State must also demonstrate that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with applicable regulations or its landfill permit.

The EPA Regions are authorized to determine whether a State has submitted an ''adequate'' program based on the statute and the regulations summarized above. EPA expects States to meet all these requirements for its MSWLF program before it gives full approval of the adequacy of a MSWLF program.

As a general matter, the Agency believes that approvals of state programs have an important benefit. Approved State permit programs establish procedures for interaction between a state and an owner/operator regarding site-specific permit conditions. Only those owners/operators located in States with approved permit programs can use the site-specific flexibility provided by part 258 to the extent that the State permit program allows such flexibility. EPA notes that regardless of the approval status of a State and the permit status of any facility, the federal landfill criteria apply to all permitted and unpermitted MSWLF facilities. EPA also notes that Section 4005(a) of RCRA, 42 U.S.C. 6945(a), provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State enforcement program.

B. Territory of the U.S. Virgin Islands

The USVI originally applied for a determination of adequacy under RCRA in October 1993. EPA reviewed the application and published in the **Federal Register** a Tentative Determination of Adequacy on June 16, 1995. However, the public hearings and public comments contained many adverse statements concerning deficiencies in the USVI solid waste program; in addition, the USVI did not promulgate revised solid waste regulations that could meet EPA approval. Accordingly, EPA did not publish a Final Determination of Adequacy. Based on continuing deficiencies in the USVI solid waste management program, on May 8, 2000 (65 FR 26546) EPA published in the **Federal Register** a Tentative Determination of Inadequacy and held two public hearings on St. Thomas and St. Croix. After review of public comments, EPA decided not to proceed with a Final Determination of Inadequacy and to allow the USVI

additional time to develop its solid waste management program, which EPA believes has now occurred.

The EPA has continued to work with the USVI both on its day-to-day landfill operation practices and the development of appropriate solid waste regulations. In addition, in 2004 the USVI established the Waste Management Authority and in recent years has pursued various efforts to improve its solid waste management program. Also, scheduling the work for the final closure of both the Anguilla and Bovoni landfills is now under the supervision of a federal judge and the Department of Justice, pursuant to federal Consent Decrees, which became effective in 2013 and 2014.

The USVI submitted program application material to EPA in 2008, and in 2017 and 2018 submitted additional information that EPA requested. EPA has reviewed all relevant materials concerning the USVI's MSWLF program, including revised solid waste regulations, and has made a tentative determination that all portions of the U.S. Virgin Islands' MSWLF permit program now are adequate to assure compliance with the revised Federal Criteria, except that correction of a technical/typographical error in a section of the Virgin Islands solid waste regulations needs to be made.

The USVI Attorney General has certified that the current laws and regulations, which are part of the Virgin Islands solid waste management program, are in full force and effect, and that an appropriate correction to the solid waste regulations is being processed. The Attorney General will update its certification when the correction of the regulations has been officially promulgated.

The USVI application materials for this program adequacy determination are available for public review in the locations described in the **ADDRESSES** section of this document.

C. Comment Period/Final Determination

EPA will consider all public comments received during the public comment period and public hearings, including any comments offered by the Virgin Islands government, and make a final determination on whether to approve the Virgin Islands' RCRA Subtitle D MSWLF Permit Program. EPA will give notice of its final determination in the **Federal Register**. The document will include a summary of the reasons for the final determination, and a summary of responses to all major comments received at the public hearings and during the public comment period.

List of Subjects in 40 CFR Part 239

State solid waste program application, Requirements for adequate permit programs, EPA adequacy determination procedures.

Dated: May 9, 2019.

Peter D. Lopez,

Regional Administrator, Region 2.

[FR Doc. 2019–12044 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 96

[GN Docket No. 17–258; Report No. 3128]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: A Petition for Reconsideration (Petition) has been filed in the Commission's rulemaking proceeding by John C. Gazzo, on behalf of CallComm.

DATES: Oppositions to the Petition must be filed on or before June 24, 2019. Replies to an opposition must be filed on or before July 2, 2019.

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

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Mobility Division, Wireless Telecommunications Bureau (WTB), at (202) 418–7369, email: *Peter.Trachtenberg@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3128, released May 24, 2019. The full text of the Petition is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Promoting Investment in the 3550–3700 MHz Band, GN Docket No. 17–258, FCC 18–149, published at 83 FR 63076, December 7, 2018. This document is being published pursuant to 47 CFR 1.429(e). *See* also 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2019–11913 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 190215125–9125–01]

RIN 0648–BI49

Fisheries of the Northeastern United States; Framework Adjustment 13 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes measures to approve and implement Framework Adjustment 13 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. This action proposes to establish a 5-year rebuilding program for Atlantic mackerel, set 2019–2021 Atlantic mackerel specifications and a river herring and shad cap for the Atlantic mackerel fishery, modify the Mid-Atlantic Fishery Management Council's risk policy, and modify in-season closure measures. This action is necessary to prevent overfishing and rebuild the Atlantic mackerel stock based on a recent stock assessment that found the Atlantic mackerel stock to be overfished and subject to overfishing. The intended effect of this rule is to sustainably manage the Atlantic mackerel fishery and achieve optimum yield on a continuing basis.

DATES: Public comments must be received by July 8, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0113, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0113,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Mackerel Framework 13.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only.

The Mid-Atlantic Fishery Management Council prepared a draft environmental assessment (EA) for Framework Adjustment 13 that describes the proposed action and other alternatives considered and provides a thorough analysis of the impacts of the proposed action and alternatives considered. Copies of Framework 13, including the draft EA and the preliminary Regulatory Impact Review (RIR) analysis, are available from: Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 State Street, Dover, DE 19901. The EA/RIR is accessible via the internet at *http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, (978) 281–9352, *Alyson.Pitts@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Atlantic mackerel fishery is managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) through an annual quota, possession limits, and a catch cap for bycatch of river herring and shad. In-season accountability measures (AM), including closures of the fishery through possession limit reductions, help ensure catch does not exceed the Atlantic mackerel annual catch limit (ACL) or the river herring and shad catch cap. Reactive AMs require a pound-for-pound payback the following year if landings exceed the Atlantic mackerel ACL.

Current regulations require the Council's Atlantic Mackerel, Squid, and Butterfish Monitoring Committee to develop specification recommendations based upon the acceptable biological catch (ABC) advice of the Council's Scientific and Statistical Committee (SSC). Specifications are the combined suite of commercial and recreational catch levels and management measures necessary to prevent such catch levels from being exceeded. As part of this process, the Council sets the ACL, domestic annual harvest (DAH), domestic annual processing, total allowable level of foreign fishing, joint venture processing, and commercial and recreational annual catch targets (ACT) for up to 3 years. These specifications are reviewed annually, and may be revised by the Council based on updated information.

A November 2017 benchmark stock assessment (Stock Assessment Workshop (SAW) 64) concluded that the Atlantic mackerel stock is overfished and subject to overfishing. The final assessment summary report is available on the Northeast Fisheries Science Center (NEFSC) website (*www.nefsc.noaa.gov/saw/reports.html*). The Atlantic mackerel benchmark assessment identifies an above average year-class in 2015 that drives the rebuilding projections. However, both the SAW 64 report and the SSC note that estimates of the 2015 year-class are highly uncertain, as is typical for terminal year recruitment estimates. If this year-class materializes and results in increased biomass as projected, rebuilding should occur quickly. Projections also indicate there will likely be no overfishing in 2018 and that the stock should have climbed above the overfished threshold in 2018. An assessment update is expected in 2020 to evaluate rebuilding progress and the realized size of the 2015 and subsequent year-classes.

In response to SAW 64, the Council developed Framework Adjustment 13 to create an Atlantic mackerel rebuilding plan that would prevent overfishing and rebuild the stock, as required by section 303 of the Magnuson-Stevens Fishery Conservation and Management Act. Based on the new stock assessment, NMFS declared the Atlantic mackerel stock to subject to overfishing and overfished, and notified the Council of its determination and the requirement for the Council to prepare a rebuilding plan in July 2018. The SSC had already met in May 2018 to review the assessment and develop ABC recommendations for Atlantic mackerel based on the new stock assessment. The Council was already developing a rebuilding plan when it received the formal notification from NMFS. At its August 2018 meeting, the Council recommended to establish specifications for a 5-year rebuilding plan, including the river herring and shad catch cap and in-season closure measures through Framework 13. On October 12, 2018, the Council submitted the amendment and draft EA to NMFS for preliminary review, with submission of the final draft amendment on February 28, 2019. The Council reviewed the proposed regulations in this rule, as drafted by NMFS, and deemed them to be necessary and appropriate, as specified in section 303(c) of the Magnuson-Stevens Act. This action also includes 2019–2021 specifications based on the proposed rebuilding plan and adjustments to in-season closure measures to slow fishery catch and allow Atlantic mackerel bycatch in the Atlantic herring fishery, as described further below.

NMFS closed the limited access Atlantic mackerel fishery on March 12, 2019, due to the river herring and shad catch cap being reached (March 13, 2019; 84 FR 8999). As a result, the mackerel catch in 2019 will be less than the projected 2019 catch allocation under the proposed 5-year rebuilding plan. We anticipate impacts of the 5-year rebuilding plan to be similar to those described in the 3-year rebuilding plan due to the lower catch in 2019. We will not know how the low catch in 2019 will affect the projections after the fishing year. The Council will conduct its annual review of Atlantic mackerel specifications in 2020, taking into account the actual 2019 catch to determine if adjustments should be made to the fishery specifications under the rebuilding plan for 2021 and beyond.

Proposed Measures

Under the Magnuson-Stevens Act, we are required to publish proposed rules for comment after preliminarily determining whether they are consistent with applicable law. The Magnuson-Stevens Act allows us to approve, partially approve, or disapprove measures that the Council proposes based only on whether the measures are consistent with the FMP, the Magnuson-Stevens Act and its National Standards, and other applicable law. Otherwise, we must defer to the Council's policy choices. We are seeking comments on the Council's proposed measures in Framework 13, as described below, and whether they are consistent with the Atlantic Mackerel, Squid, and Butterfish FMP, the Magnuson-Stevens Act and its

National Standards, and other applicable law.

1. Atlantic Mackerel Rebuilding Plan

For stocks that are overfished, section 304(e)(4) of the Magnuson-Stevens Act requires that a rebuilding program shall be as short as possible, taking into account the status and biology of any overfished stocks, the needs of fishing communities, and the interaction of the overfished stock within the marine ecosystem. The Magnuson-Stevens Act also requires the Council to develop measures for a rebuilding plan as soon as possible and the rebuilding plan must rebuild the stock within 10 years. The Council considered 3-, 5-, and 7-year rebuilding programs in this action. The Council proposed the 5-year rebuilding plan, which ends overfishing immediately and establishes measures that would rebuild the stock within 5 years. The 5-year rebuilding plan is as short as possible while also balancing the needs of the fishing communities and considers the interaction of the overfished stock within the marine ecosystem. The proposed 5-year rebuilding plan would have increased the 2019 DAH by 89 percent relative to the 2018 DAH, but as noted, the limited access fishery closed on March 12, 2019. The proposed 5-year plan would allow for an 124-percent increase in 2020 commercial catch compared to 2018, as described further below. Even with higher catch, biomass is projected to reach 94 percent of the target biomass by 2021 and target rebuilt levels by 2023.

The Council selected the 5-year rebuilding plan in part because it addresses community needs while still rebuilding the stock in a time period that is well below the maximum 10-year rebuilding time period. The 5-year rebuilding program would result in about an additional $6.6 and $6.9 million in fishing revenue in 2020 and 2021, respectively, compared to current specifications. In contrast, the 3-year rebuilding plan would have had a $5.8 million decrease in revenue in the first year, compared to the 5-year rebuilding program if the fishery was open and the proposed specifications were implemented. The second and third years of the 3-year rebuilding program would have had a difference of $5.2 and $3.8 million less revenue, respectively, compared to the 5-year plan. In addition, the Council notes that due to the substantial overlap between the Atlantic herring and Atlantic mackerel fisheries, the expected drastic reductions in Atlantic herring quotas and potential mid-water trawl gear restrictions that may have negative impacts on the Atlantic herring fishery and the stability of associated fishing communities. The higher annual catch associated with the 5-year rebuilding program would help mitigate such economic impacts while still rebuilding the stock within the 10-year maximum allowable rebuilding period. Also, as a precautionary measure, the Council capped ABCs under the 5-year plan at levels associated with the Council's current risk policy for a fully rebuilt Atlantic mackerel stock (33,474 mt), instead of allowing the ABCs to increase in 2021 and beyond (as supported by the SSC).

The Council also considered the interaction of mackerel within the marine ecosystem when considering the rebuilding program. The available information on Atlantic mackerel predation suggests that the ecosystem would not be disrupted under a longer rebuilding period because of the available species to sample, few were found to rely on Atlantic mackerel as prey. Establishing a 5-year plan would rebuild Atlantic mackerel well within the maximum rebuilding period while balancing the needs of fishing communities with the needs of the ecosystem.

2. Revision to the Mid-Atlantic Council Risk Policy

The Council adopted a standard risk policy in 2011 as part of Amendment 13 to the Atlantic Mackerel, Squid, and Butterfish FMP (September 29, 2011; 76 FR 60606). This risk policy formalized the process of addressing scientific and management uncertainty when setting catch limits for specifications and establishes a comprehensive system of accountability for catch relative to those limits, including catch limits associated with a rebuilding plan for overfished stocks. Due to the dynamic nature of fisheries and the environment, the Council anticipated that the risk policy may need to be revised in the future and allowed the risk policy to be adjusted via a framework adjustment to allow for flexibility in its application.

The Council's risk policy is codified at 50 CFR 648.21. The regulations at § 648.21(c) require the Council's SSC to recommend the lowest ABC between that derived from either the Council's risk policy or a rebuilding plan. The proposed 5-year rebuilding plan would allow catches that are higher than what would occur under the Council's current standard risk policy because the 5-year plan is based on a higher rebuilding F (0.237) than is allowed by the current risk policy (0.14). The higher catches proposed under the 5-year rebuilding plan would allow the stock to be rebuilt by 2023 while providing an additional $9 million in fishing revenue from 2020–2021. In order to adopt the 5-year rebuilding plan, Framework 13 includes a measure that would modify the risk policy to allow the SSC to recommend 2019–2023 Atlantic mackerel ABCs based on the higher rebuilding fishing mortality rate. The change to the Council's risk policy proposed in this action is specific to the Atlantic mackerel rebuilding plan, and would not affect the application of the Council's risk policy for any other species or FMP.

3. Atlantic Mackerel Specifications

The current Atlantic mackerel specifications are for 2016–2018, which means that new specifications are needed for 2019, regardless of the assessment findings. If approved, Framework 13 would replace the current specifications that have rolled over from 2018. Table 1 presents the proposed 2019–2021 Atlantic mackerel specifications. These specifications include 10,000 mt for expected Canadian catch, 1,209 mt for expected recreational catch, a 3-percent management uncertainty buffer, and an assumed 0.37 percent commercial discard rate. The 10,000-mt Canadian catch deduction is based on the 2018 Canadian catch limit set by the Canadian Department of Fisheries and Oceans. The 1,209-mt recreational catch is based on the total median recreational catch from 2013–2017. The 3-percent management uncertainty buffer is a reduction from the 10-percent buffer used in recent specifications due to the in-season closure measures proposed in Framework 13 that would slow the fishery by reducing possession limits in a phased approach. The proposed changes to the in-season measures reduce the need for a larger management uncertainty buffer to achieve optimum yield and facilitate effective operation of the mackerel fishery while reducing the likelihood of exceeding the ACL, and are described in the next section. The 31,764 mt overfishing limit (OFL) is defined for only 2019. The SSC determined that it could not set the OFL for 2020 and 2021 because there is too much uncertainty in the actual 2019 catch, given the early in-season closure and likely resulting stock size. However, in the temporary absence of an OFL, based on recent catch data and projected trends in stock biomass showing annual growth, the defined ABC for 2020 and 2021 is sufficient to prevent overfishing, when combined with the proposed changes for in-season closure provisions that are described below. In addition, an updated stock assessment for Atlantic

mackerel will be completed in 2020, which NMFS expects will enable the SSC and Council to develop and set the OFL for 2021 through 2023. Finally, 0.37 percent of expected commercial catch would be set aside for expected discards based on the 2012–2016 discards, which accounted for 0.37 percent of catch in the recent benchmark assessment. The Council will review each component of the Atlantic mackerel specifications annually, and will consider the results of an updated stock assessment in 2020 to refine future specifications.

TABLE 1—PROPOSED 2019–2021 SPECIFICATIONS

[mt]

	2019	2020	2021
Overfishing Limit	31,764	N/A	N/A
Total ABC	29,184	32,480	33,474
Canadian Deduction	10,000	10,000	10,000
U.S. ABC–ACL (expected Canadian catch deducted)	19,184	22,480	23,474
Recreational Allocation	1,209	1,209	1,209
Commercial Allocation	17,975	21,271	22,265
Management Uncertainty Buffer 3%	539	638	669
Commercial ACT	17,436	20,633	21,597
DAH (ACT minus 0.37% discard rate)	17,371	20,557	21,517

4. In-Season Closure Provisions

The mackerel fishery is variable in production, especially given its mixed-fishery nature with Atlantic herring. This results in potentially leaving a higher than expected amount of quota uncaught. Setting a larger management uncertainty buffer and lower percentage catch triggers may be more likely to avoid ACL overages (which must be paid back) but also more likely to leave quota uncaught. Smaller management uncertainty buffers and higher percentage catch triggers will be more likely to catch the quota but also more likely to lead to ACL overages.

In order to achieve optimum yield and effectively use the available commercial landings, Framework 13 proposes to adjust the in-season closure measures for the commercial Atlantic mackerel fishery. The proposed measures would require an in-season closure of the limited access commercial fishery when 90 percent of the DAH is projected to be landed. Once that trigger is reached, the Regional Administrator would reduce Atlantic mackerel possession limits to 40,000 lb (18,144 kg) per trip for Tier 1–3 limited access Atlantic mackerel permits and to 5,000 lb (2,268 kg) for open access permits. When 98 percent of the DAH is projected to be landed, the Regional Administrator would implement a 5,000-lb (2,268-kg) trip limit for all permits for the rest of the fishing year to cover remaining incidental catches. The proposed measures would also give the Regional Administrator the discretion to not implement these triggered possession limit reductions in November and December if landings are not projected to exceed the DAH by the end of the year. This measure is intended to increase the likelihood that optimum yield can be harvested, while still minimizing the likelihood of an overage by limiting this authority to November and December at the end of the fishing year.

The proposed in-season management measures would reduce the possibility of ACL overages and help preserve fishing opportunities for the trawl-based herring fishery. However, we note that it may negatively affect a few participants in a small-scale Atlantic mackerel jig fishery, if the Atlantic mackerel fishery closures are triggered. Using July–December jig/handline landings from 2015–2017, a 5,000-lb (2,268-kg) trip limit would have impacted 21 federally-permitted open access vessels. Twenty-one vessels represent one percent of the entire Atlantic mackerel fleet, two percent of small businesses within the fleet, and seven percent of businesses that rely solely on Atlantic mackerel. Due to the small-scale Atlantic mackerel jig fishery using open access permits, participation in the fishery may increase in the future. It is also possible that with the higher Atlantic mackerel quotas closures would not occur, so the 5,000-lb (2,268-kg) trip limit for incidental permits may not be triggered. Further, the possession limit after a closure due to the river herring and shad catch cap remains at 20,000 lb (9,071 kg) for all Atlantic mackerel vessels. We have included a summary of the economic impacts on this fleet in the ''Classification'' section of this rule.

5. River Herring and Shad Catch Cap

In 2014, Amendment 14 to the FMP (February 24, 2014; 79 FR 10029) implemented a catch cap to manage the bycatch of river herring and shad in the Atlantic mackerel fishery. Once reached, Atlantic mackerel possession limits are reduced to 20,000 lb (9,071 kg) for the rest of the year, which effectively closes the limited access Atlantic mackerel fishery. To continue to manage river herring and shad catch in the Atlantic mackerel fishery, this action would revise the existing catch cap based on the proposed 2019–2021 Atlantic mackerel quotas. The catch caps are monitored based on river herring and shad bycatch recorded in observer and portside sampling data for mackerel trips by limited access vessels, or trips in which at least 20,000 lb (9,071 kg) of Atlantic mackerel are landed.

The proposed measures would scale the river herring and shad catch cap with Atlantic mackerel landings. The initial cap would be set at 89 mt for 2019–2021, but could increase if the fishery can first land 10,000 mt of Atlantic mackerel without hitting the initial 89-mt river herring and shad catch cap in each year, which was the cap limit in 2015. The 89-mt cap represents the median annual river herring and shad catch by all vessels landing over 20,000 lb (9,071 kg) of mackerel per trip from 2005–2012. Data used to establish the original river herring and shad catch cap in Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP found that Atlantic mackerel landings would be limited to around 10,000 mt, the approximate DAH at the time of implementation (February 24, 2014; 79 FR 10029). The catch cap would increase to 129 mt in 2019, 152 mt in 2020, and 159 mt in 2021 due to the proposed increasing Atlantic mackerel DAHs under the proposed rebuilding plan. This scaling provision is meant to provide incentives to reduce river herring and shad bycatch, particularly as the Atlantic mackerel quotas would increase in the next few years,

regardless of the rate of mackerel catches. The potential increased catch caps are determined by multiplying each year's Atlantic mackerel DAH by 0.74 percent, which is the same river herring/shad bycatch ratio used in 2015. This is a lower ratio than used in 2018 (0.89 percent), so there would be a strong incentive for the fishery to avoid river herring and shad to increase the likelihood of fully harvesting the available Atlantic mackerel DAH in each year.

5. Corrections and Clarifications to Existing Regulations

This proposed rule includes additional revisions to address regulatory text that is unnecessary, outdated, or unclear. These revisions were not adopted by the Council under Framework 13, but are consistent with section 305(d) of the Magnuson-Stevens Act, which provides authority to the Secretary of Commerce to promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act. This proposed rule would modify § 648.24(b)(1)(i)(A) and § 648.24(b)(6), to reference ''limited access'' and ''open access'' permits instead of the ''directed'' and ''incidental'' fishery to be clear and consistent with the regulations being added and changed with this action.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the Framework Adjustment 13 to the Atlantic Mackerel, Squid, and Butterfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. In making a final determination, NMFS will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared a draft EA for this action that analyzes the impact of measures contained in this proposed rule. The EA includes a regulatory flexibility analysis, as required by section 603 of the Regulatory Flexibility Act (RFA), which is supplemented by information contained in the preamble of this proposed rule. The IRFA, as summarized below, describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule. A copy of the RFA analysis is available from the Mid-Atlantic Council (see **ADDRESSES**).

Description of the Reasons Why Action by the Agency Is Being Considered

The purpose of this action is to establish a 5-year rebuilding program for Atlantic mackerel, set 2019–2021 Atlantic mackerel specifications and a river herring and shad cap for the Atlantic mackerel fishery, and modify in-season closure measures. The intended effect of this rule is to sustainably manage the Atlantic mackerel fishery and achieve optimum yield on a continuing basis. Section 4.0 of the EA prepared for this action (see **ADDRESSES**) contains a more thorough description of the purpose and need for this action.

Statement of the Objectives of, and Legal Basis for, This Proposed Rule

The legal basis and objectives for this action are contained in the preamble to this proposed rule, and are not repeated here. Sections 4.0 and 5.0 of the EA prepared for this action (see **ADDRESSES**) contains a more thorough description of the purpose and need for this action and the rational for each measure considered.

Description and Estimate of the Number of Small Entities to Which This Proposed Rule Would Apply

The measures proposed in this action apply to vessels that hold any commercial permit for Atlantic mackerel. We analyzed the impacts using NMFS's database for Atlantic mackerel permit holders in 2017 (the most recent year of full year permit data) cross referenced with NMFS ownership data. Some small entities own multiple vessels with Atlantic mackerel permits. For purposes of the Regulatory Flexibility Act, NMFS established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The determination of whether the entity is large or small is based on the average annual revenue for the most recent 3 years for which data are available. In 2017, 1,829 separate vessels held Atlantic mackerel permits. These vessels were owned by 1,379 entities, nearly all of which (1,368) were small business entities. Based on revenue from all species landed, 951 of these were commercial fishing entities, 116 were for-hire entities, and 301 had no revenue, but are considered small businesses. For those small businesses with revenues, average revenues were $0.6 million in 2017. There were 299 entities that reported revenue from Atlantic mackerel during 2017. Of these entities, 4 were large and 295 were small. In 2017, 145 vessels were issued limited access permits and may be affected by the directed fishery closure measures proposed in this action. They are owned by 105 entities, of which 98 are small entities.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of This Proposed Rule

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

In addition to the no action (no rebuilding, current specifications continue), the Council considered three rebuilding alternatives with time frames of: 3 years; 5 years; and 7 years. All of the rebuilding alternatives allow an increase in landings over time and have positive long-term socio-economic benefits compared to taking no action. The 3-year rebuilding program would require a cut in quota in the first year with increases in the second and third years, compared to the current quota. The 5-year and 7-year rebuilding program specifications would significantly increase the allowable quota by over 8,000 mt in the first year, with increases in subsequent years. The 7-year program would allow a larger quota increase, compared to the 5-year program. The 5-year program was selected because it would rebuild the fishery within the 5-year timeframe, before the 7-year program, while considering the economic needs of fishing communities. The proposed 5-year rebuilding program would result in an additional $9 million in fishing revenue annually in 2020–2021, compared to 2020–2021 under the no action alternative (which would continue current specifications).

The in-season closure alternatives would achieve efficient operation of the fishery by allowing most of the DAH to be caught without a high risk of

exceeding the annual catch limit. The difference in socioeconomic outcomes is related to the DAHs selected in the proposed rebuilding program and associated specifications in relation to the proposed changes to the in-season closure provisions, which would result in slight changes to fishery operation. Closing the limited access fishery earlier, as proposed and maintaining larger trip limits may benefit smaller scale operators later in the year, but reduces available quota for the larger scale limited access fishery. However, preserving a higher trip limit after an Atlantic mackerel fishery closure may help larger scale entities offset the impacts of an earlier closure by allowing more incidental Atlantic mackerel catch in other fisheries, particularly Atlantic herring.

Limiting incidental landings to 5,000 lb (2,268 kg) once the directed fishery closes is a measure in all of the proposed alternatives other than the no action alternative. While this would reduce the possibility of ACL overages, there is a small-scale directed Atlantic mackerel jig/handline fishery that has developed in recent years by vessels with open access permits. Using July–December jig/handline landings from 2015–2017, a 5,000-lb (2,268-kg) trip limit would have impacted 21 federally-permitted vessels. If those vessels had been limited to 5,000 lb (2,268 kg) during those 3 years, their combined Atlantic mackerel landings would have been reduced by 17 percent. Individual vessel Atlantic mackerel landings for these 21 vessels would have been impacted with an average and median reduction of 13 percent. Based on the average 2015–2017 price from July–December jig/handline trips of $0.45 per lb, individual vessels would have approximately lost, over a total of 3 years, an average of $14,773 and a median of $5,171. The least impacted would have experienced losses of around $104 and the most would be around $108,917 in ex-vessel revenues over three years. The proportion of total revenues from Atlantic mackerel for these 21 vessels was an average of 23 percent and a median of 20 percent, with a range of 1 percent to 93 percent. The 21 vessels that may be impacted are 1 percent of the entire Atlantic mackerel fleet, 2 percent of small businesses within the fleet, and 7 percent of businesses that solely rely on Atlantic mackerel. It is also possible that with the higher Atlantic mackerel quotas closures would not occur, so the 5,000-lb (2,268-kg) trip limit for incidental permits may not be triggered.

The Council considered alternatives for the river herring and shad catch cap for the Atlantic mackerel fishery. The proposed measures are a combination of alternatives that would increase the river herring and shad catch cap but scale the ratio of river herring and shad in the Atlantic mackerel fishery when landings are above 10,000 mt. If the river herring and shad catch triggers a closure under any of the alternatives, the 145 vessels with limited access permits are potentially affected, and they represent 105 entities, of which 98 are small entities. If the river herring and shad encounter rates are relatively low, as in most years the cap has been in operation (2014–2017), then they will not be impacted at all. If river herring and shad catch encounter rates are high, as in 2018 and 2019, then it is possible that a substantial portion of the mackerel DAH could go unharvested once the directed fishery is closed due to exceeding the river herring and shad catch cap.

Under the proposed action, if the fishery has a similar encounter rate as 2018 and 2019, when the fishery was closed early in the year, Atlantic mackerel landings could still close the limited access fishery with the higher DAHs because the river herring and shad catch cap is scaled up with the quota and landings. The fishery landed about 8,000 mt, or nearly 88 percent of the DAH before the river herring and shad catch cap closed the fishery in 2018. In 2019, the fishery landed about 4,145 mt, or 45 percent of the DAH before the river herring and shad catch cap closed the fishery. The proposed 89 mt river herring and shad catch cap is slightly higher than the current catch cap of 82 mt, so under the proposed action, there would be a closure at approximately 8,700 mt at 2018 catch rates. Atlantic mackerel landings could increase, but they would be limited compared to the proposed 2020–2021 DAHs of 20,557 mt and 21,517 mt, respectively. Looking at the differences, this would leave, for 2020–2021 DAHs, 11,857 mt and 12,817 mt, respectively, unharvested. If high river herring and shad catch rates trigger a closure of the directed fishery, the fishery may experience an opportunity cost of up to $7.7 million in forgone revenue if the proposed DAHs are not fully landed. This would not be a decrease in revenue, but a limit to a potential increase in revenue if the river herring and shad catch cap were reached. The proposed action combination provides more flexibility to allow the fishery to continue than all of the other alternatives considered.

If the river herring and shad catch cap is triggered, the Atlantic mackerel trip limit for all permits becomes 20,000 lb (9,071 kg), which is not a change from the current measures. Under the proposed changes for in-season closures, if 90 percent of the DAH was caught, incidental permits would go to 5,000 lb (2,268 kg). In the next in-season closure phase of the fishery, if 98 percent of the DAH was caught, all permits would go to a 5,000-lb (2,268-kg) trip limit. During a river herring and shad catch cap closure, a 20,000-lb (9,071-kg) trip limit would be most likely, which would allow more DAH to be available than in an in-season closure.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: June 3, 2019.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.21, revise paragraph (c) to read as follows:

§ 648.21 Mid-Atlantic Fishery Management Council risk policy.

* * * * *

(c) *Most restrictive ABC recommendation.*

(1) Unless otherwise allowed in paragraph (c)(2) of this section, for instances in which the application of the risk policy approaches in either paragraph (b)(1) or (2) of this section using OFL distribution, as applicable given life history determination, results in a more restrictive ABC recommendation than the calculation of ABC derived from the use of $F_{REBUILD}$ at the MAFMC-specified overfishing risk level as outlined in paragraph (a) of this section, the SSC shall recommend to the MAFMC the lower of the ABC values.

(2) The SSC may specify higher 2019–2023 ABCs for Atlantic mackerel based on $F_{REBUILD}$ instead of the methods outlined in paragraph (a) of this section to implement a rebuilding program that would rebuild this stock by 2023.

* * * * *

■ 3. In § 648.24, revise paragraphs (b)(1) and (6) to read as follows:

§ 648.24 Fishery closures and accountability measures.

* * * * *

(b) * * *

(1) *Atlantic mackerel commercial sector EEZ closure.* (i) *First phase commercial closure.* (A) Unless otherwise determined in paragraph (b)(1)(iii) of this section, NMFS will close the commercial Atlantic mackerel fishery, which includes vessels issued an open access or limited access Atlantic mackerel permit, including a limited access Tier 3 Atlantic mackerel permit, in the EEZ when the Regional Administrator projects that 90 percent of the Atlantic mackerel DAH is harvested if such a closure is necessary to prevent the DAH from being exceeded. The closure of the commercial fishery shall be in effect for the remainder of that fishing year, with incidental catches allowed, as specified in § 648.26.

(B) Unless previously closed pursuant to paragraph (b)(1)(i)(A) of this section, NMFS will close the Tier 3 commercial mackerel fishery in the EEZ when the Regional Administrator projects that 90 percent of the Tier 3 mackerel allocation will be harvested. Unless otherwise restricted, the closure of the Tier 3 commercial mackerel fishery will be in effect for the remainder of that fishing period, with incidental catches allowed as specified in § 648.26.

(ii) *Second phase commercial quota closure.* When the Regional Administrator projects that 98 percent of the Atlantic mackerel DAH will be landed, NMFS will reduce the possession of Atlantic mackerel in the EEZ applicable to all Atlantic mackerel permits for the remainder of the fishing year as specified in § 648.26(a)(2)(iii)(A).

(iii) *Seasonal management.* NMFS has the discretion to not implement measures outlined in paragraphs (b)(1)(i)(A) or (b)(1)(ii) of this section during November and December if the Regional Administrator projects that commercial Atlantic mackerel landings will not exceed the DAH during the remainder of the fishing year.

* * * * *

(6) *River herring and shad catch cap.* The river herring and shad cap on the mackerel fishery applies to all trips that land more than 20,000 lb (9.08 mt) of mackerel. NMFS shall close the limited access mackerel fishery in the EEZ when the Regional Administrator project that 95 percent of the river herring/shad catch cap has been harvested. Following closures of the limited access mackerel fishery, vessels must adhere to the possession restrictions specified in § 648.26.

■ 4. In § 648.26, revise paragraphs (a)(1)(i) through (iii) and paragraph (a)(2) to read as follows:

§ 648.26 Mackerel, squid, and butterfish possession restrictions.

(a) * * *

(1) * * *

(i) A vessel issued a Tier 1 limited access mackerel permit is authorized to fish for, possess, or land Atlantic mackerel with no possession restriction in the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours, provided that the fishery has not been closed because 90 percent of the DAH has been harvested, as specified in § 648.24(b)(1)(i)(A).

(ii) A vessel issued a Tier 2 limited access mackerel permit is authorized to fish for, possess, or land up to 135,000 lb (61.23 mt) of Atlantic mackerel in the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours, provided that the fishery has not been closed because 90 percent of the DAH has been harvested, as specified in § 648.24(b)(1)(i)(A).

(iii) A vessel issued a Tier 3 limited access mackerel permit is authorized to fish for, possess, or land up to 100,000 lb (45.36 mt) of Atlantic mackerel in the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours, provided that the fishery has not been closed because 90 percent of the DAH has been harvested, or 90 percent of the Tier 3 allocation has been harvested, as specified in § 648.24(b)(1)(i)(A) and (B), respectively.

* * * * *

(2) *Atlantic mackerel closure possession restrictions.* Any Atlantic mackerel possession restrictions implemented under paragraph (a)(2) of this section will remain in place for the rest of the fishing year, unless further restricted by a subsequent action. If the entire commercial Atlantic mackerel fishery is closed due to harvesting the river herring/shad catch cap, as specified in § 648.24(b)(6) before the fishery harvests 90 percent of the Atlantic mackerel DAH, then the Atlantic mackerel possession restrictions specified in paragraph (a)(2)(iii)(B) of this section shall remain in place for the rest of the fishing year unless further reduced by the possession restrictions specified in paragraph (a)(2)(iii)(A) of this section.

(i) *Limited Access Fishery.* (A) During a closure of the commercial Atlantic mackerel fishery pursuant to § 648.24(b)(1)(i)(A), when 90 percent of the DAH is harvested, vessels issued a Tier 1, 2, or 3 limited access Atlantic mackerel permit, may not take and retain, possess, or land more than 40,000 lb (18.14 mt) of Atlantic mackerel per trip at any time, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(B) During a closure of the Tier 3 commercial Atlantic mackerel fishery pursuant to § 648.24(b)(1)(i)(B), when 90 percent of the Tier 3 allocation is harvested, vessels issued a Tier 3 limited access Atlantic mackerel permit may not take and retain, possess, or land more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip at any time, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours

(ii) *Open Access Fishery.* During a closure of the Atlantic mackerel commercial sector pursuant to § 648.24(b)(1)(i)(A), when 90 percent of the DAH is harvested, vessels issued an open access Atlantic mackerel permit may not take and retain, possess, or land more than 5,000 lb (2.27 mt) of Atlantic mackerel per trip at any time, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(iii) *Entire commercial fishery.*

(A) *Commercial quota closure.* During a closure of the entire commercial Atlantic mackerel fishery pursuant to § 648.24(b)(1)(ii), when 98 percent of the DAH is harvested, vessels issued an open or limited access Atlantic mackerel permit may not take and retain, possess, or land more than 5,000 lb (2.27 mt) of Atlantic mackerel per trip at any time, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(B) *River herring/shad catch cap closure.* During a closure of the limited access commercial Atlantic mackerel fishery pursuant to § 648.24(b)(6), when 95 percent of the river herring/shad catch cap has been harvested, vessels issued an open or limited access Atlantic mackerel permit may not take and retain, possess, or land more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip at any time, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

* * * * *

[FR Doc. 2019–12033 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 110
Friday, June 7, 2019

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket number AMS–FTPP 19–0030]

Proposed Posting, Posting, and De-posting of Stockyards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Agricultural Marketing Service (AMS), USDA, is taking several actions to post and de-post stockyards under the Packers and Stockyards Act (P&S Act). Specifically, we are proposing that 10 stockyards now operating subject to the P&S Act be posted. We are also posting six stockyards that were identified previously as operating subject to the P&S Act and de-posting two stockyards that no longer meet the definition of a stockyard.

DATES: For the proposed posting of stockyards, we will consider comments that we receive on or before June 24, 2019.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *Internet:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Fax:* (202) 690–3207.
- *Mail, hand delivery, or courier:* Stuart Frank, USDA, AMS, 1400 Independence Avenue SW, Room 2507–S, Washington, DC 20250–3601.

Instructions: All comments should refer to the date and page number of this issue of the **Federal Register**. The comments and other documents relating to this action will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Donna A. Ash, Program Analyst, AMS, Packers and Stockyards Division at (202) 720–0222 or *Donna.a.ash@usda.gov.*

SUPPLEMENTARY INFORMATION: AMS administers and enforces the P&S Act of 1921, (7 U.S.C. 181 *et seq.*). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 302 of the P&S Act (7 U.S.C. 202) defines the term ''stockyard'' as, ''. . . any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.''

Section 302 (b) of the P&S Act requires the Secretary of Agriculture to determine which stockyards meet this definition, and to notify the owner of the stockyard and the public of that determination by posting a notice in each designated stockyard. Once the Secretary provides notice to the stockyard owner and the public, the stockyard is subject to the provisions of Title III of the P&S Act (7 U.S.C. 201–203 and 205–217a) until the Secretary de-posts the stockyard by public notice. To post a stockyard, we assign the stockyard a facility number, notify the stockyard owner, and send an official posting notice to the stockyard owner to display in a public area of the stockyard. This process is referred to as ''posting.'' The date of posting is the date that the posting notices are physically displayed at the stockyard. A facility that does not meet the definition of a stockyard is not subject to the P&S Act and therefore cannot be posted. A posted stockyard can be ''de-posted,'' which occurs when the facility is no longer used as a stockyard.

We are hereby notifying stockyard owners and the public that the following 10 stockyards meet the definition of a stockyard and that we propose to designate these stockyards as posted stockyards.

Proposed facility No.	Stockyard name and location
KS–210	Hill City Commission, LLC, Hill City, Kansas.
KY–189	Blue Grass Stockyards, LLC, Lexington, Kentucky.
KY–190	Franklin Livestock Market Inc. Franklin, Kentucky.
MN–194	Heidelberger Farm Equipment, LLC, Pine City, Minnesota.
NE–189	Chappell Livestock LLC, Chappell, Nebraska.
NM–125	Santa Teresa Livestock Auction LLC, Santa Teresa, New Mexico.
OK–222	Heart & Soul Horse Co. Sallisaw Oklahoma.
OK–223	Hinz Auction Land and Cattle, LLC, Clinton, Oklahoma.
OK–225	C.M.S. Livestock Auction, LLC, Wanette, Oklahoma.
VA–163	Alex Eugene Dill Hollering Hill Auction LLC, Nathalie, Virginia.

We are also notifying the public that the stockyards listed in the following table meet the P&S Act's definition of a stockyard, and therefore, we have posted these stockyards. On September 5, 2017, we published a notice in the **Federal Register** (82 FR 41909) proposing to post these six stockyards. Since we received no comments to our proposal, we assigned the stockyards a facility number and notified the owners of the stockyard facilities. Posting notices were sent to each stockyard owner to display in public areas of their stockyard. The table below reflects the date of posting for these stockyards.

Facility No.	Stockyard name and location	Date of Posting
FL–141	Gulf Coast Livestock Six Shooter Investment Group, LLC, Madison, Florida	10/04/2018
SC–165	Willietakeit Auctions, Pelzer, South Carolina	08/14/2018
MS–182	Trade Day Auction, Philadelphia, Mississippi	08/08/2018
OK–220	Daniel's Hog and Goat Sale, Howe, Oklahoma	08/06/2018
OK–219	Watsons Auction Service, Maud, Oklahoma	08/06/2018
OK–221	Glover Auction & Livestock, LLC, Lawton, Oklahoma	08/03/2018

Finally, we are notifying the public that the following two stockyards no longer meet the definition of a stockyard and are being de-posted. We de-post stockyards when the facility can no longer be used as a stockyard. The reasons a facility can no longer be used as a stockyard may include the following: (1) The market agency has moved and the posted facility is abandoned; (2) the facility has been torn down or otherwise destroyed, such as by fire; (3) the facility is dilapidated beyond repair; or (4) the facility has been converted and its function has changed.

Facility No.	Stockyard name and location	Date de-posted
KY–125	Blue Grass Stockyards to Blue Grass Stockyards, L.L.C., Lexington, KY	9/18/2017
MO–159	United Producers, Inc., Marshall, Missouri	12/17/2018

Authority: 7 U.S.C. 202.

Dated: June 4, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–12014 Filed 6–6–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0101]

Notice of Availability of an Environmental Assessment; Importation of Plants in Approved Growing Media Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability; reopening of comment period.

SUMMARY: We are reopening the comment period for our draft programmatic environmental assessment for the importation of plants in approved growing media, which considers the potential environmental effects of a standardized set of pest risk mitigations for routine market requests to import plants in approved growing media. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published on April 10, 2019 (84 FR 14340) is reopened. We will consider all comments that we receive on or before June 24, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0101.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0101, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0101* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Lydia E. Colón, Senior Regulatory Policy Specialist, Plant Health Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1237; *Lydia.E.Colon@usda.gov;* (301) 851–2302.

SUPPLEMENTARY INFORMATION: On April 10, 2019, we published in the **Federal Register** (84 FR 14340, Docket No. APHIS–2018–0101) a notice of availability for our draft programmatic environmental assessment for the importation of plants in approved growing media, which considers the potential environmental effects of a standardized set of pest risk mitigations for routine market requests to import plants in approved growing media.

Comments on the notice were required to be received on or before May 10, 2019. We are reopening the comment period on Docket No. APHIS–2018–0101 for an additional 45 days. This action will allow interested persons additional time to prepare and submit comments.

We will also consider all comments received between May 11, 2019 (the day after the close of the original comment period) and the date of this notice.

Done in Washington, DC, this 4th day of June 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–12020 Filed 6–6–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture Notice of Intent To Renew a Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Office of Management and Budget (OMB) regulations that implement the Paperwork Reduction Act of 1995, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request approval for the renewal of a currently approved information collection for Children, Youth, and Families at Risk (CYFAR).

DATES: Send comments on or before August 6, 2019.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods: Email: *rmartin@nifa.usda.gov;* Mail: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW, Washington, DC 20250–2216.

FOR FURTHER INFORMATION CONTACT: Robert Martin, eGovernment Program Leader; Email: *rmartin@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Children, Youth, and Families at Risk (CYFAR) Year End Report.

OMB Number: 0524–0043.

Expiration Date of Current Approval: April 30, 2019.

Type of Request: Intent to seek renewal and extension of a currently approved information collection for three years.

Abstract: Funding for the Children, Youth, and Families at Risk (CYFAR) community project grants is authorized under section 3(d) of the Smith-Lever Act (7 U.S.C. 341 *et seq.*), as amended, and other relevant authorizing legislation, which jurisdictional basis for the establishment and operation of Extension educational work for benefit of youth and families in communities.

CYFAR funding program supports community-programs serving children, youth, and families in at-risk environments.

CYFAR funds are intended to support the development of high quality, effective programs based on research and to document the impact of programs on intended audiences. The CYFAR Year End Report collects demographic and impact data from each community site to conduct impact evaluations of the programs on its intended audience. The collection of information serves several purposes. It allows NIFA staff to gauge if the program is reaching the target audience and make programmatic improvements. This collection also allows program staff to demonstrate the impacts and capacity that is developed in the locales where federal assistance is provided.

The evaluation processes of CYFAR are consistent with the requirements of Congressional legislation and OMB. The Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103–62), the Federal Activities Inventory Reform Act (FAIR) (Pub. L. 105–207), and the Agricultural, Research, Extension and Education Reform Act (AREERA) of 1998 (Pub. L. 105–185), together with OMB requirements, support the reporting requirements requested in this information collection. One of the five Presidential Management Agenda evaluation to be conducted to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multi-state significance. The immediate need of this information collection is to provide a means for satisfying accountability requirements. The long-term objective is to provide a means to enable the evaluation and assessment of the effectiveness of programs receiving federal funds and to fully satisfy requirements of performance and accountability legislation in GPRA, the FAIR Act, and AREERA.

Estimate of Burden: There are currently CYFAR projects in 40 states. Each state and territory is required to submit an annual year-end report which includes demographic and impact data on each of the community projects. NIFA estimates the burden of this collection to be 322 hours per response. There are currently 51 respondents, thus making the total annual burden of this collection an estimated 12,880 hours.

Respondents: The only respondents are not-for-profit institutions.

Comments: 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; (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.

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

Done in Washington, DC, this 21st day of May 2019.

Steve Censky,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2019–11926 Filed 6–6–19; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Information Collection Activity; Comment Request

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; comment requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension for a currently approved information collection in support of the Rural Cooperative Development Grants program.

DATES: Comments on this notice must be received by August 6, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Rural Development Innovation Center—Regulatory Team 2, USDA, 1400 Independence Avenue SW, STOP 1522, Room 4233, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Email *Thomas.dickson@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 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 RBS 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 by any of the following methods:

- *Mail:* Thomas P. Dickson, Rural Development Innovation Center, 1400 Independence Avenue SW, STOP 1522, Room 4233, South Building, Washington, DC 20250–1522.

Telephone: (202) 690–4492. Email: *Thomas.Dickson@usda.gov.*

• *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.

Title: Rural Cooperative Development Grants.

OMB Number: 0570–0006.

Expiration Date of Approval: December 31, 2019.

Type of Request: Intent to extend the clearance for collection of information under RD Instruction 4284–F, Rural Cooperative Development Grants.

Abstract: The primary purpose of the Rural Business-Cooperative Service (RBS) is to promote understanding, use, and development of the cooperative form of business as a viable option for enhancing the income of agricultural producers and other rural residents. The primary objective of the Rural Cooperative Development Grants program is to improve the economic condition of rural areas through cooperative development. Grants will be awarded on a competitive basis to nonprofit corporations and institutions of higher education based on specific selection criteria.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 15 minutes to 96 hours per response.

Respondents: Nonprofit corporations and institutions of higher education.

Estimated Number of Respondents: 55.

Estimated Number of Responses per Respondent: 8.56.

Estimated Number of Responses: 471.

Estimated Total Annual Burden on Respondents: 7,264 hours.

Copies of this information collection can be obtained from Robin M. Jones, Innovation Center, at (202) 772–1172, Email: *robin.m.jones@usda.gov.*

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.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2019–11983 Filed 6–6–19; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of New Cushion of Credit Program Provisions

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Utilities Service (RUS), a Rural Development agency of the United States Department of Agriculture, is issuing this notice regarding the new provisions affecting RUS borrower participation in the Cushion of Credit (CoC) program pursuant to the Agriculture Improvement Act of 2018, (the 2018 Farm Bill).

DATES: Effective December 20, 2018, all future deposits into CoC accounts have been prohibited; however, withdrawal from these accounts is permitted for prepayment on RUS direct or guaranteed loans, and without penalty.

FOR FURTHER INFORMATION CONTACT: If you have other questions or concerns, please send your questions or comments to: *rd.nfaoc.tesb@stl.usda.gov,* or you can contact Steven Tempia, telephone number: (314) 457–4088. A Rural Development representative will follow up with a response by email or phone. Additionally, RUS will maintain FAQs on its web page with respect to CoC prepayments.

SUPPLEMENTARY INFORMATION: Effective December 20, 2018, all future deposits into CoC accounts have been prohibited; however, withdrawal from these accounts is permitted for prepayment on RUS direct or guaranteed loans, and without penalty. Pursuant to Section 6503 of the 2018 Farm Bill (H.R. 2 (115th), no new CoC deposits could be accepted as of December 20, 2018. With respect to existing CoC deposits, Section 6503 altered the prior, fixed interest rate with phased in interest rate reductions over the next two years. The current 5 percent rate will be paid until the end of fiscal year 2020, September 30, 2020. Beginning on October 1, 2020, CoC deposits will earn 4 percent interest until September 30, 2021. Starting on October 1, 2021 and thereafter, account balances will earn the applicable, variable 1-year Treasury rate.

Additionally, pursuant to Section 6503, from December 20, 2018 until September 30, 2020, RUS borrowers, may, at their sole discretion, apply their CoC balances to prepay their outstanding loans made or guaranteed under the Rural Electrification Act, 7 U.S.C. 901 *et seq.,* whether direct RUS loans or Federal Financing Bank guaranteed loans. The principal portion of the loan that is prepaid with CoC balances during this period will not be subject to a prepayment premium. With respect to RUS direct loans that prepay using CoC accounts during the period, all terms and conditions of the loan, or a prepayment agreement, if any, that restrict or qualify such prepayment shall be waived. Prepayments using funds not in CoC accounts will remain subject to existing agreements.

Instructions: Unless otherwise directed, borrowers requesting to prepay loan balances with CoC accounts will have the amount specified applied first to outstanding interest and fees, and then to outstanding principal, pursuant to their loan agreements. Borrowers must also indicate which accounts they would like to prepay, otherwise such amounts will be applied to the oldest debt accounts first. If a borrower requests an entire prepayment to outstanding principal but does not provide for an additional payment to cover outstanding interest and fees, such payment will be applied first to interest and fees. At the borrower's request, a prepayment calculation will be provided to confirm the amount due for individual accounts.

Should borrowers choose to supplement additional non-CoC funds to prepay additional loan accounts, or portions thereof, the associated premium will be applied to that portion of the prepayment.

In order that borrower's prepayments are fulfilled as requested, borrowers should submit the following information to: *rd.nfaoc.tesb@stl.usda.gov* with the subject line title ''CUSHION OF CREDIT PREPAY REQUEST'' and the following:

(1) The dollar amount of the CoC to be applied;

(2) The specific loan advance accounts to be prepaid;

(3) The method in which they wish CoC balances to be applied (optional);

(4) Whether the borrower intends to supplement the prepayment with additional funds and the amount of such supplemental funds; and

(5) Contact information to coordinate prepayment, and for any necessary correspondence (*i.e.* notice as to whether any amounts are missing pursuant to their specific request).

All requests will be promptly processed, and the transactions will be reflected on the next Statement of Account and Transactions (Statement) after the prepayment is made. If the Statement does not reflect the correct application, please contact *rd.nfaoc.tesb@stl.usda.gov* immediately.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–11924 Filed 6–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–982]

Utility Scale Wind Towers From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on utility scale wind towers (wind towers) from the People's Republic of China (China) for the period January 1, 2018, through December 31, 2018.

DATES: Applicable June 7, 2019.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2019, Commerce published a notice of opportunity to request an administrative review of the CVD order on wind towers from China.[1] On May 2, 2019, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and based on a timely request for review by the Wind Tower Trade Coalition (the petitioner),[2] Commerce published in the **Federal Register** a notice of initiation of an administrative review of the CVD order on wind towers from China with respect to 56 companies for the period January 1, 2018, through December 31, 2018.[3] On May 16, 2019, the petitioner withdrew its request for an administrative review of all 56 companies.[4] No other party requested a review of the CVD order.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the 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. In this case, the petitioner timely withdrew its request for review within the 90-day deadline, and no other party requested an administrative review of the CVD order. As a result, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of the CVD order on wind towers from China for the period January 1, 2018, through December 31, 2018, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Because Commerce is rescinding this administrative review in its entirety, entries of wind towers from China during the period January 1, 2018, through December 31, 2018, shall be assessed countervailing duties at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or 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: June 3, 2019.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–12026 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 2816 (February 8, 2019).

[2] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the People's Republic of China: Request for Administrative Review,'' dated February 26, 2019.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 18777 (May 2, 2019).

[4] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated May 16, 2019.

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Considering Requests and Comments From the Public for Textile and Apparel Safeguard Actions on Imports From Oman

AGENCY: International Trade Administration (ITA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 6, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 or via email at *PRAcomments@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Maria D'Andrea, Office of Textiles and Apparel, U.S. Department of Commerce, Tel. (202) 482–1550, *Maria.D'Andrea-Yothers@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Title III, Subtitle B, Section 321 through Section 328 of the United States-Oman Free Trade Agreement Implementation Act (the ''Act'') implements the textile and apparel safeguard provisions, provided for in Article 3.1 of the United States-Oman Free Trade Agreement (the ''Agreement''). This safeguard mechanism applies when, as a result of the elimination of a customs duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 3.1 permits the United States to increase duties on the imported article from Oman to a level that does not exceed the lesser of the

prevailing U.S. normal trade relations (NTR)/most-favored-nation (MFN) duty rate for the article or the U.S. NTR/MFN duty rate in effect on the day before the Agreement entered into force.

The Statement of Administrative Action accompanying the U.S.-Oman Free Trade Agreement Implementation Act (the ''Act'') provides that CITA will issue procedures for requesting such safeguard measures, for making its determinations under section 322(a) of the Act, and for providing relief under section 322(b) of the Act.

In Proclamation No. 8332 (73 FR 80,289, December 31, 2008), the President delegated to CITA his authority under Subtitle B of Title III of the Act with respect to textile and apparel safeguard measures.

CITA must collect information in order to determine whether a domestic textile or apparel industry is being adversely impacted by imports of these products from Oman, thereby allowing CITA to take corrective action to protect the viability of the domestic textile industry, subject to section 322(b) of the Act.

Pursuant to Section 321(a) of the Act and Section 7 of Presidential Proclamation 8332 of December 29, 2008, an interested party in the U.S. domestic textile and apparel industry may file a request for a textile and apparel safeguard action with CITA. Consistent with longstanding CITA practice in considering textile safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) A domestic producer or producers of an article that is like or directly competitive with the subject Omani textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Omani textile or apparel article.

In order for a request to be considered, the requestor must provide the following information in support of a claim that a textile or apparel article from Oman is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article: (1) Name and description of the imported article concerned; (2) import data demonstrating that imports of an Omani origin textile or apparel article that are like or directly competitive with the articles produced by the domestic industry concerned are increasing in absolute terms or relative to the domestic market for that article; (3) U.S. domestic production of the like or directly competitive articles of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof, along with an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin; (4) imports from Oman as a percentage of the domestic market of the like or directly competitive article; and (5) all data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage or actual threat thereof caused by imports from Oman to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis, therefore.

If CITA determines that the request provides the information necessary for it to be considered, CITA will publish a notice in the **Federal Register** seeking public comments regarding the request. The comment period shall be 30 calendar days. The notice will include a summary of the request. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the **Federal Register**, including the date it will make a determination.

If a determination under section 322(b) of the Act is affirmative, CITA may provide tariff relief to a U.S. industry to the extent necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. The import tariff relief is effective beginning on the date that CITA's affirmative determination is published in the **Federal Register**.

Entities submitting requests, responses or rebuttals to CITA may submit both a public and confidential version of their submissions. If the request is accepted, the public version will be posted on the dedicated Oman Free Trade Agreement textile safeguards section of the Office of Textile and Apparel (OTEXA) website. The confidential version of the request, responses or rebuttals will not be shared with the public as it may contain business confidential information. Entities submitting responses or rebuttals may use the public version of the request as a basis for responses.

II. Method of Collection

When an interested party files a request for a textile and apparel safeguard action with CITA, ten copies of any such request must be provided in a paper format. If business confidential information is provided, two copies of a non-confidential version must also be provided. If CITA determines that the request provides the necessary information to be considered, it publishes a **Federal Register** notice seeking public comments on the request. To the extent business confidential information is provided, a non-confidential version must also be provided. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

III. Data

OMB Control Number: 0625–0266.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 6 (1 for Request; 5 for Comments).

Estimated Time per Response: 4 hours for a Request; and 4 hours for each Comment.

Estimated Total Annual Burden Hours: 24.

Estimated Total Annual Cost to Public: $960.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB

approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–12006 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Sunset Review and Revocation of Antidumping Duty Order

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

SUMMARY: On April 1, 2019, the Department of Commerce (Commerce) initiated a sunset review of the antidumping duty (AD) order on freshwater crawfish tail meat from the People's Republic of China (China). Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, Commerce is revoking the AD order on freshwater crawfish tail meat from China.

DATES: Applicable May 16, 2019.

FOR FURTHER INFORMATION CONTACT: Jacob Keller or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4849 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

On September 15, 1997, Commerce published an AD order on imports of freshwater crawfish tail meat from China.[1] In the first three sunset reviews, Commerce and the International Trade Commission (ITC) determined that the continuation of the order was warranted.[2] On April 1, 2019, Commerce initiated the current sunset review pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218.[3]

We did not receive a notice of intent to participate from the domestic interested parties in this sunset review, pursuant to 19 CFR 351.218(d)(1)(i). As a result, in accordance with 19 CFR 351.218(d)(1)(iii)(A), Commerce has determined that no domestic interested party intends to participate in the sunset review. On April 23, 2019, Commerce notified the ITC in writing that we intend to revoke the AD order on freshwater crawfish tail meat from China.[4]

Scope of the Order

The product covered by the AD order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or un-purged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs and Border Protection (CBP) in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. On February 10, 2012, Commerce added HTSUS classification number 0306.29.01.00 to the scope description pursuant to a request by CBP. On September 21, 2018, Commerce added HTSUS classification numbers 0306.39.0000 and 0306.99.0000 to the scope description pursuant to a request by CBP. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested parties respond to a notice of initiation, Commerce shall, within 90 days after the initiation of the review, revoke the order. Because no domestic interested party filed a notice of intent to participate in this sunset review, we determine that no domestic interested party is participating in this sunset review. Therefore, we are revoking the AD order on freshwater crawfish tail meat from China.

Effective Date of Revocation

Pursuant to section 751(c)(3)(A) of the Act, and 19 CFR 351.222(i)(2)(i), Commerce intends to instruct CBP to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after May 16, 2019, the fifth anniversary of the date of publication of the last continuation notice. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD deposit requirements. Commerce will complete any pending reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

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/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This five-year (sunset) review and this notice are issued and published in accordance with sections 751(c) and 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: June 3, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–12027 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Notice of Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People's Republic of China,* 62 FR 48218 (September 15, 1997).

[2] *See Continuation of Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People's Republic of China,* 68 FR 48340 (August 13, 2003); *Continuation of Antidumping Duty Order on Freshwater Crawfish Tail Meat from the People's Republic of China,* 73 FR 75392 (December 11, 2008); and *Freshwater Crawfish Tail Meat from the People's Republic of China: Continuation of Antidumping Duty Order,* 79 FR 28483 (May 16, 2014).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 84 FR 12227 (April 1, 2019).

[4] *See* Commerce Letter, re: Sunset Review Initiated on April 1, 2019, dated April 23, 2019.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–853]

Certain Crystalline Silicon Photovoltaic Products From Taiwan: Notice of Court Decision Not in Harmony With the Final Results of the Antidumping Duty Administrative Review, 2014–2016; and Notice of Amended Final Results of the Antidumping Duty Administrative Review, 2014–2016

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

SUMMARY: On May 22, 2019, the United States Court of International Trade (CIT) issued its final judgment sustaining the final results of redetermination pertaining to the first antidumping duty (AD) administrative review of certain crystalline silicon photovoltaic products from Taiwan. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final results of the AD administrative review, and that Commerce is amending the final results with respect to the weighted-average dumping margins assigned to Sino-American Silicon Products Inc. (SAS) and Solartech Energy Corp. (Solartech) (collectively, SAS-Solartech), and the non-selected companies.

DATES: Applicable June 1, 2019.

FOR FURTHER INFORMATION CONTACT: Magd Zalok, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–4162.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 2017, the Department published the *Final Results.*[1] Subsequently, SAS-Solartech, the respondent in the underlying proceeding, filed suit at the CIT to challenge certain aspects of the *Final Results.* On November 13, 2018, the CIT remanded the *Final Results* to Commerce, concluding that it was unreasonable for Commerce to have ignored the record evidence regarding SAS sales shipped through U.S. Foreign Trade Zones (FTZs) destined for sale in Mexico, and that the inclusion of such sales as sales to the United States was unreasonable and not supported by substantial evidence.[2] On February 15, 2019, Commerce issued its *Remand Results,* in which, consistent with the *Remand Order,* certain sales by SAS that were admitted to U.S. FTZs in transit to Mexico were excluded from the margin calculation for SAS-Solartech.[3]

On May 22, 2019, the CIT sustained Commerce's *Remand Results,* and entered final judgment.[4]

Timken Notice

In its decision in *Timken,*[5] as clarified by *Diamond Sawblades,*[6] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 22, 2019, judgment sustaining Commerce's *Remand Results* constitutes a final decision of that court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results* with respect to SAS-Solartech's weighted-average dumping margin. Additionally, because the rate for the non-selected companies was based, in part, on SAS-Solartech's weighted-average dumping margin, Commerce is amending the rate for the non-selected companies. The revised weighted-average dumping margins for SAS-Solartech and the non-selected companies for the July 31, 2014, through January 31, 2016, period of review are as follows:

Exporter	Weighted-average dumping margin (%)
Sino-American Silicon Products Inc./Solartech Energy Corp	1.52
AU Optronics Corporation	3.78
EEPV CORP	3.78
E–TON Solar Tech. Co., Ltd	3.78
Gintech Energy Corporation	3.78
Inventec Energy Corporation	3.78
Inventec Solar Energy Corporation	3.78
Kyocera Mexicana S.A. de C.V	3.78
Sunengine Corporation Ltd	3.78
TSEC Corporation	3.78
Win Win Precision Technology Co., Ltd	3.78

In the event the CIT's ruling is not appealed or, if appealed, is upheld by a final and conclusive court decision, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rates calculated by Commerce in the *Remand Results,* and listed above.

Cash Deposit Requirements

Because the cash deposit rate for the companies listed above, with the exception of E–TON Solar Tech. Co., Ltd., Inventec Energy Corporation, and Sunengine Corporation Ltd., have been superseded by cash deposit rates calculated in intervening administrative reviews of the antidumping duty order on solar cells from Taiwan,[7] we will not alter the cash deposit rate currently in effect for these respondents based on these amended final results. Effective June 1, 2019, the cash deposit rate applicable to entries of subject merchandise exported by E–TON Solar Tech. Co., Ltd., Inventec Energy Corporation, and Sunengine Corporation Ltd. is 3.78 percent.

This notice is issued and published in accordance with sections 516A(e), 751(a)(1) and 777(i)(1) of the Act.

Dated: June 3, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–12025 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2014–2016,* 82 FR 31555 (July 7, 2017) (*Final Results*).

[2] *See SolarWorld Americas, Inc.* v. *United States,* 353 F. Supp. 3d 1315, 1323 (CIT 2018) (*Remand Order*).

[3] *See Final Results of Redetermination Pursuant to Court Order, SolarWorld Americas, Inc.* v. *United States,* Consol. Court No. 17–00208 (February 15, 2019) (*Remand Results*).

[4] *See SolarWorld Americas, Inc.* v. *United States,* Slip Op. 19–63, Consol. Court No. 17–00208 (CIT 2019).

[5] *See Timken Co.* v. *United States,* 893 F. 2d 337 (Fed. Cir. 1990) (*Timken*).

[6] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[7] *See Certain Crystalline Silicon Photovoltaic Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 30401 (June 28, 2018).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Tuesday, June 18, 2019.

DATES: The meeting will be held Tuesday, June 18, 2019 from 10:30 a.m. to 4:30 p.m. Pacific Time.

ADDRESSES: The meeting will be held at El Camino Community College at 16007 Crenshaw Blvd., Torrance, CA. Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Gendron, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800; telephone number (301) 975–2785; email: *cheryl.gendron@nist.gov.*

SUPPLEMENTARY INFORMATION: The MEP Advisory Board is authorized under Section 3003(d) of the America COMPETES Act (Pub. L. 110–69), as amended by the American Innovation and Competitiveness Act, Public Law 114–329 sec. 501 (2017), and codified at 15 U.S.C. 278k(m), in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Hollings MEP Program (Program) is a unique program, consisting of Centers in all 50 states and Puerto Rico with partnerships at the state, federal, and local levels. By statute, the MEP Advisory Board provides the NIST Director with: (1) Advice on the activities, plans, and policies of the Program; (2) assessments of the soundness of the plans and strategies of the Program; and (3) assessments of current performance against the plans of the Program.

Background information on the MEP Advisory Board is available at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Tuesday, June 18, 2019, from 10:30 a.m. to 4:30 p.m. Pacific Time. The meeting agenda will include an update on Hollings MEP programmatic operations, as well as provide guidance and advice on current activities related to the MEP National Network™ 2017–2022 Strategic Plan. The MEP Advisory Board will provide input to NIST on supply chain development with an emphasis on defense suppliers, in order to strengthen the defense industrial base; receive a presentation and then discuss the challenges and solutions with the current workforce in the manufacturing industry; and receive updates from external organizations that work closely with the Program regarding national and state economic challenges, opportunities, and data trends. The final agenda will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the end of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. Requests must be received in writing by June 12, 2019 to be considered. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who wished to speak but could not be accommodated on the agenda, or those who are/were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, via fax at (301) 963–6556, or electronically by email to *cheryl.gendron@nist.gov.*

Admittance Instructions: Anyone wishing to attend the MEP Advisory Board meeting must submit their name, email address and phone number to Cheryl Gendron (*Cheryl.Gendron@nist.gov* or 301–975–2785) no later than Wednesday, June 12, 2019, 5:00 p.m. Eastern Time.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–11928 Filed 6–6–19; 8:45 am]

BILLING CODE 3510–13–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services previously furnished by such agencies.

DATES: *Comments must be received on or before:* July 7, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSNs—Product Names:

5350–00–NIB–0013—Paper, Abrasive, Aluminum Oxide, 9″ x 11″ Sheet, 220 Grit

5350–00–NIB–0014—Paper, Abrasive, Aluminum Oxide, 9″ x 11″ Sheet, 180A Grit

5350–00–NIB–0056—Paper, Abrasive, Aluminum Oxide, 9 x 11″ Sheet, 150C Grit
5350–00–NIB–0015—Paper, Abrasive, Aluminum Oxide, 9″ x 11″ Sheet, 120 Grit
5350–00–NIB–0016—Paper, Abrasive, Aluminum Oxide, 9″ x 11″ Sheet, 60D Grit
5350–00–NIB–0052—Paper, Abrasive, Silicon Carbide, Wet or Dry, 9″ x 11″ Sheet, 1500A Grit
5350–00–NIB–0057—Sponge, Abrasive, Wet or Dry, 3.75″ x 2.625″ x 1″, Fine Grit
5350–00–NIB–0058—Sponge, Abrasive, Wet or Dry, 3.75″ x 2.625″ x 1″, Medium Grit

Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

NSN—Product Name: 7920–00–NIB–0731—Handle, Extension, Fiberglass, 5 ft–10 ft
Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

NSNs—Product Names:
MR 13041—Box, Insulated, Assorted Colors, Lunch
MR 13042—Bag, Triangular, Assorted Colors, Lunch
MR 13044—Bag, Round Handle, Assorted Colors, Lunch
MR 13067—Container, Clip Top, Ice Pack, Assorted Colors
MR 13068—Container, Multi-Pack, Assorted Colors
MR 13069—Container, Noodles, Assorted Colors
MR 13070—Mug, Soup, 24 oz, Assorted Colors
MR 13071—Mug, Thermal, Assorted Colors
MR 13072—Container, Snap Top, Assorted Colors
MR 11086—Bag, Tote, Reusable, Collapsible, Halloween

Mandatory Source of Supply: West Texas Lighthouse for the Blind, San Angelo, TX
Mandatory For: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4
Contracting Activity: Defense Commissary Agency

NSN—Product Name: 8540–00–291–0389—Towel, Multifold, 3 Panel, Natural
Mandatory Source of Supply: Outlook Nebraska, Inc, Omaha, NE
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS ADMIN SVCS ACQUISITION BR(2

NSN—Product Name: 7930–00–NIB–0076—Anti-static Screen Cleaner, Spray bottle, 12 oz.
Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Mandatory For: Total Government Requirement
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI

NSNs—Product Names:
6840–00–NIB–0120—Rodent Control Cardboard Tube, 6″
6840–00–NIB–0121—Rodent Control Cardboard Tube, 12″

Mandatory Source of Supply: Tarrant County Association for the Blind, Fort Worth, TX
Mandatory For: 100% of the requirement for USDA, Animal & Plant Health Inspection Service
Contracting Activity: USDA APHIS MRPBS

NSNs—Product Names:
7530–00–NIB–1274—Surface Safe Sign Label, Removable, Laser/Inkjet, White, 3½″ x 5″, 15 Sheets
7530–00–NIB–1275—Surface Safe Sign Label, Removable, Laser/Inkjet, White, 5″ x 7″, 15 Sheets
7530–00–NIB–1276—Surface Safe Sign Label, Removable, Laser/Inkjet, White, 7″ x 10″, 15 Sheets
7530–00–NIB–1277—Surface Safe Sign Label, Removable, Laser/Inkjet, White, 8″ x 8″, 15 Sheets
7530–00–NIB–1220—Labels, Self-Laminating, Laser/Inkjet, White, 2 5/16″ x 3 5/16″, 25 Sheets
7530–00–NIB–1223—Labels, Self-Laminating, Laser/Inkjet, White, 1 1/32″ x 3½″, 25 Sheets
7530–00–NIB–1278—Business Cards, Uncoated, Two-Sided Printing, White, 2″ x 3½″, 200 Cards
7530–00–NIB–1287—Business Cards, Uncoated, Two-Sided Printing, White, 2″ x 3½″, 1000 Cards
7530–00–NIB–1279—Tent Cards, Uncoated, Embossed, Two-Sided Printing, White, 3½″ x 11″, 50 Cards
7530–00–NIB–1280—Tent Cards, Uncoated, Embossed, Two-Sided Printing, White, 2½″ x 8½″, 100 Cards
7530–00–NIB–1270—Name Badge, Laser/Inkjet, 2⅓″ x 3⅜″, White, 50 Sheets

Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Mandatory For: Total Government Requirement
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2

Services

Service Type: Custodial Service
Mandatory for: US Air Force, Columbus AFB (including Shuqualak Auxiliary Airfield, Shuqualak, MS), Columbus, MS
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Contracting Activity: DEPT OF THE AIR FORCE, FA3022 14 CONS LGCA

Service Type: Meal provision
Mandatory for: U.S. Customs and Border Protection, Area Port of Calexico, Calexico, CA
Mandatory Source of Supply: ARC-Imperial Valley, El Centro, CA
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV

Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 3, Clarksburg U.S. Post Office Building, Clarksburg, WV
Mandatory Source of Supply: Job Squad, Inc., Bridgeport, WV
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R3

Service Type: Food Service
Mandatory for: Department of Transportation, Maritime Administration, US Merchant Marine Academy, Kings Point, NY
Mandatory Source of Supply: Access: Supports for Living, Inc., Middletown, NY
Contracting Activity: Department of Transportation, Maritime Administration HQ

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Space & Missile Defense Command, Arlington, VA
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Janitorial/Custodial
Mandatory for: U.S. Federal Building: Building #111 JFK International Airport, Jamaica, NY
Mandatory Source of Supply: Fedcap Rehabilitation Services, Inc., New York, NY
Contracting Activity: PUBLIC BUILDINGS SERVICE, GSA PBS R2 ACQUISITION MANAGEMENT DIVISION

Service Type: Food Service
Mandatory for: Ellington Field Air National Guard Base: Texas Air National Guard, Houston,
Mandatory Source of Supply: CRI Federal Services, Houston, TX
Contracting Activity: DEPT OF THE ARMY, W7N2 USPFO ACTIVITY TX ARNG

Service Type: Laundry Service
Mandatory for: U.S. Mint: 155 Hermann Street, San Francisco, CA
Mandatory Source of Supply: Toolworks, Inc., San Francisco, CA
Contracting Activity: UNITED STATES MINT, DEPT OF TREAS/U.S. MINT

Service Type: Laundry and Linen Service
Mandatory for: US Air Force, MacDill AFB, FL
Mandatory Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Contracting Activity: DEPT OF THE AIR FORCE, FA4814 6 CONS LGCP

Service Type: Document Destruction Service
Mandatory for: USDA, 6200 Jefferson St. NE, Albuquerque, NM
Mandatory Source of Supply: Adelante Development Center, Inc., Albuquerque, NM
Contracting Activity: NATURAL RESOURCES CONSERVATION

SERVICE, NM STATE OFFICE (NRCS)
Service Type: Janitorial/Custodial
Mandatory for: Defense Logistics Agency: Defense Fuel Region West, Building 100, San Pedro, CA
Mandatory Source of Supply: UNKNOWN
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA SUPPORT SERVICES—DSS

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.
[FR Doc. 2019–11958 Filed 6–6–19; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and deletions from the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* July 7, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 4/26/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Messenger Service
Mandatory for: U.S. Customs and Border Protection, Area Port St. Thomas, St. Thomas, VI
Mandatory Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV

Deletions

On 5/3/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSNs—Product Names:
7510–01–545–4433—DAYMAX System, 2018, Calendar Pad, Type II
7510–01–545–3769—DAYMAX System, 2018, Calendar Pad, Type I
Mandatory Source of Supply: Anthony Wayne Rehabilitation Ctr for Handicapped and Blind, Inc., Fort Wayne, IN
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

Services

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: 1605 Four Mile Drive, Lycoming Memorial, Williamsport, PA
Mandatory Source of Supply: Hope Enterprises, Inc., Williamsport, PA
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Custodial Services
Mandatory for: Fitness Center, Building 1363, Ellington Field, Houston, TX
Mandatory Source of Supply: On Our Own Services, Inc., Houston, TX
Contracting Activity: DEPT OF THE ARMY, W7N2 USPFO ACTIVITY TX ARNG

Service Type: Janitorial Service
Mandatory for: ICE, VA Hudson Valley HealthCare System Campus, Bldg 7, Floors 1, 2, 3 & Basement, Castle Point, NY
Mandatory Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, COMPLIANCE&REMOVALS

Service Type: Operation of Support Services
Mandatory for: National Advocacy Center, Columbia, SC
Mandatory Source of Supply: Challenge Enterprises of North Florida, Inc., Green Cove Springs, FL
Contracting Activity: FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI

Service Type: Dupli./Distri. Computer Output Microfilm
Mandatory for: Social Security Administration: Office of Acquisition and Grants, Baltimore, MD
Mandatory Source of Supply: Alliance, Inc., Baltimore, MD
Contracting Activity: SOCIAL SECURITY ADMINISTRATION, SOCIAL SECURITY ADMINISTRATION

Service Type: Administrative Services
Mandatory for: USDA Forest Products Laboratory: One Gifford Pinchot Dr., Madison, WI
Mandatory Source of Supply: Madison Area Rehabilitation Centers, Inc., Madison, WI
Contracting Activity: FOREST SERVICE, DEPT OF AGRIC/FOREST SERVICE

Service Type: Janitorial/Custodial
Mandatory for: Bombay Hook National

Wildlife Refuge, Smyrna, DE
Mandatory Source of Supply: UNKNOWN,
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION
Service Type: Custodial Services
Mandatory for: New York Air National Guard, Stewart Air National Guard Base, Newburgh, NY
Mandatory Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: DEPT OF THE ARMY, W7NR USPFO ACTIVITY NY ARNG

Service Type: Base Operational Support
Mandatory for: Joint Base Andrews, Andrews AFB, MD
Mandatory Source of Supply: Davis Memorial Goodwill Industries, Washington, DC
Contracting Activity: DEPT OF THE AIR FORCE, FA4416 316 CONS LGC

Service Type: Administrative Services
Mandatory for: Fort Carson Army: SFCA–NR–CR, Fort Carson, CO
Mandatory Source of Supply: Bayaud Industries, Inc., Denver, CO
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

Service Type: Custodial & Grounds Maintenance
Mandatory for: US Army Reserve, SSG Reynolds J. King USARC, Ithaca, NY
Mandatory Source of Supply: NYSARC, Inc., Seneca-Cayuga Counties Chapter, Waterloo, NY
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT DIX (RC–E)

Service Type: Janitorial/Custodial
Mandatory for: US Army Reserve, James W. Wadsworth USARC, Rochester, NY
Mandatory Source of Supply: Rochester Rehabilitation Center, Rochester, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA

Service Type: Recycling Service
Mandatory for: Davis-Monthan Air Force Base, Tucson, AZ
Mandatory Source of Supply: Beacon Group, Inc., Tucson, AZ
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Supply and Warehousing Service
Mandatory for: 263rd Supply Support activity: 544th Maintenance Battalion, Fort Hood, TX
Mandatory for: 289th Quartermaster Co Class III, II & 14, Fort Hood, TX
Mandatory for: 289th Supply Support Activity Map Depot, 13th COSCOM, Fort Hood, TX
Mandatory for: 289th Supply Support Activity Weapons Warehouse: 13th COSCOM, Fort Hood, TX
Mandatory for: 565th Supply Support Activity: 544th Maintenance Battalion, Fort Hood, TX
Mandatory for: 602nd Supply Support Activity: 13th COSCOM, Fort Hood, TX
Mandatory for: 62nd Supply Support Activity Main, Fort Hood, TX
Mandatory for: A/204th Forward Support Battalion: 4th Infantry Division, Fort Hood, TX
Mandatory for: A/4th Forward Support Battalion: 4th Infantry Division, Fort Hood, TX
Mandatory for: A/404th Aviation Support Battalion: 4th Infantry Division, Fort Hood, TX
Mandatory for: A/615th Aviation Support Battalion: 1st Cavalry Division, Fort Hood, TX
Mandatory for: B/115th Forward Support Battalion, Fort Hood, TX
Mandatory for: B/15th Forward Support Battalion, Fort Hood, TX
Mandatory for: B/215th Forward Support Battalion, Fort Hood, TX
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Mandatory for: E/704th Main Support Battalion: 4th Infantry Division, Fort Hood, TX
Mandatory for: Fort Hood: 565th Quartermaster Company, Fort Hood, TX
Mandatory for: Yard 26th III Corp Major End Items Class VII, Fort Hood, TX
Mandatory Source of Supply: Professional Contract Services, Inc., Austin, TX
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FDO FT HOOD

Service Type: Custodial Services
Mandatory for: Fort Custer Education Center, Augusta, MI
Mandatory Source of Supply: Navigations, Incorporated, Battle Creek, MI
Contracting Activity: DEPT OF THE ARMY, W7NF USPFO ACTIVITY MI ARNG

Service Type: Personal Environmental Protection & Survival Equip
Mandatory for: US Army, US Army REDCOM Acquisition Center, 3 Kansas Street, Natick, MA
Mandatory Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

Service Type: Janitorial/Custodial
Mandatory for: Maintenance Overhaul and Technical Service Center, Franklin Park, IL
Mandatory Source of Supply: Lester and Rosalie ANIXTER CENTER, Chicago, IL
Contracting Activity: U.S. Postal Service, Washington, DC

Service Type: Custodial Services
Mandatory for: 5A NYC Terminal Market: USDA, AMS F&V Division, Bronx, NY
Mandatory Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPT OF AGRIC/ANIMAL AND PLANT HLTH INSP SVC

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2019–11959 Filed 6–6–19; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2019–0032]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Regulation I: Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (12 CFR 1009).''

DATES: Written comments are encouraged and must be received on or before August 6, 2019 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2019–0032 in the subject line of the message.
- *Mail:* Comment Intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection.
- (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435–9575 or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation I: Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (12 CFR 1009).

OMB Control Number: 3170–0062.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Private Sector.

Estimated Number of Annual Respondents: 136.

Estimated Total Annual Burden Hours: 3,652.

Abstract: 12 CFR 1009 applies to all depository institutions lacking Federal deposit insurance. It requires the disclosure of certain insurance-related information in periodic statements, account records, locations where deposits are normally received, and advertising. This part also requires such depository institutions to obtain a written acknowledgment from depositors regarding the institution's lack of Federal deposit insurance.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: June 4, 2019.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2019–12005 Filed 6–6–19; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0038]

Agency Information Collection Activities; Proposed Collection; Comment Request; Third Party Testing of Children's Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the Consumer Product Safety Commission (CPSC) announces that the CPSC has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information for Third Party Testing of Children's Products, approved previously under OMB Control No. 3041–0159. In the **Federal Register** of March 13, 2019, the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission did not receive any comments on the proposed extension of approval. By publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Submit written or electronic comments on the collection of information by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB, also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2010–0038.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Third Party Testing of Children's Products.

OMB Number: 3041–0159.

Type of Review: Renewal of collection for third party testing of children's products and inclusion of the following into this collection of information: (1) The previously approved burden for marking and labeling of certain durable infant and toddler products; (2) the labeling requirements set forth in the rule establishing requirements for electrically operated toys or other electrically operated articles intended for children (16 CFR part 1505) (electrically operated toys and other articles rule) and the recordkeeping requirements set forth in the rule that are not also covered by the Commission's third party testing rule at 16 CFR part 1107; and (3) recordkeeping and labelling requirements set forth in the ban on articles known as ''baby bouncers'' or ''walker-jumpers,'' or similar articles that are not covered by 16 CFR part 1216 and that are not also covered by the testing rule or the rules issued under section 104 of the Consumer Product Safety Improvement Act (baby bouncer/walker-jumper rule, 16 CFR 1500.18(a)(6) and 1500.86(a)(4)).

General Description of Collection

Testing and Certification: On November 8, 2011, the Commission issued two rules for implementing third party testing and certification of children's products, as required by section 14 of the Consumer Product Safety Act (CPSA):

- *Testing and Labeling Pertaining to Product Certification* (76 FR 69482, codified at 16 CFR part 1107; the testing rule); and
- *Conditions and Requirements for Relying on Component Part Testing or Certification, or Another Party's Finished Product Testing or Certification to Meet Testing and Certification Requirements* (76 FR 69547, codified at 16 CFR part 1109; the component part rule).

The testing rule establishes requirements for manufacturers to conduct initial third party testing and certification of children's products, testing when there has been a material change in the product, continuing testing (periodic testing), and guarding against undue influence. A final rule on *Representative Samples for Periodic Testing of Children's Products* (77 FR 72205, Dec. 5, 2012) amended the testing rule to require that representative samples be selected for periodic testing of children's products.

The component part rule, a companion to the testing rule, is intended to reduce third party testing burdens by providing all parties involved in the required testing and certifying of children's products the flexibility to conduct or rely upon testing that is the easiest and least expensive. Certification of a children's product can be based upon one or more of the following: (a) Component part testing; (b) component part certification; (c) another party's finished product testing; or (d) another party's finished product certification.

Section 1107.26 of the testing rule states the records required for testing and selecting representative samples, including a certificate, and records documenting third party testing and related sampling plans. 16 CFR 1107.26. These requirements largely overlap the recordkeeping requirements in the component part rule, codified at 16 CFR

1109.5(g). Duplicate recordkeeping is not required; records need to be created and maintained only once to meet the applicable recordkeeping requirements. The component part rule also requires records that enable tracing a product or component back to the entity that had a product tested for compliance. The rule also requires attestations of due care to ensure test result integrity.

Section 104 Rules: The Commission has issued 22 rules for durable infant and toddler products under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) (section 104 rules). Section 104 rules issued to date appear in Table 1. Each section 104 rule contains requirements for marking, labeling, and instructional literature:

- Each product and the shipping container must have a permanent label or marking that identifies the name and address (city, state, and zip code) of the manufacturer, distributor, or seller.
- A permanent code mark or other product identification shall be provided on the product and its package or shipping container, if multiple packaging is used. The code will identify the date (month and year) of manufacture and permit future identification of any given model.

Each standard also requires products to include easy-to-read and understand instructions regarding assembly, maintenance, cleaning, use, and adjustments, where applicable.

OMB has assigned control numbers for the estimated burden to comply with marking and labeling requirements in each section 104 rule. With this renewal, CPSC is moving the marking and labeling burden requirements for eight (8) additional section 104 rules issued since the last renewal in 2016 into the collection of information for Third Party Testing of Children's Products. The paperwork burdens associated with the section 104 rules are appropriately included in the collection for Third Party Testing of Children's Products because all of the section 104 products are also required to be third party tested. Having all of the burden hours under one collection for children's products provides one OMB control number and eases the administrative burden of renewing multiple collections. CPSC will discontinue using the OMB control numbers currently assigned to individual section 104 rules. The discontinued OMB control numbers are listed in Table 1.

Electrically Operated Toys and Other Articles: The requirements for electrically operated toys and other electrically operated articles intended for use by children are set forth in 16 CFR part 1505. The regulation establishes certain criteria to use in determining whether electrically operated toys and other electrically operated children's products are banned, and requires that certain warning and identification labeling be included on both the product and the packaging. The regulation also requires that manufacturers establish a quality assurance program to assure compliance and to keep records pertaining to the quality assurance program. Additionally, manufacturers or importers must keep records of the sale and distribution of the products.

CPSC currently has an OMB control number (3041–0035) for the estimated burden in complying with the requirements for electrically operated toys and other articles. Because most of the recordkeeping requirements in this information collection are essentially the same as those of the testing rule, with this renewal, we are moving the marking and labeling burden requirement into the collection of information for Third Party Testing of Children's Products to avoid double-counting the burden. If this renewal request is approved, CPSC will request termination of the existing OMB control number for this information collection.

Baby-Bouncer/Walker-Jumper Rule: The requirements for baby bouncers, baby walkers, and similar articles that are not covered by 16 CFR part 1216 (Safety Standard for Infant Walkers) is set forth under 16 CFR 1500.18(a)(6) and 1500.86(a)(4). The regulation establishes certain criteria to use in determining whether certain baby-bouncers, walker-jumpers, or similar products are banned. The regulation requires that each product be labelled with information that will permit future identification by the manufacturer of the particular model of bouncer or walker-jumper. In addition, records of sale, distribution, and results of tests and inspections must be kept for three years and made available to CPSC upon request. Products covered under this regulation are not duplicative of an existing section 104 rule.

CPSC currently has an OMB control number (3041–0035) for the estimated burden in complying with the requirements in this regulation. Because most of the recordkeeping requirements in this information collection are essentially the same as those of the testing rule, with this renewal, we are moving the recordkeeping requirements into the collection of information for Third Party Testing of Children's Products to avoid double-counting the burden. If this renewal request is approved, CPSC will request termination of the existing OMB control number for this information collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of children's products subject to a children's product safety rule.

Estimated Number of Respondents

Testing and Certification: Recordkeeping requirements in parts 1107 and 1109 apply to all manufacturers or importers of children's products that are covered by one or more children's product safety rules promulgated and/or enforced by the CPSC. To estimate the number of respondents, we reviewed every industry category in the NAICS and selected those industry categories that included firms that could manufacture or sell such children's products. Using data from the U.S. Census Bureau, we determined that there are more than 37,000 manufacturers, almost 80,000 wholesalers, and about 128,000 retailers in these categories. However, not all of the firms in these categories manufacture or import children's products that are covered by children's product safety rules. Therefore, these numbers would constitute a high estimate of the number of firms that are subject to the recordkeeping requirements. Accordingly, when calculating the recordkeeping burden, CPSC relies on estimates of the number of children's products that are manufactured or imported. We estimate that approximately 300,000 non-apparel children's products and approximately 1.2 million children's apparel and footwear products are covered by the rules.

Section 104 Rules: Table 1 summarizes the section 104 rules for durable infant and toddler products subject to the marking and labeling requirement that have been or are now being moved into OMB control number 3041–0159. Table 1 contains the estimated number of manufacturers and models and the total respondent hours. The 8 new section 104 rules being moved into this information collection are shown in bold text.

TABLE 1—ESTIMATED BURDEN FOR MARKING AND LABELING IN SECTION 104 RULES

Discontinued OMB control Nbr	16 CFR part	Description	Mfrs	Models	Total respondent hours
3041–0145	1215	Safety Standard for Infant Bath Seats	12	2	24
3041–0141	1216	Safety Standard for Infant Walkers	19	4	76
3041–0150	1217	Safety Standard for Toddler Beds	111	10	1,110
3041–0157	1218	Safety Standard for Bassinets and Cradles	72	4	288
3041–0147	1219	Safety Standard for Full-Size Cribs	80	13	1,040
3041–0147	1220	Safety Standard for Non-Full-Size Cribs	39	2	78
3041–0152	1221	Safety Standard for Play Yards	34	4	136
3041–0160	1222	Safety Standard for Infant Bedside Sleepers	13	2	26
3041–0155	1223	Safety Standard for Swings	6	8	48
3041–0149	1224	Safety Standard for Portable Bedrails	18	2	36
3041–0158	1225	Safety Standard for Hand-Held Infant Carriers	78	2	156
3041–0162	1226	Safety Standard for Soft Infant and Toddler Carriers	44	3	132
3041–0164	1227	Safety Standard for Carriages and Strollers	100	7	700
3041–0167	**1228**	**Safety Standard for Sling Carriers**	**1,000**	**2**	***8,500**
3041–0174	**1229**	**Safety Standard for Infant Bouncer Seats**	**26**	**4**	**104**
3041–0166	1230	Safety Standard for Frame Child Carriers	14	3	42
3041–0173	**1231**	**Safety Standard for High Chairs**	**83**	**3**	**249**
3041–0172	**1232**	**Safety Standard for Children's Folding Chairs and Stools.**	**17**	**2**	**34**
3041–0170	**1233**	**Safety Standard for Hook-On-Chairs**	**7**	**1**	**7**
3041–0171	**1234**	**Safety Standard for Infant Bath Tubs**	**27**	**2**	**54**
3041–0175	**1235**	**Safety Standard for Baby Changing Products**	**141**	**6**	**846**
3041–0178	**1237**	**Safety Standard for Booster Seats**	**52**	**2**	**104**
Total Burden Hours.					13,790

* Includes 6,500 hours for instructional literature.

Electrically Operated Toys and Other Articles Rule: CPSC staff estimates that about 40 manufacturers and importers are subject to this regulation.

Baby-Bouncer/Walker-Jumper Rule: CPSC staff estimates that about 6 firms are subject to the testing and recordkeeping requirements of this regulation.

Estimated Time per Response

Testing and Certification: Based on the comments we received on the proposed testing rule, we revised the estimated number of children's products that are affected, as well as the hourly recordkeeping burden estimate. We estimate that approximately 300,000 non-apparel children's products are covered by the rule and that an average of 5 hours will be needed for the recordkeeping associated with these products per year. We also estimate that there are approximately 1.2 million children's apparel and footwear products, for which an average of 3 hours of recordkeeping will be required per year. Manufacturers that are required to conduct periodic testing have an additional recordkeeping burden estimated at 4 hours per representative sampling plan.

Section 104 Rules: Each section 104 rule contains a similar analysis for marking and labeling that estimates the time to make any necessary changes to marking and labeling requirements at one hour per model.

Electrically Operated Toys and Other Articles: Products subject to this regulation are also subject to the requirements of the testing rule. Therefore, the burden of any duplicative recordkeeping requirements will not be reported here, as they were in the cancelled information collection, to avoid double-counting the burden. CPSC staff estimates that the additional burden imposed by this regulation over that imposed by the testing rule, is 30 minutes per product to maintain sales and distribution records for 3 years, and 1 hour to make labeling changes per model.

Baby-Bouncer/Walker-Jumpers: CPSC staff estimates that firms will spend 1 hour per model on recordkeeping requirements, and 1 hour per model on labeling requirements.

Total Estimated Annual Burden

Testing and Certification: The total estimated annual burden for recordkeeping associated with the testing rule is 5.1 million hours (300,000 non-apparel children's products × 5 hours per non-apparel children's product + 1,200,000 children's apparel products × 3 hours per children's apparel product = 1.5 million hours + 3.6 million hours, or a total of 5.1 million hours). Potential additional annual burden associated with use of a representative sampling plan and component part testing are described next.

Representative Sampling Plans for Periodic Testing: We estimate that if each product line averages 50 individual models or styles, then a total of 30,000 individual representative sampling plans (1.5 million children's products ÷ 50 models or styles) would need to be developed and documented. This would require 120,000 hours (30,000 plans × 4 hours per plan). If each product line averages 10 individual models or styles, then a total of 150,000 different representative sampling plans (1.5 million children's products ÷ 10 models or styles) would need to be documented. This would require 600,000 hours (150,000 plans × 4 hours per plan). Accordingly, the requirement to document the basis for selecting representative samples could increase the estimated annual burden by up to 600,000 hours.

Component Part Testing: The component part rule shifts some testing costs and some recordkeeping costs to component part and finished product suppliers, because some testing will be performed by these parties, rather than by the finished product certifiers (manufacturers and importers). Even if a finished product certifier can rely entirely on component part and finished

product suppliers for all required testing, the finished product supplier will still have some recordkeeping burden to create and maintain a finished product certificate. Therefore, although the component part testing rule may reduce the total cost of the testing required by the testing and certification rule, the rule increases the estimated annual recordkeeping burden for those who choose to use component part testing.

Because we do not know how many companies participate in component part testing and supply test reports or certifications to other certifiers in the supply chain, we have no concrete data to estimate the recordkeeping and third party disclosure requirements in the component part rule. Likewise, no clear method exists for estimating the number of finished product certifiers who conduct their own component part testing. In the component part rulemaking, we suggested that the recordkeeping burden for the component part testing rule could amount to 10 percent of the burden estimated for the testing and labeling rule. 76 FR 69546, 69579 (Nov. 8, 2011). Currently, we have no basis to change this estimate.

In addition to recordkeeping, the component part rule requires third party disclosure of test reports and certificates, if any, to a certifier who intends to rely on such documents to issue its own certificate. Without data, allocation of burden estimation between the recordkeeping and third party disclosure requirements is difficult. However, based on our previous analysis, we continue to estimate that creating and maintaining records accounts for approximately 90 percent of the burden, while the third party disclosure burden is much less, perhaps approximately 10 percent. Therefore, if we continue to use the estimate that component part testing will amount to about 10 percent of the burden estimated for the testing rule, then the hour burden of the component part rule is estimated to be about 510,000 hours total annually (10% of 5.1 million hours), allocating 459,000 hours for recordkeeping and 51,000 hours for third party disclosure.

Section 104 Rules: The burden for marking and labeling for each section 104 rule is provided in Table 1. The estimated total number of respondent hours is 13,790.

Electrically Operated Toys and Other Articles Rule: Assuming each of the 40 firms produces 10 new models per year, the estimated annual burden is 200 hours for recordkeeping (40 firms × .5 hour × 10 models) and 400 hours for labeling changes (40 firms × 1 hour × 10 models), for a total estimated annual burden of 600 hours.

Baby-Bouncer/Walker-Jumper Rule: Firms are expected to test, on average, four new models per year. Accordingly, the estimated annual burden is 12 hours on recordkeeping (6 firms × 1 hour × 2 models), and 12 hours on labeling (6 firms × 1 hour × 2 models), for a total estimated annual burden of 24 hours per year.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11967 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0026]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Requirements Pertaining to Third Party Conformity Assessment Bodies

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information associated with the CPSC's Requirements Pertaining to Third Party Conformity Assessment Bodies (OMB No. 3041–0156). In the **Federal Register** of March 21, 2019, the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Submit written comments on this request for extension of approval of information collection by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2012–0026.

FOR FURTHER INFORMATION CONTACT: Bretford J. Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bfriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC has submitted the following currently approved collection of information to OMB for extension:

Title: Requirements Pertaining to Third Party Conformity Assessment Bodies.

OMB Number: 3041–0156.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

Estimated Burden:

- *New Applications from Third Party Conformity Assessment Bodies.*
  - We estimate approximately 40 new applications from independent third party conformity assessment bodies will be submitted per year, taking an estimated 75 minutes to complete the initial application materials, with an estimated burden of 50 hours per year.
  - We estimate approximately 3 firewalled third party conformity assessment bodies will apply per year, taking an estimated 8.4 hours to complete the initial application materials, with an estimated burden of 25.2 hours per year.
  - We estimate approximately 4 governmental third party conformity assessment bodies will apply per year, taking an estimated 3 hours to complete the initial application materials, with an estimated burden of 12 hours per year.
- *Third party conformity assessment bodies updating information.*
  - We estimate that approximately 5 third party conformity assessment bodies will take 15 minutes to update information for only those elements of information that need updating, with an estimated burden of 1.35 hours per year.
- *Third party conformity assessment bodies that subcontracts out tests.*
  - We estimate that approximately 27 third party conformity assessment bodies will take 7 minutes to comply with the subcontracting recordkeeping requirement for an estimated 68,769 subcontract test, with an estimated of approximately 8,023 hours per year.
- *Third party conformity assessment bodies that voluntarily withdraw.*
  - We estimate approximately 8 third party conformity assessment bodies will

withdraw yearly, taking an estimated 30 minutes to create and submit the required documentation, with an estimated burden of 4 hours per year.

• *Third party conformity assessment bodies that are audited.*

○ We estimate that approximately 228 independent third party conformity assessment bodies each year will be audited, taking approximately 4 minutes to resubmit their Form 223 and accreditation certificate, with an estimated burden of 15.2 hours per year.

○ We estimate that approximately 18 firewalled third party conformity assessment bodies will spend 226 minutes collecting and preparing the documentation to submit for an audit, with estimated burden of about 68 hours per year.

○ We estimate approximately 25 governmental third party conformity assessment bodies will spend 1 hour collecting and preparing the documentation to submit for an audit, with estimated burden of 25 hours per year.

• *Total Annual Burden.*

Adding all of the annual estimated burden hours results in a total of 8,224 hours for third party conformity assessment bodies per year. At $38.78 per hour, the total cost of the recordkeeping associated with the Requirements Pertaining to Third Party Conformity Assessment Bodies is approximately $318,927 (8,224 hours × $38.78 = $318,927).

General Description of Collection: On March 12, 2013, the Commission issued a rule Pertaining to Third Party Conformity Assessment Bodies (78 FR 15836). The rule established the general requirements concerning third party conformity assessment bodies, such as the requirements and procedures for CPSC acceptance of the accreditation of a third party conformity assessment body, and prescribed adverse actions that may be imposed against CPSC-accepted third party conformity assessment bodies. The rule also amended the audit requirements for third party conformity assessment bodies and amends the Commission's regulation on inspections

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11965 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0056]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Omnidirectional Citizens Band Base Station Antennas

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces a submission to the Office of Management and Budget (OMB), requesting an extension of approval for a collection of information related to the CPSC's Safety Standard for Omnidirectional Citizens Band Base Station Antennas, previously approved under OMB Control No. 3041–0006. On March 14, 2019, CPSC published a notice in the **Federal Register** announcing the agency's intent to seek this extension. CPSC received no comments in response to that notice.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2012–0056.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Safety Standard for Omnidirectional Citizens Band Base Station Antennas.

OMB Number: 3041–0006.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers, importers, and private labelers of omnidirectional citizens band base station antennas.

Estimated Number of Respondents: Approximately seven firms supply omnidirectional citizen band base station antennas.

Estimated Time per Response: Based on the information compiled by manufacturers, importers, and private labelers of antennas to test and maintain records for certificates of compliance, we estimate an average of 220 hours per firm for annual testing and recordkeeping.

Total Estimated Annual Burden: 1,540 hours (7 firms × 220 hours).

General Description of Collection: The Safety Standard for Omnidirectional Citizens Band Base Station Antennas (16 CFR part 1204) establishes performance requirements for omnidirectional citizens band base station antennas to reduce unreasonable risks of death and injury that may result if an antenna contacts overhead power lines while being erected or removed from its site. The regulations implementing the standard (16 CFR part 1204, subpart B) require manufacturers, importers, and private labelers of antennas subject to the standard to test the antennas for compliance with the standard and to maintain records of that testing.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11974 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0058]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Walk-Behind Power Lawn Mowers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces a submission to the Office of Management and Budget (OMB), requesting an extension of approval for a collection of information related to testing and recordkeeping requirements in the Safety Standard for Walk-Behind Power Lawn Mowers, previously approved under OMB Control No. 3041–0091. On March 14, 2019, CPSC published a notice in the **Federal Register** announcing the agency's intent to seek this extension. CPSC received no comments in response to that notice.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2012–0058.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Safety Standard for Walk-Behind Power Lawn Mowers.

OMB Number: 3041–0091.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of walk-behind power lawn mowers.

Estimated Number of Respondents: Approximately 25 manufacturers and importers of walk-behind power lawn mowers.

Estimated Time per Response: Walk-behind power lawn mowers are manufactured seasonally to meet demand. They are manufactured during an estimated 130 days out of the year. When they are manufactured, firms are required to test and maintain records of those tests. Staff estimates 3 hours daily for testing and recordkeeping per firm totaling 390 hours per firm (3 hours × 130 days). In addition, to produce labels and apply labels on the newly manufactured lawn mowers, staff estimates 1 hour daily for each firm during the production cycle for a total of 130 hours per firm (1 hour × 130 days).

Total Estimated Annual Burden: 9,750 hours on testing and recordkeeping (25 firms × 390 hours) and 3,250 hours for labeling (25 firms × 130 hours). Aggregate annual burden hours related to testing, recordkeeping, and labeling are estimated to be 520 hours per firm and 13,000 hours for the industry.

General Description of Collection: In 1979, the CPSC issued the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR part 1205) to address blade contact injuries. Subpart B of the standard sets forth regulations prescribing requirements for a reasonable testing program to support certificates of compliance with the standard for walk-behind power lawn mowers. 16 CFR part 1205, subpart B.

In addition, section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, importers, and private labelers of a consumer product subject to a consumer product safety standard to issue a certificate stating that the product complies with all applicable consumer product safety standards. Section 14(a) of the CPSA also requires that the certificate of compliance must be based on a test of each product or upon a reasonable testing program. The information collection is necessary because these regulations require manufacturers and importers to establish and maintain records to demonstrate compliance with the requirements for testing and labeling to support the certification of compliance.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11973 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0054]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Automatic Residential Garage Door Operators

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information associated with the CPSC's Safety Standard for Automatic Residential Garage Door Operators (OMB No. 3041–0125). In the **Federal Register** of March 14, 2019, the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information, without change.

DATES: Submit written comments on this request for extension of approval of information collection by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2012–0054.

FOR FURTHER INFORMATION CONTACT: Bretford J. Griffin, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bfriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC has submitted the following currently approved collection of information to OMB for extension:

Title: Safety Standard for Automatic Residential Garage Door Operators.

OMB Number: 3041–0125.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of automatic residential garage door operators.

Estimated Number of Respondents: An estimated 18 firms that conduct performance tests and maintain records based on the test results to maintain UL certification and verify compliance with the rule.

Estimated Time per Response: Based on staff's review of industry sources, each respondent will spend an estimated 40 hours annually on the collection of information related to the rule.

Total Estimated Annual Burden: 720 hours (18 firms × 40 hours).

General Description of Collection: On December 22, 1992, the Commission issued rules prescribing requirements for a reasonable testing program to support certificates of compliance with the Safety Standard for Automatic Residential Garage Door Operators (57 FR 60449). These regulations also require manufacturers, importers, and private labelers of residential garage door operators to establish and maintain records to demonstrate compliance with the requirements for testing to support

certification of compliance. 16 CFR part 1211, subparts B and C.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11966 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0055]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Flammability Standards for Children's Sleepwear

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) announces a submission to the Office of Management and Budget (OMB), requesting an extension of approval for a collection of information associated with the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; and the Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14, previously approved under OMB Control No. 3041–0027. On March 14, 2019, CPSC published a notice announcing the agency's intent to seek an extension of approval of this collection of information (84 FR 9310). CPSC received one comment in response to that notice, which is addressed below.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by July 8, 2019.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at: *https://www.regulations.gov,* under Docket No. CPSC–2012–0055.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: One commenter asserts that the time cost of testing and maintenance of the testing records is 2 weeks, rather than 3 hours per item. The commenter contends that tests involve multiple stages, based on fabric, prototype, and garment, and involve multiple processes, such as washing/drying, cutting, cooling, and burning. According to the commenter, the maintenance of the testing records alone is 3–4 hours, including organizing the reports and samples.

CPSC staff's estimate of 3 hours includes the testing and recordkeeping. Although there are several stages involved in the testing, including washing and drying of samples, the commenter seems to include time estimates for down time and waiting periods. However, such periods should be excluded, since other work can be performed during that time. In addition, the difference in lab equipment can affect the average time, because some labs may have numerous washing machines and multiple test cabinets. Accordingly, the time estimates were based on an average across the industry and will not be adjusted at this time.

Title: Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X; and the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14.

OMB Number: 3041–0027.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of children's sleepwear.

Estimated Number of Respondents: Based on a review of past firm inspections, and published industry information, staff estimates that there could be as many as 981 domestic children's apparel manufacturers in the United States that are subject to the rule. However, not all of these manufacturers will produce children's sleepwear. Therefore, this figure is likely an overestimate of the actual number of firms performing tests and creating records in a given year. Furthermore, using the Harmonized Tariff System (HTS) codes for children's sleepwear, staff found approximately 3,037 importers that supply children's sleepwear to the U.S. market. However, many of the 981 domestic manufacturers, along with many large U.S. retailers, may be among the importers, and therefore, result in an overstatement of firms subject to the rule. If all 981 U.S. producers and all 3,037 importers introduced new children's sleepwear garments each year, the total number of firms subject to the CPSC recordkeeping requirements annually would be 4,018 (981 + 3,037).

Estimated Time per Response: Testing and recordkeeping of each item is approximately 3 hours.

Total Estimated Annual Burden: The 50 largest domestic manufacturers and the 100 largest importers may each introduce an average of 100 new children's sleepwear items annually. The annual burden for the 50 large domestic manufacturers and the 100 largest importers is estimated at 45,000 hours for testing and recordkeeping (150 firms × 100 items × 3 hours). Staff estimates that the remaining 931 manufacturers and 2,937 importers may each introduce an average of 10 new children's sleepwear items, for a total testing and recordkeeping burden of 116,040 hours (3,868 × 10 items × 3 hours.) Therefore, the total estimated potential annual burden imposed by the standard and regulations on all manufacturers and importers of children's sleepwear will be about 161,040 hours (45,000 + 116,040).

Description of Collection: The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (16 CFR part 1615) and the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (16 CFR part 1616) address the fire hazard associated with small-flame ignition sources for children's sleepwear manufactured for sale in, or imported into, the United States. The standards also require manufacturers and importers of children's sleepwear to collect information resulting from product testing and maintenance of the testing records. 16 CFR part 1615, subpart B; 16 CFR part 1616; subpart B.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–11972 Filed 6–6–19; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Disability Accommodation Reimbursement Request Form

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of Information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995,

CNCS is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by August 6, 2019.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention Sharron Walker-Tendai, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may use our web chat for alternative communication *www.NationalService.gov/contact-us.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Sharron Walker-Tendai, 202–606–3904, or by email at *stendai@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Disability Accommodation Reimbursement Request Form.

OMB Control Number: 3045–0179.

Type of Review: Renewal.

Respondents/Affected Public: Individuals, Businesses and Organizations, State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 20.

Total Estimated Number of Annual Burden Hours: 20 minutes.

Abstract: CNCS grantees provide the information to request reimbursement for services associated with reasonable accommodation of AmeriCorps service members. The information will be collected electronically via email by submission of this form and the receipt(s) for services. CNCS also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on August 31, 2019.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: June 3, 2019.

Sharron Walker-Tendai,

Program Support Specialist.

[FR Doc. 2019–12007 Filed 6–6–19; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for the AmeriCorps National Civilian Community Corps (NCCC) Sponsor Survey

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is soliciting comments concerning its AmeriCorps National Civilian Community Corps (NCCC) Sponsor Survey. The AmeriCorps NCCC Sponsor Survey is completed by organizations who have sponsored an AmeriCorps NCCC team. AmeriCorps NCCC is a full-time, residential, national service program whose mission is to strengthen communities and develop leaders through team-based national and community service.

A copy of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by August 6, 2019.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention Jacob Sgambati, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov*.

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically

captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Jacob Sgambati, 202–606–6839, or by email at *jsgambati@cns.gov*.

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps NCCC Sponsor Survey.

OMB Control Number: TBD.

Type of Review: New.

Respondents/Affected Public: Current/prospective AmeriCorps NCCC Project Sponsors.

Total Estimated Number of Annual Responses: 300.

Total Estimated Number of Annual Burden Hours: 3,900 hours.

Abstract: The AmeriCorps NCCC Sponsor Survey is completed by organizations who have sponsored an AmeriCorps NCCC team. Each year, AmeriCorps NCCC engages teams of members in projects in communities across the United States. Service projects, which typically last from six to eight weeks, address critical needs in natural and other disasters, infrastructure improvement, environmental stewardship and conservation, energy conservation, and urban and rural development. Members construct and rehabilitate low-income housing, respond to natural disasters, clean up streams, help communities develop emergency plans, and address other local needs. CNCS will continue to use the current approved information collection request until the new information collection request is approved.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov.*

Dated: June 3, 2019.

Jacob Sgambati,

Deputy Director, AmeriCorps NCCC.

[FR Doc. 2019–11921 Filed 6–6–19; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0045]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Part 601 Preferred Lender Arrangements

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 8, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0045. 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: Part 601 Preferred Lender Arrangements.

OMB Control Number: 1845–0101.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households; Private Sector.

Total Estimated Number of Annual Responses: 18,623,389.

Total Estimated Number of Annual Burden Hours: 3,801,989.

Abstract: Part 601–Institution and Lender Requirements Relating to

Education Loans is a section of the regulations governing private education loans offered at covered institutions. These regulations assure the Secretary that the integrity of the program is protected from fraud and misuse of program funds and places requirements on institutions and lenders to ensure that borrowers receive additional disclosures about Title IV, HEA program assistance prior to obtaining a private education loan. The Department is submitting the unchanged Private Education Loan Applicant Self-Certification for OMB's continued approval. While information about the applicant's cost of attendance and estimated financial assistance must be provided to the student, if available, the student will provide the data to the private loan lender who must collect and maintain the self-certification form prior to disbursement of a Private Education Loan. The Department will not receive the Private Education Loan Applicant Self-Certification form and therefore will not be collecting and maintaining the form or its data.

Dated: June 4, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–12046 Filed 6–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0070]

Agency Information Collection Activities; Comment Request; Guaranty Agency Financial Report

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 6, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0070. 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: Guaranty Agency Financial Report.

OMB Control Number: 1845–0026.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 528.

Total Estimated Number of Annual Burden Hours: 29,040.

Abstract: The Guaranty Agency financial Reports is used by a guaranty agency to request payments of reinsurance for defaulted student loans; make payments for amounts due the Department, for collections on default and lender of last resort loan (default) claims on which reinsurance has been paid and for refunding amounts previously paid for reinsurance claims. The form is also used to determine required reserve levels for agencies and to collect debt information as required for the ''Report on Accounts and Loans Receivable Due from the Public,'' SF 220–9 (Schedule 9 Report) as required by the U.S. Department of Treasury.

Dated: June 4, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–12048 Filed 6–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0046]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Campus Equity in Athletics Disclosure Act (EADA) Survey

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 8, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0046. 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 George Smith, 202–453–7757.

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: Campus Equity in Athletics Disclosure Act (EADA) Survey.

OMB Control Number: 1840–0827.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 2,079.

Total Estimated Number of Annual Burden Hours: 11,435.

Abstract: The collection of information is necessary under section 485 of the Higher Education Act of 1965, as amended, with the goal of increasing transparency surrounding college athletics for students, prospective students, parents, employees and the general public. The survey is a collection tool to compile the annual data on college athletics. The data is collected from the individual institutions by ED and is made available to the public through the Equity in Athletics Data Analysis Cutting Tool as well as the College Navigator.

Dated: June 4, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–12047 Filed 6–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice for solicitation of members.

SUMMARY: In accordance with the *Federal Advisory Committee Act,* the U.S. Department of Energy is soliciting nomination for candidates to fill vacancies on the Biomass Research and Development Technical Advisory Committee (Committee).

DATES: Deadline for Technical Advisory Committee member nominations is June 30, 2019.

ADDRESSES: The nominee's name, resume, biography, and any letters of support must be submitted via one of the following methods:

(1) Email to *Ian.Rowe@ee.doe.gov.*

(2) Overnight delivery service to the Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–3B, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ian Rowe, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–7720; *Email: Ian.Rowe@ee.doe.gov.*

Committee Website: http://biomassboard.gov/committee/committee.html.

SUPPLEMENTARY INFORMATION: The Biomass Research and Development Act of 2000 (Biomass Act) [Pub. L. 106–224] requires cooperation and coordination in biomass research and development (R&D) between the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE). The Biomass Act was repealed in June 2008 by section 9008 of the Food, Conservation and Energy Act of 2008 (FCEA) [Pub. L. 110–246, 122 Stat. 1651, enacted June 18, 2008, H.R. 6124]. The Biomass Act was re-authorized in the Agricultural Improvement Act of 2018.

FCEA section 9008(d) established the Biomass Research and Development Technical Advisory Committee and lays forth its meetings, coordination, duties, terms, and membership types. Committee members are paid travel and per diem for each meeting. The Committee must meet quarterly and should not duplicate the efforts of other Federal advisory committees. Meetings are typically two days in duration. Three meetings are held in the Washington DC area and the fourth is held at a site to be determined each year. The Committee advises DOE and USDA points of contact with respect to the Biomass R&D Initiative (Initiative) and priority technical biomass R&D needs and makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, and determined by an independent panel of qualified peers.

The committee members may serve two, three-year terms and committee membership must include: (A) An individual affiliated with the biofuels industry; (B) an individual affiliated with the biobased industrial and commercial products industry; (C) an individual affiliated with an institution of higher education that has expertise in biofuels and biobased products; (D) 2 prominent engineers or scientists from government (non-federal) or academia that have expertise in biofuels and biobased products; (E) an individual affiliated with a commodity trade association; (F) 2 individuals affiliated with environmental or conservation organizations; (G) an individual associated with state government who

has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; (I) an individual with expertise in the economics of biofuels and biobased products; (J) an individual with expertise in agricultural economics; (K) an individual with expertise in plant biology and biomass feedstock development; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) an individual with expertise in carbon dioxide capture, utilization, and sequestration; (N) at the option of the points of contact, other members (REF: FCEA 2008 section 9008(d)(2)(A)). All nominees will be carefully reviewed for their expertise, leadership, and relevance to an expertise. Appointments will be made for three-year terms as dictated by the legislation.

Nominations this year are needed for the following categories in order to address the Committee's needs: (D) 2 prominent engineers or scientists from government (non-federal) or academia that have expertise in biofuels and biobased products; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) an individual with expertise in carbon dioxide capture, utilization, and sequestration. Nominations for other categories will also be accepted. Nomination categories C, D, H, I, J, K, L, N, and M are considered Special Government Employees and require submittal of an annual financial disclosure form. In addition to the required categories, other areas of expertise of interest to the Committee are individuals with expertise in process engineering related to biorefineries, or biobased coproducts that enable fuel production.

Nominations are solicited from organizations, associations, societies, councils, federations, groups, universities, and companies that represent a wide variety of biomass research and development interests throughout the country. In your nomination letter, please indicate the specific membership category of interest. Each nominee must submit their resume and biography along with any letters of support by the deadline above. If you were nominated in previous years but were not appointed to the committee and would still like to be considered, please submit your nomination package again in response to this notice with all required materials. All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Technical Advisory Committee take into account the needs of the diverse groups served by DOE, membership shall include (to the extent practicable), all racial and ethnic groups, women and men, and persons with disabilities. Please note that registered lobbyists serving in an ''individual capacity,'' individuals already serving another Federal Advisory Committee, and federal employees are ineligible for nomination.

Appointments to the Biomass Research and Development Technical Advisory Committee will be made by the Secretary of Energy and the Secretary of Agriculture.

Signed in Washington, DC, on June 4, 2019.

Antionette M. Watkins,

Acting Deputy Committee Management Officer.

[FR Doc. 2019–12022 Filed 6–6–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–78–000]

Notice of Complaint: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Take notice that on May 30, 2019, pursuant to sections 206, 306, and 309 of the Federal Power Act (FPA), 16 U.S.C. 824e, 825e, and 825h, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, National Railroad Passenger Corporation (Complainant) filed a formal complaint against PPL Electric Utilities Corporation and PJM Interconnection, L.L.C., (Respondents) alleging that, the rates that Complainant is being charged for transmission service by the Respondents' is unjust, unreasonable, and unduly discriminatory, in violation of the FPA, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served by first class mail, electronic transmission, or hand-delivery, the foregoing upon the individuals identified in the Complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for 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.

Comment Date: 5:00 p.m. Eastern Time on June 19, 2019.

Dated: May 31, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12055 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–97–000.

Applicants: NedPower Mount Storm LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of NedPower Mount Storm LLC.

Filed Date: 05/31/2019.

Accession Number: 20190531–5494.

Comment Date: 5:00 p.m. ET 6/21/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2732–017; ER10–2733–017; ER10–2734–017;

ER10–2736–017; ER10–2737–017; ER10–2741–017; ER10–2749–017; ER10–2752–017; ER12–2492–013; ER12–2493–013; ER12–2494–013; ER12–2495–013; ER12–2496–013; ER16–2455–007; ER16–2456–007; ER16–2457–007; ER16–2458–007; ER16–2459–007; ER18–1404–003.

Applicants: Emera Energy Services Inc., Emera Energy U.S. Subsidiary No. 1, Inc., Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10 LLC, Emera Energy Services Subsidiary No. 11 LLC, Emera Energy Services Subsidiary No. 12 LLC, Emera Energy Services Subsidiary No. 13 LLC, Emera Energy Services Subsidiary No. 14 LLC, Emera Energy Services Subsidiary No. 15 LLC, NS Power Energy Marketing Inc.

Description: Notice of Change in Status of the Emera Entities.

Filed Date: 05/31/2019.

Accession Number: 20190531–5500.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER13–1966–004.

Applicants: GenOn Wholesale Generation, LP.

Description: GenOn Wholesale Generation, LP submits tariff filing per 35: Compliance Filing and Request for Administrative Cancellation to be effective 5/9/2018.

Filed Date: 06/03/2019.

Accession Number: 20190603–5062.

Comment Date: 5:00 p.m. ET 6/24/19.

Docket Numbers: ER18–1156–002.

Applicants: St. Joseph Energy Center, LLC.

Description: St. Joseph Energy Center, LLC submits tariff filing per 35: Settlement Compliance Filing to be effective 5/29/2018.

Filed Date: 06/03/2019.

Accession Number: 20190603–5083.

Comment Date: 5:00 p.m. ET 6/24/19.

Docket Numbers: ER19–1864–001.

Applicants: Public Service Company of Colorado.

Description: Public Service Company of Colorado submits tariff filing per 35: 2019–06–03 Order 845 Compliance Filing—Amnd to be effective 5/22/2019.

Filed Date: 06/03/2019.

Accession Number: 20190603–5085.

Comment Date: 5:00 p.m. ET 6/24/19.

Docket Numbers: ER19–2025–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii): May 2019 Western WDT Service Agreement Biannual Filing to be effective 8/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5435.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2026–000.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits tariff filing per 35.13(a)(2)(iii): Air Liquide 449 Filing to be effective 5/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5400.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2027–000.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits tariff filing per 35.13(a)(2)(iii): Equilon 449 Filing to be effective 5/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5406.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2028–000.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits tariff filing per 35.13(a)(2)(iii): Tesoro 449 Filing to be effective 5/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5410.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2029–000.

Applicants: Mankato Energy Center II, LLC.

Description: Mankato Energy Center II, LLC submits tariff filing per 35.12: Mankato Energy Center II Reactive Supply Service Tariff Filing to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5470.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2030–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Revisions to OATT, Part IV re: Interconnection Request Deficiency Review Process to be effective 7/31/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5489.

Comment Date: 5:00 p.m. ET 6/21/19.

Docket Numbers: ER19–2032–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 2213R3 Cimarron Windpower II, LLC GIA to be effective 5/2/2019.

Filed Date: 06/03/2019.

Accession Number: 20190603–5055.

Comment Date: 5:00 p.m. ET 6/24/19.

Docket Numbers: ER19–2033–000.

Applicants: AEP Texas Inc.

Description: AEP Texas Inc. submits tariff filing per 35.13(a)(2)(iii): AEPTX-West Raymond Wind Farm Interconnection Agreement to be effective 5/20/2019.

Filed Date: 06/03/2019.

Accession Number: 20190603–5059.

Comment Date: 5:00 p.m. ET 6/24/19.

Docket Numbers: ER19–2034–000.

Applicants: Southwestern Electric Power Company.

Description: Southwestern Electric Power Company submits tariff filing per 35.13(a)(2)(iii): SWEPCO–GSEC–LHEC Caracara to Beasley DPA to be effective 5/15/2019.

Filed Date: 06/03/2019.

Accession Number: 20190603–5060.

Comment Date: 5:00 p.m. ET 6/24/19.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF19–1212–000.

Applicants: South Essex Sewerage District.

Description: Form 556 of South Essex Sewerage District.

Filed Date: 05/31/2019.

Accession Number: 20190531–5511.

Comment Date: None-Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 3, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–12045 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–470–000]

Notice of Request Under Blanket Authorization: Natural Gas Pipeline Company of America LLC

Take notice that on May 23, 2019, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed a prior notice application pursuant to sections 157.205 and 157.208(b) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Natural's blanket certificate issued in Docket No. CP82–402–000. Natural requests authorization to perform a miscellaneous rearrangement project involving the relocation of two existing portions of Natural's Louisiana Line Nos. 1 and 2 which are to be removed and replaced by two new portions of pipeline, all in Jefferson County, Texas (Project), all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Bruce H. Newsome, Vice President, Regulatory Products and Services, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515–7918, or phone (630) 725–3070, or by email *bruce_newsome@kindermorgan.com.*

Natural is proposing this Project in response to a request from Golden Pass Products, LLC (Golden Pass) to move and relocate a portion of Natural's existing Louisiana Line Nos. 1 and 2 from land that Golden Pass plans to utilize for the construction of its new liquefaction and export terminal to be located in Jefferson County, Texas. Natural states that the Project will not result in the reduction of system capacity or the termination of any services, and will not affect the quality of service to any of Natural's existing shippers.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 3, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12051 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–472–000]

Notice of Request Under Blanket Authorization: Gulf South Pipeline Company, LP

Take notice that on May 28, 2019, Gulf South Pipeline Company, LP (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046 filed in Docket No. CP19–472–000 a prior notice request pursuant to sections 157.205, 157.208 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), requesting authorization to replace two, 6,700 horsepower (HP) natural gas turbine-driven centrifugal compressor units with one, approximately 11,107 HP, Solar Taurus 70 compressor package, including the installation and modification of station piping, valves and other appurtenant facilities at Gulf South's existing Arnaudville Compressor Station (Arnaudville Replacement Project) located on Gulf South's Index 330 mainline in St. Landry Parish, Louisiana. Gulf South states that the Arnaudville Replacement Project will result in a minor decrease in station HP, but will not affect daily design capability or maximum daily capability, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Juan Eligio, Jr. Supervisor of Regulatory Affairs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by phone at 713–479–3480, or by email are *juan.eligio@bwpmlp*; or Payton Barrientos, Senior

Regulatory Analyst, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by phone at 713–479–8157, or by email are *payton.barrientos@bwpmlp*.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentors, will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 3, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12052 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–125–000]

Notice of Schedule for Environmental Review of the Index 99 Expansion Project: Gulf South Pipeline Company, LP

On March 29, 2019, Gulf South Pipeline Company (Gulf South) filed an application in Docket No. CP19–125–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Index 99 Expansion Project, and would consist of the construction of a new pipeline, new launcher and receiver facilities, a new mainline valve, and modifications to an existing compressor station. All project components are in Texas and Louisiana. The project would provide about 500 million cubic feet/per day (MMcf/d) of new natural gas firm transportation service to markets along the Gulf Coast region, as well as provide for an additional 250 MMcf/d of capacity to Gulf South's existing facilities in northern Louisiana, for a total maximum daily quantity of 750 MMcf/d.

On April 12, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the project.

Schedule for Environmental Review

Issuance of EA—November 22, 2019
90-day Federal Authorization Decision Deadline—February 20, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Project Description

The proposed project consists of the following facilities:

- Installation of approximately 22 miles of new 30-inch-diameter pipeline (Index 99L), including cathodic protection, in San Augustine and Sabine Counties, Texas;
- installation of a pig [1] receiver at the intersection of the new Index 99L pipeline and Gulf South's existing Index 99 System, in San Augustine County, Texas;
- installation of a pig launcher at the intersection of the new Index 99L pipeline and Gulf South's existing Index 99 System and Index 129 Legacy System, in Sabine County, Texas;
- installation of one new mainline valve assembly along the new Index 99L pipeline, in San Augustine County, Texas; and
- installation of approximately 250 feet of new 24-inch-diameter station pipe and a 24-inch-diameter pressure control valve at the existing Hall Summit Compressor Station in Bienville Parish, Louisiana.

Background

On May 13, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Index 99 Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. All substantive comments received will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with

[1] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP19–125), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: June 3, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12050 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR19–61–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(b),(e)/: Revised Statement of Operating Conditions to be effective 5/1/2019.
Filed Date: 5/23/19.
Accession Number: 201905235129.
Comments/Protests Due: 5 p.m. ET 6/13/19.

Docket Number: PR19–62–000.
Applicants: Columbia Gas of Maryland, Inc.
Description: Tariff filing per 284.123(b),(e)/: CMD Rates effective May 8 2019.
Filed Date: 5/28/19.
Accession Number: 201905285101.
Comments/Protests Due: 5 p.m. ET 6/18/19.

Docket Number: PR19–63–000.
Applicants: Centana Intrastate Pipeline, LLC.
Description: Tariff filing per 284.123(b),(e)/: CIPCO SOC Nomination Time Change Filing to be effective 4/1/2016.
Filed Date: 5/30/19.
Accession Number: 201905305221.
Comments/Protests Due: 5 p.m. ET 6/13/19.

Docket Number: PR19–64–000.
Applicants: Southern California Gas Company.
Description: Tariff filing per 284.123(b),(e)+(g): Offshore_Delivery_Service_Rate_Revision_May_2019 to be effective 5/1/2019.
Filed Date: 5/30/19.
Accession Number: 201905305300.
Comments Due: 5 p.m. ET 6/20/19.
284.123(g) Protests Due: 5 p.m. ET 7/29/19.

Docket Numbers: RP19–1195–001.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.205(b): Amendment to RP19–1195 to be effective 5/1/2019 under RP19–1195.
Filed Date: 05/30/2019.
Accession Number: 20190530–5166.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1248–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: NEXUS Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rates—Columbia Gas 860005 June 1 Releases to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5005.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1249–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated Rates—MC Global 6–1–2019 Releases to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5020.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1250–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated rate—Center point to Range 8957691 eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5021.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1251–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotitated Rate—NSTAR release to SFE Energy 799340 eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5086.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1252–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jun 2019 to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5122.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1253–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—Bay releases to BBPC eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5144.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1254–000.
Applicants: Northwest Pipeline LLC.
Description: Northwest Pipeline LLC submits tariff filing per 154.204: Housekeeping 2019 Mid-Year to be effective 7/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5167.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1255–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.403(d)(2): Qrtly FLU Update to be effective 7/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5178.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1256–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.403(d)(2): Quarterly LUF Update FIling to be effective 7/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5196.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1257–000.
Applicants: Dauphin Island Gathering Partners.
Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rate Filing WT 5–30–2019 to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5214.
Comment Date: 5:00 p.m. ET 6/11/19.

Docket Numbers: RP19–1258–000.

Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.204: Non-Conforming Agreement Filing—Black Hills NW Wyoming Gas Utility Co #214677 to be effective 7/1/2019
Filed Date: 05/30/2019.
Accession Number: 20190530–5217.
Comment Date: 5:00 p.m. ET 6/11/19.
Docket Numbers: RP19–1259–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Negotiated Rate Agreement Update (APS June 2019) to be effective 6/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5218.
Comment Date: 5:00 p.m. ET 6/11/19.
Docket Numbers: RP19–1260–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 154.204: Fuel Retention and Cash-Out Adjustment 2019 to be effective 7/1/2019.
Filed Date: 05/30/2019.
Accession Number: 20190530–5344.
Comment Date: 5:00 p.m. ET 6/11/19.
Docket Numbers: RP18–1167–003.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.203: 2019 Settlement—Compliance Filing to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5207.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP18–940–006.
Applicants: Empire Pipeline, Inc.
Description: Empire Pipeline, Inc. submits tariff filing per 154.203: Empire Rate Case Settlement Compliance Filing to be effective 7/3/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5255.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1261–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.601: Negotiated Retainage Agreement 6–1–2019 to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5033.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1262–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated Rate—Range to Castleton 8957873 eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5048.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1263–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.204: Negotiated Rate Amd—DTE to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5073.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1264–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Kinder Morgan Louisiana Pipeline LLC submits tariff filing per 154.403(d)(2): Periodic Rate Adjustment—Fuel and Unaccounted for Gas Tracker to be effective 7/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5074.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1265–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: MarkWest Pioneer, L.L.C. submits tariff filing per 154.403(d)(2): Quarterly Fuel Adjustment Filing to be effective 7/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5098.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1266–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: NEXUS Gas Transmission, LLC submits tariff filing per 154.204: Negotitated Rate—CNX 860004 releases eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5138.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1267–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Service Agreements 6–1–2019 to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5142.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1268–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: NEXUS Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—BP Energy to BP Canada eff 6–1–19 to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5162.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1269–000.
Applicants: Crossroads Pipeline Company.
Description: Crossroads Pipeline Company submits tariff filing per 154.204: PAL Housekeeping to be effective 7/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5200.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1270–000.
Applicants: Cheniere Corpus Christi Pipeline, LP.
Description: Cheniere Corpus Christi Pipeline, LP submits tariff filing per 154.204: EPC—Usage Clarification to be effective 7/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5201.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1271–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Remove internet website Agreement Pro Forma From Tariff to be effective 7/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5208.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1272–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 6–1–2019) to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5210.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1273–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendment & Cap Rel Neg Rate Agmts (Aethon 37657, 50488 to Scona 51155, 51160) to be effective 6/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5211.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1274–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.203: Compliance Rate Filing in Docket No. CP17–476–000 (Westlake Project) to be effective 8/1/2019.
Filed Date: 05/31/2019.
Accession Number: 20190531–5220.
Comment Date: 5:00 p.m. ET 6/12/19.
Docket Numbers: RP19–1275–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per

154.203: Compliance Tariff Filing in Docket No. CP17–476–000 (Westlake Project) to be effective 8/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5227.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1276–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.204: Equitrans' Clean Up Filing—May 2019 to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5231.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1277–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Tariff Sections Update—Contracts Consolidation to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5281.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1278–000.

Applicants: North Baja Pipeline, LLC.

Description: North Baja Pipeline, LLC submits tariff filing per 154.601: June Sempra Negotiated Rate Agreement to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5253.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1279–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.601: Non-Conforming Agreement Update (CLFP) to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5260.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1280–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—NSTAR to BPE 799380 eff 6–1–19 to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5267.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1281–000.

Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.

Description: Cheyenne Plains Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Billing and Payment Update to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5342.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1282–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.204: Billing and Payment Update Filing to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5343.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1283–000.

Applicants: Ruby Pipeline, L.L.C.

Description: Ruby Pipeline, L.L.C. submits tariff filing per 154.204: Billing and Payment Update to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5344.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1284–000.

Applicants: Sierrita Gas Pipeline LLC.

Description: Sierrita Gas Pipeline LLC submits tariff filing per 154.204: Billing and Payment Update to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5346.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1285–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.204: Billing and Payment Update and Housekeeping Filing to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5364.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1286–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.204: Billing and Payment Update to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5373.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1287–000.

Applicants: Young Gas Storage Company, Ltd.

Description: Young Gas Storage Company, Ltd. submits tariff filing per 154.204: Billing and Payment Update to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5376.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1288–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.601: Negotiated Rate Agreement—Revised Triad Hunter FTS Agreement to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5422.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1289–000.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per 154.601: TCO June Negotiated Rate Agreements to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5475.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1290–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: Columbia Gulf Transmission, LLC submits tariff filing per 154.601: June Negotiated Rate Agreement Filing to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5477.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1291–000.

Applicants: Paiute Pipeline Company.

Description: Paiute Pipeline Company submits tariff filing per 154.204: 2019 Rate Case to be effective 7/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5486.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–1292–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits tariff filing per 154.204: 20190531 Negotiated Rates to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5488.

Comment Date: 5:00 p.m. ET 6/12/19.

Docket Numbers: RP19–352–001.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Sea Robin Pipeline Company, LLC submits tariff filing per 154.206: RP19–352 Motion Rates into Effect to be effective 6/1/2019.

Filed Date: 05/31/2019.

Accession Number: 20190531–5118.

Comment Date: 5:00 p.m. ET 6/12/19.

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 date(s). 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: June 3, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–12049 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7189–014]

Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Denying Use of the Traditional Licensing Process, Commencement of Pre-Filing Process and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests: Green Lake Water Power Company

a. *Type of Filing:* Notice of Intent to File License Application for a Subsequent Minor License and Request to Use the Traditional Licensing Process.

b. *Project No.:* 7189–014.

c. *Dated Filed:* April 1, 2019.

d. *Submitted By:* Green Lake Water Power Company (Green Lake Power).

e. *Name of Project:* Green Lake Project.

f. *Location:* On Green Lake and Reeds Brook near the City of Ellsworth, Hancock County, Maine. The project occupies approximately two acres of United States lands administered by the U.S. Fish and Wildlife Service's Green Lake National Fish Hatchery.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Caroline Kleinschmidt, Green Lake Water Power Company, 120 Hatchery Way, Ellsworth, ME 04605; phone at (425) 553–6718, or email at *caroline@greenlakewaterpower.com.*

i. *FERC Contact:* Dr. Nicholas Palso at (202) 502–8854 or email at *nicholas.palso@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Maine State Historic Preservation Officer, as required by section 106 of the National Historic Preservation Act and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Green Lake Power as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act.

m. Green Lake Power filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule) and request to use the Traditional Licensing Process (TLP) on April 1, 2019. Green Lake Power provided public notice of its TLP request on March 28, 2019. In a letter dated May 31, 2019, the Director of the Division of Hydropower Licensing denied Green Lake Power's request to use the TLP. Green Lake Power must use the Integrated Licensing Process to prepare a license application for the project.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–7189–014.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so within 60 days of the date of this notice.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribe, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Thursday, June 27, 2019.
Time: 10:00 a.m.
Location: Ellsworth City Hall, Council Chamber Room, 1 City Hall Plaza, Ellsworth, ME 04605.
Phone: (207) 667–2563.

Evening Scoping Meeting

Date: Thursday, June 27, 2019.
Time: 7:00 p.m.
Location: Ellsworth City Hall, Council Chamber Room, 1 City Hall Plaza, Ellsworth, ME 04605.
Phone: (207) 667–2563.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The licensee and Commission staff will conduct an environmental site review of the project on Wednesday, June 26, 2019, starting at 10:00 a.m. All participants should meet at the Green Lake Project powerhouse, located at 120 Hatchery Way, Ellsworth, ME 04605 (the powerhouse is on the right as you enter the Green Lake National Fish Hatchery). The site review will require a half-mile round-trip walk to see all of the project facilities.

If you plan to attend the environmental site review, please contact Caroline Kleinschmidt of Green Lake Power at (425) 553–6718, or via email at *caroline@greenlakewater power.com* on or before June 24, 2019, and indicate how many participants will be attending with you. For any questions concerning the environmental site visit please contact Caroline Kleinschmidt.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public record of the project.

Dated: May 31, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12054 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–52–000]

Notice of Availability of the Final Environmental Assessment for the Proposed Lockridge Extension Pipeline Project Natural Gas Pipeline Company of America

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Lockridge Extension Pipeline Project proposed by Natural Gas Pipeline Company of America, LLC (Natural) in the above-referenced docket. Natural requests authorization pursuant to section 7(c) of the Natural Gas Act (NGA), and part 157 of the Commission's regulations seeking authorization to construct, operate, and maintain facilities in Ward, Reeves, and Pecos Counties, Texas to directly connect Natural to the Waha Hub and transport up to 500 million cubic feet per day of natural gas to the Trans Pecos Pipeline header at the Waha Hub.

The EA assesses the potential environmental effects of construction and operation of the Lockridge Extension Pipeline Project in accordance with the requirements of the *National Environmental Policy Act* (NEPA). The FERC staff concludes that approval of the proposed Project, with the mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed project includes the following facilities:

- Approximately 16.84 miles of new 30-inch-diameter pipeline;
- installation of ancillary piping and valves to interconnect the new pipeline extension;
- relocation of a 30-inch-diameter pig receiver to the southern terminus of the proposed pipeline extension; and
- installation of a new bidirectional interconnect and appurtenant facilities at the southern terminus of the proposed pipeline extension.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–52). Be sure you have selected an appropriate date range. 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.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on July 1, 2019.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please

carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–52–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. *Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.*

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: May 31, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–12059 Filed 6–6–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2019–0045; FRL–9993–92]

Pesticide Product Registration; Receipt of New Use Applications in April 2019

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 July 8, 2019.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) number and the File Symbol or EPA Registration Number for the application 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 *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/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or Michael Goodis, Registration Division (RD) (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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

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:* 100–739, 100–1262, and 100–1602. *Docket ID number:* EPA–HQ–OPP–2018–0718. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Difenoconazole. *Product type:* Fungicide. *Proposed use:* Vegetable, leaves of root and tuber, group 2; and vegetable, root, subgroup 1A. *Contact:* RD.

2. *EPA Registration Numbers:* 264–776 and 264–1055. *Docket ID number:* EPA–HQ–OPP–2019–0130. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709. *Active ingredient:* Trifloxystrobin. *Product type:* Fungicide. *Proposed use:* Dried shelled pea and bean (except soybean) Crop Subgroup 6C. *Contact:* RD.

3. *EPA Registration Numbers:* 35935–7, 61272–3, and 71368–1. *Docket ID number:* EPA–HQ–OPP–2019–0233. *Applicant:* Nufarm Limited, 4020 Aerial Center Pkwy., Ste. 103, Morrisville, NC 27560. *Active ingredient:* 2,4–D. *Product type:* Herbicide. *Proposed use:* Intermediate wheatgrass and inadvertent residues on sesame seed. *Contact:* RD.

4. *File Symbols:* 33753–GA, 33753–GT, 90924–RG, and 90924–RL. *Docket ID number:* EPA–HQ–OPP–2019–0200. *Applicants:* BASF Corporation, 100 Park Ave., Florham Park, NJ 07932; and NALCO Champion, an Ecolab Company, 11177 S Stadium Dr., Sugar Land, TX 77478. *Active ingredient:* Formic acid. *Product type:* Antimicrobial. *Proposed use:* Industrial Process and Water Systems including Oil Fields, Gas Production, Transmission Pipelines, and Flood/Injection Water. *Contact:* BPPD.

5. *EPA Registration Number:* 66222–117. *Docket ID number:* EPA–HQ–OPP–2018–0094. *Applicant:* Makhteshim Agan of North America, Incorporated, 3120 Highwoods Boulevard, Suite 100, Raleigh, NC 27604. *Active ingredient:* Tebuconazole. *Product type:* Fungicide. *Proposed use:* Cottonseed subgroup 20C; leafy brassica greens subgroup 4–16B; sunflower subgroup 20B; tomato (greenhouse); tree nut 14–12; tropical and subtropical, small fruit, inedible peel, subgroup 24A; and watercress. *Contact:* RD.

6. *EPA Registration Number:* 66222–128. *Docket ID number:* EPA–HQ–OPP–2018–0094. *Applicant:* Makhteshim Agan of North America, Incorporated, 3120 Highwoods Boulevard, Suite 100, Raleigh, NC 27604. *Active ingredient:* Tebuconazole. *Product type:* Fungicide. *Proposed use:* Small fruit vine climbing except fuzzy kiwifruit, subgroup 13–07F. *Contact:* RD.

7. *EPA Registration Numbers:* 62719–20, 62719–62719–21, 62719–657, 62719–684, and 62719–692. *Docket ID number:* EPA–HQ–OPP–2019–0232. *Applicant:* Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. *Active ingredient:* Nitrapyrin. *Product type:* Herbicide. *Proposed use:* Canola, seed; canola, meal; vegetable, tuberous and corm, subgroup; potato, processed potato waste; beet, sugar, roots; beet, sugar, tops; and beet, sugar, molasses. *Contact:* RD.

8. *EPA Registration Number:* 74054–4. *Docket ID number:* EPA–HQ–OPP–2018–0094. *Applicant:* Makhteshim Agan of North America, Incorporated, 3120 Highwoods Boulevard, Suite 100, Raleigh, NC 27604. *Active ingredient:* Tebuconazole. *Product type:* Fungicide. *Proposed use:* Cottonseed subgroup 20C; leafy brassica greens subgroup 4–16B; pome fruit crop group 11–10; small fruit vine climbing except fuzzy kiwifruit, subgroup 13–07F; stone fruit crop group 12–12 except cherry; sunflower subgroup 20B; tomato (greenhouse); tree nut 14–12; tropical and subtropical, small fruit, inedible peel, subgroup 24A; and watercress. *Contact:* RD.

9. *EPA Registration Number:* 86203–1 and 86203–26. *Docket ID number:* EPA–HQ–OPP–2019–0170. *Applicant:* Mitsui Chemicals Agro, Incorporated, c/o Landis International, Inc, P.O. Box 5126, Valdosta, GA 31603. *Active ingredient:* Penthiopyrad. *Product type:* Fungicide. *Proposed use:* Cotton seed treatment. *Contact:* RD.

10. *EPA Registration Numbers:* 88664–1 and 88664–2. *Docket ID number:* EPA–HQ–OPP–2014–0330. *Applicant:* FuturEco Bioscience, S.A., Avda. Del Cadi 19–23, Pol. Ind. Sant Pere Molanta, 08799 Olerdola, Barcelona, Spain (c/o Technology Sciences Group, Inc., 1150 18th St. NW, Suite 1000, Washington, DC 20036). *Active ingredient:* Isaria fumosorosea strain FE 9901. *Product type:* Insecticide. *Proposed use:* Field (Outdoor), Commercial Livestock, and Residential. *Contact:* BPPD.

11. *File Symbol:* 94413–R. *Docket ID number:* EPA–HQ–OPP–2019–0247. *Applicant:* Vita Bee Health Limited, 1 Castlewood Ave., Rathmines, Dublin 6, 006 H685 Ireland (c/o OMC Ag Consulting, Inc., 828 Tanglewood Lane, East Lansing, MI 48823). *Active ingredient: Bacillus thuringiensis* subsp. *aizawai strain* ABTS–1857 fermentation solids, spores, and insecticidal toxins. *Product type:* Larvicide. *Proposed use:* For the prevention and control of wax moth (*Galleria mellonella*) infestation in bee hives maintained by commercial or hobbyist beekeepers. Contact: BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: May 16, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–11929 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9045–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*.

Weekly receipt of Environmental Impact Statements
Filed 05/27/2019 Through 05/31/2019
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search*.

EIS No. 20190123, Draft, BLM, NV, Gemini Solar Project Resource Management Plan Amendment and Draft Environmental Impact Statement, Comment Period Ends: 09/05/2019, Contact: Herman Pinales 702–515–5155

EIS No. 20190124, Draft, USAF, CA, Draft Environmental Impact Statement/Environmental Impact Report for the Edwards AFB Solar Project, Comment Period Ends: 07/26/2019, Contact: Andrea Brewer-Anderson 661–277–4948

EIS No. 20190125, Draft, APHIS, REG, Revisions to USDA–APHIS 7 CFR part 340 Regulations Governing the Importation, Interstate Movement, and Environmental Release of Certain

Genetically Engineered Organisms: Draft Programmatic Environmental Impact Statement, Comment Period Ends: 08/06/2019, Contact: Alan Pearson 301–851–3944

EIS No. 20190126, Final, BR, CA, Yolo Bypass Salmonid Habitat Restoration and Fish Passage, Review Period Ends: 07/08/2019, Contact: Ben Nelson 916–414–2424

Amended Notice

EIS No. 20190081, Draft, USACE, IL, Draft Chicago Area Waterway System Dredged Material Management Plan, Comment Period Ends: 07/02/2019, Contact: Mike Padilla 312–846–5427, Revision to FR Notice Published 05/03/2019; Extending the Comment Period from 06/17/2019 to 07/02/2019

EIS No. 20190092, Final Supplement, USACE, AL, Mobile Harbor, Mobile, Alabama Integrated Final General Evaluation Report with Supplemental Environmental Impact Statement, Review Period Ends: 06/17/2019, Contact: Jennifer L. Jacobson 251–690–2724, Revision to FR Notice Published 05/10/2019; Extending the Comment Period from 06/10/2019 to 06/17/2019

EIS No. 20190101, Draft, BLM, NV, Mackay Optimization Project, Comment Period Ends: 07/05/2019, Contact: Jeanette Black, EIS Project Manager 775–623–1500, Revision to FR Notice Published 05/17/2019; Extending the Comment Period from 07/01/2019 to 07/05/2019

Dated: June 4, 2019.

Candi Schaedle,

Acting Director, Office of Federal Activities.

[FR Doc. 2019–12032 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

Regional Docket No. II–2015–3

[FRL–9994–64–Region 2]

Clean Air Act Operating Permit Program; Petitions on State Operating Permits for Algonquin Gas Transmission LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petitions on Clean Air Act title V operating permits.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated April 30, 2019, responding to eight petitions and two other submittals related to two Clean Air Act (CAA) title V operating permits issued by the New York State Department of Environmental Conservation (NYSDEC) to Algonquin Gas Transmission LLC for two of its facilities, namely the Southeast Compressor Station located in Putnam County, New York, Operating Permit NO. 3–3730–00060/00013 and the Stony Point Compressor Station located in Rockland County, New York, Operating Permit NO. 3–3928–00001/00027.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petitions, and other supporting information. You may review copies of the final Order, the Petitions, and other supporting information at the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order and Petitions are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database*.

FOR FURTHER INFORMATION CONTACT: Suilin Chan, EPA Region 2, 212–637–4019, *Chan.Suilin@epa.gov*.

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issues arose after this period.

The EPA received eight petitions from: (1) The Westchester County Board of Legislators, dated September 4, 2015; (2) Grassroots Environmental Education, dated September 4, 2015; (3) Suzannah Glidden, dated September 4, 2015; (4) Berty Barranco-Feero, dated September 4, 2015; (5) Paola Dalle Carbonare, dated September 4, 2015; (6) Lorenzo Auslander, dated September 4, 2015; (7) Simone Auslander, dated September 4, 2015; and (8) Cari Gardner, dated September 3, 2015. EPA also received an email message from Paula Clair dated September 3, 2015 and a letter from Susan Van Dolsen dated September 3, 2015 relating to the Permits. The Clair and Van Dolsen Submittals do not appear to be petitions submitted under CAA § 505(b)(2) asking EPA to object to the Permits. Nonetheless, without waiving any claim that the Clair and Van Dolsen Submittals were not properly filed, EPA responded to those Submittals, in connection with its response to the eight Petitions, as if the Clair and Van Dolsen Submittals were petitions to object under CAA § 505(b)(2).

On April 30, 2019, the EPA Administrator issued an Order denying the ten submittals, to the extent that these submittals are or could be considered petitions requesting an EPA objection. The Order explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a title V petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than August 6, 2019.

Dated: May 15, 2019.

Peter Lopez,

Regional Administrator, Region 2.

[FR Doc. 2019–12062 Filed 6–6–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Intent To Conduct a Detailed Economic Impact Analysis

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: Pursuant to the Charter of the Export-Import Bank of the United States, this notice is to inform the public that the Export-Import Bank of the United States has received an application for a $1.85 billion direct loan to support the export of approximately $1.8 billion in U.S. equipment and services to establish an integrated liquefied natural gas, or LNG, project in Mozambique. The U.S. exports will enable the facility to produce approximately 15.2 million metric tonnes per year of liquefied natural gas.

Available information indicates the Mozambique gas producer plans to sell the liquefied natural gas in the Asia-Pacific market (including China, Korea, Japan and India).

DATES: Comments are due 14 days from publication in the **Federal Register**.

ADDRESSES: Interested parties may submit comments on this transaction by email to *economic.impact@exim.gov* or by mail to Scott Condren, Export-Import Bank of the United States, 811 Vermont Avenue NW, Room 1261, Washington, DC 20571.

Scott Condren,

Policy Analysis.

[FR Doc. 2019–11950 Filed 6–6–19; 8:45 am]

BILLING CODE 6690–01–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 13, 2019, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- May 9, 2019

B. Reports

- Quarterly Report on Economic Conditions and FCS Conditions
- Semi-Annual Report on Office of Examination Operations

Closed Session

- Office of Examination Quarterly Report [1]

Dated: June 3, 2019.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2019–12144 Filed 6–5–19; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0166]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

[1] Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

DATES: Written comments should be submitted on or before July 8, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0166.

Title: Part 42, Section 42.6, Preservation of Records of Communications Common Carriers.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 49 respondents; 49 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220.

Total Annual Burden: 98 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The respondents are instructed on the appropriate procedures to follow to safeguard information deemed confidential under 47 CFR 0.457 of the Commission's rules, which details the type of records that are not routinely available for public inspection. Section 0.459 of the Commission's rules contains procedures for requesting that material and information submitted to the Commission be withheld from public inspection.

Needs and Uses: Section 42.6 requires a carrier to retain for eighteen months to assist the Department of Justice in its law enforcement activities telephone toll records that provide the billing information about telephone toll calls: The name, address, and telephone number of the caller, telephone number called, date, time and call length.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–11914 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

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 August 6, 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–XXXX.

Title: Connect America Fund—Performance Testing Measures.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,277 unique respondents; 3195 responses.

Estimated Time per Response: 16 hours–60 hours.

Frequency of Response: Biennial reporting requirements, quarterly reporting requirements and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 120,518 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: We note that the Universal Service Administrative Company (USAC) must preserve the confidentiality of certain data obtained from respondents; must not use the data except for purposes of administering the universal service programs or other purposes specified by the Commission; and must not disclose data in company-specific form unless directed to do so by the Commission. Materials or information submitted to the Commission or the Administrator will be confidential and not be available to the public.

Needs and Uses: In the *USF/ICC Transformation Order,* the Commission laid the groundwork for today's universal service programs providing $4.5 billion in support for broadband internet deployment in high-cost areas. *Connect America Fund, et al.,* Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10–90, et al., 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*). The *USF/ICC Transformation Order* required, among other things, that high-cost universal service recipients ''test their broadband networks for compliance with speed and latency metrics and certify to and report the results to the Universal Service Administrative Company (USAC) on an annual basis.'' *Id.* at 17705, para. 109. Pursuant to the Commission's direction in that Order, the Wireline Competition Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology adopted more specific methodologies for such testing in the Performance Measures Order. *See Connect America Fund,* Order, WC Docket No. 10–90, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) (*Performance Measures Order*). See also 47 CFR 54.313(a)(6) (requiring that recipients of high-cost support provide ''[t]he results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology'').

This collection includes requirements for testing speed and latency to ensure that carriers are meeting the public interest obligations associated with their receipt of high-cost universal service support. Carriers will identify, from

among the locations they have already submitted and certified in USAC's High Cost Universal Broadband (HUBB) portal, the locations where they have an active subscriber. From those subscriber locations, USAC will then select a random sample from which the carrier will be required to perform testing for speed and latency. Carriers that do not provide location information in the HUBB will use a randomization tool provided by USAC to select a random sample of locations for testing. The carrier will then be required to submit to USAC the results of the testing on an annual basis. These filings will include the testing results for each quarter from the prior year. The carrier's sample for each service tier (*e.g.,* 10 Mbps/1 Mbps, 25 Mbps/1 Mbps) shall be regenerated every two years. During the two-year cycle, carriers will have the ability to add and remove subscriber locations if necessary, *e.g.,* as subscribership changes. This information collection addresses the burdens associated with these requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–11912 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0751]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before July 8, 2019. If you anticipate that you will be submitting comments but find it difficult to do so with the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@OMB.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control No.: 3060–0751.

Title: Contracts and Concessions, 47 CFR 43.51.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 20 respondents, 20 responses.

Estimated Time per Response: 6–8 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154, 211, 219 and 220.

Total Annual Burden: 140 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approves a revision for the information collection, titled, ''Contracts and Concessions—47 CFR 43.51'' under OMB Control Number 3060–0751. On November 29, 2012, the Commission released the International Settlements Policy Reform Order (''ISP Reform Order''), FCC 12–145. In this Order, the Commission decided to eliminate the international settlements policy and certain associated rules, including removal of the Section 43.51(d) filing requirements and removal of Section 43.51(b)(3). As a result, this Supporting Statement reflects a program change of -20 responses and -160 in annual burden hours.

The Commission determined in the ISP Reform Order that the international settlements policy (ISP) and rules had become unnecessarily burdensome on U.S. carriers attempting to negotiate agreements with foreign carriers to exchange traffic at lower rates. The Commission determined that eliminating the ISP, with one exception related to Cuba, would enable more market-based arrangements between U.S. and foreign carriers on all U.S.-international routes, giving all U.S. consumers competitive pricing when

they make international calls. When it eliminated the ISP, the Commission eliminated Section 43.51(b)(3), which required that the agreements described in Sections 43.51(a) and 43.51(b) be filed by U.S.-international carriers that were affiliated with foreign carriers that possessed market power on certain U.S.-international. The Commission also removed Section 43.51(d), which required annual reporting by U.S.-international carriers of certain information concerning their agreements for interconnection of an international private line to the U.S. public switched network. The Commission declined in the ISP Reform Order to adopt proposed rules requiring U.S.-international carriers to file, or provide notice of, agreements with foreign carriers to exchange traffic at rates that exceeded the Commission's ''benchmark'' settlement rates. The Commission stated that it would require U.S. carriers to provide information about any above-benchmark settlement rates on an as-needed basis in connection with an investigation of competition problems or a review of high consumer rates on particular routes, according confidential treatment to the information.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–11915 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0936]

Information Collection Requirement Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 6, 2019. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0936.

Title: Sections 95.1215, 95.1217, 95.1223 and 95.1225, Medical Device Radiocommunications Service (MedRadio).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 3,120 respondents; 3,120 responses.

Estimated Time per Response: 1–3 hours.

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

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151 and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 9,120 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission is requesting that the Office of Management and Budget (OMB) approve for a period of three years an extension for the information collection requirements contained in this collection.

The information collection requirements that are approved under this information collection are contained in 47 CFR 95.1225(b) and (c), 95.1217(a)(3) and (c), 95.1223 and 95.1225 which relate to the Medical Device Radiocommunication Service (MedRadio).

The information is necessary to allow the coordinator and parties using the database to contact other users to verify information and resolve potential conflicts. Each user is responsible for determining in advance whether new devices are likely to cause or be susceptible to interference from devices already registered in the coordination database.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–11917 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1159]

Information Collection Requirement Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize

the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 6, 2019. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1159.

Title: Part 25—Satellite Communications; and Part 27—Miscellaneous Wireless Communication Services: 2.3 GHz Band.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities.

Number of Respondents and Responses: 158 respondents and 2,406 responses.

Estimated Time per Response: 0.5–40 hours.

Frequency of Response: Recordkeeping requirement, Third Party Disclosure, and on occasion and quarterly reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is 47 U.S.C. 154, 301, 302(a), 303, 309, 332, 336, and 337 unless otherwise noted.

Total Annual Burden: 24,714 hours.

Annual Cost Burden: $546,450.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information filed by Wireless Communications Service (WCS) licensees in support of their construction notifications will be used to determine whether licensees have complied with the Commission's performance benchmarks. Further, the information collected by licensees in support of their coordination obligations will help avoid harmful interference to Satellite Digital Audio Radio Service (SDARS), Aeronautical Mobile Telemetry (AMT) and Deep Space Network (DSN) operations in other spectrum bands.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–11916 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, June 6, 2019

May 30, 2019.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 6, 2019 which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW, Washington, DC.

Item No.	Bureau	Subject
1	CONSUMER & GOVERNMENTAL AFFAIRS.	TITLE: Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59); Call Authentication Trust Anchor (WC Docket 17–97). SUMMARY: The Commission will consider a Declaratory Ruling and Third Further Notice of Proposed Rulemaking that would clarify that voice service providers may block illegal and unwanted calls as the default before they reach consumers' phones, and propose a safe harbor for providers that block calls that fail call authentication while ensuring that emergency and other critical calls reach consumers.
2	MEDIA	TITLE: Leased Commercial Access (MB Docket No. 07–42); Modernization of Media Regulation Initiative (MB Docket No. 17–105). SUMMARY: The Commission will consider a Report and Order and Second Further Notice of Proposed Rulemaking that would vacate its 2008 Leased Access Order, modernize the existing leased access rules to reflect changes in the video programming market, and propose to simplify the leased access rate formula.
3	WIRELESS TELE-COMMUNICATIONS	TITLE: Amendment of the Commission's Rules to Promote Aviation Safety (WT Docket No. 19–140); WiMAX Forum Petition to Adopt Service Rules for the Aeronautical Mobile Airport Communications System (AeroMACS) (RM–11793); Petition of Sierra Nevada Corporation for Amendment of the Commission's Rules to Allow for Enhanced Flight Vision System Radar under Part 87 (RM–11799); Petition of Aviation Spectrum Resources, Inc. for Amendment of Sections 87.173(b) and 87.263(a) of the FCC's Rules to Allow Use of the Lower 136 MHz Band by Aeronautical Enroute Stations (RM–11818); Petition of Airports Council International-North America Regarding Aeronautical Utility Mobile Stations (RM–11832). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking that would propose to modernize the Commission's rules to improve aviation safety, support the deployment of more advanced avionics technology, and increase the efficient use of limited spectrum resources.

* * * * *

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need

more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu*.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2019–11992 Filed 6–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing.

SUPPLEMENTARY INFORMATION: This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992, issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation website at *www.fdic.gov/bank/individual/failed/banklist.html,* or contact the Manager of Receivership Oversight at *RO@fdic.gov* or at Division of Resolutions and Receiverships, FDIC, 1601 Bryan Street, Suite 34100, Dallas, TX 75201–3401.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10531	The Enloe State Bank	Cooper	TX	05/31/2019

Dated at Washington, DC, on June 4, 2019.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2019–12017 Filed 6–6–19; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA06

Request for Information on FDIC Technical Assistance Offerings and Delivery

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for information.

SUMMARY: The Federal Deposit Insurance Corporation is issuing this request for information to seek public input on additional steps the FDIC could take to support effective management and operation of FDIC-supervised institutions through technical assistance and collaboration on safety and soundness and consumer compliance matters. The FDIC is seeking feedback from community banks, other FDIC-supervised institutions, and other interested parties on existing FDIC methods and efforts to provide technical assistance. The FDIC requests input on strategies to improve the effectiveness of these offerings. The FDIC also seeks comment on both the content and delivery method of various technical assistance offerings and on other steps the FDIC could take to increase the level and effectiveness of technical assistance offered to the industry.

DATES: Comments must be received by August 6, 2019.

ADDRESSES: You may submit comments, identified by RIN 3064–ZA06, by any of the following methods:

- *Agency Website: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the Agency website.
- *Email: Comments@fdic.gov.* Include RIN 3064–ZA06 in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. Include RIN 3064–ZA06 in the subject line of the letter.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received for this request for information must include the agency name and RIN 3064–ZA06. All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/*—including any personal information provided—for public inspection. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Kathleen E. Jones, Case Manager, (816) 234–8143, *KathJones@fdic.gov;* or Thaddeus King, Policy Analyst, (202) 898–3541, *thking@fdic.gov.*

SUPPLEMENTARY INFORMATION: The FDIC is responsible for maintaining stability and public confidence in the nation's financial system by insuring deposits, examining and supervising financial institutions for safety and soundness and consumer protection, making large and complex financial institutions resolvable, and managing receiverships. In order to accomplish this mission, the FDIC provides technical assistance to financial institutions. As described further below, the FDIC is soliciting comment on strategies to improve the effectiveness of technical assistance to FDIC-supervised institutions.

Overview of Request for Information

The Federal Deposit Insurance Corporation (FDIC or Agency) is issuing this request for information to seek

public input on additional steps the FDIC can take to improve the efficacy and value of technical assistance offerings to supervised institutions. The FDIC seeks to provide technical assistance, particularly to community banks, on relevant and useful bank regulatory and supervisory topics, including recent regulatory changes and emerging issues. Ongoing collaboration with supervised institutions, including requests for technical assistance, is a key component of the FDIC's effort to identify and mitigate risk to individual supervised institutions and to the overall financial system. Accordingly, the FDIC is soliciting comment on how to maximize its efforts in providing this assistance.

Current Delivery Channels for Technical Assistance

The FDIC uses various methods of technical assistance to educate and assist insured depository institutions regarding regulations, policies, and guidance. These forms of assistance include, but are not limited to:

- Technical Assistance Videos
- Directors' Resource Center
- Director/Banker Colleges
- Teleconferences and Webinars
- Community Bank Resource Kits
- Regional Compliance Newsletters
- Individual Assistance to Institutions

Suggested Topics for Commenters

To support bank risk management and compliance efforts and reduce burden for institutions, both in terms of expending fewer resources to find relevant information and decreasing the amount of information that needs to be reviewed, the FDIC is seeking input on how best to support effective management and operation of FDIC-supervised institutions through improved technical assistance. The FDIC encourages comments from all interested members of the public, including but not limited to, insured depository institutions, other financial institutions or companies, and other members of the financial services industry. Detailed and specific comments, including whether the commenter prefers one form of assistance or support over another, would be helpful to the FDIC.

In addition to feedback on the FDIC's technical assistance initiatives described above, the FDIC requests input on the following specific topics and questions related to the FDIC's technical assistance:

Technical Assistance Videos

(1) The FDIC began issuing technical assistance videos in 2013. The target audience for these videos includes bank directors or bank officers.

a. Have you used any of these technical assistance videos?

b. If so, describe how you use the videos within your institution.

c. Which have been most helpful to your directors?

d. Which have been most helpful to management?

(2) In the last year, the FDIC changed the format of the videos to voice-over recordings. This format allows the FDIC to update videos more quickly and at a lower cost. The first video issued using this new format is the Bank Secrecy Act video released in December 2018. What are your thoughts on the new format?

(3) The FDIC's Technical Assistance Video Program provides videos for bank directors (including new directors) and management and staff.

a. Are the topics for each group comprehensive and useful?

b. Is it more useful for the target audience of these videos to be bank directors, management, or staff?

c. Would you like to see videos for additional groups (smaller subsets of bank staff, for example)?

(4) The FDIC seeks to provide technical assistance videos on topics that provide the most benefit to community bankers.

a. Of the current videos offered, which do you believe are the most important for the FDIC to retain and continue to maintain and update over time?

b. Are there any additional videos the FDIC should consider adding to its video program?

c. Are there any videos that should be removed from the current Technical Assistance Video Program?

Directors' Resource Center

(5) Currently, the Directors' Resource Center is organized by product (videos, supervisory guidance, etc.). The FDIC is considering how to improve the Directors' Resource Center. One step underway is moving to a topic-based resource center where significant information regarding a single topic will be located. The Bank Secrecy Act resource page, which was released on May 21, 2019, is the first issuance under this initiative and can be found at *https://www.fdic.gov/regulations/examinations/bsa/*.

a. Do you prefer topic-based resource pages or product-based resource pages? Please explain.

b. Using the Bank Secrecy Act resource page as an example, please provide feedback on the format of such a topic-based resource center.

c. What suggestions do you have to further improve this format?

d. Are there additional types of information that would be useful to add to such a page?

e. Please list additional topics for which the FDIC should develop a resource page.

Director/Banker Colleges

(6) The FDIC provides course offerings for bank directors and officers through its Director/Banker College program. These programs are offered locally by the FDIC's six regional offices, and topics are chosen based on the local areas.

a. Have you attended one of these events in the last two years?

b. Do you find these one-day seminars helpful?

c. Is the length sufficient to meet your needs?

d. Are there any topics you would like to see addressed?

Teleconferences and Webinars

(7) The FDIC hosts teleconferences and webinars to provide timely information to the industry.

a. Are the teleconferences and webinars useful?

b. What would make them more useful?

c. Please list any topics for which you would like the FDIC to host a teleconference or webinar.

d. Provide feedback on the announcement of teleconferences and webinars, including the length of time between the announcement and the event.

e. Should the FDIC establish a regular schedule for teleconferences and webinars with specific topics to be announced closer to the date of the event?

f. Are the materials provided for teleconferences and webinars helpful?

g. How can we increase the effectiveness of materials? For example, should audio files and other materials be available after the events and posted on the topic-based resource pages, if applicable?

Community Bank Resource Kit

(8) The FDIC created a Community Bank Resource Kit in 2016 that included a reprint of the agency's Pocket Guide for Directors, information on the Technical Assistance Video Program, information on cybersecurity and cyber resources, various reprints of *Supervisory Insights* articles, and information on other topics. These Kits were provided at FDIC Director/Banker Colleges and sent to each state non-member bank.

a. Have these Kits been useful to your institution? If so, were the Kits more

useful to board members or to bank officers and staff?

b. Would you be interested in an updated Community Bank Resource Kit? If so, what materials or information would you like to see included?

c. Would you prefer the Kit in print (hard copy), electronic delivery, or both?

Regional Compliance Newsletters

(9) Each of the FDIC's six regions produces a quarterly consumer compliance newsletter. These regional newsletters are sent via email to all state nonmember banks within the region. The newsletters provide information on FDIC initiatives, updates to regulatory guidance, common examination findings, and other topics.

a. Are these newsletters helpful to your institution?

b. Do you prefer longer, more in-depth articles that address a compliance topic or shorter, briefer articles that provide a quick update?

c. Is there additional information you would like to see addressed in the newsletters?

d. Is email an effective delivery method? Why or why not?

Individual Assistance to Institutions

(10) How often have you contacted the FDIC in the last year to request technical assistance unrelated to an examination? In the last five years?

(11) If you requested technical assistance unrelated to an examination, on what topics did you request technical assistance? Did you contact the local field office, the regional office, or the Washington Office for assistance?

(12) What type of assistance was most effective? What was least effective?

(13) What steps did you take based on the assistance provided?

Other Items

(14) In responding to the questions below, it would be helpful to indicate in rank order, or note preference or priority among, technical assistance offerings that you or your institution find most helpful.

a. Which technical assistance offerings do your board members prefer?

b. Which technical assistance offerings do your bank officers prefer?

(15) What other methods, if any, should the FDIC consider using to provide technical assistance?

(16) Have you attended training or received technical assistance from another regulator (state or Federal) that was more helpful than that provided by the FDIC? Please explain.

(17) Have you attended training or received technical assistance from a third party that you felt could be provided by the FDIC? Please describe.

Dated at Washington, DC, on June 3, 2019.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2019–11911 Filed 6–6–19; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Relations Information Collection Requests

AGENCY: Federal Mediation and Conciliation Service.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), as part of its continuing effort to reduce paperwork burden of arbitrators and parties that request arbitration services in accordance with the Paperwork Reduction Act of 1995, invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection request, Request for Arbitration Services (Agency Form R–43). This information collection request was previously approved by the Office of Management Budget (OMB), and we are requesting a reinstatement without substantive changes, and a change in the fees collected. This information collection request was assigned the OMB control number 3076–0016.

DATES: Comments must be submitted on or before August 6, 2019.

ADDRESSES: Submit written comments by mail to the Office of Arbitration Services, Federal Mediation and Conciliation Service, 250 E Street SW, Washington, DC 20427 or by contacting the person whose name appears under the section headed **FOR FURTHER INFORMATION CONTACT**.

Comments may be submitted also by fax at (202) 606–8103 or electronic mail (email) to *apearlstein@fmcs.gov*. All comments must be identified by the appropriate agency form number.

No confidential business information (CBI) should be submitted through email. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 7113 at the Washington, DC address above from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Arthur Pearlstein, Director of Arbitration Services, FMCS, 250 E Street SW, Washington, DC 20427. Telephone and fax number (202) 606–8103, and email, *apearlstein@fmcs.gov*.

SUPPLEMENTARY INFORMATION: Copies of the agency form are available from the Office of Arbitration Services by calling, faxing or writing Arthur Pearlstein at the address above. Please ask for the form by title and agency form number.

I. Information Collection Request

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076–0016.

Type of Request: Reinstatement of a collection without change in the substance or method of collection.

Name of Form: Request for Arbitration Panel (FMCS Form R–43).

Affected Entities: Employers and their representatives, and labor unions, their representatives and employees, who request arbitration services.

Frequency: This form is completed each time an employer or labor union requests a panel of arbitrators.

Abstract: Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS offers panels of arbitrators for selection by labor and management to resolve grievances and disagreements arising under their collective bargaining agreements and to deal with fact finding and interest arbitration issues as well. This form is used to obtain information such as the parties' names, addresses, and the type of assistance needed. FMCS uses this information to compile panels, selecting arbitrators based in part on such factors as dispute location and issue expertise. The purpose of this information collection is to facilitate the processing of the parties' request for arbitration assistance; it also provides information about the fee to be collected for the agency's service. No third party notification or public disclosure burden is associated with this collection.

Burden: The current total annual burden estimate is that FMCS will receive requests from approximately 16,000 respondents per year. The form takes about 10 minutes to complete.

II. Request for Comments

FMCS solicits comments to:

(i) Evaluate whether the proposed collections of information are necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility.

(ii) Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

III. The Official Record

The official record is the paper electronic record maintained at the address at the beginning of this document. FMCS will transfer all electronically received comments into printed-paper form as they are received.

Dated: June 4, 2019.

Jeannette Walters-Marquez,

Certifying Official/Deputy General Counsel.

[FR Doc. 2019–12035 Filed 6–6–19; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 25, 2019.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Hayes Holdings Trust, Fort Pierre, South Dakota, Stephen K. Hayes, Presho, South Dakota, as trustee, to join the Stephen K. Hayes group acting in concert;* to acquire voting shares of Draper Holding Company, Inc., and thereby indirectly acquire shares of Dakota Prairie Bank, both of Fort Pierre, South Dakota.

Board of Governors of the Federal Reserve System, June 4, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–12057 Filed 6–6–19; 8:45 am]

BILLING CODE 6210–01–P

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, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Online Submission Form for Supplemental Evidence and Data for Systematic Reviews for the Evidence-based Practice Center Program.*'' In accordance with the Paperwork Reduction Act, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on April 1, 2019 and allowed 60 days for public comment. AHRQ received no substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by July 8, 2019.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer). Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Online Submission Form for Supplemental Evidence and Data for Systematic Reviews for the Evidence-Based Practice Center Program

The AHRQ Evidence-based Practice Center (EPC) Program develops evidence reports and technology assessments that summarize evidence for federal and other partners on topics relevant to clinical and other health care organization and delivery issues—specifically those that are common, expensive, and/or significant for the Medicare and Medicaid populations. Better understanding and use of evidence in practice, policy, and delivery of care improves the quality of health care.

These reports, reviews, and technology assessments are based on rigorous, comprehensive syntheses and analyses of the scientific literature on topics. EPC reports and assessments emphasize explicit and detailed documentation of methods, rationale, and assumptions. EPC reports are conducted in accordance with an established policy on financial and nonfinancial interests.

This research has the following goals:

- Use research methods to gather knowledge on the effectiveness or comparative effectiveness of treatments, screening, diagnostic, management or healthcare delivery strategies for specific medical conditions, both published and unpublished, to evaluate the quality of research studies and the evidence from these studies.
- Promote the use of evidence in healthcare decision making to improve healthcare and health.
- Identify research gaps to inform future research investments.

The 2011 Institute of Medicine report ''Finding What Works in Health Care: Standards for Systematic Review'' includes an assessment of publication bias through the identification of unpublished studies. This is an important source for bias which could affect the nature and direction of research findings. Identifying and including the results of these additional unpublished studies may provide a more complete and accurate assessment of an intervention's effect on outcomes. An important way to identify unpublished studies is through requests to medical device manufacturers, pharmaceutical companies, and other intervention developers. The proposed project involves sending a notification via an email listserv and via **Federal Register** notice as needed of the opportunity to submit information on unpublished studies or other scientific information to the EPC Program website, with one request per systematic review topic. Because research on each topic must be completed in a timely manner in order for it to be useful, the collections are never ongoing—there is one request and collection per topic. Investigators in the EPC Program will

review the information and assess potential risk of bias from both published and unpublished studies and its impact on the EPC Program's findings. This study is being conducted by AHRQ, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services. 42 U.S.C. 299a(a)(1).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

• *Online Submission Form Instrument.* This information is collected for the purposes of providing supplemental evidence and data for systematic reviews (SEADS). The purpose of SEADS requests is not to collect generalizable data, but to supplement the published and grey literature searches EPC investigators are conducting. The online submission form (OSF) collects data from respondents on their name and the information packet. This happens following notification of opportunity to submit via email listserv and/or **Federal Register** notice as needed, with one request per topic. For the purposes of meta-analyses, trial summary data from missing and unidentified studies are sought. For the purposes of constructing evidence tables and quality ratings (*e.g.,* on public reporting of cost measures or health information exchange), data can vary (*e.g.,* URLs, study designs, and consumer-mediated exchange forms). Submitters are informed of the types of information that would be most helpful to include in the information packet, which includes a list of all sponsored but unpublished studies (both completed and ongoing), as well as comment on the completeness of information provided.

The EPC Program currently uses a broad-based email announcement via email listserv and a **Federal Register** notice, as needed, to publicize the opportunity to submit scientific information about each topic. The proposed project does not duplicate other available sources of this information. Available study registries and databases may not sufficiently inform the Program's research. The EPC Program does not anticipate more than 15 topics per year with SEADS requests.

Estimated Annual Respondent Burden

Exhibit 1 presents estimates of the reporting burden hours for the data collection efforts. Time estimates are based on pilot testing of materials and what can reasonably be requested of respondents. The number of respondents listed in ''Number of respondents per SEADS request'' of Exhibit 1 reflects a projected 33% response rate with approximately 1–2 responses per request and assumes about 15 SEADS requests per year.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of SEADS requests	Number of SEADS request that receive response	Number of responses per SEADS request	Annual number of SEADS responses	Hours per response	Total burden hours per annum
Online Submission Form (OSF)	15	5	1.5	7.5	15/60	1.87

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of SEADS requests	Total burden hours per SEADS	Average hourly wage rate *	Total cost burden
OSF	15	1.87	[a] $61.39	$115.10

* Occupational Employment Statistics, May 2017 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. *https://www.bls.gov/oes/current/oes_nat.htm#11-0000.*

[a] Based on the mean wages for *Public Relations and Fundraising Managers, 11–2031,* the occupational group most likely tasked with completing the OSF.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2019–11949 Filed 6–6–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1516]

Nonalcoholic Steatohepatitis With Compensated Cirrhosis: Developing Drugs for Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Nonalcoholic Steatohepatitis with

Compensated Cirrhosis: Developing Drugs for Treatment.'' The purpose of this draft guidance is to provide the Agency's current recommendations regarding the important components of a drug development program for nonalcoholic steatohepatitis (NASH) with compensated cirrhosis. This draft guidance focuses on the enrollment criteria, trial design, efficacy endpoints, and safety considerations for phase 3 trials.

DATES: Submit either electronic or written comments on the draft guidance by August 6, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins 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–1516 for ''Nonalcoholic Steatohepatitis with Compensated Cirrhosis: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Frank A. Anania, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5387, Silver Spring, MD 20993, 240–402–9725.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Nonalcoholic Steatohepatitis with Compensated Cirrhosis: Developing Drugs for Treatment.''

This draft guidance focuses on the design of clinical trials to study patients who have compensated cirrhosis secondary to NASH. This draft guidance is in addition to a draft guidance published in 2018 which discusses the Agency's thinking for the design of clinical trials for patients who have NASH but do not have cirrhosis (see the draft guidance for industry entitled ''Noncirrhotic Nonalcoholic Steatohepatitis with Liver Fibrosis: Developing Drugs for Treatment'' available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm627376.pdf*).

NASH is the hepatic manifestation of insulin resistance syndrome and is associated with type 2 diabetes, hypertension, hypertriglyceridemia, and obesity, among other diseases. NASH-related cirrhosis is becoming a major public health problem and is anticipated to be the leading indication for orthotopic liver transplantation within a decade.

This draft guidance applies only to compensated cirrhosis and specifically excludes patients with decompensated cirrhosis, *i.e.* patients who have already experienced any of several clinical events (*e.g.,* variceal bleeding, ascites, hepatic encephalopathy) that are associated with high morbidity and significantly reduce their life expectancies. This draft guidance describes the criteria for enrolling patients with compensated cirrhosis in clinical trials, including the histologic criteria to establish the pathological diagnosis of cirrhosis.

This draft guidance provides recommendations on the selection of primary efficacy endpoints in clinical trials intended to study pharmacological treatments for compensated NASH

cirrhosis. Finally, the Agency discusses the rationale for recommending that sponsors conduct clinical outcome trials for drugs treating compensated NASH cirrhosis. The Agency also provides recommendations to help ensure safety in patients with hepatic impairment and strategies to deal with drug-induced liver injury during a compensated NASH cirrhosis clinical trial.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Nonalcoholic Steatohepatitis with Compensated Cirrhosis: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information under 21 CFR part 312 (Investigational New Drug Application) have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 (Protection of Human Subjects: Documentation of Informed Consent; Institutional Review Boards) have been approved under OMB control number 0910–0755. The collection of information under 21 CFR part 314, including the submission of information under subpart H (''Accelerated Approval of New Drugs for Serious or Life-Threatening Illnesses''), has been approved under OMB control number 0910–0001. The collection of information under the guidance for industry entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics'' (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm358301.pdf*) has been approved under OMB control number 0910–0765.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: June 3, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–11951 Filed 6–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1264]

Enhancing the Diversity of Clinical Trial Populations—Eligibility Criteria, Enrollment Practices, and Trial Designs; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Enhancing the Diversity of Clinical Trial Populations—Eligibility Criteria, Enrollment Practices, and Trial Designs.'' This draft guidance recommends approaches that sponsors of clinical trials to support a new drug application or a biologics license application can take to broaden eligibility criteria, when scientifically and clinically appropriate, and increase enrollment of underrepresented populations in their clinical trials. The draft guidance reflects FDA policy encouraging inclusion in clinical trials of participants representative of the broad population of patients who will be exposed to a marketed drug and is being issued to satisfy the FDA Reauthorization Act of 2017 (FDARA) mandate.

DATES: Submit either electronic or written comments on the draft guidance by August 6, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins 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–1264 for ''Enhancing the Diversity of Clinical Trial Populations—Eligibility Criteria, Enrollment Practices, and Trial Designs.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and

contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Ebla Ali-Ibrahim, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 6302, Silver Spring, MD 20993, 301–796–3691; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Enhancing the Diversity of Clinical Trial Populations—Eligibility Criteria, Enrollment Practices, and Trial Designs.'' This draft guidance recommends approaches that sponsors of clinical trials to support a new drug application or a biologics license application can take to broaden eligibility criteria, when scientifically and clinically appropriate, and increase enrollment of underrepresented populations in their clinical trials. This draft guidance reflects FDA policy encouraging inclusion in clinical trials of participants representative of the broad population of patients who will be exposed to a marketed drug. FDA is also issuing this guidance to satisfy the mandates under section 610(a)(3) of FDARA (Pub. L. 115–52).

Certain populations are often excluded from trials without strong clinical or scientific justification (*e.g.,* the elderly, those at the extremes of the weight range, individuals with organ dysfunction, those with malignancies or certain infections such as HIV, and children). In addition, participants with multiple concomitant illnesses and those receiving other drugs often do not meet eligibility criteria because of concerns that such conditions or other drugs could affect a determination of an investigational drug's safety or effectiveness. Pregnant women are also frequently excluded out of concern for fetal health. This draft guidance provides recommendations for more inclusive trial practices, trial designs, and methodological approaches sponsors can take to broaden eligibility criteria for clinical trials.

Aspects of clinical trial recruitment practices, logistics, site selection, and design may affect the ability to recruit certain participants or to retain them in clinical trials. For example, a trial requiring participants to make frequent visits to specific sites may result in added burden for participants, including the elderly, children, disabled and cognitively impaired individuals who require transportation or caregiver assistance, or participants who live far from research facilities, such as those in rural or remote locations. For individuals under current clinical care on a regularly scheduled basis (*e.g.,* individuals with multiple chronic conditions), additional clinical trial study visits may be burdensome and a disincentive for enrollment in clinical trials. This draft guidance provides recommendations on approaches sponsors can take to improve the diversity of enrolled participants in clinical trials by making trial participation less burdensome for participants and by adopting enrollment practices that enhance inclusiveness.

Clinical trials of investigational drugs intended to treat rare diseases or conditions present a unique set of challenges. Because rare diseases often affect small, geographically dispersed patient populations with disease-related travel limitations, special efforts may be necessary to enroll and retain these patients to ensure that a broad spectrum of the patient population is represented in clinical trials. This draft guidance provides recommendations on approaches sponsors can take to broaden the eligibility criteria for clinical trials of investigational drugs intended to treat rare diseases and to improve the enrollment and retention of participants with rare diseases.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Enhancing the Diversity of Clinical Trial Populations—Eligibility Criteria, Enrollment Practices, and Trial Designs.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, or *https://www.regulations.gov.*

Dated: June 3, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–11978 Filed 6–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Black Lung Clinics Program Performance Measures, OMB No. 0915–0292—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than July 8, 2019.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: *Information Collection Request Title:* Black Lung Clinics Program Performance Measures, OMB No. 0915–0292 Extension.

Abstract: HRSA's Federal Office of Rural Health Policy conducts an annual data collection of user information for the Black Lung Clinics Program, which has been ongoing with OMB approval since 2004. The Black Lung Clinics Program seeks to reduce the morbidity and mortality associated with occupationally-related coal mine dust lung disease. Collecting this data provides HRSA with information on the extent to which each grantee is meeting the needs of these miners in their communities.

A 60-day notice was published in the **Federal Register** on March 7, 2019 (vol. 84, No. 45, p. 8336). There were no public comments.

Need and Proposed Use of the Information: Data from the annual report provides quantitative information about the clinics, specifically: (a) The characteristics of the patients they serve (age, disability level, occupation type); (b) the characteristics of services provided (medical encounters, non-medical encounters, benefits counseling, and outreach); and, (c) the number of patients served. This assessment enables HRSA to provide data required by Congress under the Government Performance and Results Act of 1993. It also ensures that funds are effectively used to provide services that meet the target population needs.

Likely Respondents: Black Lung Clinics Program Recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Black Lung Clinics Program Measures	15	1	15	10	150
Total	15		15		150

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–11935 Filed 6–6–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–xxxx]

Agency Information Collection Request; 60-day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 6, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–New–60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Youth Engagement in Sports (YES) Performance Measures.

Type of Collection: New.

OMB No. 0990–XXXX Office of Minority Health and Office of Women's Health.

Abstract: The Office of Minority Health (OMH) and Office of Women's

Health (OWH) are seeking an approval by OMB on a new information collection, Youth Engagement in Sports (YES Initiative) Performance Measures (hereafter YES Initiative Performance Measures). The purpose of this data collection is to gather quantitative data from YES grant recipients to monitor project performance in achieving process and outcome measures over the course of the three-year project. Grantees will collect a small set of process and outcome measures from program participants to assess the degree to which YES Initiative projects increase sports participation and physical activity and improve nutrition in adolescents.

Need and Proposed Use of the Information: The clearance is needed to collect performance data to enable OMH and OWH to comply with Federal reporting requirements, monitor, and evaluate performance by enabling the efficient collection of performance-oriented data tied to OMH- and OWH-wide performance reporting needs. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH and OWH must be able to accomplish in order to carry out their respective mandates with the most effective and appropriate use of resources.

Likely Respondents: Project Directors, Youth Participants, Data Entry Persons Affected public includes non-profit institutions, State, Local, or Tribal Governments.

ANNUALIZED BURDEN HOUR TABLE

Forms (If necessary)	Respondents (If necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Physical Activity & Nutrition Survey	Youth	2800	3	20/60	2,800
Sports Inventory	Youth	2,800	2	5/60	467
Sports Literacy Form	Youth (Staff observe youth).	2,800	3	20/60	2,800
Program Participation Record	Staff	14	2	4.17	117
Total					6,184

Terry Clark,

Office of the Secretary, Asst. Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–12018 Filed 6–6–19; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft NTP Technical Reports on Prenatal Developmental Toxicity Studies; Availability of Documents; Request for Comments; Notice of Peer-Review Meeting

Correction

In notice document 2019–11463 beginning on page 25552 in the issue of Monday, June 3, 2019, make the following correction:

1. On page 25552, in the second column, in the first paragraph, in the ninth line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

2. On the same page, in the same column, under **DATES**, under *Document Availability,* in the third line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

3. On the same page, under **ADDRESSES**, under *Meeting web page,* in the fourth line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

4. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, in the 14th and 16th lines line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

5. On the same page, in the third column, in the third paragraph, in the seventh line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

6. On the same page, in the same column, in the fourth paragraph, in the 10th line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

7. On the same page, in the same column, in the sixth paragraph, in the fourth line ''*https://ntp.niehs.gov/go/36051*'' should read ''*https://ntp.niehs.nih.gov/go/36051*''.

[FR Doc. C1–2019–11463 Filed 6–6–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cooperative Agreements Biospecimens Resource.

Date: July 10, 2019.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NCI Shady Grove, 9609 Medical Center Drive, Room 7W112, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–9750, 240–276–5864, *jennifer.schiltz@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Core Infrastructure and Methodological Research for Cancer Epidemiology Cohorts (U01) & New Informatics Tools and Methods to Enhance U.S. Cancer Surveillance Research (UG3/UH3).

Date: July 10, 2019.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NCI Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and

Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–7755, *byeong-chel.lee@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Protocol Participant Support.

Date: July 18, 2019.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: NCI Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–7755, *byeong-chel.lee@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 3, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–11953 Filed 6–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Review Subcommittees Member Conflict Panel.

Date: July 26, 2019.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2120, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Anna Ghambaryan, M.D., Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2120, Rockville, MD 20852, 301–443–4032, *anna.ghambaryan@nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Review of RFA AA 19–003 Comprehensive Alcohol-HIV/AIDS Research Center.

Date: July 31, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700A Rockledge Drive, Main Conference Hall Level One, Bethesda, MD 20892.

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Room 2114, National Institutes of Health, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Review of RFA AA19–002 Alcohol-HIV/AIDS Program Project.

Date: August 8, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Conference Rooms B & C, Bethesda, MD 20892.

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Room 2114, National Institutes of Health, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: June 3, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–11955 Filed 6–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biochemistry and Biophysics of Biological Macromolecules Fellowship Applications.

Date: June 21, 2019.

Time: 10:30 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: 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.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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: June 3, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–11952 Filed 6–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, July 17, 2019, 08:00 a.m. to 05:00 p.m.,

Hilton Washington/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 08852 which was published in the **Federal Register** on May 13, 2019, 84 FR 20900.

This meeting notice is amended to change the name of the meeting from Advancing Cancer Immunotherapy by Mitigating-Immune related adverse events to Advancing Cancer Immunotherapy by Mitigating irAEs. The meeting is closed to the public.

Dated: June 3, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–11954 Filed 6–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0351]

Notice of Public Meeting in Preparation for the IMO's Sixty-Ninth Session of IMO's Technical Cooperation Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The United States Coast Guard will conduct an open meeting in Washington, DC in preparation for the upcoming sixty-ninth session of IMO Council to be held at the IMO Headquarters, United Kingdom, June 25–27, 2019.

DATES: This meeting will be held on Thursday, June 20, 2019, beginning at 10:30 a.m., Eastern Time. This meeting is open to the public.

ADDRESSES: The public meeting will be held in Room 5L18–01 of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King, Jr. Avenue SE, Washington, DC 20593. Due to security requirements, each visitor must present two valid, government-issued forms of identification in order to gain entrance to the building. Those desiring to attend the public meeting should contact the Coast Guard ahead of the meeting (see **FOR FURTHER INFORMATION CONTACT**) to facilitate the security process related to building access, or to request reasonable accommodation.

FOR FURTHER INFORMATION CONTACT: For additional information about this public meeting you may contact Lieutenant Commander Staci Weist by telephone at 202–372–1376 or by email at *Eustacia.Y.Weist@uscg.mil.*

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to prepare for the upcoming sixty-ninth session of IMO's Technical Cooperation Committee (TC 69). The agenda items for this session include:

- Adoption of the agenda
- Work of other bodies and organizations
- Integrated Technical Cooperation Programme
- Resource mobilization and partnerships
- Long-term strategy for the review and reform of technical cooperation
- The 2030 Agenda for Sustainable Development
- Regional presence and coordination
- IMO Member State Audit Scheme
- Review and status of implementation of the recommendations of the Impact Assessment Exercise for the period 2012–2015
- Capacity-building: Strengthening the impact of women in the maritime sector
- Global maritime training institutions
- Application of the document on the *Organization and method of work of the Technical Cooperation Committee*
- Work Programme
- Election of Chair and Vice-Chair for 2020
- Any other business
- Consideration of the report of the Committee on its sixty-ninth session

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Lieutenant Commander Staci Weist, not later than June 17, 2019. Requests made after June 17, 2019, may not be able to be accommodated. It is recommended that attendees arrive to Coast Guard Headquarters no later than 30 minutes ahead of the scheduled meeting for the security screening process. Parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Dated: June 3, 2019.

Benjamin J. Hawkins,

Acting Director, Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2019–11988 Filed 6–6–19; 8:45 am]

BILLING CODE 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 October 18, 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
Hamilton County, Indiana and Incorporated Areas Docket No.: FEMA–B–1828	
City of Noblesville	Planning Department, 16 South 10th Street, Suite 150, Noblesville, IN 46060.
Town of Cicero	Utilities Office, 150 West Jackson Street, Cicero, IN 46034.
Unincorporated Areas of Hamilton County	Hamilton County Planning Commission, One Hamilton County Square, Noblesville, IN 46060.
Perry County, Indiana and Incorporated Areas Docket No.: FEMA–B–1828	
City of Cannelton	City Hall, 610 Washington Street, Suite 120, Cannelton, Indiana 47520.
City of Tell City	City Hall, 700 Main Street, Tell City, Indiana 47586.
Unincorporated Areas of Perry County	Perry County Parks and Recreation, 65 Park Avenue, Tell City, Indiana 47586.
Lamar County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1835	
Unincorporated Areas of Lamar County	Lamar County Planning Department, 144 Shelby Speights Drive, Purvis, MS 39475.
Marion County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1835	
City of Columbia	City Hall, 201 2nd Street, Columbia, MS 39429.
Unincorporated Areas of Marion County	E911 Dispatch Center, 217 Broad Street, Columbia, MS 39429.
Walthall County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1835	
Unincorporated Areas of Walthall County	Walthall County Courthouse, 200 Ball Avenue, Suite B, Tylertown, MS 39667.
Lincoln County, Oregon and Incorporated Areas Docket No.: FEMA–B–1716	
City of Depoe Bay	City Hall, 570 Southeast Shell Avenue, Depoe Bay, OR 97341.
City of Lincoln City	City Hall, 801 Southwest Highway 101, Lincoln City, OR 97367.
City of Newport	City Hall, 169 Southwest Coast Highway, Newport, OR 97365.
City of Siletz	City Hall, 215 West Buford Avenue, Siletz, OR 97380.
City of Toledo	City Hall, 206 North Main Street, Toledo, OR 97391.
City of Waldport	City Hall, 125 Alsea Highway, Waldport, OR 97394.
City of Yachats	City Hall, 441 North Highway 101, Yachats, OR 97498.
Confederated Tribes of Siletz Indians	Administration Building, 201 Southeast Swan Avenue, Siletz, OR 97380.
Unincorporated Areas of Lincoln County	Lincoln County Planning Department, 210 Southwest 2nd Street, Newport, OR 97365.
Marion County, Oregon and Incorporated Areas Docket No.: FEMA–B–1828	
City of Salem	555 Liberty Street Southeast, Room 325, Salem, OR 97301.
City of Turner	7250 3rd Street, Turner, OR 97392.
Unincorporated Areas of Marion County	3150 Lancaster Drive Northeast, Salem, OR 97305.

Community	Community map repository address
Jasper County, South Carolina and Incorporated Areas Docket No.: FEMA–B–1749	
City of Hardeeville	City Hall, 205 Main Street, Hardeeville, SC 29927.
Town of Ridgeland	Town Hall, 1 Town Square, Ridgeland, SC 29936.
Unincorporated Areas of Jasper County	Jasper County Planning and Building Services, 358 3rd Avenue, Room 202, Ridgeland, SC 29936.
Austin County, Texas and Incorporated Areas Docket No.: FEMA–B–1753	
City of Bellville	City Hall, 30 South Holland Street, Bellville, TX 77418.
City of Industry	City Hall, 725 Main Street, Industry, TX 78944.
City of Sealy	Planning and Public Works Building, 405 Main Street, Sealy, TX 77474.
Town of San Felipe	Town Hall, 927 6th Street, San Felipe, TX 77473.
Unincorporated Areas of Austin County	Austin County Courthouse, 1 East Main Street, Bellville, TX 77418.

[FR Doc. 2019–11936 Filed 6–6–19; 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–1934]

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 September 5, 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–1934, 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
Greene County, Virginia and Incorporated Areas Project: 18–03–0008S Preliminary Date: August 31, 2018	
Town of Stanardsville	Town Hall, 19 Celt Road, Stanardsville, VA 22973.
Unincorporated Areas of Greene County	Greene County Administration Building, 40 Celt Road, Stanardsville, VA 22973.

[FR Doc. 2019–11937 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

New Agency Information Collection Activity Under OMB Review: Surface Transportation Stakeholder Survey

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the new Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of a survey by surface transportation stakeholders regarding resource challenges, including the availability of Federal funding, associated with securing surface transportation assets.

DATES: Send your comments by July 8, 2019. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on March 21, 2019, 84 FR 10524.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Surface Transportation Stakeholder Survey.

Type of Request: New collection.

OMB Control Number: 1652–NEW.

Form(s): NA.

Affected Public: Stakeholders responsible for securing surface transportation assets.

Abstract: Section 1983(a) of the FAA Reauthorization Act of 2018 (H.R. 302, Pub. L. 115–254, 132 Stat. 3186, Oct. 5, 2018) (the ''Act'') directs the Secretary of Homeland Security to conduct a survey of public and private stakeholders responsible for securing surface transportation assets regarding resource challenges, including the availability of Federal funding associated with securing such assets that provides an opportunity for respondents to set forth information on specific unmet security needs. The Act also requires reporting to the appropriate congressional committees regarding the survey results and the efforts of DHS to address any identified security vulnerabilities. This report must be submitted within 120 days of beginning the required survey.

As memorialized in a memorandum of understanding between the Federal Emergency Management Agency (FEMA) and TSA, TSA supports the grant process for surface transportation through numerous activities, including stakeholder outreach and soliciting feedback for program improvements from surface transportation security partners. Consistent with the above authorities and agreements with FEMA, TSA is now seeking approval to conduct the survey.

Number of Respondents: 641.

Estimated Annual Burden Hours: 1,282.8 hours.

Dated: June 4, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–12029 Filed 6–6–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2019–N009; FXES11130000–190–FF08E00000]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Astragalus magdalenae var. peirsonii (Peirson's Milk-Vetch)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Draft Recovery Plan for *Astragalus magdalenae* var. *peirsonii* (Peirson's milk-vetch) for public review and comment. The draft recovery plan includes objective, measurable criteria, and site-specific management actions as may be necessary to ameliorate threats such that the species can be removed from the Federal List of Endangered and Threatened Plants.

DATES: We must receive any comments on the draft recovery plan on or before July 8, 2019.

ADDRESSES:

Document availability: You may obtain a copy of the recovery plan from our website at *http://www.fws.gov/endangered/species/recovery-plans.html.* Alternatively, you may contact the Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008 (telephone 760–431–9440).

Comment submission: If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address;
- *Hand-delivery:* Carlsbad Fish and Wildlife Office, at the above address; or
- *Email: fw8cfwocomments@fws.gov.*

For additional information about submitting comments, see the Request for Public Comments section below.

FOR FURTHER INFORMATION CONTACT: Scott Sobiech, Acting Field Supervisor, at the above street address or telephone number (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer necessary under the criteria specified in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Pursuant to section 4(f) of the Act, a recovery plan must, to the maximum extent practicable, include (1) a description of site-specific management actions as may be necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would support a determination under section 4(a)(1) that the species should be removed from the List of Endangered and Threatened Species; and (3) estimates of the time and costs required to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.

The Service has revised its approach to recovery planning; the revised process is called Recovery Planning and Implementation (RPI). The RPI process is intended to reduce the time needed to develop and implement recovery plans, increase recovery plan relevancy over a longer timeframe, and add flexibility to recovery plans so they can be adjusted to new information or circumstances. Under RPI, a recovery plan will include statutorily required elements (objective, measurable criteria; site-specific management actions; and estimates of time and costs), along with a concise introduction and our strategy for how we plan to achieve species recovery. The RPI recovery plan is supported by a separate Species Status Assessment, or in cases such as this one, a species biological report that provides the background information and threat assessment, which are key to recovery plan development. The essential component to flexible implementation under RPI is producing a separate working document called the Recovery Implementation Strategy (implementation strategy). The implementation strategy steps down from the more general description of actions described in the recovery plan to detail the specific, near-term activities needed to implement the recovery plan. The implementation strategy will be adaptable by being able to incorporate new information without having to concurrently revise the recovery plan, unless changes to statutory elements are required.

The Service listed *Astragalus magdalenae* var. *peirsonii* (Peirson's milk-vetch) as threatened in 1998 (63 FR 53596, October 6, 1998), and critical habitat was revised for the species in 2008 (73 FR 8747, February 14, 2008). *Astragalus magdalenae* var. *peirsonii* is a perennial member of the legume family. It has a long tap root that can penetrate deep into the sand to reach moisture and functions as an anchor for the plant in shifting sands. The plant has delicate pale purple flowers and produces large fruits containing seeds. Plants may flower in their first year and produce between one and five fruits, while older plants produce significantly more fruits.

Historically, *Astragalus magdalenae* var. *peirsonii* was found in Sonoran Desert dune environments in southeastern California, and in Sonora, Mexico. In the United States, it is currently restricted to the western portion of the Algodones Dunes of eastern Imperial County, California. This taxon occurs within about 53,000 acres (ac) (21,500 hectares (ha)) in a narrow band running 40 miles (mi) (64 kilometers (km)) northwest to southeast along the western portion of the dunes. Nearly all of the lands in the Algodones Dunes are managed by the Bureau of Land Management as the Imperial Sand Dunes Recreation Area (ISDRA). Within active dunes, the primary habitat for *A. m. var. peirsonii* is found on west and/or northwest-facing sides of bowls, swales, and slopes consisting of Rositas fine sands.

Astragalus magdalenae var. *peirsonii* is impacted by destruction of individuals and dune habitat from off-highway vehicle use and associated recreational development within the ISDRA.

Recovery Strategy

The purpose of a recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria that enable us to gauge whether downlisting or delisting the species is warranted. Furthermore, recovery plans help guide our recovery efforts by describing actions we consider necessary for each species' conservation and by estimating time and costs for implementing needed recovery measures.

The goal of this recovery plan is to control or ameliorate impacts from current threats to *Astragalus magdalenae* var. *peirsonii* such that the taxon no longer requires protections afforded by the Act and, therefore, warrants delisting. Continued outreach with our partners is needed to ensure long-term protections are afforded to *A. m. var. peirsonii* and its habitat. The site-specific management actions identified in the draft recovery plan are as follows:

(1) Continue monitoring of *Astragalus magdalenae* var. *peirsonii,* and ensure that the monitoring protocol informs management of the taxon and allows us to accurately assess population trends;

(2) Conduct additional research to inform management actions throughout the range of *Astragalus magdalenae* var. *peirsonii;*

(3) Ameliorate Factor A threats associated with threatened destruction, modification, or curtailment of the habitat or range; and

(4) Ameliorate Factor E threats associated with other natural or manmade factors affecting the continued existence of *Astragalus magdalenae* var. *peirsonii.*

Request for Public Comments

We request written comments on the draft recovery plan described in this notice. All comments received by the date specified in **DATES** will be considered in development of a final recovery plan for *Astragalus magdalenae* var. *peirsonii.* You may submit written comments and information by mail, email, or in person to the Carlsbad Fish and Wildlife Office at the above address (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We developed this recovery plan and publish this notice under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f).

Jody Holzworth,

Deputy Regional Director, Pacific Southwest Region.

[FR Doc. 2019–11943 Filed 6–6–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–FAC–2019–N055; FXFR13360900000–FF09FI4000–189]

Sport Fishing and Boating Partnership Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a public meeting of the Sport Fishing and Boating Partnership Council (SFBPC), in accordance with the Federal Advisory Committee Act. The SFBPC's purpose is to advise the Secretary of the Interior, through the Director of the U.S. Fish and Wildlife Service, on aquatic conservation endeavors that benefit recreational resources and recreational boating and that encourage partnerships among industry, the public, and the government.

DATES: The SFBPC will meet on Tuesday, June 25, 2019, from 8:30 a.m. to 4:30 p.m., and Wednesday, June 26, 2019, from 8:30 a.m. to 1:30 p.m. The meeting is open to the public, except for between 8:45 a.m. and 9:45 a.m. on June 25, 2019, when the newly appointed SFBPC members will attend an ethics training session. For security purposes, registration is required. For more information, contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**, below).

ADDRESSES:

Meeting location: The SFBPC meeting will take place at the Department of the Interior, 1849 C Street NW, Washington, DC 20240 (telephone: 202–208–3100) in conference room 5160.

Comment submission: You may submit written comments in advance of the meeting by emailing them to the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**, below), by close of business on June 19, 2019.

FOR FURTHER INFORMATION CONTACT: Linda Friar, Branch Chief, Communications and Partnerships, and SFBPC Designated Federal Officer, by telephone at 703–358–2056, or by email at *linda_friar@fws.gov.*

Accessibility: The U.S. Fish and Wildlife Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the Designated Federal Officer, by using the contact information above or via TIY at 800–877–8339, by close of business on June 17, 2019.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Sport Fishing and Boating Partnership Council, in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The Council was established in 1993. The Council's charter and bylaws provide more information on its duties, committee structure, and authorities. The role of the Council was expanded by Executive Order 12962 in 1995. In subsequent years, Executive Order 13474 refined the previous Order to provide additional guidance to Federal agencies on providing increased recreational fishing opportunities. The SFBPC advises the Secretary of the Interior, through the Director of the U.S. Fish and Wildlife Service, on aquatic conservation endeavors that benefit recreational resources and recreational boating and that encourage partnerships among industry, the public, and the government.

Meeting Agenda

- New member ethics training
- Election of officers
- Program updates
- New business

The final agenda and other related meeting information will be posted on the SFBPC website at *https://www.fws.gov/sfbpc/.* Summary minutes of the meeting will be maintained by the Designated Federal Officer and will be available for public inspection within 90 days after the meeting at *https://www.fws.gov/sfbpc/.*

Public Input

If you provide a written comment, 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: 5 U.S.C. Appendix 2.

Dated: May 3, 2019.

David W. Hoskins,

Assistant Director for Fish and Aquatic Conservation.

[FR Doc. 2019–12060 Filed 6–6–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2019–N046; 91100–3740–GRNT 7C]

Announcement of Public Meeting: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council will meet to select U.S. Standard grant proposals for reporting to the Migratory Bird Conservation Commission under the North American Wetlands Conservation Act. This meeting is open to the public, and interested persons may present oral or written statements.

DATES:

Meeting: The meeting is scheduled for June 12, 2019, at 8:30 a.m. Pacific Daylight Saving Time at Sacramento National Wildlife Refuge, 752 County Road 99W, Willows, CA 95988.

Presenting Information During the Meeting: If you are interested in presenting information, contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than June 7, 2019.

Submitting Information: To submit written information or questions before the Council meeting for consideration during the meeting, contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than June 7, 2019.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service; 5275 Leesburg Pike; MS: MB; Falls Church, VA 22041. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 during normal business hours. Also, FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with the North American Wetlands Conservation Act (NAWCA; Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal North American Wetlands Conservation Council (Council) meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission (Commission).

North American Wetlands Conservation Act Grants

NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetland and associated upland habitats for the benefit of all wetland-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA website at *www.fws.gov/birds/grants/north-american-wetland-conservation-act.php.*

Public Input

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for consideration during the meeting. If you wish to submit a written statement so information may be made available to the Council prior to the meeting, you must contact the Council Coordinator by the date in **DATES**. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation during the meeting will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the Council Coordinator by the date in **DATES**, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary notes of the Council meeting will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Meeting notes will be available by contacting the Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Dated: June 4, 2019.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2019–12053 Filed 6–6–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14400000.BJ0000.LXSSF2210000.241A; MO # 4500134289]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: Unless otherwise stated filing is applicable at 10 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Michael O. Harmening, Chief Cadastral Surveyor for Nevada, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502–7147, phone: 775–861–6490. 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 the above individual during normal business hours. The FIRS 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:

1. The Supplemental Plat of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on March 27, 2019:

The supplemental plat, in one sheet, showing amended lottings in the NW1/4NW1/4 of section 16, Township 33 North, Range 70 East, Mount Diablo Meridian, Nevada, under Group No. 990, was accepted March 25, 2019. This supplemental plat was prepared to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on April 25, 2019:

The plat in one sheet, representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, and subdivision of sections 2 and 13, Township 21 North, Range 19 East, Mount Diablo Meridian, Nevada, under Group No. 972, was accepted April 23, 2019. This survey was executed to define and mark boundaries and prepare an official land description for trust lands transferred by the Nevada Native Nations Land Act, Public Law 114–232, enacted October 7, 2016.

3. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on April 25, 2019:

The plat, in one sheet, representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines, Township 22 North, Range 19 East, Mount Diablo Meridian, Nevada, under Group No. 972, was accepted April 23, 2019. This survey was executed to define and mark boundaries and prepare an official land description for trust lands transferred by the Nevada Native Nations Land Act, Public Law 114–232, enacted October 7, 2016.

4. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on April 25, 2019:

The plats, in two sheets, representing the dependent resurvey of a portion of the east boundary of Township 22 North, Range 19 East, a portion of the subdivisional lines and portions of the segregation surveys of certain mineral claims, and the subdivision of sections 26, 27, 28, 29, 30, and 35, Township 22 North, Range 20 East, Mount Diablo Meridian, Nevada, under Group No. 972, were accepted April 23, 2019. This survey was executed to define and mark boundaries and prepare an official land description for trust lands transferred by the Nevada Native Nations Land Act, Public Law 114–232, enacted October 7, 2016.

5. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on April 25, 2019:

The plat, in one sheet, representing the dependent resurvey of a portion of the south boundary of Township 22 North, Range 20 East, and a portion of the subdivisional lines of Township 21 North, Range 20 East, and the subdivision of section 2, 3, 10, and 29, Township 21 North, Range 20 East, Mount Diablo Meridian, Nevada, under Group No. 972, was accepted April 23, 2019. This survey was executed to define and mark boundaries and prepare an official land description for trust lands transferred by the Nevada Native Nations Land Act, Public Law 114–232, enacted October 7, 2016.

6. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on May 21, 2019:

The plat, in one sheet, representing the dependent resurvey of a portion of the south boundary, a portion of the east boundary, a portion of the subdivisional lines, a portion of the 1873 meander lines of Summit Lake and a portion of the 1988–1991 meander lines of Summit Lake, and the further subdivision of section 35, and the subdivision of section 36, Township 42 North, Range 25 East, Mount Diablo Meridian, Nevada, under Group No. 975, were accepted May 17, 2019. This survey was executed to define and mark boundaries and prepare an official land description for trust lands transferred by the Nevada Native Nations Land Act, Public Law 114–232, enacted October 7, 2016.

The survey and supplemental plats listed above, are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: May 28, 2019.

Michael O. Harmening,

Chief Cadastral Surveyor for Nevada.

[FR Doc. 2019–11994 Filed 6–6–19; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB07000. L17110000.AL0000.LXSSH1060000.19X.HAG 19–0038]

Notice of Subcommittee Meeting for the Steens Mountain Advisory Council, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Steens Mountain Advisory Council (SMAC) Public Lands Access Subcommittee will meet as indicated below.

DATES: The Public Lands Access Subcommittee will hold a public meeting on July 8, 2019 from 9 a.m. to 5 p.m. and July 9, 2019, from 8:30 a.m. to 3 p.m. at the Frenchglen School, in Frenchglen, Oregon.

ADDRESSES: Frenchglen School, Highway 205 South, Frenchglen, Oregon 97736. Written comments may be sent to the Burns District office, 28910 Highway 20 West, Hines, Oregon 97738.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, 28910 Highway 20 West, Hines, Oregon 97738; 541–573–4519; *tthissell@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 SMAC was established August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act) (Pub. L. 106–399) to provide representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area (CMPA). The SMAC's Public Lands Access Subcommittee was established in 2015 and serves to research, discuss, and evaluate any public access issue in the Steens Mountain CMPA. Issues could relate to parking, hiking, motorized or non-motorized use, public to private land inholding routes and methods of travel, private to public land access by way of easement or other agreement, or purchase or exchange of public and private land for improved access and contiguous landscape. The Subcommittee reviews all aspects of any access issue, formulates suggestions for remedy, and proposes those solutions to the entire SMAC for further discussion and possible recommendation to the BLM. The July 8 agenda includes a field tour around the Steens Mountain Loop Road. The Subcommittee will visit and study several sites along the Road as time allows, including Fish Creek, the North Steens Equestion Campground site, Riddle Brothers Ranch, and South Steens Campground. The July 9 agenda includes a review of the Steens Mountain Cooperative Management and Protection Act of 2000; a discussion on the Nature's Advocate, LLC,

Environmental Assessment; an opportunity for Subcommittee members to share information from their constituents and present research members have done between meetings; and, an update from the SMAC's Designated Federal Official. Any other matters that may reasonably come before the Subcommittee may also be included. For the field tour, travel will occur on a variety of road surfaces. High-clearance vehicles with quality tires are recommended. There may be some light hiking. The public must provide personal amenities and transporation, though car-pooling is encouraged.

A public comment period is available on Tuesday, July 9, at 12 p.m. Unless otherwise approved by the Subcommittee Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Subcommittee for a maximum of 5 minutes. Sessions may end early if all business items are accomplished ahead of schedule, or may be extended if discussions warrant more time.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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 1784.4–2.

Jeff Rose,

District Manager.

[FR Doc. 2019–12063 Filed 6–6–19; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO260000.L10600000.PC0000 .LXSIADVSBD00.19X]

Wild Horse and Burro Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of advisory board meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Wild Horse and Burro Advisory Board (Advisory Board) will meet as indicated below.

DATES: The Advisory Board will hold a summer public meeting on July 9–11, 2019, in Boise, Idaho. The Advisory Board will also hold a fall public meeting October 29–31, 2019, in Washington, DC.

ADDRESSES: The July meeting will be held at the Hilton Garden Inn Downtown Boise, 348 S 13th Street, Boise, ID 83702; telephone: (208) 342–7000. Further hotel information is available at *https://hiltongarden inn3.hilton.com/en/hotels/idaho/hilton-garden-inn-boise-downtown-BOIDOGI/ index.html.* The October meeting will be held at the Phoenix Park Hotel at 520 North Capitol Street NW, Washington, DC 20001, telephone (202) 638–6900; and at 20 F Street Conference Center at 20 F Street, Suite 1000, NW, Washington, DC 20001; telephone (202) 295–8100. Further information on the hotel and conference center is available at *https://www.phoenixparkhotel.com/* and *https://www.20fstreetcc.com/.*

Written comments pertaining to the meeting and written statements that will be presented to the Advisory Board may be filed in advance of the meeting and sent to the U.S. Department of the Interior, BLM, Attention: Advisory Board (WO–260), 20 M Street SE (Room 2134 LM), Washington, DC 20003 or emailed to: *whbadvisoryboard@blm.gov.* Please include ''Advisory Board Comment'' in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: Dorothea Boothe, Acting Wild Horse and Burro Program Coordinator, at (202) 912–7654 or by email at *dboothe@ blm.gov.* Individuals that use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact Ms. Boothe during normal business hours. The FRS is available 24 hours a day, 7 days a week. All responses will be during normal business hours.

SUPPLEMENTARY INFORMATION: The Advisory Board advises the Secretary of the Interior, the BLM Director, the Secretary of Agriculture, and the Chief of the U.S. Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands. The Advisory Board operates under the authority of 43 CFR 1784.

I. Advisory Board July Public Meeting Agenda

Tuesday, July 9 (7:30 a.m.–5:30 p.m. MT)

Field Trip to Sands Basin Herd Management Area—7:30 a.m.–Noon

(Public attendance is limited and on a first-come, first-served advance sign up.) Attendees must provide their own transportation (high-clearance vehicle recommended) and personal needs. To sign up, email Ms. Boothe at *dboothe@ blm.gov* by June 25.

Advisory Board Working Group Meetings—1:15 to 5:30 p.m.

Wednesday, July 10 (8:00 a.m.–5:00 p.m. MT)

Welcome, Introductions, and Agenda Review
Advisory Board General Business
Off-Range Program Presentations

Thursday, July 11 (8:00 a.m.–5:00 p.m. MT)

Welcome, Introductions, and Agenda Review
Advisory Board General Business
Public Comment Period (1:15–3:30 p.m.)
Advisory Board Discussion and Recommendations
Other Topics of Interest to the Advisory Board

Advisory Board meetings are open to the public in their entirety, and will be live-streamed at *www.blm.gov/live.* The BLM will post the final agenda 2 weeks prior to the meeting online at *www.blm.gov/programs/wild-horse-and-burro/get-involved/advisory-board.* The meeting sites are accessible to individuals with disabilities. Any person(s) with special needs, such as an auxiliary aid; interpreting service; assistive listening device; or materials in an alternate format, must notify Ms. Boothe 2 weeks before the scheduled meeting date. It is important to adhere to the 2-week notice to allow sufficient time to arrange for the auxiliary aid or special service.

The final October public meeting agenda will be posted 2 weeks prior to the meeting on the BLM web page at: *www.blm.gov/programs/wild-horse-and-burro/get-involved/advisory-board.* A public comment period is tentatively scheduled for October 31.

II. Public Comment Procedures

Members of the public will have an opportunity to make statements at the summer and fall meetings regarding the Wild Horse and Burro Program on Thursday afternoon. Individuals interested in making comments during the open comment period should

register in person with the BLM 2 hours prior to the comment period at the meeting location. The Advisory Board may limit the length of comments, depending on the number of participants. All individuals interested in commenting may submit comments. Please see the **ADDRESSES** section earlier for the BLM physical and email addresses, or bring a written copy of your statement to the meeting if you plan to attend. If emailing, please include ''Advisory Board Comment'' in the subject line. The BLM will record the entire meeting, including the allotted comment time. The BLM welcomes comments from all interested parties, not just the individuals who will attend and comment at the Advisory Board meeting. Comments should be specific and explain the reason for the recommendation(s). Comments supported by quantitative information, studies, or those that include citations and analysis of applicable laws and regulations are most beneficial and more useful and likely to assist the decision-making process for the management and protection of wild horses and burros.

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, the BLM cannot guarantee that it will be able to do so.

Authority: 43 CFR 1784.4–2.

Leah Baker,

Acting Assistant Director, Resources and Planning.

[FR Doc. 2019–12061 Filed 6–6–19; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS01000. L51010000.ER0000. LVRWF1806190. 18X; N–84631; MO #4500134356]

Notice of Availability of the Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Gemini Solar Project in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) has prepared a Draft Resource Management Plan (RMP) Amendment and Draft Environmental Impact Statement (EIS) for the Gemini Solar 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 September 5, 2019. The date(s) and location(s) of any public meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://go.usa.gov/xntTQ*. In order to be included in the Draft EIS, all comments must be received prior to the close of the 90-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 Gemini Solar Project Draft RMP Amendment and Draft EIS by any of the following methods:

- *Website: https://go.usa.gov/xntTQ.*
- *Email: blm_nv_sndo_geminisolar@blm.gov.*
- *Fax:* 702–515–5023
- *Mail:* Gemini Solar Project, Attn: Herman Pinales, BLM Las Vegas Field Office, 4701 N Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Herman Pinales, Energy & Infrastructure Project Manager, telephone 702–515–5284; address 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130–2301; email *blm_nv_sndo_geminisolar@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 Mr. Pinales. FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Solar Partners XI, LLC (Arevia) has proposed to construct, operate, maintain, and decommission a 690 megawatt photovoltaic solar electric generating facility and associated generation tie-line and access road facilities on approximately 7,100 acres of Federal lands administered by the BLM. The proposed solar facility would be located approximately 33 miles northeast of Las Vegas and directly south of the Moapa River Indian Reservation in Clark County, Nevada. The expected life of the project is 30 years.

The Visual Resource Management class in the application area is III due to its close proximity to the Old Spanish National Historic Trail, Muddy Mountain Wilderness Area, and Bitter Springs Back Country Byway. The class III management objective is to partially retain the existing character of the landscape. Permitting the project would require a land use plan amendment to a class IV to provide for management activities that require major modifications of the existing character of the landscape.

The Draft EIS addresses the direct, indirect and cumulative environmental impacts of the proposed action and alternatives. The Draft EIS evaluates the Proposed Action, the Hybrid (BLM Preferred), All Mowing and the No Action Alternatives. All of the alternatives involve development on approximately 7,100 acres of land; however, each action/alternative differs in how the facility is constructed. The Proposed Action would involve solar development utilizing traditional development methods, which include disk and roll that removes all vegetation in the solar array areas. The Hybrid (BLM Preferred) Alternative would involve solar development utilizing a combination of traditional development methods in solar array areas (on approximately 2,500 acres) and mowing that leaves vegetation and natural land contours in place on the remaining solar array areas (on approximately 4,600 acres). The All Mowing Alternative would involve development of the facility utilizing only mowing in solar array areas. Where mowing is utilized in each alternative, desert tortoise would be reintroduced into the solar array areas after completion of construction, since habitat would remain. The No Action Alternative would be a continuation of existing conditions.

A Notice of Intent to prepare an EIS for the proposed Gemini Solar Project was published in the **Federal Register** on July 13, 2018 (83 FR 32681). The public scoping period closed on August 27, 2018. The BLM held two public scoping meetings. The BLM received 34 public scoping comment letters during the 45-day scoping period. The scoping comments focused on biological resources (desert tortoise and threecorner milkvetch); visual resources; recreation and public access; and impacts to the Old Spanish National Historic Trail.

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 on-site mitigation strategies appropriate to the site of the proposal, and management actions to achieve resource objectives.

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.

Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the address listed earlier during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

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)

Jon K. Raby,

Nevada State Director.

[FR Doc. 2019–12028 Filed 6–6–19; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–NCPTT–27555; PPWOCRADS2][PCU00PT14.GT0000]

Request for Nominations for the Preservation Technology and Training Board

AGENCY: National Park Service, Interior.

ACTION: Request for nominations.

SUMMARY: The National Park Service (NPS), U.S. Department of the Interior, is requesting nominations for qualified persons to serve as members of the Preservation Technology and Training Board (Board).

DATES: Written nominations must be received by July 8, 2019.

ADDRESSES: Nominations should be sent to Kirk A. Cordell, Executive Director, National Center for Preservation Technology and Training, National Park Service, 645 University Parkway, Natchitoches, LA 71457, by telephone (318) 356–7444. In addition to U.S. mail or commercial delivery, nominations may be sent by fax to Mr. Cordell at (318) 356–9119, or submitted electronically on the center website: *ncptt@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Kirk A. Cordell, Executive Director, National Center for Preservation Technology and Training, National Park Service, 645 University Parkway, Natchitoches, LA 71457, by telephone (318) 356–7444 or via email *kirk_cordell@nps.gov.*

SUPPLEMENTARY INFORMATION: Established within the Department of the Interior, the National Center for Preservation Technology and Training (Center) is located at Northwestern State University of Louisiana in Natchitoches, Louisiana. Title IV, section 404 of Public Law 102–575, October 30, 1992, established the Board to provide advice and professional oversight to the Secretary of the Interior and the Center regarding the activities of the Center and to submit an annual report to the President and the Congress.

The Board is comprised of 13 members appointed for 4-year terms, as follows: (a) One member serving as the Secretary's designee; (b) six members who represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and (c) six members on the basis of outstanding professional qualifications who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

We are currently seeking members in all categories.

Nominations should be typed and should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Board and permit the Department of the Interior to contact a potential member. All documentation, including letters of recommendations, must be compiled and submitted in one complete package. All those interested in membership, including current members whose terms are expiring, must follow the same nomination process.

Members of the Board serve without compensation. However, while away from their homes or regular places of business in the performance of services for the Board as approved by the Designated Federal Officer, members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under Section 5703 of Title 5 of the United States Code.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your nomination, you should be aware that your entire nomination—including your personal identifying information—may be made publicly available at any time. While you can ask us in your nomination to withhould your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2019–12012 Filed 6–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–27801; PPNEGATEB0, PPMVSCS1Z.Y00000]

Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee will meet as indicated below.

DATES: The meeting will take place on Wednesday, June 26, 2019. The meeting will begin at 9:00 a.m. until 3:00 p.m., with a public comment period at 11:30 a.m. (EASTERN).

ADDRESSES: The meeting will be held at the Sandy Hook Chapel, 35 Hartshorne Drive, Highlands, New Jersey 07732.

FOR FURTHER INFORMATION CONTACT: Daphne Yun, Acting Public Affairs Officer, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305, or by telephone (718) 815–3651, or by email *daphne_yun@nps.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established on April 18, 2012, by authority of the Secretary of the Interior (Secretary) under 54 U.S.C. 100906, and is regulated by the Federal Advisory Committee Act. The

Committee provides advice to the Secretary, through the Director of the National Park Service, on matters relating to the Fort Hancock Historic District of Gateway National Recreation Area. All meetings are open to the public.

Purpose of the Meeting: The agenda will include ongoing lease updates (new leases, letters of intent, and building proposals), and general park updates. The final agenda will be posted on the Committee's website at *https://www.forthancock21.org.* The website includes meeting minutes from all prior meetings.

Interested persons may present, either orally or through written comments, information for the Committee to consider during the public meeting. Written comments will be accepted prior to, during, or after the meeting. Members of the public may submit written comments by mailing them to Daphne Yun, Acting Public Affairs Officer, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305, or by email *daphne_yun@nps.gov.*

Due to time constraints during the meeting, the Committee is not able to read written public comments submitted into the record. Individuals or groups requesting to make oral comments at the public Committee meeting will be limited to no more than five minutes per speaker. All comments will be made part of the public record and will be electronically distributed to all Committee members. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your written comments, you should be aware that your entire comment including your personal identifying information will be publicly available. 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: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2019–12011 Filed 6–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWRO–TUSK–27915; PPPWTUSK00, PPMPSPD1Z.YM0000]

Tule Springs Fossil Beds National Monument Advisory Council Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Tule Springs Fossil Beds National Monument Advisory Council (Council) will meet as indicated below.

DATES: The meeting will be held on Monday, July 1, 2019, at 5:00 p.m. (PACIFIC).

ADDRESSES: The meeting will be held at the Federal Interagency Office Building, 4701 N. Torrey Pines Road, Las Vegas, Nevada 89130–2301.

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from Diane Keith, Superintendent, Tule Springs Fossil Beds National Monument, 601 Nevada Way, Boulder City, Nevada 89005, via telephone at (702) 515–5462, or email at *tusk_information@nps.gov.*

SUPPLEMENTARY INFORMATION: The Council was established pursuant to section 3092(a)(6) of Public Law 113–291 and in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16). The purpose of the Council is to advise the Secretary of the Interior with respect to the preparation and implementation of the management plan.

Purpose of the Meeting: The Council will discuss the following:

1. Call to Order
2. Roll Call
3. Welcome
4. Approval of Agenda
5. Review and Approval of Minutes
6. Reports
   a. Superintendent Report
   b. Resources Manager Report
   c. I'm a Protector Program
   d. Subcommittees
7. Old Business
8. New Business
9. Public Comments
10. Adjourn

The meeting is open to the public. Interested persons may make oral/written presentations to the Council during the business meeting or file written statements. Such requests should be made to the Superintendent prior to the meeting.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2019–12013 Filed 6–6–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1160]

Certain Replacement Automotive Service and Collision Parts and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 3, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Hyundai Motor America, Inc. of Fountain Valley, California and Hyundai Motor Company of the Republic of Korea. Supplements to the complaint were filed on May 22, 2019, and May 23, 2019. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain replacement automotive service and collision parts and components thereof by reason of infringement of one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195. The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m.

to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 31, 2019, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''Gray Market Hyundai Parts in the following sub-categories: Belts, body exterior and interior parts, brakes, wheel hubs, cooling system parts, drivetrain parts, electrical parts, emission parts, engine parts, exhaust parts, fuel/air pumps, oil/air/cabin air filters and parts, heat and A/C parts, ignition parts, steering parts, suspension parts, transmission parts, wheels and parts, wiper and washer parts, and accessories.''

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Hyundai Motor America, Inc., 10550 Talbert Avenue, Fountain Valley, CA 92708

Hyundai Motor Company, 231 YangJae-Dong, Seocho-gu Seoul 137–938, Republic of Korea

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Direct Technologies International, Inc., d/b/a DTI, Inc., 1800 NE 171st Street, North Miami Beach, FL 33162

AJ Auto Spare Parts FZE, Office/Warehouse No. RA08TC06, Jebel Ali Free Zone, Dubai, United Arab Emirates

John Auto Spare Parts Co. LLC, Building 15—Jafza 15, Dubai, United Arab Emirates

Cuong Anh Co. Ltd., Lot 5, Gian Khau Industrial Parks, GiaTran Village, Gia Vien District, Ninh Binh Province, Vietnam

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 3, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–11927 Filed 6–6–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–022]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 13, 2019 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* None.

2. Minutes.

3. Ratification List.

4. Vote on Inv. Nos. 701–TA–623 and 731–TA–1449 (Preliminary) (Vertical Metal File Cabinets from China). The Commission is currently scheduled to complete and file its determinations on June 14, 2019; views of the Commission are currently scheduled to be completed and filed on June 21, 2019.

5. Vote on Inv. No. 731–TA–990 (Third Review) (Non-Malleable Cast Iron Pipe Fittings from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by August 30, 2019.

6. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: June 4, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–12103 Filed 6–5–19; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act and Oil Pollution Act

On June 3, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States, State of Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes* v. *Port of Everett,* Civil Action No. 2:19–cv–00843.

The proposed Consent Decree resolves claims alleged by the U.S. Department of the Interior, the National Oceanic and Atmospheric Administration, the State of Washington, the Suquamish Tribe, and the Tulalip Tribes (''the Port Gardner Bay Trustees'') against the Defendant Port of Everett (''the Port'') for natural resource damages caused by discharges of hazardous substances and oil to the Port Gardner Bay Area in Everett, Washington. The settlement requires the Port to construct and maintain the Blue Heron Slough Restoration Project, which will restore 338 acres of intertidal estuarine and upland habitats in the lower Snohomish River estuary, and to resolve its liability by retiring conservation bank credits equivalent to approximately 35 acres of the Project. The Port will also pay a proportionate share of assessment costs incurred by the Port Gardner Bay Trustees, totaling $703,496. The United States, on behalf of the U.S. Navy, will make a payment of $789,840 to be used towards construction of the Project, and pay assessment costs totaling $135,931. In exchange for the payment from the Navy and prior settlement payments from other parties, the Port will retire additional conservation bank credits equivalent to approximately 36 additional acres of the Project. The Port and the Navy will receive covenants not to sue under federal statutory law and state statutory or common law, for natural resource damages caused by discharges of hazardous substances and oil from their facilities (identified in Appendix B to the Decree) to the Port Gardner Bay Area.

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 Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes* v. *Port of Everett,* D.J. Ref. No. 90–11–3–10859/1. 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 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 $47.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without appendices, the cost is $19.00.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–11981 Filed 6–6–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Fifth Joint Modification to Consent Decree Under the Clean Air Act

On May 29, 2019, the Department of Justice lodged a proposed Fifth Joint Modification To Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States, et al.* v. *American Electric Power Service Corp., et al.,* Civil Action Nos. 99–1182 (EAS) and 99–1250 (EAS).

Under the original Consent Decree, entered by the Court on December 10, 2007, American Electric Power Service Corp., et al. (AEP) agreed to substantially reduce sulfur dioxide (SO_2) and nitrogen oxides (NO_X) emissions from the AEP Eastern System that was then comprised of sixteen coal-fired power plants. As part of the original Consent Decree, AEP was required to install flue gas desulfurization (FGD) technology to reduce SO_2 on two electric generating units located at AEP's Rockport, Indiana power plant. The original Consent Decree required AEP to install FGD technology on Rockport Unit 1 by December 31, 2017 and on Rockport Unit 2 by December 31, 2019. The Consent Decree's requirements for Rockport Unit 1 and Rockport Unit 2 were later modified by the Third Joint Modification to the Consent Decree that was entered by the Court on May 14, 2013. Under the Third Joint Modification to the Consent Decree, AEP was required to retrofit, refuel, or re-power one Rockport Unit by December 31, 2025 and the second Rockport Unit by December 31, 2028.

Under the proposed Fifth Joint Modification to Consent Decree, the deadline for AEP to retrofit, refuel, or re-power Rockport Unit 1 is extended until December 31, 2028 and the requirement to retrofit, refuel, or re-power Rockport Unit 2 is removed. In exchange, AEP agrees to do the following: (1) Install enhanced dry sorbent injection technology to reduce SO_2 emissions on Rockport Unit 1 by December 31, 2020 and Rockport Unit 2 by June 1, 2020; (2) comply with a 30-day rolling average emission rate of 0.15 pounds of SO_2 per million British thermal units of heat input at the Rockport Units for years 2021 and beyond; (3) reduce the AEP Eastern System-wide annual tonnage limitations for SO_2 for years 2021 and beyond; (4) reduce the Rockport Plant-wide annual tonnage limitations for SO_2 for years 2021 and beyond; (5) install selective catalytic reduction NO_X control technology on Rockport Unit 2 by June 1, 2020; (6) comply with a 30-day rolling average emission rate of 0.09 pounds of NO_X per million British thermal units of heat input at the Rockport Units for years 2021 and beyond; (7) reduce the AEP Eastern System-wide annual tonnage limitations for NO_X for years 2018 and beyond; (8) provide the State Co-Plaintiffs with an additional $4 million in mitigation funding; (9) provide the Citizen Co-Plaintiffs with an additional $3.5 million in mitigation funding; and (10) retire Rockport Unit 1 by December 31, 2028.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Fifth Joint Modification to Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, and should refer to *United States, et al.* v. *American Electric Power Services Corp.,* D. J. Ref. No. 90–5–2–1–06893. All comments must be submitted no later than thirty 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 Fifth Joint Modification may be examined and downloaded at this Department of Justice website: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Fifth Joint Modification 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 in the amount of $9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2019–11948 Filed 6–6–19; 8:45 am]

BILLING CODE 4410–15–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 19–CRB–0008–AU (TuneIn, Inc.)]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2018 statements of account submitted by commercial webcaster TuneIn, Inc. concerning royalty payments it made pursuant to two statutory licenses.

ADDRESSES: *Docket:* For access to the docket to read background documents, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/* and search for docket number 19–CRB–0008–AU (TuneIn, Inc.).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Code, grants to sound recordings copyright owners the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the performance right is limited by the statutory license in section 114, which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, pre-existing subscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380 and 382 through 384.

As part of the terms for these licenses, the Judges designated SoundExchange, Inc., as the Collective, *i.e.,* the organization charged with collecting royalty payments and statements of account submitted by eligible licensees and with distributing royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. *See, e.g.,* 37 CFR 380.2(a).

As the Collective, SoundExchange may, only once a year, conduct an audit of a licensee for any or all of the prior three calendar years in order to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. *See, e.g.,* 37 CFR 380.6(c).

On May 7, 2019, SoundExchange filed with the Judges notice of intent to audit licensee TuneIn, Inc. for their transmissions terminating in the United States for the year 2018. The Judges must publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. *See id.* This notice fulfills this requirement with respect to SoundExchange's notice of intent to audit filed May 7, 2019.

Dated: June 3, 2019.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2019–11922 Filed 6–4–19; 11:15 am]

BILLING CODE 1410–72–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Request: Public Libraries Survey FY 2019—FY 2021

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments on this collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation 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. The purpose of this Notice is to solicit comments concerning the continuance of the Public Libraries Survey for Fiscal Years 2019—2021. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 6, 2019.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of

information technology, *e.g.,* permitting electronic submissions of responses.

ADDRESSES: Send comments to: Dr. Sandra Webb, Director of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718, Fax: 202–653–4604, Email: *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

FOR FURTHER INFORMATION CONTACT: For a copy of the documents contact: Marisa Pelczar, Ph.D., Program Analyst, Office of Impact Assessment and Learning, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Pelczar can be reached by Telephone: 202–653–4647, Fax: 202–653–4604, Email: *mpelczar@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

II. Current Actions

Pursuant to Public Law 107–279, this Public Libraries Survey collects annual descriptive data on the universe of public libraries in the United States and the Outlying Areas. Information such as public service hours per year, circulation of library books, number of librarians, population of legal service area, expenditures for library collection, programs for children and young adults, staff salary data, and access to technology, etc., would be collected. The Public Libraries Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0074, which expires January 31, 2020. This action is to request a new three year approval.

Agency: Institute of Museum and Library Services.

Title: Public Libraries Survey, 2019–2021.

OMB Number: 3137–0074.

Frequency: Annually.

Affected Public: State and local governments, State library agencies, and public libraries.

Number of Respondents: 56.

Estimated Average Burden per Response: TBD.

Estimated Total Annual Burden: TBD.

Total Annualized capital/startup costs: N/A.

Total Annual costs: TBD.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMS's clearance of this information collection.

Dated: June 4, 2019.

Kim Miller,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2019–11971 Filed 6–6–19; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 10, 17, 24, July 1, 8, 15, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 10, 2019

There are no meetings scheduled for the week of June 10, 2019.

Week of June 17, 2019—Tentative

Tuesday, June 18, 2019

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting), (Contact: Jason Lising: 301–287–0569)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 20, 2019

10:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting), (Contact: Andrea Mayer: 301–415–1081)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 24, 2019—Tentative

There are no meetings scheduled for the week of June 24, 2019.

Week of July 1, 2019—Tentative

There are no meetings scheduled for the week of July 1, 2019.

Week of July 8, 2019—Tentative

There are no meetings scheduled for the week of July 8, 2019.

Week of July 15, 2019—Tentative

There are no meetings scheduled for the week of July 15, 2019.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov.*

Dated at Rockville, Maryland, this 5th day of June 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–12194 Filed 6–5–19; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–047; NRC–2016–0119]

Tennessee Valley Authority; Clinch River Nuclear Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Early site permit application; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice once each week for four consecutive weeks for an application from Tennessee Valley Authority (TVA), for an early site permit (ESP) for the Clinch River Nuclear Site located in Oak Ridge, Tennessee.

DATES: The ESP application was received on May 12, 2016 and supplemented with Revision 2 on January 18, 2019.

ADDRESSES: Please refer to Docket ID NRC–2016–0119 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0119. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Mallecia Sutton, telephone: 301–415–0673, email: *Mallecia.Sutton@nrc.gov* or Allen Fetter, telephone: 301–415–8556, email: *Allen.Fetter@nrc.gov.* Both staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

TVA (the applicant) has filed an application for an ESP for the Clinch River Nuclear Site located in Oak Ridge, Tennessee (ADAMS Accession No. ML16139A752), under Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' TVA filed Revision 2 of the application dated January 18, 2019 (ADAMS Accession No. ML19030A485). Through the application, which is currently under review by the NRC staff, the applicant seeks an ESP separate from the filing of an application for a construction permit (CP) or combined license (COL) for a nuclear power facility. The ESP process allows resolution of issues relating to siting. At any time during the period of an ESP (up to 20 years), the permit holder may reference the permit in an application for a CP or COL. The information submitted by the applicant includes certain administrative information, as well as technical information submitted pursuant to 10 CFR 52.24(a) and 10 CFR 51.105(a). These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No.
ESP application Cover Letter	ML19030A485
ESP application Administrative Information.	ML18003A298
ESP application Site Safety Analysis Report.	ML19030A358
ESP application Environmental Report.	ML19030A478
ESP application Emergency Plan	ML18003A485
ESP application Exemptions and Departures.	ML19030A479
ESP application Enclosures	ML19030A568

Dated at Rockville, Maryland, this 13th day of May 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2019–10129 Filed 6–6–19; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–144 and CP2019–160]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 11, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–144 and CP2019–160; *Filing Title:* USPS Request to Add Priority Mail Contract 529 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 3, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 11, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–11979 Filed 6–6–19; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–147, OMB Control No. 3235–0131]

Submission for OMB Review; Comment Request; Extension: Rule 17a–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–7 (17 CFR 240.17a–7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–7 requires a non-resident broker-dealer (generally, a broker-dealer with its principal place of business in a place not subject to the jurisdiction of the United States) registered or applying for registration pursuant to Section 15 of the Exchange Act to maintain—in the United States—complete and current copies of books and records required to be maintained under any rule adopted under the Exchange Act and furnish to the Commission a written notice specifying the address where the copies are located. Alternatively, Rule 17a–7 provides that non-resident broker-dealers may file with the Commission a written undertaking to furnish the requisite books and records to the Commission upon demand within 14 days of the demand.

The Commission estimates that there are approximately 31 non-resident broker-dealers. Based on the Commission's experience, the Commission estimates that the average amount of time necessary to comply with Rule 17a–7 is one hour per year per respondent. Accordingly, the Commission estimates that the total industry-wide reporting burden is approximately 31 hours per year. Assuming an average cost per hour of approximately $314 for a compliance manager, the total internal cost of compliance for the respondents is approximately $9,734 per year.[1]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 4, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–12042 Filed 6–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 19d–3; SEC File No. 270–245, OMB Control No. 3235–0204

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 19d–3 (17 CFR 240.19d–3) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*).

Rule 19d–3 prescribes the form and content of applications to the Commission by persons seeking Commission review of final disciplinary actions against them taken by self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency. The Commission uses the information provided in the application filed pursuant to Rule 19d–3 to review final actions taken by SROs including: (1) Final disciplinary sanctions; (2) denial or conditioning of membership, participation or association; and (3) prohibitions or limitations of access to services offered by a SRO or member thereof.

It is estimated that approximately 40 respondents will utilize this application procedure annually. This figure is based upon past submissions. It is estimated that each respondent will submit approximately one response. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–3 will be approximately eighteen hours. We estimate that approximately 25 firms or natural persons would draft the applications themselves for an aggregate annual hourly burden of 450 (25×18), and that 15 would hire outside counsel, at a cost of $7,218 per submission, for an aggregate annual dollar cost burden of $108,270 ($15 \times \$7,218$).

The filing of an application pursuant to Rule 19d–3 is voluntary and does not require the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission,

[1] $314 per hour for a compliance manager is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff for an 1800-hour work-year, multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, and adjusted for inflation.

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 4, 2019.

Eduardo A Aleman,

Deputy Secretary.

[FR Doc. 2019–12039 Filed 6–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 6h–1; SEC File No. 270–497; OMB Control No. 3235–0555

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 6h–1 (17 CFR 240.6h–1) under the Securities Exchange Act of 1934, as amended (''Act'') (15 U.S.C. 78a *et seq.*).

Section 6(h) of the Act (15 U.S.C. 78f(h)) requires national securities exchanges and national securities associations that trade security futures products to establish listing standards that, among other things, require that: (i) Trading in such products not be readily susceptible to price manipulation; and (ii) the market on which the security futures product trades has in place procedures to coordinate trading halts with the listing market for the security or securities underlying the security futures product. Rule 6h–1 implements these statutory requirements and requires that (1) the final settlement price for each cash-settled security futures product fairly reflect the opening price of the underlying security or securities, and (2) the exchanges and associations trading security futures products halt trading in any security futures product for as long as trading in the underlying security, or trading in 50% or more of the underlying securities, is halted on the listing market.

It is estimated that approximately 1 respondent, consisting of a designated contract market not already registered as a national securities exchange under Section 6(g) of the Exchange Act that seeks to list or trade security futures products, will incur an average burden of 10 hours per year to comply with this rule, for a total burden of 10 hours. At an average internal cost per hour of approximately $401, the resultant total internal cost of compliance for the respondents is $4,010 per year (1 respondent × 10 hours/respondent × $401/hour).

Compliance with Rule 6h–1 is mandatory. Any listing standards established pursuant to Rule 6h–1 would be filed with the Commission as proposed rule changes pursuant to Section 19(b) of the Act and would be published in the **Federal Register**.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 4, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–12041 Filed 6–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 19d–1; SEC File No. 270–242, OMB Control No. 3235–0206

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 19d–1 (17 CFR 240.19d–1) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 19d–1 prescribes the form and content of notices to be filed with the Commission by self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency concerning the following final SRO actions: (1) Disciplinary actions with respect to any person; (2) denial, bar, prohibition, or limitation of membership, participation or association with a member or of access to services offered by an SRO or member thereof; (3) summarily suspending a member, participant, or person associated with a member, or summarily limiting or prohibiting any persons with respect to access to or services offered by the SRO or a member thereof; and (4) delisting a security.

The Rule enables the Commission to obtain reports from the SROs containing information regarding SRO determinations to delist a security, discipline members or associated persons of members, deny membership or participation or association with a member, and similar adjudicated findings. The Rule requires that such actions be promptly reported to the Commission. The Rule also requires that the reports and notices supply sufficient information regarding the background, factual basis and issues involved in the proceeding to enable the Commission: (1) To determine whether the matter should be called up for review on the Commission's own motion; and (2) to ascertain generally whether the SRO has adequately carried out its responsibilities under the Exchange Act.

It is estimated that approximately eighteen respondents will utilize this application procedure annually, and will file approximately 1,350 submissions, based upon recent data. The Commission estimates that the average number of hours necessary to comply with the requirements of Rule 19d–1 for each submission is 1 hour. The total annual burden for all respondents is thus 1,350 hours. The

Commission estimates that the internal compliance cost per respondent is approximately $298 per response. The annual internal cost of compliance for all respondents is thus approximately $402,300 (18 respondents × 75 responses × $298 per response).

The filing of notices pursuant to Rule 19d–1 is mandatory for the SROs, but does not require the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 4, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–12038 Filed 6–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86017; File No. SR–NYSEArca–2019–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Certain Generic Listing Standards for Managed Fund Shares Applicable to Holdings of Fixed Income Securities

June 3, 2019.

I. Introduction

On February 14, 2019, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain generic listing standards for Managed Fund Shares applicable to holdings of fixed income securities. The proposed rule change was published for comment in the **Federal Register** on March 6, 2019.[3] On April 18, 2019, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 15, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the original filing in its entirety.[6] The Commission has received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1 [7]

Commentary .01 to NYSE Arca Rule 8.600–E sets forth the generic listing standards for Managed Fund Shares.[8] Commentary .01(b) to NYSE Arca Rule 8.600–E sets forth the generic listing standards applicable to fixed income securities [9] in the portfolio of a series of Managed Fund Shares. Commentary .01(b)(5) currently provides that non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities components of a portfolio shall not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio. The Exchange proposes to amend Commentary .01(b)(5) by deleting the reference to the ''fixed income portion of the'' portfolio, such that non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities components of a portfolio may not account, in the aggregate, for more than 20% of the weight of the whole portfolio.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the generic listing standards for Managed Fund Shares, as proposed to be amended, would continue to be designed to prevent manipulation. As noted above, the Exchange proposes to amend Commentary .01(b)(5) to NYSE Arca Rule 8.600–E to allow non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85220 (February 28, 2019), 84 FR 8138.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 85690, 84 FR 17204 (April 24, 2019). The Commission designated June 4, 2019 as the date by which the Commission shall approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] In Amendment No. 1, the Exchange: (1) Clarified that non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities in the portfolio of a series of generically-listed Managed Fund Shares would satisfy all of the generic listing standards of Commentary .01(b) to NYSE Arca Rule 8.600–E, as amended; (2) modified its argument supporting its proposed change; and (3) made other technical changes. Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nysearca-2019-06/srnysearca201906-5524002-185227.pdf.*

[7] For a more detailed description of the proposal, *see* Amendment No. 1, *supra* note 6.

[8] The term ''Managed Fund Share'' means a security that (a) represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value; and (c) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined net asset value. *See* NYSE Arca Rule 8.600–E(c)(1).

[9] Commentary .01(b) to NYSE Arca Rule 8.600–E provides that fixed income securities are debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities, government-sponsored entity (''GSE'') securities, municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof, investment grade and high yield corporate debt, bank loans, mortgage and asset backed securities, and commercial paper.

[10] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

securities to account for no more than 20% of the weight of the whole portfolio (rather than the fixed income portion of the portfolio). Therefore, the proposed rule change would allow the Exchange to generically list and trade series of Managed Fund Shares that hold more non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities than is currently allowed under the generic listing standards (if assets other than fixed income securities are in the portfolio).[12] According to the Exchange, the proposal would allow increased portfolio diversification.[13] The Exchange also states that it has in place surveillance procedures that are adequate to properly monitor trading in series of Managed Fund Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.[14] The Commission notes that, as proposed, non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities must meet all the generic listing standards in Commentary .01(b) to NYSE Arca Rule 8.600–E.[15] In addition, the Commission notes that it has previously approved the listing and trading of Managed Fund Shares that could hold up to 20% of their total assets in non-agency, non-GSE, and privately-issued asset-backed and mortgage-backed securities.[16]

[12] As the Exchange notes, currently, a fund holding 100% of its assets in fixed income securities could hold 20% of its entire portfolio's weight in non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities. *See* Amendment No. 1, *supra* note 6, at 5. In contrast, a fund holding 25% of its assets in fixed income securities, 25% in U.S. component stocks, and 50% in cash and cash equivalents could only hold 5% its entire portfolio's weight in non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities. *See id.* Under the proposal, each of these funds could hold 20% of its entire portfolio's weight in non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities.

[13] *See id.,* at 4–5.

[14] *See id.,* at 6. The Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, would communicate as needed regarding trading in Managed Fund Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, could obtain trading information regarding trading in Managed Fund Shares from such markets and other entities. *See id.* In addition, the Exchange could obtain information regarding trading in Managed Fund Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. *See id.*

[15] *See id.,* at 5.

[16] *See, e.g.,* Securities Exchange Act Release Nos. 83319 (May 24, 2018), 83 FR 25097 (May 31, 2018) (SR–NYSEArca–2018–15); 80946 (June 15, 2017), 82 FR 28126 (June 20, 2017) (SR–NASDAQ–2017–039); 74814 (April 27, 2015), 80 FR 24986 (May 1, 2015) (SR–NYSEArca–2014–107).

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (SR–NYSEArca–2019–06), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–11933 Filed 6–6–19; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2019–0021]

Notice of an Initial Enrollment Period for Our Electronic Consent Based Social Security Number Verification Service

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: The Social Security Administration (SSA) is announcing the initial enrollment period for a new electronic Consent Based Social Security Number (SSN) Verification (eCBSV) service. SSA will roll out the service to a limited number of users in June 2020, and plans on expanding the number of users within six months of the initial rollout. All interested permitted entities must apply during this initial enrollment period to be eligible to use the new eCBSV service during either the initial rollout or subsequent planned expansion. Permitted entities that do not apply during the initial enrollment period must wait until the next designated period after the planned expansion to apply for enrollment. The initial enrollment period for permitted entities will begin on July 17, 2019, and remain open until the period closes on July 31, 2019. In accord with statutory requirements, permitted entities will be required to provide payment to build the new eCBSV system.

DATES: The enrollment period for permitted entities to apply for access to eCBSV will open on July 17, 2019, at 6 a.m. EST, and will close on July 31, 2019, at 6 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Michael Wilkins, Office of Data Exchange, Policy Publications, and International Negotiations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–9360, email *eCBSV@ssa.gov.*

SUPPLEMENTARY INFORMATION: Section 215 of the Economic Growth, Regulatory Relief, and Consumer Protection Act [1] (the Banking Bill) directs SSA to modify or develop a database for accepting and comparing fraud protection data [2] provided electronically by a permitted entity.[3] In response to this statutory directive, SSA is creating eCBSV, a fee-based Social Security number (SSN) verification service. eCBSV will allow permitted entities to verify an individual's SSN based on the SSN holder's signed consent.[4] Based on the SSN holder's consent, permitted entities will be able to submit via an application programming interface fraud protection data to SSA for each verification request.

SSA is preparing to implement an initial rollout to a limited number of permitted entities in June 2020. In addition, SSA is planning an expanded rollout to all permitted entities that applied for the initial rollout but were not selected within the six months following the initial rollout.

Permitted entities are defined in the Banking Bill,[5] and must possess an employer identification number (EIN) and Dun and Bradstreet (D–U–N–S) number. Each permitted entity must submit a certification statement,[6] in

[1] Public Law 115–174.

[2] The Banking Bill defines ''Fraud Protection Data'' to mean a combination of an individual's name (including the first name and any family forename or surname), SSN, and date of birth (including month, day, and year). Public Law 115–174, Title II, 215(b)(3), codified at 42 U.S.C. 405b(b)(3).

[3] The Banking Bill defines a ''permitted entity'' to mean a financial institution or service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution. Public Law 115–174, Title II, 215(b)(4), codified at 42 U.S.C. 405b(b)(4).

[4] Valid, signed consent must include a wet or electronic signature. Electronic signatures must meet the definition in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006). 42 U.S.C. 405b(f)(2) and SSA requirements. The written consent must clearly specify to whom the information may be disclosed, the information you want us to disclose (*e.g.,* SSN verification) and, where applicable, during which timeframe the information may be disclosed (*e.g.,* whenever the subject individual is receiving specific services). 20 CFR 401.100.

[5] The Banking Bill defines a ''permitted entity'' to mean a financial institution or service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution. Public Law 115–174, Title II, 215(b)(4), codified at 42 U.S.C. 405b(b)(4).

[6] The permitted entity must certify that (1) the entity is a permitted entity; (2) the entity is in compliance with section 215; (3) the entity is, and will remain, in compliance with its privacy and data security requirements in Title V of 15 U.S.C. 6801, *et seq.,* with respect to the information the

accordance with the Banking Bill, in the comment section of their application to SSA.

The enrollment period to apply for access to this new service will open on July 17, 2019, at 6 a.m. EST, and close on July 31, 2019, at 6 p.m. EST. Applications received outside of the stated enrollment period will not receive consideration. Any permitted entity who submits a valid application prior to close of the stated deadline, but is not selected for the initial rollout, will have an opportunity to re-submit a full application and user agreement for the later expanded rollout. However, any permitted entity that does not submit a valid application before the close of the stated July 31, 2019 deadline, will not have the opportunity to apply for the expanded rollout in late 2020, and must wait until the next open enrollment period for which there could be as long as a two-year wait.

For the initial rollout, SSA will select a limited number of permitted entities, based upon the earliest date and time of the receipt by SSA of a fully completed application. SSA will select permitted entities from the following categories:

Financial Institutions [7] with an estimated annual transaction volume of:

1. One million or less transactions, or
2. 1,000,001 or more transactions.

A service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution [8] with an estimated annual transaction volume of:

1. One million or less transactions,
2. 1,000,001 to 500,000,000 transactions, or
3. 500,000,001 to 2,000,000,000 transactions.

Any service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution selected for the initial rollout may only service up to 20 financial institutions and must adhere to volumes restricted to quarterly prorated amounts until the expanded rollout.

Permitted entities who wish to enroll, must:

- Complete Form SSA–157 (OMB No. 0960–0802), Data Exchange Request Form (DXRF) at *https://www.ssa.gov/dataexchange/documents/ssa-157.pdf* with additional Form SSA–157s for any other financial institutions you will service.
- Instructions for completing the Form SSA–157, including the certification statement within the application, can be found at *https://www.ssa.gov/dataexchange/eCBSV/.*
- Submit the completed document beginning July 17, 2019, at 6 a.m. EST to *eCBSV@ssa.gov.*

Following the enrollment period, SSA will select and notify the selected permitted entities and provide billing information and the necessary instructions to complete enrollment. Selected permitted entities will be required to complete and sign a User Agreement and a Memorandum of Understanding for reimbursement prior to June 2020. Please note that we are only using Form SSA–157 for the first wave of eCBSV users as a temporary stopgap measure, since we have not yet obtained OMB approval under the Paperwork Reduction Act for the new eCBSV enrollment screens and User Agreement. Future eCBSV users will complete eCBSV screens, the Memorandum of Understanding, and the User Agreement simultaneously; these items will have undergone Paperwork Reduction Act approval by that point.

Fees

The Banking Bill requires SSA to collect 50 percent of the program startup costs prior to developing the eCBSV system.[9] Therefore, once selected and notified by SSA, permitted entities will receive a bill to pay their prorated portion of 50 percent of the estimated program startup costs within 2 weeks of selection through *Pay.gov.* These funds will be credited to future transactions.

The prorated portion is dependent on the number of permitted entities selected, the estimated annual transaction volumes, and the associated costs. These will be finalized once enrollment ends, and will be provided to the selected permitted entities. Every permitted entity selected will pay an initial administrative fee of $3,693 and an annual tier-based transaction charge based on their estimated annual volume. The chart below depicts the expected contribution of 50 percent program startup costs dependent on annual transaction volume. These are subject to change and will be finalized prior to billing.

Annual # of transactions	Charge (subject to change)
1–5,000	$3,000–$5,000.
5,001–50,000	$8,000–$15,000.
50,001–1,000,000	$50,000–$75,000.
1,000,001–500,000,000	$2.5 million–$3 million.
500,000,001–2 billion	$3.5 million–$5 million.

The permitted entities participating in the initial rollout may be charged the remaining 50 percent program startup costs at rollout, if their tier-based transaction charge was not sufficient to recover the program start-up costs. Again, this is dependent upon the number of permitted entities selected, the estimated annual transaction volumes, and the associated costs at the time of rollout.

Fees charged to expanded rollout permitted entities will include an administrative fee and an annual tier-based transaction charge adjusted based on the new enrollment period. All remaining program start-up costs will be collected from all users during the first year of eCBSV.

Nancy Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2019–11995 Filed 6–6–19; 8:45 am]

BILLING CODE 4191–02–P

entity receives from the Commissioner of Social Security pursuant to this section; and (4) the entity will retain sufficient records to demonstrate its compliance with its certification and section 215 for a period of not less than 2 years. 42 U.S.C. 405b(e)(1)–(3).

[7] The term ''financial institution'' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

[8] Ibid.

[9] 42 U.S.C. 405b(h).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2018–0056]

Privacy Act of 1974; System of Records; Correction

AGENCY: Social Security Administration.

ACTION: Notice of a new system of records; correction.

SUMMARY: The Social Security Administration published a System of Records Notice (SORN) in the **Federal Register** on Monday, April 15, 2019 concerning the Mass Emergency Notification System. That document contained an incorrect SORN number. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Anthony Tookes, 410–966–0097.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 15, 2019, 84 FR 15275, on page 15275, in the third column, after **SYSTEM NAME AND NUMBER**, ''Mass Emergency Notification System (MENS), 60–0383'' is corrected to read as ''Mass Emergency Notification System (MENS), 60–0386''.

Dated: June 3, 2019.

Mary Ann Zimmerman,

Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

[FR Doc. 2019–11982 Filed 6–6–19; 8:45 am]

BILLING CODE 4191–02–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 682 (Sub-No. 10)]

2018 Tax Information for Use in the Revenue Shortfall Allocation Method

AGENCY: Surface Transportation Board.

ACTION: Notice.

SUMMARY: The Board is publishing, and providing the public an opportunity to comment on, the 2018 weighted average state tax rates for each Class I railroad, as calculated by the Association of American Railroads (AAR), for use in the Revenue Shortfall Allocation Method (RSAM).

DATES: Comments are due by July 8, 2019. If any comment opposing AAR's calculation is filed, AAR's reply will be due by July 29, 2019. If no comments are filed by the due date, AAR's calculation of the 2018 weighted average state tax rates will be automatically adopted by the Board, effective July 9, 2019.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-Filing link on the Board's website at *http://www.stb.gov.* Any person submitting a filing in paper format should send an original referring to Docket No. EP 682 (Sub-No. 10) to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm, (202) 245–0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The RSAM figure is one of three benchmarks that together are used to determine the reasonableness of a challenged rate under the Board's *Simplified Standards for Rail Rate Cases,* EP 646 (Sub-No. 1), slip op. at 10 (STB served Sept. 5, 2007),[1] as further revised in *Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method,* EP 646 (Sub-No. 2) (STB served Nov. 21, 2008). RSAM is intended to measure the average markup that the railroad would need to collect from all of its ''potentially captive traffic'' (traffic with a revenue-to-variable-cost ratio above 180%) to earn adequate revenues as measured by the Board under 49 U.S.C. 10704(a)(2) (*i.e.,* earn a return on investment equal to the railroad industry cost of capital). *Simplified Standards—Taxes in RSAM,* slip op. at 1. In *Simplified Standards—Taxes in RSAM,* slip op. at 3, 5, the Board modified its RSAM formula to account for taxes, as the prior formula mistakenly compared pre-tax and after-tax revenues. In that decision, the Board stated that it would institute a separate proceeding in which Class I railroads would be required to submit the annual tax information necessary for the Board's annual RSAM calculation. *Id.* at 5–6.

Pursuant to 49 CFR 1135.2, AAR is required to annually calculate and submit to the Board the weighted average state tax rate for each Class I railroad for the previous year. On May 30, 2019, AAR filed its calculation of the weighted average state tax rates for 2018, listed below for each Class I railroad:

WEIGHTED AVERAGE STATE TAX RATES

Railroad	2018 (%)	2017[2] (%)	% Change
BNSF Railway Company	5.312	5.289	0.023
CSX Transportation, Inc	5.238	5.628	−0.390
Grand Trunk Corporation	8.130	7.961	0.169
The Kansas City Southern Railway	5.422	5.409	0.013
Norfolk Southern Combined	5.753	6.194	−0.441
Soo Line Corporation	8.193	8.134	0.059
Union Pacific Railroad Company	5.726	5.666	0.060

Any party wishing to comment on AAR's calculation of the 2018 weighted average state tax rates should file a comment by July 8, 2019. *See* 49 CFR 1135.2(c). If any comments opposing AAR's calculations are filed, AAR's reply will be due by July 29, 2019. *Id.* If any comments are filed, the Board will review AAR's submission, together with the comments, and serve a decision within 60 days of the close of the record that either accepts, rejects, or modifies AAR's railroad-specific tax information. *Id.* If no comments are filed by July 8, 2019, AAR's submitted weighted average state tax rates will be automatically adopted by the Board, effective July 9, 2019. *Id.*

Decided: June 4, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–12058 Filed 6–6–19; 8:45 am]

BILLING CODE 4915–01–P

[1] *Aff'd sub nom. CSX Transp., Inc.* v. *STB,* 568 F.3d 236 (D.C. Cir. 2009), *vacated in part on reh'g, CSX Transp., Inc.* v. *STB,* 584 F.3d 1076 (D.C. Cir. 2009).

[2] As explained in *Simplified Standards for Rail Rate Cases—2017 RSAM and R/VC$_{>180}$ Calculations,* EP 689 (Sub-No. 10), slip op. at 1 n.1 (STB served Apr. 22, 2019), adjustments to R–1 reporting schedules were made to remove the accounting impacts of the Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054 (2017), and that decision stated that the revised schedules impact the weighted average state tax rates for 2017. For RSAM and R/VC$_{>180}$ calculation purposes, the 2017 adjusted rates for BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Combined, and Union Pacific Railroad Company are 5.292%, 5.296%, 5.692%, and 5.672%, respectively. The workpapers for that decision are available on the Board's website at: *https://www.stb.gov/stb/industry/econ_reports.html,* under the paragraph titled ''Revenue Shortfall Allocation Method (RSAM)'' and the ''2017 RSAM Computation'' hyperlink.

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 791X)]

CSX Transportation, Inc.—Abandonment Exemption—in Mason County, Ky

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon its dock and loadout/conveyor belt at the Maysville Port in Maysville, beginning at milepost CA 599.0 in Mason County, Ky. (the Line).[1] The Line traverses U.S. Postal Service Zip Code 41056.

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic over the Line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), 49 CFR 1152.50(d)(1) (notice to governmental agencies), 49 CFR 1105.11 (transmittal letter), and 49 CFR 1105.7 and 1105.8 (environment and historic report) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[2] this exemption will be effective on July 7, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 17, 2019.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 27, 2019, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed an environmental and historic report that addresses the potential effects of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by June 14, 2019. The EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by June 7, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov.*

Decided: June 4, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Raina Contee,

Clearance Clerk.

[FR Doc. 2019–12024 Filed 6–6–19; 8:45 am]

BILLING CODE 4915–01–P

[1] CSXT states that, prior to November 2016, it moved coal through the dock and loadout to a power plant down the Ohio River, and that it is seeking abandonment authority because, under Board precedent, rail-water terminal property has been considered a line of railroad and part of rail operations.

[2] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36307]

Chicago, Rock Island & Pacific Railroad, LLC—Lease and Operation Exemption—Rail Line of Coahoma County, Miss., Near Swan Lake, Miss.

Chicago, Rock Island & Pacific Railroad, LLC (CRIP), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 0.25 miles of rail line owned by the County of Coahoma, Miss. (the County), between milepost 103.75 and milepost 104.00 at or near Swan Lake, Miss. (the Segment). CRIP states that the Segment is part of a line that extends approximately 50 miles between Lula, Miss., and Swan Lake (the Line). CRIP states that, at milepost 104.00, the Segment connects to the Illinois Central Railroad Company.

CRIP states that the County consummated abandonment of the Line in 2001 [1] and thereafter leased the Line to C&J Railroad Co. (C&J), which operated it as a contract carrier. In 2005, C&J obtained an exemption to lease and operate the Segment (but not the rest of the Line) as a common carrier.[2]

CRIP further states that C&J's lease of the Line from the County was terminated effective on February 8, 2019, and, shortly thereafter, the County leased the Line to CRIP.

Upon consummation of the transaction, CRIP states that it will provide common carrier rail service over the Segment.[3]

According to CRIP, the lease does not include an interchange commitment.

CRIP certifies that its projected revenues as a result of the transaction will not result in the creation of a Class

[1] *See* Cty. Notice of Consummation, July 25, 2001, *Cty. of Coahoma, Miss.—Aban. Exemption—in Tallahatchie & Coahoma Ctys., Miss.,* Docket No. AB 579X.

[2] *See C&J R.R.—Acquis. & Operation Exemption—in Tallahatchie Cty., Miss.,* FD 34673 (STB served May 6, 2005).

[3] CRIP captions its verified notice as a lease and operation exemption but requests that, if the Board were to determine that the verified notice supports an exemption for change in operators on the Segment from C&J to CRIP, the Board ''so provide'' in this notice. However, because the verified notice does not indicate that CRIP has reached an agreement with C&J for C&J to cease its own operations over the Segment, CRIP's verified notice does not support a change in operators exemption.

II or Class I rail carrier and will not exceed $5 million.

The earliest this transaction may be consummated is June 21, 2019 (30 days after the verified notice of exemption was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 14, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36307, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CRIP's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604.

According to CRIP, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at *www.stb.gov.*

Decided: June 4, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2019–12009 Filed 6–6–19; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36304]

CWW, LLC—Change in Operator Exemption Assigning BNSF Railway Company Lease With Interchange Commitment—Palouse River & Coulee City Railroad, L.L.C.

CWW, LLC (CWW), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to assume operation of approximately 9.7 miles of rail line owned by BNSF Railway Company (BNSF) and currently leased and operated by the Palouse River & Coulee City Railroad, L.L.C. (PCC), located between milepost 0.6 at Wallula, Wash., and milepost 4.3 at Zangar Jct., Wash., and between milepost 62.01 and milepost 68.01 at Walla Walla, Wash. (the Line).

The verified notice states that the Line is currently operated by PCC pursuant to a 1993 lease agreement.[1] CWW states that it is entering into an Assignment, Assumption and Consent Agreement with BNSF and PCC pursuant to which the 1993 lease agreement together with a 1993 BNSF–BLMR interchange agreement, including subsequent amendments, is being assigned to CWW. Upon consummation of the transaction, CWW will provide common carrier rail service in place of PCC.

CWW states that the 1993 lease agreement being assigned to it contains an interchange commitment imposing a charge for carloads originating or terminating on the Line that are not interchanged with BNSF.[2] CWW has provided additional information regarding the interchange commitment as required by 49 CFR 1150.43(h).

CWW certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million.

Under 49 CFR 1150.42(b), a change in operator requires that notice be given to shippers. CWW certifies that it has provided notice of the proposed transaction and interchange commitment to shippers that currently use or have used the Line in the last two years.

The earliest this transaction may be consummated is June 21, 2019 (30 days after the verified notice of exemption was filed). CWW states that it expects to consummate the transaction on or after June 22, 2019.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 14, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36304, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CWW's representative, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

According to CWW, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(1).

Board decisions and notices are available at *www.stb.gov.*

Decided: June 3, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2019–12023 Filed 6–6–19; 8:45 am]

BILLING CODE 4915–01–P

[1] CWW states that the lease was originally between Blue Mountain Railroad, Inc. (BLMR), and Burlington Northern Railroad Company, *Blue Mountain R.R.—Lease & Operation Exemption—Line of Burlington N. R.R.,* FD 32387 (ICC served Oct. 5, 1994), and that in 2000, BLMR was absorbed into PCC, *Watco Co.—Corp. Family Transaction Exemption,* FD 33898 (STB served July 24, 2000).

[2] A copy of the 1993 lease agreement with the interchange commitment was submitted under seal with the verified notice. *See* 49 CFR 1150.43(h)(1).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on a Proposed Change of Airport Property Land Use From Aeronautical to Non-Aeronautical Use at Tulsa International Airport, Tulsa, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a request from Tulsa Airports Improvement Trust to change approximately 507 acres located on the east side of the airport between North Mingo Road and Highway 169 from aeronautical use to non-aeronautical use and to authorize the conversion of the airport property.

The proposal consists of three parcels of land which were originally acquired under the following grants: Federal Airport Aid Program (FAAP) Nos. 9–34–032–C132 in 1963 and 3–34–032–C514 in 1965 and Airport Development Aid Program (ADAP) No.6–40–99–15 in 1978. The land comprising these parcels is outside the forecasted need for aviation development and is no longer needed for indirect or direct aeronautical use. The Airport wishes to develop this land for compatible commercial, non-aeronautical use. The Airport will retain ownership of this land and ensure the protection of Part 77 surfaces and compatible land use. The income from the conversion of these parcels will benefit the aviation community by reinvestment in the airport.

Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from

the FAA. The disposition of proceeds from the conversion 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. 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.

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

ADDRESSES: Send comments on this document to Mr. Justin Barker, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Ms. Alexis Higgins, Chief Executive Officer of Tulsa Airports Improvement Trust, 7777 East Apache, Suite A217, Tulsa, OK 74115, telephone 918–838–5001; or Mr. Justin Barker, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222–5630. Documents reflecting this FAA action may be reviewed at the above locations.

Issued in Fort Worth, TX, on May 30, 2019.

Ignacio Flores,

Director, Airports Division, FAA, Southwest Region.

[FR Doc. 2019–11990 Filed 6–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Shawnee Regional Airport, Shawnee, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invites public comment on the application for the release for disposal of approximately 2.48 acres of airport property of federally obligated land at Shawnee Regional Airport, Shawnee, OK.

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

ADDRESSES: Send comments on this document to Mr. Justin Barker, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Ms. Bonnie Wilson, Airport Manager, Shawnee Regional Airport, 2202 Airport Drive, Shawnee, OK 74115, telephone (405) 878–1532; or Mr. Justin Barker, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222–5630.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at Shawnee Regional Airport. The FAA determined that the request to release property at Shawnee Regional Airport submitted by the City of Shawnee met the procedural requirements of the 49 U.S.C 47107(h)(2). The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request: The city of Shawnee requests the release of 2.48 acres of airport property valued at $220,000. This property was deeded to the City of Shawnee by the War Assets Administration on November 20, 1947. It is located southwest of the Airport and is separated from the airfield by U.S Highway 270/Oklahoma State Highway 177. Based on the location of this property, it is not needed now or in the foreseeable future for aeronautical purposes and/or airport development. The property is currently leased by Metro Mart. Inc. This is a land lease only, and all improvements were made by the lessee. The release will allow the city to sell the property at fair market value. The city of Shawnee will use the proceeds to construct a T-hangar. The income from the lease of the hangars will benefit the aviation community by increasing airport revenue.

Any person may inspect the request by appointment at the FAA office address listed above.

Issued in Fort Worth, TX, on May 30, 2019.

Ignacio Flores,

Director, Airports Division, FAA, Southwest Region.

[FR Doc. 2019–11989 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0103; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2013–0124]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for twenty four individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 8, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0103; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2013–0124 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET,

Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2014–0103; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2013–0124), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2014–0103; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2013–0124, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2014–0103; FMCSA–2014–0106; FMCSA–2014–0107; FMCSA–2013–0124, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The twenty four individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the twenty six applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The twenty four drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of March 3, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Kevin Ballard (TX)
Scott Friede (TX)
Brandon Veronie (LA)
Anthony Witcher (MI)

The drivers were included in docket number FMCSA–2014–0106. Their exemptions are applicable as of March 3, 2019, and will expire March 3, 2021.

As of March 13, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption form the hearing requirement in the FMCSRs for interstate drivers:

Courtney Bertling (OR)
John Huey (TX)
John Hughey (AR)
Scott Putman (TX)
Kirk Soneson (OH)

The drivers were included in docket number FMCSA–2014–0107. Their

exemptions, were applicable March 13, 2019, and will expire March 13, 2021.

As of March 19, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Jared Katakura (HI) and Victor Morales (TX)

The drivers were included in docket numbers FMCSA–2014–0103 and FMCSA–2014–0106. Their exemptions are applicable as of March 19, 2019, and will expire on March 19, 2021.

As of March 29, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following thirteen individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Conley Bowling (NY)
Kareem Douglas (OH)
Craig Eberhart (PA)
Kenneth Frilando (NY)
Nathaniel Godfrey (KY)
Kenneth Harris (TX)
David Helgerson (WI)
Susan Helgerson (WI)
Floyd McClain (OH)
Robert Parrish (CA)
Victor Robinson (IN)
Jesse Shelander, (TX)
John Turner (CO)

The drivers were included in docket numbers FMCSA–2014–0103 and FMCSA–2014–0124. Their exemptions are applicable as of March 29, 2019, and will expire on March 29, 2021.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the twenty four exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: May 29, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–11920 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 74 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 8, 2019.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this

notice (Docket No. FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0121; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds that such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 74 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than five years from its approval date and may be renewed upon application. FMCSA grants exemptions from the vision standard for a two-year period to align with the maximum duration of a driver's medical certification. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 74 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 72 FR 8417; 72 FR 27624; 72 FR 36099; 73 FR 36955; 74 FR 11988; 74 FR 19270; 74 FR 21427; 74 FR 26461; 74 FR 26466; 74 FR 34630; 75 FR 1835; 75 FR 9482; 75 FR 36779; 75 FR 69737; 76 FR 1499; 76 FR 7894; 76 FR 18824; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 29022; 76 FR 29024; 76 FR 37168; 76 FR 37173; 76 FR 37885; 76 FR 44082; 77 FR 40945; 77 FR 41879; 77 FR 52391; 77 FR 64839;

77 FR 70534; 77 FR 74731; 77 FR 74733; 77 FR 75494; 78 FR 9772; 78 FR 12811; 78 FR 12813; 78 FR 12815; 78 FR 16762; 78 FR 22596; 78 FR 22602; 78 FR 24798; 78 FR 26106; 78 FR 27281; 78 FR 37270; 78 FR 41188; 78 FR 46407; 78 FR 51268; 78 FR 51269; 78 FR 57679; 79 FR 24298; 79 FR 65760; 79 FR 69985; 79 FR 72756; 79 FR 73393; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 8927; 80 FR 9304; 80 FR 12248; 80 FR 14220; 80 FR 14223; 80 FR 15863; 80 FR 16502; 80 FR 20558; 80 FR 20562; 80 FR 22773; 80 FR 25766; 80 FR 26320; 80 FR 29152; 80 FR 31636; 80 FR 31640; 80 FR 31957; 80 FR 33007; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 36398; 80 FR 45573; 80 FR 48404; 80 FR 48413; 81 FR 70248; 81 FR 70251; 81 FR 90046; 81 FR 96165; 81 FR 96178; 81 FR 96180; 82 FR 13045; 82 FR 13048; 82 FR 13187; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18956; 82 FR 20962; 82 FR 23712; 82 FR 24430; 82 FR 26224; 82 FR 33542; 82 FR 35050; 82 FR 37499). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below. As of July 2, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 42 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 17504; 70 FR 30997; 71 FR 32183; 71 FR 41310; 72 FR 8417; 72 FR 27624; 72 FR 36099; 73 FR 36955; 74 FR 11988; 74 FR 19270; 74 FR 21427; 74 FR 26466; 75 FR 1835; 75 FR 9482; 75 FR 36779; 75 FR 69737; 76 FR 1499; 76 FR 7894; 76 FR 18824; 76 FR 20078; 76 FR 21796; 76 FR 25762; 76 FR 25766; 76 FR 29024; 76 FR 37173; 76 FR 37885; 77 FR 40945; 77 FR 41879; 77 FR 52391; 77 FR 64839; 77 FR 70534; 77 FR 74731; 77 FR 74733; 77 FR 75494; 78 FR 9772; 78 FR 12811; 78 FR 12813; 78 FR 12815; 78 FR 16762; 78 FR 22596; 78 FR 22602; 78 FR 26106; 78 FR 37270; 78 FR 57679; 79 FR 24298; 79 FR 65760; 79 FR 69985; 79 FR 72756; 79 FR 73393; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 8927; 80 FR 9304; 80 FR 12248; 80 FR 14220; 80 FR 14223; 80 FR 15863; 80 FR 16502; 80 FR 20558; 80 FR 20562; 80 FR 22773; 80 FR 25766; 80 FR 26320; 80 FR 29152; 80 FR 31640; 80 FR 31957; 80 FR 33011; 80 FR 45573; 81 FR 70248; 81 FR 70251; 81 FR 90046; 81 FR 96165; 81 FR 96178; 81 FR 96180; 82 FR 13045; 82 FR 13048; 82 FR 13187; 82 FR 15277; 82 FR 17736; 82 FR 18949; 82 FR 18956; 82 FR 20962; 82 FR 23712; 82 FR 24430; 82 FR 26224; 82 FR 33542; 82 FR 35050; 82 FR 37499):

Luis A. Bejarano (AZ)
Robert W. Blankenship (CA)
Michael R. Bradford (MD)
Ronald G. Bradley (IN)
Justin C. Bruchman (WI)
Douglas S. Dalling (GA)
James M. Demgard (NJ)
Brandon G. Dills (NC)
David L. Ellis (OK)
Larry E. Emanuel (FL)
Michael K. Engemann (MO)
Denise M. Engle (GA)
Kenneth E. Flack, Jr. (AL)
Andrew G. Fornsel (NY)
Anthony A. Gibson (IL)
Robert A. Goerl, Jr. (PA)
Timothy M. Good (MI)
Jeffrey J. Graham (MI)
Wade M. Hillmer (MN)
Michael W. Jensen (CA)
Robert N. Lewis (OH)
Scottie W. Lewis (GA)
Michael J. McGregan (FL)
Anthony R. Miles (NV)
Kenneth H. Morris (NC)
Richard N. Moyer, Jr. (PA)
Al V. Nowviock (IL)
Jerry D. Paul (OK)
George J. Paxson (DE)
John P. Perez (FL)
Garry W. Perkins (NH)
Raymond W. Pitts (FL)
Reginald I. Powell (IL)
John J. Pribanic (TX)
Jason R. Raml (SD)
Charles M. Reese (UT)
Kevin L. Riddle (FL)
Wilbur Robinson (NJ)
Charles H. Smith (IN)
Joseph Stenberg (MT)
Christopher A. Stewart (GA)
James K. Waites (AR)

The drivers were included in docket numbers FMCSA–2005–20560; FMCSA–2006–24783; FMCSA–2006–26653; FMCSA–2009–0054; FMCSA–2009–0321; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2012–0161; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0022; FMCSA–2014–0298; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2016–0207; FMCSA–2016–0209; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0017; FMCSA–2017–0018. Their exemptions are applicable as of July 2, 2019, and will expire on July 2, 2021.

As of July 7, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 31636; 80 FR 48413; 82 FR 33542):

Thomas E. Groves (WV); Stephen T. Hines (NJ); and Herbert S. Lear (PA)

The drivers were included in docket number FMCSA–2015–0049. Their exemptions are applicable as of July 7, 2019, and will expire on July 7, 2021.

As of July 9, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 27281; 78 FR 41188; 80 FR 33007; 82 FR 33542):

Brian G. Dvorak (IL)
Charles T. Spears (VA)
Gregory J. Thurston (PA)
Donald Torbett (IA)

The drivers were included in docket number FMCSA–2013–0028. Their exemptions are applicable as of July 9, 2019, and will expire on July 9, 2021.

As of July 16, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (74 FR 26461; 74 FR 34630; 76 FR 37168; 78 FR 51269; 82 FR 33542):

Steven L. Forristall (WI)
Rocky D. Gysberg (MN)
Charles H. Lefew (VA)
Joseph B. Peacock (NC)

The drivers were included in docket number FMCSA–2009–0121. Their exemptions are applicable as of July 16, 2019, and will expire on July 16, 2021.

As of July 22, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 29022; 76 FR 44082; 78 FR 51268; 80 FR 36398; 82 FR 33542):

Stanley C. Anders (SD)
Joel A. Cabrera (FL)

Sherman W. Clapper (ID)
Ronald R. Fournier (NY)
Ronald D. Jackman II (NV)
Thomas W. Kent (IN)
Robert J. MacInnis (MA)
Larry D. Warneke (WA)

The drivers were included in docket number FMCSA–2011–0102. Their exemptions are applicable as of July 22, 2019, and will expire on July 22, 2021.

As of July 23, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 35699; 80 FR 48404; 82 FR 33542):

Garry D. Burkholder (PA)
Wladyslaw Gogola (IL)
Antonio Gomez (PA)
Acquillious Jackson III (SC)
Jimmy D. Johnson II (TN)
Bradley J. Kearl (UT)
Mark A. Pleskovitch (IL)
Edward J. Puto (CT)
Kyle B. Sharp (MI)
Francis A. St. Pierre (NH)

The drivers were included in docket number FMCSA–2015–0052. Their exemptions are applicable as of July 23, 2019, and will expire on July 23, 2021.

As of July 31, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 24798; 78 FR 46407; 80 FR 36395; 82 FR 33542):

Frank L. O'Rourke (NY); Larry F. Reber (OH); and Edward Swaggerty, Jr. (OH) The drivers were included in docket number FMCSA–2013–0027. Their exemptions are applicable as of July 31, 2019, and will expire on July 31, 2021.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 74 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: May 29, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–11931 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0030]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from four individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2019–0030 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2019–0030), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2019–0030, in

the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2019–0030, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The four individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

III. Qualifications of Applicants

Robert Broxson

Mr. Broxson is a 53-year-old class DMV driver in Alabama. He has a history of epilepsy and has been seizure free since 1991. He takes anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that he is supportive of Mr. Broxson receiving an exemption.

Douglas Day

Mr. Day is a 40-year-old driver in Indiana. He has a history of epilepsy and has been seizure free since 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since 2008. His physician states that he is supportive of Mr. Day receiving an exemption.

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

Logan J. Hertzler

Mr. Hertzler is a 25-year-old class C driver in Pennsylvania. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Hertzler receiving an exemption.

Alexandria Lockhart

Ms. Lockhart is a 27-year-old class C driver in Pennsylvania. She has a history of epilepsy and has been seizure free since April 2011. She takes anti-seizure medication with the dosage and frequency remaining the same since 2011. Her physician states that she is supportive of Ms. Lockhart receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: May 29, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–11932 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2007–27333; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0201; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2013–0024; FMCSA–2013–0169; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2016–0030; FMCSA–2016–0214; FMCSA–2017–0014; FMCSA–2017–0016]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 74 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12294; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2007–27333; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0201; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2011–0057; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2013–0024; FMCSA–2013–0169; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2016–0030; FMCSA–2016–0214; FMCSA–2017–0014; FMCSA–2017–0016, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On April 2, 2019, FMCSA published a notice announcing its decision to renew exemptions for 74 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (84 FR 12665). The public comment period ended on May 2, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the 74 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of May and are discussed below. As of May 7, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 47 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for

interstate CMV drivers (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 68 FR 13360; 69 FR 64806; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16887; 72 FR 1056; 72 FR 11425; 72 FR 11426; 72 FR 12666; 72 FR 25831; 73 FR 35194; 73 FR 46973; 73 FR 48273; 73 FR 54888; 73 FR 76440; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 21427; 75 FR 44050; 75 FR 54958; 75 FR 64396; 75 FR 69737; 75 FR 70078; 75 FR 72863; 75 FR 80887; 76 FR 1499; 76 FR 2190; 76 FR 7894; 76 FR 9856; 76 FR 11215; 76 FR 12215; 76 FR 15361; 76 FR 20076; 76 FR 20078; 76 FR 21796; 77 FR 60008; 77 FR 64582; 77 FR 68200; 77 FR 68202; 77 FR 70534; 77 FR 71671; 77 FR 74273; 77 FR 74731; 77 FR 74733; 78 FR 9772; 78 FR 10251; 78 FR 12811; 78 FR 12815; 78 FR 12822; 78 FR 14405; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR 20379; 78 FR 22596; 78 FR 22602; 78 FR 24296; 78 FR 64274; 78 FR 77778; 79 FR 56104; 79 FR 65759; 79 FR 65760; 79 FR 73397; 79 FR 73687; 80 FR 603; 80 FR 2473; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 9304; 80 FR 12248; 80 FR 12251; 80 FR 12254; 80 FR 14220; 80 FR 14223; 80 FR 15859; 80 FR 15863; 80 FR 16500; 80 FR 16502; 80 FR 16509; 80 FR 20562; 80 FR 29152; 80 FR 33011; 81 FR 15401; 81 FR 45214; 81 FR 66726; 81 FR 96165; 82 FR 12678; 82 FR 13043; 82 FR 13048; 82 FR 18818; 82 FR 18949; 82 FR 23712):

Neal S. Anderson (MN)
Michael L. Bergman (KS)
Joseph L. Beverly (FL)
Barry W. Borger (PA)
Gregory L. Cooper (PA)
Kenneth D. Craig (VA)
Marvin R. Daly (SC)
Deurice K. Dean (MD),
William A. Donovan (WA)
David M. Doub (IN)
Efrain Gonzalez (UT)
Ralph V. Graven (OR)
Michael D. Greene (VT)
Robert J. Hansen (MN),
Carl E. Hess (PA)
Michael R. Holmes (SD)
Shane M. Holum (WA),
Terry R. Hunt (FL)
Mark C. Jeffrey (MT)
James A. Jones (MD)
Joseph E. Jones (GA)
William D. Koiner (TX)
Roosevelt Lawson (AL)
Eugene R. Lydick (VA)
Roberto E. Martinez (WA)
Roy E. Mathews (FL)
David S. Mayo (VA)
Joe L. Meredith, Jr. (VA)
Gerald D. Milner (IL)
James G. Mitchell (AL)
Robert A. Moss (MO)
Gary L. Nicholas (MI)
Thomas G. Normington (WY)
Mark A. Omps (WV)
Johnny A. Peery (MD)
Bobby G. Pool, Sr. (TX)
Zeljko Popovac (VT)
Shannon L. Puckett (KY)
Franklin P. Reigle III (MD)
Bobby L. Rupe (TX)
George D. Ruth (PA)
James A. Smith (WA)
Benjamin Stone (VA)
Donald A. Uplinger II (OH)
Steven M. Veloz (CA)
Steven M. Vujicic (IL)
Charles F. Wotring (OH)

The drivers were included in docket numbers FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2007–27333; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0398; FMCSA–2009–0054; FMCSA–2010–0201; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2011–0010; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2013–0169; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2016–0030; FMCSA–2016–0214. Their exemptions are applicable as of May 7, 2019, and will expire on May 7, 2021.

As of May 13, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 12666; 72 FR 25831; 74 FR 15586; 76 FR 17481; 76 FR 21796; 76 FR 28125; 78 FR 24300; 80 FR 18696; 82 FR 17736; 82 FR 18949; 82 FR 26224):

Andrew R. Cook (VT)
David R. Ford (OH)
Douglas P. Fossum (SD)
Curtis L. Lamb (KS)
Eric D. Pohlmann (MN)
Michael O. Regentik (MI)
Esequiel Rodriguez, Jr. (TX)
Steven D. Scharber (MN)
George K. Sizemore (NC)
Donald E. Stone (VA)

The drivers were included in docket numbers FMCSA–2007–27333; FMCSA–2011–0024; FMCSA–2017–0014. Their exemptions are applicable as of May 13, 2019, and will expire on May 13, 2021.

As of May 19, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 18824; 76 FR 29024; 78 FR 12815; 78 FR 22602; 79 FR 24298; 80 FR 20558; 82 FR 18949):

James O. Cook (GA)
Kevin R. Lambert (NC)
Scott W. Schilling (ND)
Randy E. Sims (WA)
Mark E. Studer (KS)

The drivers were included in docket numbers FMCSA–2011–0057; FMCSA–2013–0022. Their exemptions are applicable as of May 19, 2019, and will expire on May 19, 2021.

As of May 20, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 16912; 78 FR 29431; 80 FR 20559; 82 FR 18949):

Dolan A. Gonzalez, Jr. (FL)
Paul Harpin (AZ)

The drivers were included in docket number FMCSA–2013–0024. Their exemptions are applicable as of May 20, 2019, and will expire on May 20, 2021.

As of May 25, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (82 FR 18954; 82 FR 28734):

Russell R. Dixon (VA)
William M. Hanes (OH)
Dennis L. Spence (WA)

The drivers were included in docket number FMCSA–2017–0016. Their exemptions are applicable as of May 25, 2019, and will expire on May 25, 2021.

As of May 27, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 22773; 80 FR 45573; 82 FR 18949):

Donald W. Donaldson (GA)
Glen E. Robbins (WY)
Steven M. Tewhill (AR)

The drivers were included in docket number FMCSA–2014–0305. Their exemptions are applicable as of May 27, 2019, and will expire on May 27, 2021.

As of May 30, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 46016; 67 FR 57267; 69 FR 62741; 70 FR 17504; 70 FR 30997; 71 FR 62147; 72 FR 27624; 74 FR 19270; 76 FR 9856; 76 FR 20076;

76 FR 25762; 78 FR 16762; 78 FR 26106; 80 FR 26320; 82 FR 18949):

Gerald S. Dennis (IA)
John K. Fank (IL)
Kenneth L. Nau (MD)
Kenneth E. Suter, Jr. (OH)

The drivers were included in docket numbers FMCSA–2002–12294; FMCSA–2005–20560; FMCSA–2011–0010. Their exemptions are applicable as of May 30, 2019, and will expire on May 30, 2021.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 29, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–11947 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0271]

Hours of Service of Drivers: RJR Transportation, Inc. (RJR); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant the application of RJR Transportation, Inc. (RJR) for an exemption to increase the 100 air-mile radius in ''short-haul operations'' to 150 air miles for its drivers. RJR requested the exemption for all its operators of commercial motor vehicles (CMVs) to enable the drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status (RODS) for that day. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: This exemption is effective June 7, 2019 and expires June 7, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–2722. Email: *hoursofservice@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

FMCSA reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305(a)). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

RJR Transportation, Inc. (RJR) requested an exemption to increase the 100 air-mile radius in 49 CFR 395.1(e)(1) to 150 air miles for its drivers. This would enable RJR's drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status (RODS) for that day. If granted, this exemption would spare RJR from having to install electronic logging devices (ELDs) on all its CMVs. RJR is a local trucking operation based in Northern California operating on dedicated routes, with more than 98 percent of its trips within a 100 air-mile radius.

Most of RJR's drivers qualify for and operate under the 100 air-mile radius exemption in 49 CFR 395.1(e)(1); on a weekly or monthly basis, fewer than 5 percent of its drivers may exceed the 100 air-mile radius but none go beyond a 150 air-mile radius. Specifically, RJR services three areas outside the 100 air-mile radius which are all between 100 and 140 air miles from the normal work reporting location. RJR states that it will be forced to make a substantial investment in ELDs for just this short extension of the 100 air-mile radius.

RJR has five drivers who maintain paper RODS, but without this exemption all 60 of its CMVs will need to be equipped with ELDs to give the company the flexibility to put any driver in any vehicle, as it currently does. This represents a substantial and ongoing financial commitment not justified by the infrequent trips beyond the 100-air mile radius.

RJR states that it will continue to utilize automatic event recorders, which capture among other things speed, global positioning system location, hard braking events, and sudden turns. RJR therefore believes that granting the exemption will achieve a level of safety equivalent to the level that would be achieved absent the proposed exemption.

A copy of RJR's application for exemption is available for review in the docket for this notice.

IV. Public Comments

On October 18, 2018, FMCSA published notice of this application and requested public comment (83 FR 52875). The Agency received three comments, two opposed to the RJR exemption request. One comment was non-substantive. One of the commenters opposed to the exemption stated, ''The number of requests for consideration for the FMCSA to increase the parameters of Part 395.1, *i.e.,* increase the 100 air-mile radius to 150 air-mile radius and increase the 12 hours to 14 hours are directly related to Part 395.1 and exclusions from Part 395.8's ELD requirements. Again, if the FMCSA approves the request it will open the flood gates for more exceptions from other carriers desiring the same consideration. Once the FMCSA approves the request it will be difficult to refuse other applicants request for the same consideration. In my opinion the FMCSA should deny the request and look at Part 395.1 to see if there's any safety analysis to support expanding Part 395.1's exception from the ELD.''

FMCSA is obligated to review all exemption requests and to compare the standards set forth in the existing regulation to the requested exemption. If the applicant for the exemption provides alternatives that likely will

achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation, then FMCSA will approve the exemption request. RJR's application explained an infrequent use of the granted exemption and provided alternatives to ensure a level of safety equivalent to or greater than would be achieved. The terms and conditions outlined in this notice are intended to ensure uniformed enforcement on RJR drivers.

V. FMCSA Decision

FMCSA has evaluated RJR's application and the public comments and decided to grant the exemption. The Agency believes that the drivers of RJR's CMVs who are exempt will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)]. The exemption will allow RJRs drivers not exceeding the 150 air-mile radius to utilize time records instead of a record of duty status (RODS) for that day. The commenter's ''flood gates'' argument is not persuasive because exemptions are specific to the circumstances of the applicant. One exemption decision does not set a precedent for a different exemption application.

VI. Terms and Conditions for the Exemption

- Drivers must have a copy of this notice or signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- Vehicles operated under the exemption must be equipped with automatic event recorders that capture speed, global positioning system location, hard breaking events, and sudden turns.
- Drivers may not travel beyond the 150 air-mile radius to be exempted from having to complete a record of duty status (RODS) for that day.
- Drivers must return to the work reporting location at the end of their shift.
- Drivers must have at least 10 consecutive hours off duty.
- This exemption is limited to the provisions of 49 CFR 395.1(e)(1)(i). These drivers must comply will all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Identity of the exemption: ''RJR''

(b) Name of operating motor carrier,

(c) Date of the accident,

(d) City or town, and State, in which the accident occurred, or closest to the accident scene,

(e) Driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

(k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record.

Interested parties or organizations possessing information that would otherwise show that this motor carrier is not achieving the requisite statutory level of safety should immediately notify FMCSA.

The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of this exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company and drivers in question.

Issued on: May 30, 2019.

Raymond P. Martinez,

Administrator.

[FR Doc. 2019–11919 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0403]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from seven individuals treated with Implantable Cardioverter Defibrillators (ICDs) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0403, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public

to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On February 27, 2019, FMCSA published a FR notice (84 FR 6463) announcing receipt of applications from seven individuals treated with ICDs and requested comments from the public. These seven individuals requested an exemption from 49 CFR 391.41(b)(4) which prohibits operation of a CMV in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. The public comment period closed on March 29, 2019, and three comments were received.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(4). A summary of each applicant's medical history related to their ICD exemption request was discussed in the February 27, 2019, **Federal Register** notice and will not be repeated in this notice.

In reaching the decision to deny these exemption requests, the Agency considered information from the Cardiovascular Medical Advisory Criteria, the April 2007 Evidence Report ''Cardiovascular Disease and Commercial Motor Vehicle Driver Safety, a December 2014 focused research report ''Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed.'' Copies of the reports are included in the docket.

FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [Appendix A to Part 391—Medical Advisory Criteria, section D, paragraph 4]. The advisory criteria for 49 CFR 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not medically disqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope.

III. Discussion of Comments

FMCSA received three comments in this proceeding. All three commenters were private citizens in support of granting ICD exemptions to these three individuals.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater then, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information provided by the applicant, available medical and scientific data concerning ICD's, and public comments received.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope (a transient loss of consciousness) or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. See the April 2007 Evidence Report on Cardiovascular Disease and Commercial Motor vehicle Driver Safety, April 2007.[1] A focused research report on Implantable Cardioverter Defibrillators and the Impact of a Shock on a Patient When Deployed completed for the FMCSA December 2014 indicates that the available scientific data on persons with ICDs and CMV driving does not support that persons with ICDs who operate CMVs are able to meet an equal or greater level of safety and upholds the findings of the April 2007 report.

V. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following applicants have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(4):

Mark Caviola (NY)
John J. Groff (PA)
Kevin L. Krueger (NE)
Michael R. Miller (CA)
Anthony Saitta (NY)
William Allen Spivey (NC)
Aaron J. Thomas (GA)

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

Issued on: May 29, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–11946 Filed 6–6–19; 8:45 am]

BILLING CODE 4910–EX–P

[1] Now available at *http://ntl.bts.gov/lib/30000/30100/30123/Final_CVD_Evidence_Report_v2.pdf.*

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

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

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 3, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the Special Permits thereof
20879–N	AVIALL SERVICES, INC	172.200, 172.300, 172.400, 173.159(j), 173.159(j)(3), 173.159(j)(4).	To authorize the transportation in commerce of nickel-cadmium batteries as not subject to the requirements of the HMR. (modes 1, 4, 5).
20881–N	ARKEMA INC	172.102(c)(7)	To authorize the transportation in commerce of certain Class 3 hazardous materials in non-UN portable tanks. (mode 1)
20882–N	STANLEY BLACK & DECKER, INC.	173.6(a)(1)(ii), 173.6(d)	To authorize the transportation in commerce of lithium ion batteries as materials of trade when each package has a gross mass exceeding 30 kg and the aggregate weight exceeds 200 kg. (mode 1).
20887–N	ERA HELICOPTERS, LLC	172.101(j)	To authorize the transportation of lithium ion batteries aboard a passenger-carrying aircraft operating in a helicopter air ambulance configuration. (mode 5).
20892–N	NATURAL CHOICE CORPORATION.	172.200, 172.300, 172.500, 172.400.	To authorize the transportation in commerce of DOT 3AL cylinders with alternate hazard communication. (mode 1).
20893–N	DAIMLER AG	173.220(d)	To authorize the transportation in commerce of untested lithium batteries contained in a flammable liquid powered vehicle. (mode 4).

[FR Doc. 2019–11968 Filed 6–6–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

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

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 03, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA—Granted			
5022–M	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	174.84, 174.101(l), 174.112(a), 176.116(e), 176.138(b), 177.834(l)(1).	To modify the special permit to ensure safe testing of all size fuel tanks.
14756–M	UNIVATION TECHNOLOGIES, LLC.	173.242(c)	To modify the special permit to authorize the 5 year periodic pressure test to be performed pneumatically with nitrogen and to allow party status to the permit.
16461–M	CYLINDER SALES AND TESTING, LLC.	172.203(a), 172.301(c), 173.302a(b), 180.205.	To modify the special permit to remove the annual gain control accuracy test and replace it with a onetime check at manufacture.
20651–M	ATIEVA USA, INC	172.101(j)	To modify the special permit to authorize additional packaging.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20703–N	PERMA–FIX ENVIRONMENTAL SERVICES, INC.	173.420	To authorize the transportation in commerce of uranium hexafluoride in packaging not authorized in the HMR.
20795–N	JAGUAR INSTRUMENTS INC.	173.302a(a)(1), 173.304a(a)(1).	To authorize the manufacture, mark, sale, and use of non-DOT specification pressure vessels.
20801–M	WALMART INC	172.315(a)(2)	To modify the special permit to remove the requirement that a copy of the special permit be presented to the air carrier before or at the time the shipment is tendered and the requirement that a copy of the special permit accompany each shipment.
20823–M	ARKEMA INC	173.22	To modify the special permit to authorize the transportation of 26 additional drums with potentially leaky valves.
20839–N	A123 SYSTEMS LLC	172.101(j)	To authorize the transportation in commerce of lithium battery assemblies exceeding 35 kg aboard cargo-only aircraft.
20843–N	SPACEFLIGHT, INC	173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries contained in spacecraft by air.
20852–N	GENERAL DYNAMICS MISSION SYSTEMS, INC.	173.185(a)(1)(i)	To authorize the transportation in commerce of prototype lithium ion and lithium metal batteries contained in equipment by cargo aircraft.
20872–N	SAP SE	172.101(j), 173.185(b)(5)	To authorize the transportation in commerce of lithium batteries and cells in excess of 35 kg by cargo-only aircraft.
20873–N	PROPACK INTERNATIONAL, INC.	172.101(j)	To authorize the transportation in commerce certain lithium batteries with a net mass greater than 35 kg aboard cargo-only aircraft.
20880–N	DEPARTMENT OF THE ARMY (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.185(e)	To authorize the emergency transportation in commerce of prototype and low production lithium-ion batteries contained in equipment.
20884–N	NATIONAL AIR CARGO GROUP, INC.	172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation of explosives by cargo aircraft.
20891–N	ENVIRONMENTAL PROTECTION AGENCY.	49 CFR subchapter C	To authorize the transportation in commerce of non-radioactive hazardous materials to staging areas within 200 miles of the point of origin by persons conducting operations under the direction of and under alternative safety requirements imposed by the grantee to this special permit within the Nebraska and Iowa disaster areas.
SPECIAL PERMITS DATA—Denied			
20684–M	LINDE GAS NORTH AMERICA LLC.	179.7, 179.300–15, 180.519(a).	To authorize domestic use of the tank cars.
20803–N	HYPERCOMP ENGINEERING, INC.	173.302a(a)(1)	To authorize the manufacture, mark, sale, and use of a non-DOT specification composite overwrapped pressure vessel containing hydrogen.
20804–N	HYPERCOMP ENGINEERING, INC.	173.302a(a)(1)	To authorize the manufacture, mark, sale, and use of non-DOT specification composite overwrapped pressure vessels containing oxygen.
SPECIAL PERMITS DATA—Withdrawn			
16532–M	GENERAL ELECTRIC COMPANY.	173.185(f)	To authorize an increase in the watt hours of cells and batteries, to 300 and 10,800 respectively.
20474–M	SPACE EXPLORATION TECHNOLOGIES CORP.	105.30, 172.300, 172.400	To modify the special permit to only require a DANGEROUS placard when transporting the recovered Dragon 2 capsule.
20628–N	STANLEY BLACK & DECKER, INC.	172.704, 172.800, 172.200	To authorize the transportation in commerce of lithium batteries without being subject to shipping papers, training and emergency response information requirements.
20841–N	STERILMED, INC	172.203(a), 172.302(c), 173.134(b)(12)(i).	To authorize the transportation in commerce of medical equipment in accordance with 49 CFR 173.134(b)(12)(i) when some medical equipment will ultimately be sent for disposal.
20860–N	REYNOLDS SYSTEMS, INC	172.320, 173.54(a), 173.54(j), 173.56(b), 173.57, 173.58, 173.60.	To authorize the transportation in commerce of detonators and exploding foil deflagrating initiators that have not been approved in accordance with 173.56(b).
20886–N	Cuberg, Inc	173.185(a)	To authorize the transportation in commerce of untested lithium cells aboard cargo-only aircraft.
20889–N	EoCell, Inc	173.185(a)	To authorize the transportation in commerce of prototype lithium batteries aboard cargo-only aircraft.

[FR Doc. 2019–11970 Filed 6–6–19; 8:45 am]
BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modifications to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before June 24, 2019.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 3, 2019.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
7657–M	WELKER, INC	173.201, 173.202, 173.203, 173.301(f)(2), 173.302a(a)(1), 173.304(a), 177.840(a)(1).	To modify the special permit to add additional hazmat. (modes 1, 2, 3, 4)
10501–M	SEMI–BULK SYSTEMS, INC	180.352(d)	To modify the special permit to authorize the repair of UN13L2 flexible IBCs with a larger capacity and different cross-sectional shape. (modes 1, 2, 3)
11110–M	UNITED PARCEL SERVICE CO.	171.8, 175.75	To modify the special permit to add additional air carriers. (mode 4)
11859–M	CARLETON TECHNOLOGIES, INC.	173.301(f), 173.302a(a), 178.65.	To modify the special permit to update the tube welding test procedure to the most current production drawings. (modes 1, 2, 4)
12516–M	POLY–COAT SYSTEMS, INC	107.503(b), 107.503(c), 173.241, 173.242.	To modify the special permit to remove the request to get authorization from the Approvals and Permits Division before modifying, stretching or re-barreling. (mode 1)
14526–M	KIDDE TECHNOLOGIES INC	173.302, 173.302a	To modify the special permit to add additional safety control measures. (modes 1, 2, 3, 4)
14576–M	STRUCTURAL COMPOSITES INDUSTRIES LLC.	172.101(j), 173.302a(a)(1)	To modify the special permit to reduce the burst pressure from 3.4 times service pressure to 3.0 times the service pressure. (modes 1, 3, 4)
15279–M	UNIVERSITY OF COLORADO AT BOULDER, EHS.	172.301(a), 172.301(b), 172.301(c), 173.196(a), 173.196(b), 178.609.	To modify the special permit to authorize a new destination for the material transfer. (mode 1)
16118–M	TOYOTA MOTOR SALES USA INC.	173.301(a)(1)	To modify the special permit to include language that the permit acts like a competent authority for international shipments. (modes 1, 2, 3, 4)
16140–M	ERA HELICOPTERS, LLC	172.101(j)	To modify the special permit to add additional hazmat, to expand the transport zones and to add support for the space program. (mode 5)
16172–M	ENTEGRIS, INC	173.301(f)	To modify the special permit to authorize an additional hazmat. (modes 1, 3)
16308–M	VERO BIOTECH LLC	173.175	To modify the special permit to clarify the packaging used description. (modes 1, 2, 3, 4, 5)
16524–M	QUANTUM FUEL SYSTEMS LLC.	173.302(a)	To modify the special permit to authorize a lighter class of tow vehicle. (modes 1, 2, 3)
20323–M	GENERAL DYNAMICS MISSION SYSTEMS, INC.	173.185(a)(1)(i)	To modify the special permit to authorize the transportation of prototype, and low-production lithium ion batteries contained in equipment. (mode 4)
20323–M	GENERAL DYNAMICS MISSION SYSTEMS, INC.	173.185(a)(1)(i)	To modify the special permit to authorize transportation of prototype Lithium Ion Batteries and Lithium Metal Batteries contained in equipment. (mode 4)
20352–M	SCHLUMBERGER TECHNOLOGY CORP.	173.301(f), 173.302(a), 173.304(a), 173.304(d), 178.36(f).	To modify the special permit to authorize a thinner cylinder wall thickness of the cylinder. (modes 1, 2, 3)

SPECIAL PERMITS DATA—Continued

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20396–M	HEXAGON DIGITAL WAVE LLC.	180.205(g)	To modify the special permit to authorize the requalification of tanks manufactured under DOT–SP 20391, 16524, 20507 and 20418 using modal acoustic emission (MAE) test method. (modes 1, 2, 3)
20549–M	CELLBLOCK FCS, LLC	172.400, 172.700(a), 172.102(c)(1), 172.200, 172.300.	To modify the special report to correct the holder name. (modes 1, 3)
20549–M	CELLBLOCK FCS, LLC	172.400, 172.700(a), 172.102(c)(1), 172.200, 172.300.	To modify the special permit to authorize the transportation in commerce of larger batteries (Wh > 300) without shipping papers, labeling, marking and training. (modes 1, 3)
20571–M	CATALINA CYLINDERS, INC	173.302a, 178.71(l)(1)(i), 178.71(l)(1)(ii).	To modify the special permit to authorize a 15 year service life from the cylinder's date of manufacture. (modes 1, 2, 3, 4)
20687–M	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	172.203(a), 172.203(k), 172.301(c).	To modify the special permit to add additional Division 6.1 hazmat. (modes 1, 4, 5)
20709–M	DAIMLER AG	172.101(j), 173.185(a)	To modify the special permit to authorize an increase in the battery and package weight. (mode 4)

[FR Doc. 2019–11969 Filed 6–6–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 10, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Wednesday, July 10, 2019, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–12002 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 10, 2019.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Wednesday, July 10, 2019, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–12001 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 11, 2019.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Thursday, July 11, 2019, at 3:00 p.m. Eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–11999 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 11, 2019.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Thursday, July 11, 2019, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–11996 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 10, 2019.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, July 10, 2019, 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–12000 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 25, 2019.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, July 25, 2019, at 1:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Gilbert Martinez at 1–888–912–1227 or (737–800–4060), or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–11997 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving

customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, July 9, 2019.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1–888–912–1227 or (336) 690–6217.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be held Tuesday, July 9, 2019, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Conchata Holloway. For more information please contact Conchata Holloway at 1–888–912–1227 or (336) 690–6217, or write TAP Office, 4905 Koger Blvd., Greensboro, NC 27407 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: June 3, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–11998 Filed 6–6–19; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 84 Friday,

No. 110 June 7, 2019

Part II

The President

Proclamation 9903—Honoring the Victims of the Tragedy in Virginia Beach, Virginia

Federal Register
Vol. 84, No. 110
Friday, June 7, 2019

Presidential Documents

Title 3—

The President

Proclamation 9903 of June 1, 2019

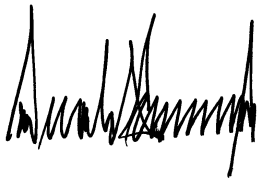
Honoring the Victims of the Tragedy in Virginia Beach, Virginia

By the President of the United States of America

A Proclamation

Our Nation grieves with those affected by the tragic shooting at the Virginia Beach Municipal Center in Virginia Beach, Virginia. Americans unite in praying for God to comfort the injured and heal the wounded. May God be with the victims and bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on May 31, 2019, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, June 4, 2019. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred forty-third.



[FR Doc. 2019–12233
Filed 6–6–19; 11:15 am]
Billing code 3295–F9–P

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