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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, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on June 7, 2019, amending Class E airspace extending upward from 700 feet or more above the surface in Monroe, GA. The legal description listed the airport name as Monroe-County Airport. The correct name is Monroe-Walton County 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.

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:

History

The FAA published a final rule in the **Federal Register** (84 FR 26558, June 7, 2019) for Docket No. FAA–2019–0206 amending 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.

Subsequent to publication, the FAA found that the legal description listed the airport name as Monroe-County Airport. This action corrects the error.

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 designations listed in this document will be published subsequently in the Order.

Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of June 7, 2019 (84 FR 26558) FR Doc. 2019–0206, Amendment of Class E Airspace; Monroe, GA, is corrected as follows:

§ 71.1 [Amended]

* * * * *

ASO GA E5 Monroe, GA [Corrected]

On page 26559, column 2, line 58, remove ''Monroe-County Airport'', and add in its place, ''Monroe-Walton County Airport''

Issued in College Park, Georgia, on June 12, 2019.

Matthew Cathcart,

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

[FR Doc. 2019–13288 Filed 6–21–19; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 190503424–9424–01]

RIN 0694–AH83

Addition of Entities to the Entity List and Revision of an Entry on the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding five entities to the Entity List. These five entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These entities will be listed on the Entity List under the destination of China. This rule also modifies one entry on the Entity List under the destination of China.

DATES: This rule is effective June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to part 744 of the Export Administration Regulations (EAR)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States. The EAR (15 CFR, subchapter C, parts 730–774) imposes additional license requirements on, and limits the availability of most license exceptions for, exports, reexports, and transfers (in-country) to listed entities. The license review policy for each listed entity is identified in the ''License review policy'' column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** notice adding entities to the Entity List. BIS places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decision

Additions to the Entity List

Under § 744.11(b) (Criteria for revising the Entity List) of the EAR, entities for which there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States, and those acting on behalf of such persons, may be added to the Entity List.

Pursuant to § 744.11(b) of the EAR, the ERC determined that Chinese entities Sugon and the Wuxi Jiangnan Institute of Computing Technology are involved in activities determined to be contrary to the national security and foreign policy interests of the United States. Sugon also is, as further described below, the majority owner of Higon, and Higon has ownership interests in Chengdu Haiguang Integrated Circuit and Chengdu Haiguang Microelectronics Technology. Accordingly, the ERC has also determined that Higon, Chengdu Haiguang Integrated Circuit, and Chengdu Haiguang Microelectronics Technology pose a significant risk of being or becoming involved in activities contrary to the national security and foreign policy interests of the United States.

Sugon, the Wuxi Jiangnan Institute of Computing Technology, and the National University of Defense Technology (NUDT) are the three entities leading China's development of exascale high performance computing. Sugon has publicly acknowledged a variety of military end uses and end users of its high-performance computers. Wuxi Jiangnan Institute of Computing Technology is owned by the 56th Research Institute of the General Staff of China's People's Liberation Army. Its mission is to support China's military modernization. NUDT was added to the Entity List in February 2015, because of its use of U.S-origin multicores, boards, and (co)processors to power supercomputers believed to support nuclear explosive simulation and military simulation activities. Since then, NUDT has procured items under the name Hunan Guofang Kei University using four separate, additional addresses not already listed on the Entity List.

Sugon is the majority owner of Higon, as noted above. Higon's business activities include integrated circuits, electronic information systems, software development, and computer system integration. Chengdu Haiguang Integrated Circuit is majority owned by Higon, and designs X86 architecture computer chips for network information servers. Chengdu Haiguang Microelectronics Technology is engaged in integrated circuit production (including design and/or manufacturing) and has a substantial ownership share by Higon through a second joint venture.

The ERC determined that the activities of Sugon, the Wuxi Jiangan Institute of Computing Technology, the NUDT under its alias Hunan Guofang Kei University, as well as Sugon's majority ownership of Higon and Higon's ownership interests in Chengdu Haiguang Integrated Circuit and Chengdu Haiguang Microelectronics Technology, raise sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving these entities, and the possible imposition of license conditions or license denials on shipments to these entities, will enhance BIS's ability to prevent activities contrary to the national security and foreign policy interests of the United States.

For the five entities added to the Entity List in this final rule, BIS imposes a license requirement for all items subject to the EAR and a license review policy of presumption of denial. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List by this rule. The acronym ''a.k.a.'' (also known as) is used in entries on the Entity List to identify aliases, thereby assisting exporters, reexporters, and transferors in identifying entities on the Entity List.

This final rule adds the following five entities to the Entity List in China:

- Chengdu Haiguang Integrated Circuit, including two aliases (Hygon and Chengdu Haiguang Jincheng Dianlu Sheji);
- Chengdu Haiguang Microelectronics Technology, including two aliases (HMC and Chengdu Haiguang Wei Dianzi Jishu);
- Higon, including five aliases (Higon Information Technology, Haiguang Xinxi Jishu Youxian Gongsi, THATIC, Tianjing Haiguang Advanced Technology Investment, and Tianjing Haiguang Xianjin Jishu Touzi Youxian Gongsi);
- Sugon, including nine aliases (Dawning, Dawning Information Industry, Sugon Information Industry, Shuguang, Shuguang Information Industry, Zhongke Dawn, Zhongke Shuguang, Dawning Company, and Tianjin Shuguang Computer Industry);
- Wuxi Jiangnan Institute of Computing Technology, including two aliases (Jiangnan Institute of Computing Technology and JICT).

Modification to the Entity List

This final rule implements the decision of the ERC to modify one existing entry, NUDT, which was added to the Entity List under the destination of China on February 18, 2015 (80 FR 8527). BIS is modifying the existing entry National University of Defense Technology (NUDT) to add one alias (Hunan Guofang Keji University) and four locations.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on June 24, 2019, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852), which provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in sec. 1768 of ECRA, all delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 *et seq.*) (as in effect prior to August 13, 2018 and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 8, 2018, 83 FR 39871 (August 13, 2018)), or the Export Administration Regulations, and were in effect as of August 13, 2018, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of ECRA.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor 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 regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 42.5 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to sec. 1762 of the Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115–232), which was included in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for part 744 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of September 19, 2018, 83 FR 47799 (September 20, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018); Notice of January 16, 2019, 84 FR 127 (January 18, 2019).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. under CHINA, PEOPLE'S REPUBLIC OF, by adding in alphabetical order, five Chinese entities, ''Chengdu Haiguang Integrated Circuit,'' ''Chengdu Haiguang Microelectronics Technology,'' ''Higon,'' ''Sugon,'' and ''Wuxi Jiangnan Institute of Computing Technology'';

■ b. under CHINA, PEOPLE'S REPUBLIC OF, by revising the entry ''National University of Defense Technology (NUDT)''.

The additions and revisions read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF.	*	*	*	*
	Chengdu Haiguang Integrated Circuit, a.k.a., the following two aliases: —Hygon; *and* —Chengdu Haiguang Jincheng Dianlu Sheji. China (Sichuan) Free Trade Zone, No. 22–31, 11th Floor, E5, Tianfu Software Park, No. 1366, Middle Section of Tianfu Avenue, Chengdu High-tech Zone, Chengdu, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	84 FR [INSERT FR PAGE NUMBER], 6/24/19.
	Chengdu Haiguang Microelectronics Technology, a.k.a., the following two aliases: —HMC; *and* —Chengdu Haiguang Wei Dianzi Jishu.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	84 FR [INSERT FR PAGE NUMBER], 6/24/19.

Country	Entity	License requirement	License review policy	**Federal Register** citation
	China (Sichuan) Free Trade Zone, No. 23–32, 12th Floor, E5, Tianfu Software Park, No. 1366, Middle Section of Tianfu Avenue, Chengdu High-tech Zone, Chengdu, China.			
	* *	*	* *	*
	Higon, a.k.a., the following five aliases: —Higon Information Technology; —Haiguang Xinxi Jishu Youxian Gongsi; —THATIC; —Tianjing Haiguang Advanced Technology Investment; *and* —Tianjing Haiguang Xianjin Jishu Touzi Youxian Gongsi. Industrial Incubation-3–8, North 2–204, 18 Haitai West Road, Huayuan Industrial Zone, Tianjin, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	84 FR [INSERT FR PAGE NUMBER], 6/24/19.
	* *	*	* *	*
	National University of Defense Technology (NUDT), a.k.a., the following one alias: —Hunan Guofang Keji University. Garden Road (Metro West), Changsha City, Kaifu District, Hunan Province, China; *and* 109 Deya Road, Kaifu District, Changsha City, Hunan Province, China, *and* 47 Deya Road, Kaifu District, Changsha City, Hunan Province, China, *and* 147 Deya Road, Kaifu District, Changsha City, Hunan Province, China, *and* 47 Yanwachi, Kaifu District, Changsha, Hunan, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	80 FR 8527, 2/18/15. 84 FR [INSERT FR PAGE NUMBER], 6/24/19.
	* *	*	* *	*
	Sugon, a.k.a., the following nine aliases: —Dawning; —Dawning Information Industry; —Sugon Information Industry; —Shuguang; —Shuguang Information Industry; —Zhongke Dawn; —Zhongke Shuguang; —Dawning Company; *and* —Tianjin Shuguang Computer Industry. Sugon Building, No. 36 Zhongguancun Software Park, No. 8 Dongbeiwang West Road, Haidian District, Beijing; *and* No. 15, Haitai Huake Street, Huayuan Industrial Zone, Tianjin; *and* Sugon Science and Technology Park, No. 64 Shuimo West Street, Haidian District, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	84 FR [INSERT FR PAGE NUMBER], 6/24/19.
	* *	*	* *	*
	Wuxi Jiangnan Institute of Computing Technology, a.k.a., the following two aliases: —Jiangnan Institute of Computing Technology; *and* —JICT. No. 699, Shanshui East Road, Binhu District, Wuxi City, China, *and* No. 188, Shanshui East Road, Binhu District, Wuxi City, China.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	84 FR [INSERT FR PAGE NUMBER], 6/24/19.
	* *	*	* *	*
*	* *	*	* *	*

Dated: June 18, 2019.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2019–13245 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 338

[Docket ID: DOD–2019–OS–0013]

RIN 0790–AK55

Availability to the Public of Defense Nuclear Agency (DNA) Instructions and Changes Thereto

AGENCY: Defense Threat Reduction Agency (DTRA), Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: This final rule removes an obsolete DoD regulation (last updated on December 10, 1991) which provides information related to public requests for Defense Nuclear Agency (DNA) records. DNA is an obsolete predecessor organization of DTRA. As a result, this part should be removed.

DATES: This rule is effective on June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Todd A. Cimbura at 571–616–5941.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this rule for public comment is impracticable, unnecessary, and contrary to public interest since it is based on the removal of obsolete information. Due to the disestablishment of the DNA and the eventual incorporation of its successor organization into DTRA, 32 CFR part 338 (last updated on December 10, 1991 at 56 FR 64482) is obsolete. Additionally, the public retains the ability to obtain information using established DoD Freedom of Information Act procedures outlined in 32 CFR part 286, ''DoD Freedom of Information Act (FOIA) Program,'' by submitting a request to DTRA's FOIA Office at *http://www.dtra.mil/Home/Freedom-of-Information-Act-and-Privacy-Act/.*

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

List of Subjects in 32 CFR Part 338

Freedom of information.

PART 338—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 338 is removed.

Dated: June 17, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–13199 Filed 6–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2019–0457]

Special Local Regulations; Seattle Seafair Unlimited Hydroplane Race, Lake Washington, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: This year the Seattle Seafair Unlimited Hydroplane Race Special Local Regulation on Lake Washington, WA will be subject to enforcement from 7 a.m. until 7 p.m. daily, from August 1 through August 4. This action is necessary to ensure public safety from the inherent dangers associated with high-speed, hydroplane races, while allowing race area access for rescue personnel in the event of an emergency. While these regulations are subject to enforcement, no person or vessel will be allowed to enter Zone 1 of the regulated area without the permission of the Captain of the Port, on-scene Patrol Commander, or her Designated Representative.

DATES: The regulations in 33 CFR 100.1301 will be subject to enforcement from 7 a.m. until 7 p.m. on August 1, 2019, through August 4, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Ellie Wu, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6051, email *SectorPugetSound@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Seattle Seafair Unlimited Hydroplane Race special local regulations in 33 CFR 100.1301 will be subject to enforcement daily, from 7 a.m. until 7 p.m., from August 1, 2019, through August 4, 2019. Hydroplane races are scheduled to take place within these time periods.

Under the provisions of 33 CFR 100.1301, the Coast Guard will restrict general navigation in the following area: All waters of Lake Washington bounded by the Interstate 90 (Mercer Island/Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

The regulated area has been divided into two zones. The zones are separated by a line perpendicular from the I–90 Bridge to the northwest corner of the East log boom and a line extending from the southeast corner of the East log boom to the southeast corner of the hydroplane race course and then to the northerly tip of Ohlers Island in Andrews Bay. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA Chart 18447).

The Coast Guard will maintain a patrol consisting of Coast Guard vessels, assisted by Coast Guard Auxiliary vessels, in Zone II. The Coast Guard patrol of this area is under the direction of the Coast Guard Patrol Commander (the ''Patrol Commander''). The Patrol Commander is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is subject to enforcement. The Patrol Commander may be assisted by other federal, state and local law enforcement agencies.

Only vessels authorized by the Patrol Commander may be allowed to enter Zone I during the hours this regulation is subject to enforcement. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by the Patrol Commander.

During the times in which the regulation is subject to enforcement, the following rules will apply:

(1) Swimming, wading, or otherwise entering the water in Zone I by any person is prohibited while hydroplane boats are on the race course. At other times in Zone I, any person entering the water from the shoreline shall remain west of the swim line, denoted by buoys, and any person entering the water from the log boom shall remain within 10 feet of the log boom.

(2) Any person swimming or otherwise entering the water in Zone II shall remain within 10 feet of a vessel.

(3) Rafting to a log boom will be limited to groups of three vessels.

(4) Up to six vessels may raft together in Zone II if none of the vessels are secured to a log boom. Only vessels authorized by the Patrol Commander, other law enforcement agencies or event sponsors shall be permitted to tow other watercraft or inflatable devices.

(5) Vessels proceeding in either Zone I or Zone II during the hours this

regulation is subject to enforcement shall do so only at speeds, which will create minimum wake, 7 miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(6) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of 7 miles per hour or less. The maximum speed may be reduced at the discretion of the Patrol Commander.

(7) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the Patrol Commander shall serve as signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

The Captain of the Port may be assisted by other federal, state and local law enforcement agencies in enforcing this regulation.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 18, 2019.

L.A. Sturgis,

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

[FR Doc. 2019–13273 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0367]

RIN 1625–AA00

Safety Zone; Tuskegee Airmen River Days Air Show, Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters in the vicinity of Detroit, MI. This zone is necessary to protect spectators and vessels from potential hazards associated with the Tuskegee Airmen River Days Airshow.

DATES: This temporary final rule is effective from 12:30 p.m. on June 21, 2019 until 8 p.m. on June 24, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0367 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 temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
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. The Coast Guard did not receive the final details of this air show in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule and immediate action is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the airshow is conducted.

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 inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event.

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 Detroit (COTP) has determined that an aircraft aerial display proximate to a gathering of watercraft poses a significant risk to public safety and property. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the airshow is being displayed.

IV. Discussion of the Rule

This rule establishes a safety zone from 12:30 p.m. on June 21, 2019 until 8 p.m. on June 24, 2019. The safety zone will encompass all U.S. navigable waters of the Detroit River between the following two lines extending from 70 feet off the bank to the US/Canadian demarcation line: The first line is drawn directly across the channel at position 42°18.995′ N, 083° 04.285′ W (NAD 83); the second line, to the east, is drawn directly across the channel at position 42°19.574′ N 083°02.622′ W (NAD 83). 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-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Detroit River for no more than four hours per day from 12:30 p.m. on June 21, 2019 until 8 p.m. June 24, 2019. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNM) via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 lasting two hours that will prohibit entry into a designated area. 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 record keeping 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.T09–0367 to read as follows:

§ 165.T09–2019–0367 Safety Zone; Tuskegee Airmen River Days Air show, Detroit River, Detroit, MI.

(a) *Location.* The safety zone will encompass all U.S. navigable waters of the Detroit River between the following two lines extending from 70 feet off the bank to the US/Canadian demarcation line: the first line is drawn directly across the channel at position 42°18.995′ N, 083° 04.285′ W (NAD 83); the second line, to the east, is drawn directly across the channel at position 42°19.574′ N 083°02.622′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 12:30 p.m. through 3 p.m. on June 21, 2019; 3 p.m. through 5:30 p.m. on June 22, 2019 and June 23, 2019; and 4 p.m. until 8 p.m. on June 24, 2019.

(c) *Regulations.* (1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his

on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: June 14, 2019.

Jeffrey W. Novak,

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

[FR Doc. 2019–13133 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0489]

Recurring Safety Zone; EQT 4th of July Celebration, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the EQT 4th of July Fireworks to provide for the safety of persons, vessels, and the marine environment on the navigable waters of the Allegheny, Ohio, and Monongahela River during this event. Our regulation for the marine events within the Eighth Coast Guard District identifies the regulated area for the event in Pittsburgh, PA. During the enforcement periods, entry into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh or a designated representative.

DATES: The regulations in 33 CFR 165.801, Table 1, Line 47, will be enforced on July 4, 2019 from 9 p.m. to 10:40 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Charles Morris, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–670–4288, email *Charles.F.Morris@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone for the EQT 4th of July Celebration in 33 CFR 165.801, Table 1, Line 47, on July 4, 2019 from 9 p.m. to 10:40 p.m. This action is being taken to provide for the safety of persons, vessels, and the marine environment on the navigable waters of the Ohio River during this event. Our regulation for marine events within the Eighth Coast Guard District, § 165.801 specifies the location of the regulated area for the EQT 4th of July Celebration. Entry into the regulated area is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the regulated area must request permission from the COTP or a designated representative. They can be reached on VHF FM channel 16. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

In addition to this notice of enforcement in the **Federal Register**, the COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), Marine Safety Information Bulletins (MSIBs), and/or through other means of public notice as appropriate at least 24 hours in advance of each enforcement.

Dated: June 19, 2019.

S. Miros,

Lieutenant Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh, Acting.

[FR Doc. 2019–13384 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0393; FRL–9995–42–Region 5]

Air Plan Approval; Ohio; Open Burning Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the open burning standards in the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). On June 4, 2018, the Ohio Environmental Protection Agency (Ohio) requested the approval of its revised open burning rules, which include changes pertaining to certain types of open burning, adding requirements for air curtain burners, allowing law enforcement to burn seized drugs, further restricting the materials that may be burned, and updating definitions and references. Ohio is in attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter.

DATES: This final rule is effective on July 24, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0393. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Matt Rau, Environmental Engineer, at (312) 886–6524 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background
II. Public comments
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

Ohio submitted revisions to Ohio Administrative Code (OAC) Chapter 3745–19, ''Open Burning Standards,'' on June 4, 2018. To satisfy a state requirement to review its rules every five years, Ohio had reviewed and revised its open burning rules and requested EPA approval of revised OAC rules 3745–19–01, 3745–19–03, 3745–19–04, and 3745–19–05 as changes to the existing Ohio SIP. The rules are effective at the state level as of April 30, 2018.

EPA evaluated the revisions to Ohio's open burning standards under the CAA and compared the revised rules to the rules that EPA has previously approved into the Ohio SIP. EPA finds that the revised rules will not interfere with continued attainment and maintenance

of the NAAQS for particulate matter and meet CAA section 110(l) requirements. On December 26, 2018 (83 FR 66197), EPA proposed approval of the revised open burning rules into the Ohio SIP. A more detailed analysis of each rule revision is found in the notice of proposed rulemaking.

II. Public comments

EPA received two anonymous comments during the 30-day comment period on the December 26, 2018 proposed rule.

The first comment received stated that, ''All of this rule should be tightened up to prevent air pollution.'' The first commenter was concerned that emissions from open burning do not stay in Ohio, those emissions impact states to the east more than Ohio itself, and thus the Ohio rules should be stricter.

The second comment received stated that, ''The proposed revisions to Ohio's open burning standards are agreeable.'' The commenter stated that emissions from open burning are not expected to increase as result of the revise Ohio regulations, but did ask two questions: (1) What will happen if the open burning emissions are not the same after the SIP revision and thus are more than expected; (2) does EPA have ''targets for emission'' in Ohio?

EPA Response: Ohio's open burning rules are written to minimize the impact of emissions from open burning on the public. The rules require notification of those anticipated to be impacted and encourage the burning to occur during favorable conditions to help minimize those impacts.

EPA evaluated Ohio's SIP revision request by comparing the OAC 3745–19 rules as submitted to the rules as approved into the Ohio SIP. As explained in the proposal (December 26, 2018, 83 FR 66197), EPA evaluated the open burning revisions under the CAA. EPA's analysis found the public will continue to be protected following the rule revisions. Both Ohio and the EPA anticipate that the revisions to the open burning regulations will result in a negligible increase in emissions. For example, changing the definition section and the numbering of the regulations should have no impacts on the amount of emissions. The revision moving prescribed burning activities [1] from OAC 3745–19–03(D)(4) to OAC 3745–19–03(C)(4), changes the requirement from obtaining prior permission to burn, in writing, to providing the state agency with notification to burn. This rule revision is unlikely to increase emissions because the requirements in OAC 3745–19–03(C)(4) are as stringent as the requirements in OAC 3745–19–03(D)(4). If any increase in emissions from open burning were to interfere with attainment or maintenance of the NAAQS, interfere with visibility, or otherwise adversely impact public health, Ohio and EPA have the authority to take necessary action to address such emission increases.

Regarding the second commenter's question, EPA does not have specific ''targets for emissions'' from open burning in Ohio. However, there are generally applicable legal requirements such as the NAAQS for PM–10 and $PM_{2.5}$ that all areas of the state must meet. Federal and state law require emission reductions of a pollutant or multiple pollutants for purposes of attaining and maintaining the NAAQS. These obligations may include restrictions on emissions from specified sources or activities set at a level expected to bring the area into attainment of the relevant NAAQS. Ohio is in attainment of NAAQS for PM–10 and $PM_{2.5}$.

III. What action is EPA taking?

EPA is approving revisions to the open burning standards into the Ohio SIP. EPA is approving OAC 3745–19–01, OAC 3745–19–03, OAC 3745–19–04, and OAC 3745–19–05, effective at the state level on April 30, 2018.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Ohio Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a

[1] Horticultural, silvicultural, range management, prairie and grassland management, invasive species management, or wildlife management fires.

[2] 62 FR 27968 (May 22, 1997).

tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 23, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 11, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870, the table in paragraph (c) is amended by revising the entries for 3745–19–01, 3745–19–03, 3745–19–04 and 3745–19–05 under ''Chapter 3745–19 Open Burning Standards'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
	Chapter 3745–19 Open Burning Standards			
3745–19–01	Definitions	4/30/2018	6/24/2019[Insert **Federal Register** citation].	
*	*	*	*	*
3745–19–03	Open burning in restricted areas	4/30/2018	6/24/2019, [Insert **Federal Register** citation].	
3745–19–04	Open burning in unrestricted areas	4/30/2018	6/24/2019, [Insert **Federal Register** citation].	
3745–19–05	Permission to individuals and notification to the Ohio EPA.	4/30/2018	6/24/2019, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2019–13111 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2018–0748; FRL–9995–41–Region 1]

Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving most elements of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts for the infrastructure requirements for the 2012 fine particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS), including the interstate transport requirements. We are making findings of failure to submit for the prevention of significant deterioration (PSD) requirements of infrastructure SIPs for the 2012 $PM_{2.5}$ NAAQS. For infrastructure SIP requirements for the 1997 and 2006 $PM_{2.5}$ NAAQS, we are also approving previously unaddressed elements and converting certain previous conditional approvals to full approval. We are also converting to full approvals previous conditional approvals for the 1997 and 2008 ozone, 2008 lead, 2010 sulfur dioxide, and 2010 nitrogen dioxide NAAQS. Finally, EPA is approving five new or amended definitions regarding the NAAQS and Particulate Matter and a state Executive Order regarding consultation by state agencies with local governments. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on July 24, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2018–0748. All documents in the docket

are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you communicate with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. (617) 918–1684, email *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On February 20, 2019 (84 FR 5020), EPA published a Notice of Proposed Rulemaking (NPRM) for the Commonwealth of Massachusetts. This NPRM proposed approval of most elements of a February 9, 2018, submission from the Massachusetts Department of Environmental Protection (MassDEP) regarding the infrastructure SIP requirements of the CAA for the 2012 fine particle ($PM_{2.5}$)[1] National Ambient Air Quality Standard (NAAQS), including the interstate transport requirements for the 2006 and 2012 $PM_{2.5}$ NAAQS. In the NPRM, we also proposed to approve Massachusetts' 2012 $PM_{2.5}$ infrastructure SIP submittal for a requirement of prong 3 of CAA section 110(a)(2)(D)(i)(II) related to nonattainment new source review (''NNSR''), based on our proposed approval of revisions to the Commonwealth's NNSR program in a separate, contemporaneous rulemaking. On May 29, 2019, EPA finalized its approval of those NNSR revisions (84 FR 24719). Hence, we may now finalize our approval of Massachusetts' 2012 $PM_{2.5}$ submittal for prong 3. In addition, the NPRM proposed approval of the interstate transport requirements for the 1997 $PM_{2.5}$ NAAQS, which the Commonwealth submitted on January 31, 2008. Finally, the NPRM proposed to approve a portion of a Massachusetts SIP submission dated May 14, 2018, which included five new or amended definitions in 310 Code of Massachusetts Regulations (CMR) 7.00.

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[2] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[3] The EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

The rationale for EPA's proposed action is explained in the NPRM and will not be restated here. EPA received no public comments on its NPRM.

II. Final Action

EPA is approving most of the elements of the infrastructure SIP submitted by Massachusetts on February 9, 2018, for the 2012 $PM_{2.5}$, including the interstate transport requirements at CAA § 110(a)(2)(D)(i)(I). This submittal also addresses the interstate transport requirements for the 2006 $PM_{2.5}$ NAAQS, which we are likewise approving. In addition, EPA is approving a SIP revision submitted by Massachusetts on January 31, 2008, addressing the interstate transport requirements for the 1997 $PM_{2.5}$ NAAQS.

EPA's action for each element for the 2012 $PM_{2.5}$ NAAQS is stated in Table 1 below.

TABLE 1—PROPOSED ACTION ON MASSACHUSETTS' INFRASTRUCTURE SIP SUBMITTAL FOR THE 2012 $PM_{2.5}$ NAAQS

Element	2012 $PM_{2.5}$ NAAQS
(A): Emission limits and other control measures	A
(B): Ambient air quality monitoring and data system	A
(C)1: Enforcement of SIP measures	A
(C)2: PSD program for major sources and major modifications	FS
(C)3: PSD program for minor sources and minor modifications	A
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS	A
(D)2: PSD	FS
(D)3: Visibility Protection	A
(D)4: Interstate Pollution Abatement	FS
(D)5: International Pollution Abatement	A
(E)1: Adequate resources	A
(E)2: State boards	A
(E)3: Necessary assurances with respect to local agencies	NA
(F): Stationary source monitoring system	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D	+
(J)1: Consultation with government officials	FS
(J)2: Public notification	A
(J)3: PSD	FS
(J)4: Visibility protection	+
(K): Air quality modeling and data	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities	A

In the above table, the key is as follows:

A	Approve.
NA	Not applicable.
FS	Finding of failure to submit.
+	Not germane to infrastructure SIPs.

We are converting to full approval previous conditional approvals for

[1] $PM_{2.5}$ refers to particulate matter of 2.5 microns or less in diameter, often referred to as ''fine'' particles.

[2] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Massachusetts' infrastructure SIP to address the 1997 ozone, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. 81 FR 93627 (December 21, 2016).

[3] See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center* v. *EPA,* No. 16–71933 (August 30, 2018).

elements A and E(ii) for the 1997 and 2006 $PM_{2.5}$ NAAQS and previous conditional approvals for element A for the 1997 ozone, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. For the 1997 and 2006 $PM_{2.5}$ NAAQS, we are also approving prong 4 of section 110(a)(2)(D)(i)(II) and the section 115-related (international pollution abatement) requirements of section 110(a)(2)(D)(ii).

We are issuing a finding of failure to submit for the PSD-related requirements of (C)2, (D)2, (D)4, (J)1, and (J)3. Massachusetts, however, is already subject to a Federal Implementation Plan (FIP) for PSD, and so EPA will have no additional FIP obligations under section 110(c) of the Act once this action is finalized as proposed. Furthermore, this action will not subject the Commonwealth to mandatory sanctions.

EPA is also approving, and incorporating into the Massachusetts SIP, definitions of *National Ambient Air Quality Standards (NAAQS) or Federal Ambient Air Quality Standards, PM_{10} or Particulate Matter 10, PM_{10} Emissions, $PM_{2.5}$ or Particulate Matter 2.5,* and *$PM_{2.5}$ Emissions* in 310 CMR 7.00 that Massachusetts included in a submittal to EPA dated May 14, 2018.

EPA is also approving, and incorporating into the Massachusetts SIP, Massachusetts Executive Order 145, *Consultation with Cities & Towns on Administrative Mandates,* effective November 20, 1978, which Massachusetts included for approval in its infrastructure SIP submittal for the 2012 $PM_{2.5}$ NAAQS.

Finally, on March 4, 2019, EPA finalized a rule converting the conditional approval at 40 CFR 52.1119(a)(5) to full approval but inadvertently neglected to remove § 52.1119(a)(5) from the CFR. *See* 84 FR 7299; *see also* 40 CFR 52.1120. In today's action we are remedying that ministerial oversight by removing and reserving § 52.1119(a)(5).

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference Executive Order 145 and the part of 310 CMR 7.00 described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 23, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 17, 2019.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart W—Massachusetts

§ 52.1119 [Amended]

■ 2. Section 52.1119 is amended by removing and reserving paragraphs (a)(3) and (a)(5).

■ 3. Section 52.1120 is amended:

■ a. In the table in paragraph (c), by revising the entry ''310 CMR 7.00'' and adding a new state citation for ''Executive Order 145'' at the end of the table; and

■ b. In the table in paragraph (e) by adding entries for ''Infrastructure SIP for 2012 $PM_{2.5}$ NAAQS,'' ''Infrastructure SIP for 1997 $PM_{2.5}$ NAAQS,'' ''Infrastructure SIP for 2006 $PM_{2.5}$ NAAQS,'' ''Infrastructure SIP for the 1997 Ozone NAAQS,'' ''Infrastructure SIP for the 2008 Lead NAAQS,'' ''Infrastructure SIP for the 2008 Ozone NAAQS,'' ''Infrastructure SIP for the 2010 NO_2 NAAQS,'' and ''Infrastructure SIP for the 2010 SO_2 NAAQS'' at the end of the table.

The revision and additions read as follows:

§ 52.1120 Identification of plan

* * * * *

(c) * * *

EPA APPROVED MASSACHUSETTS REGULATIONS

State citation	Title/subject	State effective date	EPA approval date [1]	Explanations
*	*	*	*	*
310 CMR 7.00	Definitions	3/9/2018	6/24/2019 [Insert **Federal Register** citation].	Approved 5 new or updated definitions.
*	*	*	*	*
Executive Order 145	Consultation with Cities and Towns on Administrative Mandates.	11/20/1978	6/24/2019 [Insert **Federal Register** citation].	Approval as part of 2012 $PM_{2.5}$ infrastructure SIP.

[1] To determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

(e) * * *

MASSACHUSETTS NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
*	*	*	*	*
Infrastructure SIP submittal for 2012 $PM_{2.5}$ NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Approved with respect to requirements for CAA section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) with the exception of the PSD-related requirements of (C), (D), and (J). Approval includes interstate transport requirements.
Infrastructure SIP submittal for 1997 $PM_{2.5}$ NAAQS.	Statewide	January 1, 2008	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval to full approval for CAA section 110(a)(2)(A) and E(ii). Approves interstate transport, visibility protection, and international air pollution abatement requirements of CAA section 110(a)(2)(D).
Infrastructure SIP submittal for 2006 $PM_{2.5}$ NAAQS.	Statewide	September 21, 2009	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval to full approval for CAA section 110(a)(2)(A) and E(ii). Approves interstate transport, visibility protection, and international air pollution abatement requirements of CAA section 110(a)(2)(D).
Infrastructure SIP submittal for 1997 Ozone NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval for CAA section 110(a)(2)(A), which was conditionally approved December 21, 2016, to full approval.
Infrastructure SIP submittal for 2008 Lead NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval for CAA section 110(a)(2)(A), which was conditionally approved December 21, 2016, to full approval.
Infrastructure SIP submittal for 2008 Ozone NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval for CAA section 110(a)(2)(A), which was conditionally approved December 21, 2016, to full approval.

MASSACHUSETTS NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Infrastructure SIP submittal for 2010 NO_2 NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval for CAA section 110(a)(2)(A), which was conditionally approved December 21, 2016, to full approval.
Infrastructure SIP submittal for 2010 SO_2 NAAQS.	Statewide	February 9, 2018	June 24, 2019 [Insert **Federal Register** citation].	Converts conditional approval for CAA section 110(a)(2)(A), which was conditionally approved December 21, 2016, to full approval.
*	*	*	*	* * *

[3] To determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

■ 4. Section 52.1131 is amended by revising the entries for paragraphs (c) and (f) and adding paragraph (h) to read as follows:

§ 52.1131 Control strategy: Particulate matter.

* * * * *

(c) Conditional Approval (satisfied)—Submittal from the Massachusetts Department of Environmental Protection, dated April 4, 2008, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 $PM_{2.5}$ NAAQS is conditionally approved for CAA elements 110(a)(2)(A) and (E)(ii). This conditional approval is contingent upon Massachusetts taking actions to meet requirements of these elements within one year of conditional approval, as committed to in a letter from the state to EPA Region 1 dated July 12, 2012. The Massachusetts Department of Environmental Protection made a submittal to satisfy these conditions on February 9, 2018. EPA approved the submittal and converted the conditional approval to a full approval on June 24, 2019.

* * * * *

(f) Conditional Approval (satisfied)—Submittal from the Massachusetts Department of Environmental Protection, dated September 21, 2009, with supplements submitted on January 13, 2011, and August 19, 2011, to address the Clean Air Act (CAA) infrastructure requirements for the 2006 $PM_{2.5}$ NAAQS is conditionally approved for CAA elements 110(a)(2)(A) and (E)(ii). This conditional approval is contingent upon Massachusetts taking actions to meet requirements of these elements within one year of conditional approval, as committed to in a letter from the state to EPA Region 1 dated July 12, 2012. The Massachusetts Department of Environmental Protection made a submittal to satisfy these conditions on February 9, 2018. EPA approved the submittal and converted the conditional approval to a full approval on June 24, 2019.

* * * * *

(h) Approval—Submittal from the Massachusetts Department of Environmental Protection, dated February 9, 2018, to address the Clean Air Act (CAA) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS. This submittal satisfies requirements of CAA sections 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M), with the exception of PSD-related requirements of (C), (D), and (J). Approval includes interstate transport requirements. EPA approved the submittal on June 24, 2019.

[FR Doc. 2019–13325 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0206; FRL–9994–67]

Trifloxystrobin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of trifloxystrobin in or on tea (dried and instant). Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 24, 2019. Objections and requests for hearings must be received on or before August 23, 2019 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0206, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0206 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 23, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0206, 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 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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of March 18, 2019 (84 FR 9735) (FRL–9989–90), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8671) by Bayer CropScience LP2, T.W. Alexander Dr., Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be amended by establishing a tolerance for residues of the fungicide trifloxystrobin in or on tea, dried at 5 parts per million (ppm). That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that a tolerance is also needed for the commodity ''tea, instant'' at 5 ppm. The need for this tolerance is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for trifloxystrobin in or on tea.

In the **Federal Register** on February 15, 2019 (84 FR 4340) (FRL–9985–23), EPA published a final rule establishing a tolerance for residues of trifloxystrobin in or on flax seed and amended an existing tolerance for aspirated grain fractions based on the Agency's conclusion that aggregate exposure to trifloxystrobin is safe for the general population, including infants and children. Because the toxicity profile of trifloxystrobin has not changed since that rule was published, EPA is incorporating the discussion of that profile and the identified toxicological endpoints, including the determination to reduce the children's safety factor, as part of this rulemaking.

EPA's exposure assessments have been updated to include the additional exposure from use of trifloxystrobin on tea, *i.e.,* reliance on tolerance-level residues and an assumption of 100 percent crop treated (PCT). Because the use on tea is not an approved domestic use, there is no expectation of an increased exposure in drinking water or for non-dietary, non-occupational sources, although the additional dietary exposure contributes to overall aggregate exposure. Further information about EPA's risk assessment and determination of safety supporting the tolerances established in the February 15, 2019 **Federal Register** action, as well as the new trifloxystrobin tolerance can be found at *http://www.regulations.gov* in the documents entitled: ''Trifloxystrobin. Human Health Risk Assessment for the Proposed New Use on Flax Seed and Increase of Established Tolerance on Aspirated Grain Fractions'' and ''Trifloxystrobin. Dietary (Food and Drinking Water) and Risk Assessment for Harmonization on Imported Tea.'' The documents may be found in docket ID number EPA–HQ–OPP–2018–0206.

As indicated in the supporting documents, the acute and chronic dietary risks are below the Agency's level of concern: 3.4% of the acute population adjusted dose (aPAD) for females 13–49 years old, the group with the highest exposure level; 58% of the chronic population adjusted dose (cPAD) for all infants (less than 1 year old), the group with the highest exposure level. Moreover, the short-term aggregate risk for the population with the highest total exposure (children, 1 to less than 2 years old) is represented by an aggregate margin of exposure (MOE) of 120, which is not a risk of concern because EPA considers MOEs less than 100 to be of concern.

Therefore, based on the risk assessments and information described above, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to

infants and children from aggregate exposure to trifloxystrobin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography method with nitrogen phosphorus detection (GC/NPD)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for trifloxystrobin in or on tea.

C. Revisions to Petitioned-For Tolerance

Based on the review of the data, the Agency has determined that a tolerance is also needed for the commodity ''tea, instant.'' The raw agricultural commodity (RAC) is tea, plucked leaves, but the Agency does not set a tolerance on the RAC. ''Tea, dried'' and ''tea, instant'' are the processed commodities for this RAC tolerance and therefore, EPA has to set tolerances on both of these processed commodities.

V. Conclusion

Therefore, tolerances are established for residues of trifloxystrobin, including its metabolites and degradates, in or on tea, dried at 5 ppm and tea, instant at 5 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 29, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.555, add alphabetically the entries ''Tea, dried'' and ''Tea, instant'' and footnote 3 to the table in paragraph (a) to read as follows:

§ 180.555 Trifloxystrobin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Tea, dried [3]	5
Tea, instant [3]	5
* * * * *	

[3] There are no U.S. registrations as of June 24, 2019, for use on tea.

* * * * *

[FR Doc. 2019–13101 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59, WC Docket No. 17–97; FCC 19–51]

Advanced Methods To Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) clarifies that voice service providers may offer consumers programs to block unwanted calls through analytics (call-blocking programs) on an informed opt-out basis and may block calls from numbers not in a consumer's contact list (white-list programs). The Commission also reminds voice service providers that protecting emergency communications is paramount. Finally, the Commission directs the Consumer and Governmental Affairs Bureau (CGB), in consultation with the Wireline Competition Bureau (WCB) and Public Safety and Homeland Security Bureau (PSHSB), to prepare two reports on the state of deployment of advanced methods and tools to eliminate such calls.

DATES: This declaratory ruling is effective June 7, 2019.

FOR FURTHER INFORMATION CONTACT: Jerusha Burnett, Consumer Policy Division, CGB, at (202) 418–0526, email: *Jerusha.Burnett@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Declaratory Ruling,* in CG Docket No. 17–59, WC Docket No. 17–97; FCC 19–51, adopted on June 6, 2019 and released on June 7, 2019. The *Third Further Notice of Proposed Rulemaking* (*FNPRM*) that was adopted concurrently with the *Declaratory Ruling* is published elsewhere in this issue of the **Federal Register**.

Congressional Review Act

The Commission will not send a copy of the *Declaratory Ruling* pursuant to the Congressional Review Act, because the Commission adopted no rules therein. *See* 5 U.S.C. 801(a)(1)(A).

Synopsis

1. The Commission believes the clarification it makes that voice service providers may immediately start offering call-blocking services by default—while giving consumers the choice to opt out—is essential to curtail illegal calls.

2. The Commission has repeatedly stated that offering call-blocking services does not violate voice service providers' call completion obligations under section 201(b) of the Communications Act of 1934, as amended (the Act), and that consumers have a right to block calls. Nonetheless, uncertainty regarding when voice service providers may implement call-blocking programs remains. The Commission issues the *Declaratory Ruling* to resolve uncertainty and make clear the call-blocking tools that voice service providers can offer.

Call-Blocking Programs

3. Call-blocking programs have become more prevalent over the past several years. But many voice service providers appear to offer call-blocking programs only on an opt-in basis—limiting the impact of such programs on consumers. Setting a call-blocking program as the default can significantly increase consumer participation while maintaining consumer choice.

4. Inertia may be an obstacle for consumers who might otherwise participate in a call-blocking program, and convincing consumers to affirmatively sign up for a call-blocking program (rather than offering it as the default) can be costly, especially for smaller providers.

5. Against this background, the Commission again reiterates that ''there appears to be no legal dispute in the record that the Communications Act or Commission rules do not limit consumers' right to block calls, as long as the consumer makes the choice to do so.'' Nor has the Commission identified any provision of the Communications Act or any Commission rule that would limit consumers to exercising such consent on an opt-in basis. Although the Commission's 2015 declaratory ruling on robocalls and call blocking (*2015 TCPA Order*), published at 80 FR 61129, October 9, 2015, in a single sentence, referred to opt-in call-blocking programs, it did not suggest that such a narrow ruling was required, nor did it claim to prohibit opt-out call-blocking programs. Accordingly, the Commission clarifies that voice service providers may offer consumers call blocking through an opt-out process. Or to use the language of the Act, the Commission finds that opt-out call-blocking programs are generally just and reasonable practices (not unjust and unreasonable practices) and enhancements of service (not impairments of service).

6. The Commission believes consumers would welcome this blocking choice and that it should therefore be offered to existing subscribers of a given voice service provider, rather than only new subscribers. The Commission encourages voice service providers to offer these tools immediately to their customers, and where they already provide opt-in call-blocking programs, to make them the default for all consumers. The Commission encourages voice service providers to make consumers aware of the programs' availability and, for that limited subset of consumers who do not want to participate, make the opt-out process simple and easily accessible.

7. The Commission next turns to the scope of this declaration. *First,* the Commission clarifies that voice service providers offering opt-out call-blocking programs must offer sufficient information so that consumers can make an informed choice as to whether they wish to remain in the program or opt out. Voice service providers should clearly disclose to consumers what types of calls may be blocked and the risks of blocking wanted calls, and they should do so in a manner that is clear and easy for a consumer to understand. At a minimum, the Commission would expect each voice service provider to describe in plain language how the call-blocking program makes the determination to block certain calls, the risks that it may block calls the consumer may want, and how a consumer may opt out of the service.

8. *Second,* the Commission clarifies that voice service providers may offer opt-out call-blocking programs based on any reasonable analytics designed to identify unwanted calls. The Commission recognizes that limiting opt-out call-blocking programs to rigid blocking rules that prescribe in detail when a voice service provider may block is unnecessary when consumers have the option to opt out, could enable callers to evade blocking, and could impede the ability of voice service providers to develop dynamic blocking schemes that evolve with calling patterns. And to the extent certain callers claim that consumers do indeed want to receive calls from them, the Commission believes the ability for consumers to opt out of call-blocking programs adequately addresses such concerns.

9. In line with the record, the Commission notes several examples of call-blocking programs that may be effective and would be based on reasonable analytics designed to identify unwanted calls. For example, a call-blocking program might block calls based on a combination of factors, such as: Large bursts of calls in a short

timeframe; low average call duration; low call completion ratios; invalid numbers placing a large volume of calls; common Caller ID Name (CNAM) values across voice service providers; a large volume of complaints related to a suspect line; sequential dialing patterns; neighbor spoofing patterns; patterns that indicate TCPA or other contract violations; correlation of network data with data from regulators, consumers, and other carriers; and comparison of dialed numbers to the National Do Not Call Registry. Similarly, a call-blocking program might be designed to block callers engaged in war dialing, unlawful foreign-based spoofing, or one-ring scams and might be designed to incorporate information about the originating provider, such as whether it has been a consistent source of unwanted robocalls and whether it appropriately signs calls under the SHAKEN/STIR framework. Although the Commission suggests these as examples of potentially effective opt-out call-blocking programs, this list is not exhaustive. To be reasonable, however, such analytics must be applied in a non-discriminatory, competitively neutral manner.

10. *Third,* the Commission reaffirms its commitment to safeguarding calls from emergency numbers. The Commission cautions voice service providers using call blocking tools by default to avoid blocking calls from ''public safety entities, including PSAPs, emergency operations centers, or law enforcement agencies.'' The Commission emphasizes that voice service providers should make all feasible efforts for those tools to avoid blocking emergency calls.

11. *Fourth,* the Commission reaffirms its commitment to safeguarding calls to rural areas. The Commission does not expect that this holding will have any negative impact on rural call completion rates given that opt-out call-blocking programs would be offered by terminating providers (*i.e.,* those with a direct relationship to the called party). But the Commission nonetheless reminds all voice service providers that call-blocking programs may not be used to avoid the effect of the rural call completion rules.

12. *Fifth,* while some parties have expressed concern about blocking of calls required for compliance with other laws, rules, or policy considerations, the Commission believes that a reasonable call-blocking program instituted by default would include a point of contact for legitimate callers to report what they believe to be erroneous blocking as well as a mechanism for such complaints to be resolved. Further, callers who believe their calls have been unfairly blocked may seek review of a call-blocking program they believe to be unreasonable by filing a petition for declaratory ruling with the Commission. The Commission also encourages voice service providers that block calls to develop a mechanism for notifying callers that their calls have been blocked. The Commission notes that industry has been active in developing solutions that allow callers to communicate with voice service providers and analytics companies to identify themselves and share their call patterns that might otherwise seem to indicate illegal call activity. Moreover, the Commission believes that reducing the number of unwanted calls that consumers receive will make it more likely that they will answer their phones, thus making it easier for legitimate callers to reach people. Thus, the *Declaratory Ruling* will ultimately increase call completion rates for legitimate callers.

13. The Commission believes that the benefit to consumers of voice service providers offering opt-out blocking services will exceed any costs incurred. Indeed, the Commission expects these blocking services will yield an overall reduction in costs incurred by voice service providers as illegal and unwanted calls will consume less of their network capacity, which can then be devoted more fully to calls and other services that consumers value.

14. The Commission also believes that the costs to the voice service provider, for its own analytics program or one outsourced, if amortized against a large percentage of their customer base, is far less expensive than the costs of allowing unwanted calls to bother its subscribers. The record to date also indicates that voice service providers believe a critical mass of served consumers would subscribe to call blocking services on an opt-out basis.

15. Finally, the Commission understands the cost of handling customer service calls from consumers annoyed by illegal robocalls can be more than ten dollars per consumer call. Further, the Commission anticipates that the authorization of opt-out blocking would impose no mandatory costs on voice service providers because implementation is voluntary, not required. As such, the Commission would expect voice service providers to offer an opt-out service for free, as many already do, with no line-item charge.

White-List Programs

16. As with the call-blocking programs discussed above, white-list blocking stops unwanted calls on the voice service provider's network before the calls reach the consumer's phone, providing an added level of protection from unwanted calls and the frustrations that go with them. But unlike one-ring and analytics programs, a white-list program requires consumers to specify the telephone numbers from which they wish to receive calls.

17. The Commission notes that some voice service providers already offer similar services. To ensure that regulatory uncertainty does not deter such offerings, the Commission makes clear that nothing in the Act nor the Commission's rules prohibits a voice service provider from offering an opt-in white list program using the consumer's contact list. Note that the Commission is in no way limiting the consumer's ability to use phone-based applications installed, for example, by the consumer, the phone manufacturer, or bundled by the service provider where the data in the consumer's contact list never leaves the device. For a whitelist program that transfers the consumer's contact list to a service provider, provides access to the contact list by the service provider, or otherwise stores the consumer's contacts with the service provider or its designees, consumers need to understand they are disclosing the telephone numbers contained in their phone's contact lists with their voice service providers. The Commission limits this Declaratory Ruling to white-list programs requiring informed, opt-in consent. Voice service providers should disclose the risks of blocking wanted calls and the scope of information disclosed in a manner that is clear and easy for a consumer to understand.

Legal Authority

18. The Commission believes that it has ample legal authority to issue the *Declaratory Ruling.* Section 554(e) of the Administrative Procedure Act authorizes the Commission to issue a declaratory ruling to terminate a controversy or remove uncertainty. And § 1.2 of the Commission's rules provides that ''The Commission may . . . on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.'' In issuing the *Declaratory Ruling,* the Commission notes that a necessary corollary of permitting consumer-driven call blocking is that such blocking must be consistent with provisions in Title II, including section 201(b) and section 214(a) of the Act. As explained above, the Commission has previously held that consumers have a right to block certain calls and that offering call-blocking services to consumers is a just and reasonable practice under section 201(b) of the Act. The Commission also

finds that consumer-driven call blocking is an enhancement of service, not a discontinuance or impairment of ''service'' to a ''community, or part of a community,'' within the meaning of section 214(a) of the Act. In any event, because the Commission's discussion in the *2015 TCPA Order* focusing on opt-in call blocking programs created uncertainty as to the call-blocking tools that voice service providers can offer their customers, the Commission is expressly authorized to issue a declaratory ruling here to clarify that voice service providers' long-recognized ability to block unlawful calls encompasses the right to block calls where the customer chooses on an informed opt-out basis. In short, as stated above, the Commission finds that opt-out call-blocking programs are generally just and reasonable practices (not unjust and unreasonable practices) under section 201 of the Act and enhancements of service (not impairments of service) under section 214 of the Act.

Reports on Deployment and Implementation of Call Blocking and Caller ID Authentication

19. In order to measure the effectiveness of efforts of the Commission and industry to thwart illegal robocalls and empower consumers, the Commission directs CGB, in consultation with the WCB and PSHSB, to prepare two reports on the state of deployment of advanced methods and tools to eliminate such calls, including the impact of call blocking on 911 and public safety. The reports shall be submitted to the Commission no later than June 23, 2020, for the first report, and no later than June 23, 2021, for the second report.

20. Specifically, the Commission adopts the recommendation of its Consumer Advisory Committee dated September 18, 2017, to study the implementation and effectiveness of blocking measures, to include:

[T]he availability to consumers of call blocking solutions; the fees charged, if any, for call blocking tools available to consumers; the proportion of subscribers whose providers offer and/or enable call blocking tools; the effectiveness of various categories of call blocking tools; and an assessment of the number of subscribers availing themselves of available call blocking tools.

21. The Commission recognizes that to determine the ''effectiveness of various categories of call blocking tools,'' as the Consumer Advisory Committee recommended, it may be necessary for CGB to collect additional information and data from voice service providers. The Commission explicitly delegates authority to CGB, in consultation with WCB and PSHSB, to collect any and all relevant information and data from voice service providers necessary to complete these reports. Following delivery of the first report, the Commission will assess whether, contrary to expectation, consumers are being charged and, if so, the Commission will seek comment on rules requiring providers that offer these services to do so for free.

Ordering Clause

22. Pursuant to sections 4(i), 4(j), 201, and 214 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 214, and §§ 1.2 and 64.1200 of the Commission's rules, 47 CFR 1.2, 64.1200, the *Declaratory Ruling* in CG Docket No. 17–59 *is adopted.*

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2019–13270 Filed 6–21–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Part 808

[Docket VA–2019–VACO–0018]

Issuance of Class Deviation From VA Acquisition Regulation (VAAR) Part 808—Required Sources of Supplies and Services and Conforming Amendments

AGENCY: Department of Veterans Affairs (VA).

ACTION: Temporary rule; request for comments.

SUMMARY: VA provides notification that the agency has issued a class deviation from VA Acquisition Regulation (VAAR) Part 808—Required Sources of Supplies and Services. VA is amending the VAAR to implement the Federal Circuit's mandate. VA has determined that publication of this notification in the **Federal Register** would be beneficial to both the agency's acquisition workforce and industry stakeholders. The class deviation, which is effective May 20, 2019, was issued to immediately implement the Federal Circuit's mandate, and this publication is to further notify the public in order to avoid confusion regarding applicable policy and to make conforming amendments to the CFR. The public is invited to submit comments on VA's approach to implementing the Federal Circuit mandate, as set forth in the class deviation and the conforming amendments to the CFR set forth in this publication.

DATES: The rule is effective June 24, 2019 through July 1, 2021. The class deviation is effective as of May 20, 2019. Comments: Interested parties are invited to submit comments in writing by July 24, 2019.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov;* by mail or hand delivery to the Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1064, Washington DC 20420; or by fax to 202–273–9026. Comments should indicate that they are submitted in response to Docket #VA–2019–VACO–0018, titled—''Issuance of Class Deviation from VA Acquisition Regulation (VAAR) Part 808 — Required Sources of Supplies and Services.'' During the comment period, comments may also be viewed online through the Federal Docket Management System at *www.regulations.gov.* The full class deviation text is available at: *https://www.va.gov/oal/docs/business/pps/deviationVaar20190520.PDF.*

FOR FURTHER INFORMATION CONTACT: Sheila P. Darrell, Ph.D., CFCM, Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Service (003A2A) via email at *VA.Procurement.Policy@va.gov* or (202) 632–5288. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On October 17, 2018, the Federal Circuit, which has nationwide appellate jurisdiction over challenges to federal agency procurement decisions, issued a decision in *PDS Consultants, Inc.,* v. *The United States, Winston-Salem Industries for the Blind* (PDS Consultants), 907 F.3d 1345 (Fed. Cir. 2018). In the decision, the Federal Circuit noted that in 2016 the United States Supreme Court, in its decision in *Kingdomware Technologies, Inc.* v. *United States,* held that, ''[e]xcept when the [VA] uses the noncompetitive and sole-source contracting procedures in subsections (b) and (c), § 8127(d) requires the [VA] to use the Rule of Two before awarding a contract to another supplier.'' However, the Federal Circuit acknowledged that *Kingdomware* did not directly address the interaction between 38 U.S.C. 8127 and the Javits-Wagner O'Day Act (JWOD), 41. U.S.C. 8504, and, instead focused on whether VA had the discretion to place orders under a preexisting Federal Supply

Schedule before resorting to the Rule of Two.

The Federal Circuit further found that, under 38 U.S.C. 8128(a), the Secretary of Veterans Affairs, when ''procuring goods and services pursuant to a contracting preference under [title 38] or any other provision of law . . . shall give priority to a small business concern owned and controlled by veterans, if such business concern meets the requirements of that contracting preference.'' (emphasis added). The Federal Circuit found that the phrase ''or any other provision of law'' by its terms encompasses the JWOD. Therefore, the Federal Circuit found that where a product or service is on the Procurement List and ordinarily would result in the contract being awarded to a nonprofit qualified under the JWOD, 38 U.S.C. 8127(d) would require VA to apply the VA Rule of Two before awarding a contract to a qualified nonprofit organization.

VA provides notice that the agency has issued a class deviation from VA Acquisition Regulation (VAAR) Part 808—Required Sources of Supplies and Services on May 20, 2019. The class deviation from the VAAR supersedes and effectively updates the language previously set forth in Class Deviation from 808.002, Priorities for Use of Mandatory Government Sources, dated February 9, 2018. On May 20, 2019, the United States Court of Appeals for the Federal Circuit (the Federal Circuit) issued a mandate effectuating the October 17, 2018 decision in *PDS Consultants, Inc.,* v. *The United States, Winston-Salem Industries for the Blind,* (PDS Consultants) and creating a binding circuit precedent which necessitated immediate policy change. Accordingly, the class deviation authorizes contracting officers to deviate from VAAR 808.002 and 808.603 to reflect language consistent with the decision of the Federal Circuit.

Specifically, the class deviation requires VA contracting officers to apply the VA Rule of Two, as implemented in VAAR subpart 819.70, before awarding a contract to a qualified nonprofit organization under the Javits-Wagner O'Day Act (JWOD) or making a contract award to Federal Prison Industries, Inc. (FPI). The deviation clarifies that if VA is unable to award to a Vendor Information Pages (VIP)-listed and verified service-disabled veteran-owned small business (SDVOSB) or a veteran-owned small business (VOSB) using the procedures set forth in VAAR subpart 819.70, AbilityOne nonprofit organization and FPI would retain their mandatory source status.

VA has determined that this publication in the **Federal Register** is necessary to make conforming edits to the CFR in order to clarify existing requirements to both the agency's acquisition workforce and industry stakeholders.

This document provides a comment period of 30 days in which commenters may address VA's approach to implementing the Federal Circuit mandate, as set forth in the class deviation and the conforming amendments to the CFR set forth in this publication. VA believes 30 days is sufficient to provide comments given the litigation history and the information being requested. As discussed above, the Federal Circuit's mandate required that the agency's acquisition workforce immediately comply with the binding precedent. This demonstrates that a delay of the effective date of the rule on the public would be unnecessary. Accordingly, the Secretary finds good cause to dispense with the opportunity for advanced notice and opportunity for public comment and to publish this temporary rule with an effective date of June 24, 2019.

Executive Orders 12866

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not be a significant regulatory action under E.O. 12866.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. Section 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. Section 804(2).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on June 13, 2019, for publication.

Dated: June 18, 2019.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, we amend 48 CFR part 808 as follows:

PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 1. The authority citation for part 808 continues to read as follows:

Authority: 38 U.S.C. 8127 and 8128; 40 U.S.C. 121(c) and (d); and 48 CFR 1.301–1.304.

■ 2. In § 808.002, revise the section heading and paragraphs (a) and (b) to read as follows:

§ 808.002 Priorities for use of mandatory Government sources.

(a) *Sources.* Contracting activities shall satisfy requirements for supplies and services from or through the mandatory sources listed below in descending order of priority:

(1) *Supplies.* (i) VA inventories including the VA supply stock program (41 CFR 101–26.704) and VA excess.

(ii) Excess from other agencies (see FAR subpart 8.1).

(iii) Federal Prison Industries, Inc. (see VAAR 808.603). Prior to considering award of a contract to Federal Prison Industries, Inc, contracting officers shall apply the VA Rule of Two to determine whether a requirement should be awarded to veteran-owned small businesses under the authority of 38 U.S.C. 8127–28, by using the preferences and priorities in subpart 819.70. If an award is not made to a VIP-listed and verified service disabled veteran-owned small business (SDVOSB)/veteran-owned small business (VOSB) as provided in subpart 819.70, FPI remains a mandatory source in accordance with FAR 8.002.

(iv) Supplies that are on the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled, known as AbilityOne (FAR subpart 8.7). Prior to considering award of a contract under the AbilityOne program, contracting officers shall apply the VA Rule of Two to determine whether a requirement should be awarded to veteran-owned small businesses under the authority of 38 U.S.C. 8127–28, by using the preferences and priorities in subpart 819.70. If an award is not made to a VIP-listed and verified SDVOSB/VOSB as provided in subpart 819.70, AbilityOne remains a mandatory source in accordance with FAR 8.002. All new VA requirements must be approved by the Chief Acquisition Officer, via the Senior Procurement Executive, before contacting the Committee to request addition of new items to the Procurement List.

(v) Wholesale supply sources, such as stock programs of the General Services Administration (GSA) (see 41 CFR 101–

26.3), the Defense Logistics Agency (see 41 CFR 101–26.6), the Department of Veterans Affairs (see 41 CFR 101–26.704), and military inventory control points.

(2) *Services that are on the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled, known as AbilityOne (FAR subpart 8.7).* Prior to considering award of a contract under the AbilityOne program, contracting officers shall apply the VA Rule of Two to determine whether a requirement should be awarded to veteran-owned small businesses under the authority of 38 U.S.C. 8127–28, by using the preferences and priorities in subpart 819.70. If an award is not made to a VIP-listed and verified SDVOSB/VOSB as provided in subpart 819.70, AbilityOne remains a mandatory source in accordance with FAR 8.002. All new VA requirements must be approved by the Chief Acquisition Officer, via the Senior Procurement Executive, before contacting the Committee to request addition of new items to the Procurement List.

(b) *Unusual and compelling urgency.* The contracting officer may use a source other than those listed in paragraph (a) of this section when the need for supplies or services is of an unusual and compelling urgency (see FAR 6.302–2, 8.405–6 and 13.106–1 for justification requirements).

* * * * *

■ 3. Revise § 808.603 to read as follows:

§ 808.603 Purchasing priorities.

A waiver from FPI is not needed when comparable supplies and services are procured in accordance with subpart 819.70.

[FR Doc. 2019–13217 Filed 6–21–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 817 and 852

RIN 2900–AQ19

VA Acquisition Regulation: Special Contracting Methods

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending and updating its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VA Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, VA will publish them in the **Federal Register**. In particular, this rulemaking revises VAAR coverage concerning Special Contracting Methods as well as an affected part covering Solicitation Provisions and Contract Clauses.

DATES: This rule is effective on July 24, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 27, 2018, VA published a proposed rule in the **Federal Register** (83 FR 66662) which announced VA's intent to amend regulations for VAAR Case RIN 2900–AQ19—VA Acquisition Regulation: Special Contracting Methods. VA provided a 60-day comment period for the public to respond to the proposed rule and submit comments. The comment period for the proposed rule ended on February 25, 2019 and VA received one comment. VA makes no changes to this final rule as a result of the one comment received. However, this rule adopts as a final rule, the proposed rule that published in the **Federal Register** on December 27, 2018, along with two technical non-substantive changes to the proposed rule and minor formatting and/or grammatical edits. The two technical non-substantive changes to the proposed rule are described below.

In particular, this final rule revises part 817, Special Contracting Methods. This final rule removes subpart 817.1, Multi-year Contracting, in its entirety since it deals with internal procedures about the uses of multi-year contracting and internal approvals to be obtained. This final rule also removes subpart 817.2 in its entirety by removing 817.202, Use of options, and 817.204, Contracts. 817.202 consisted of internal procedures to develop solicitations and cost comparisons under Office of Management and Budget Circular A–76. Since there is currently a moratorium on public-private competitions this will not be moved to the VAAM. 817.204, Contracts, contained internal procedures and approvals to be obtained for contracts with option periods greater than five years, and this coverage was moved to the VAAM.

This rule removes subpart 817.4, Leader Company Contracting, and 817.402, Limitations, since they included internal procedures and approval requirements for leader company contracts. The coverage was moved to the VAAM.

This final rule revises the title of subpart 817.5 to read ''Interagency Acquisitions,'' and adds 817.501, General, which requires that any governmental entity that acquires goods and services on behalf of the Department of Veterans Affairs shall comply, to the maximum extent feasible, with the provisions of 38 U.S.C. 8127 and 8128, and the Veterans First Contracting Program as implemented at subpart 819.70.

This regulatory action removes 817.502, General, which is replaced with updated policy in 817.501. The coverage was moved to comport with the numbering in the FAR.

This rule adds subpart 817.70, Undefinitized Contract Actions, to provide policy and procedures for the use of undefinitized contract actions (UCAs) as UCAs are a high-risk method of procurement. This final rule adds 817.7000, Scope, which describes the material being introduced in this subpart, and 817.7001, Definitions, to provide definitions of four terms used in the subpart: contract action, definitization, definitization proposal, and undefinitized contract action.

This final rule also adds 817.7002, Exceptions, which exempts simplified acquisitions and congressionally mandated long-lead procurement contracts from this policy but requires the contracting officer to apply the policy and procedures to the maximum extent practicable.

817.7003, Policy, was added to clearly convey that undefinitized contract actions should be limited to situations where it is not possible to negotiate a definitive contract action in time to meet the government's requirements, and where the interests of the government demand that the contractor be given a commitment so that contract performance can begin immediately.

This final rule adds 817.7004, Limitations, with no text, and the following sections: 817.7004–1, Authorization, which provides guidance as to when the contracting officer must obtain approval to use an undefinitized contract action; and 817.7004–2, Price ceiling, which requires all undefinitized

contract actions to include not-to-exceed price ceilings.

This regulatory action also adds 817.7004–3, Definitization schedule, which sets parameters for establishing definitization schedules and requires submission of a definitization proposal in accordance with the definitization schedule as a material element of the contract, where non-compliance may result in suspension or reduction of progress payments under FAR 32.503–6 or other appropriate action.

This rule adds 817.7004–4, Final price negotiation—profit, which provides guidance on negotiating profit that reflects the contractor's reduced cost risk prior to definitization.

This final rule also adds 817.7005, Contract clause, which prescribes new clause 852.217–70, Contract Action Definitization, for all UCAs, solicitations associated with UCAs, basic ordering agreements, indefinite-delivery contracts, or any other type of contract providing for the use of UCAs.

In subpart 852.2, Text of Provisions and Clauses, we propose to add clause 852.217–70, Contract Action Definitization, to provide specific procedures required to definitize UCAs.

Technical Non-Substantive Changes to the Proposed Rule

This rule makes two non-substantive changes to the proposed rule to provide clarity, eliminate confusion, and to ensure compliance with statute and VA's authority.

1. Under section 817.501, General, VA is making a revision to the language to provide clarity regarding the applicability of the Veterans First Contracting Program to interagency acquisitions. VA has simplified the section to use plain language to make clear that when an entity acquires goods and services on behalf of VA, a notice will be included in the agreement stating the entity will comply, to the maximum extent feasible, with the provisions of 38 U.S.C. 8127 and 8128, and the Veterans First Contracting Program as implemented at subpart 819.70. This language was already included in the proposed rule but the rephrase provides clarity and does not otherwise significantly change the meaning and intent of the section.

2. Under section 817.7004–4, Limitations on obligations, which was proposed as added language in the proposed rule, VA is removing the section in its entirety. The proposed language potentially created a conflict with 817.7004–3(a)(2) and is unnecessary. Accordingly, with the removal of 817.7004–4, Limitations on obligations, the remaining proposed section at 817.7004–5, Final price negotiation—profit, is renumbered 817.7004–4.

VA provided a 60-day comment period for the public to respond to the proposed rule. As stated previously, VA received one comment. The single comment consisted of one word: ''Good.'' VA appreciates the comment which doesn't warrant any substantive changes to be made to the final rule.

Unfunded Mandates

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

This final rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The overall impact of the rule is of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating processes or procedures. VA estimates no cost impact to individual businesses will result from these rule updates. On this basis, the final rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this regulatory action is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563 and 13771

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

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not be a significant regulatory action under E.O. 12866 because it does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 13771.

List of Subjects

48 CFR Part 817

Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Signing Authority

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

of Veterans Affairs, approved this document on April 17, 2019, for publication.

Dated: June 12, 2019.

Consuela Benjamin,

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

For the reasons set out in the preamble, VA revises 48 CFR parts 817 and 852 as follows:

PART 817—SPECIAL CONTRACTING METHODS

■ 1. The authority citation for part 817 is revised to read as follows:

Authority: 38 U.S.C. 8127–8128; 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

Subpart 817.1—[Removed and Reserved]

■ 2. Subpart 817.1, consisting of sections 817.105 and 817.105–1, is removed and reserved.

Subpart 817.2—[Removed and Reserved]

■ 3. Subpart 817.2, consisting of sections 817.202 and 817.204, is removed and reserved.

Subpart 817.4—[Removed and Reserved]

■ 4. Subpart 817.4, consisting of section 817.402, is removed and reserved.

■ 5. Subpart 817.5 is revised to read as follows:

Subpart 817.5—Interagency Acquisitions

817.501 General.

(d) Agreements pursuant to FAR subpart 17.5, including construction, shall include a requirement, that, when acquiring goods and services on behalf of the Department of Veterans Affairs, the entity will comply, to the maximum extent feasible, with the provisions of 38 U.S.C. 8127 and 8128, and the Veterans First Contracting Program as implemented at subpart 819.70.

■ 6. Subpart 817.70 is added to read as follows:

Subpart 817.70—Undefinitized Contract Actions

Sec.

817.7000 Scope.
817.7001 Definitions.
817.7002 Exceptions.
817.7003 Policy.
817.7004 Limitations.
817.7004–1 Authorization.
817.7004–2 Price ceiling.
817.7004–3 Definitization schedule.
817.7004–4 Final price negotiation—profit.
817.7005 Contract clause.

817.7000 Scope.

This subpart prescribes policies and procedures for use of undefinitized contract actions.

817.7001 Definitions.

As used in this subpart—

(a) *Contract action* includes:

(1) Contracts and contract modifications for supplies or services.

(2) Task orders and delivery orders.

(3) It does not include change orders, administrative changes, funding modifications, or any other contract modifications that are within the scope and under the terms of the contract, *e.g.,* engineering change proposals and value engineering change proposals.

(b) *Definitization* means the agreement on, or determination of, contract terms, specifications, and price, which converts the undefinitized contract action to a definitive contract.

(c) *Definitization proposal* means a proposal containing sufficient data for the VA to do complete and meaningful analyses and audits of the—

(1) Data in the proposal; and

(2) Any other data that the contracting officer has determined VA needs to review in connection with the contract.

(d) *Undefinitized contract action* means any contract action for which the contract terms, specifications, or price are not agreed upon before performance is begun under the action. Examples are letter contracts and orders under basic ordering agreements for which the final price has not been agreed upon before performance has begun.

817.7002 Exceptions.

(a) The following undefinitized contract actions (UCAs) are not subject to this subpart:

(1) Purchases at or below the simplified acquisition threshold.

(2) Congressionally mandated long-lead procurement contracts.

(b) However, the contracting officer shall apply the policy and procedures to the contract actions in paragraph (a) to the maximum extent practicable.

817.7003 Policy.

Undefinitized contract actions shall—

(a) Be used only when—

(1) The negotiation of a definitive contract action is not possible in sufficient time to meet the Government's requirements; and

(2) The Government's interest demands that the contractor be given a binding commitment so that contract performance can begin immediately.

(b) Be as complete and definite as practicable.

817.7004 Limitations.

817.7004–1 Authorization.

The contracting officer shall obtain approval one level above the contracting officer before—

(a) *Entering into a UCA.* The request for approval must fully explain the need to begin performance before definitization, including the adverse impact on the VA resulting from delays in beginning performance.

(b) *Including requirements for non-urgent items and equipment in a UCA.* The request should show that inclusion of the non-urgent items is consistent with good business practices and in the best interest of the Government.

(c) *Modifying the scope of a UCA when performance has already begun.* The request should show that the modification is consistent with good business practices and in the best interests of the Government.

817.7004–2 Price ceiling.

UCAs shall include a not-to-exceed price.

817.7004–3 Definitization schedule.

(a) UCAs shall contain definitization schedules that provide for definitization by the earlier of—

(1) The date that is 180 days after issuance of the action (this date may be extended but may not exceed the date that is 180 days after the contractor submits a definitization proposal); or

(2) The date on which the amount of funds paid to the contractor under the contract action is equal to more than 50 percent of the not-to-exceed price.

(b) Submission of a definitization proposal in accordance with the definitization schedule is a material element of the contract. If the contractor does not submit a timely definitization proposal, the contracting officer may suspend or reduce progress payments under FAR 32.503–6, or take other appropriate action.

817.7004–4 Final price negotiation—profit.

Before the final price of a UCA is negotiated, contracting officers shall ensure the profit agreed to and documented in the contract negotiation memorandum reflects consideration of any risks incurred in performance of the work under the UCA.

817.7005 Contract clause.

(a) Use the clause at 852.217–70, Contract Action Definitization, in—

(1) All UCAs;

(2) Solicitations associated with UCAs;

(3) Orders against basic ordering agreements;

(4) Indefinite delivery task orders; and

(5) Any other type of contract providing for the use of UCAs.

(b) Insert the applicable information in paragraphs (a), (b), and (d) of the clause.

(c) If, at the time of entering into the UCA, the contracting officer knows that the definitive contract action will meet the criteria of FAR 15.403–1, 15.403–2, or 15.403–3 for not requiring submission of certified cost or pricing data, the words ''and certified cost or pricing data'' may be deleted from paragraph (a) of the clause.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 7. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

■ 8. Section 852.217–70 is added to read as follows:

852.217–70 Contract Action Definitization.

As prescribed in 817.7005(a), insert the following clause:

Contract Action Definitization (Jul 2019)

(a) A [*Insert specific type of contract action*] is contemplated. The Contractor agrees to begin promptly negotiating with the Contracting Officer the terms of a definitive contract action that will include all clauses required by the Federal Acquisition Regulation (FAR) on the date of execution of the undefinitized contract action, all clauses required by law on the date of execution of the definitive contract action, and any other mutually agreeable clauses, terms, and conditions. The Contractor agrees to submit a _____ [*Insert type of proposal, e.g., fixed-price, or cost-and-fee*] proposal with cost or pricing data, as appropriate, supporting it.

(b) The schedule for definitizing this contract action is as follows [*Insert target date for definitization of the contract action and dates for submission of proposal, beginning of negotiations, and, if appropriate, submission of the make-or-buy plans, subcontracting plans, and cost or pricing data*].

(c) If agreement on a definitive contract action to supersede this undefinitized contract action is not reached by the target date in paragraph (b) of this clause, or within any extension of it granted by the Contracting Officer, the Contracting Officer may, with the approval of a Contracting Officer one level above, determine a reasonable price or fee in accordance with FAR subpart 15.4 and FAR part 31, subject to Contractor appeal as provided in the Disputes clause. In any event, the Contractor shall proceed with completion of the contract, subject only to FAR 52.216–24, Limitation of Government Liability.

(1) After the Contracting Officer's determination of price or fee, the contract shall be governed by—

(i) All clauses required by the FAR on the date of execution of this undefinitized contract action for either fixed-price or cost-reimbursement contracts, as determined by the Contracting Officer under this paragraph (c);

(ii) All clauses required by law as of the date of the Contracting Officer's determination; and

(iii) Any other clauses, terms, and conditions mutually agreed upon.

(2) To the extent consistent with paragraph (c)(1) of this clause, all clauses, terms, and conditions included in this undefinitized contract action shall continue in effect, except those that by their nature apply only to an undefinitized contract action.

(d) The definitive contract action resulting from this undefinitized contract action will include a negotiated _____ [*Insert ''cost/price ceiling'' or ''firm-fixed-price''*] in no event to exceed _____ [*Insert the not-to-exceed amount*].

(End of clause)

[FR Doc. 2019–12759 Filed 6–21–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 181015948–9482–02]

RIN 0648–BI54

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

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

ACTION: Final rule.

SUMMARY: This final rule establishes an annual catch limit (ACL) of 492,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for each of the three fishing years 2018–19, 2019–20, and 2020–21. If NMFS projects that the fishery will reach the ACL in any given fishing year, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of that fishing year as an accountability measure (AM). This rule also makes housekeeping changes to the Federal bottomfish fishing regulations. This rule supports the long-term sustainability of Deep 7 bottomfish.

DATES: The final rule is effective July 24, 2019. The final rule is applicable in fishing years 2018–2019, 2019–2020 and 2020–2021.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.*

Copies of the environmental assessment (EA) and Finding of No Significant Impact for this action are available from *https://www.regulations.gov/docket?D=NOAA-NMFS-2018-0121,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Brett Schumacher, NMFS PIRO Sustainable Fisheries, 808–725–5185.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Deep 7 bottomfish fishery in Federal waters around Hawaii under the Fishery Ecosystem Plan for the Hawaiian Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Hyporthodus quernus*). The regulations at title 50, Code of Federal Regulations, part 665 (50 CFR 665.4) require NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council.

The Council recommended NMFS implement the ACL and AMs for MHI Deep 7 bottomfish in fishing years 2018–19, 2019–20, and 2020–21. The Council based its recommendations on a NMFS 2018 benchmark bottomfish stock assessment, in consideration of the risk of overfishing, past fishery performance, the acceptable biological catch recommendation from its Scientific and Statistical Committee, and input from the public.

The 2018 stock assessment estimated the overfishing limit for the MHI Deep 7 bottomfish stock complex to be 558,000 lb, assuming three years of identical catch in fishing years 2018–19, 2019–20, and 2020–21. This overfishing limit is 206,000 lb more than the estimated overfishing limit described in the 2011 stock assessment, as updated

in 2015. The ACL of 492,000 lb is 186,000 lb more than the ACL that NMFS specified last year based on the previous stock assessment (82 FR 29778, June 30, 2017). The ACL is associated with up to a 40 percent probability of overfishing for each fishing year up to 2020–21, and is more conservative than the 50 percent risk threshold allowed under NMFS guidelines for National Standard 1 of the Magnuson-Stevens Act.

NMFS monitors Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii. If NMFS projects the fishery will reach the ACL, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of that fishing year, as an AM. As an additional AM, in the event that NMFS and the Council determine that the final MHI Deep 7 bottomfish catch exceeds the ACL in any given year, NMFS would reduce the ACL for the subsequent fishing year by the amount of the overage.

The fishery has not caught the specified annual limit in any year since 2011, and NMFS does not expect this rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts.

This rule also makes administrative housekeeping changes to the regulations at 50 CFR part 665. This rule removes the description of the process of setting an annual total allowable catch, which has been superseded by the ACL process. The housekeeping changes also include updates to the name of the multispecies stock complex and updates and revisions to the scientific, local, and/or common names of several species, including corrections to regulations that were amended by a February 8, 2019, final rule that reclassified six species of Hawaii bottomfish management unit species (MUS) at 50 CFR 665.201 as ecosystem component species (84 FR 2726). That rule clarified the names of certain species in §§ 665.220 and 665.401 by removing diacriticals that are not consistently represented across different typefaces, resulting in misspellings. That rule also reordered the species listed so they are alphabetical by scientific name, and corrected a misspelling of *P. sieboldii.* The February 8, 2019, rule was effective March 11, 2019, which was after the proposed rule for the current action was published. Therefore, some of the regulatory text in this rule is based on the regulatory language implemented in the February 8, 2019, final rule.

Comments and Responses

On March 12, 2019, NMFS published a proposed rule and request for public comments (84 FR 8835). The comment period ended April 11, 2019, and NMFS received seven public comments from five individuals that generally supported the ACL and AMs. NMFS considered the public comments and responds to comments below.

Comment 1: There should be some sort of minimum catch size limit to ensure sustainability of the juvenile bottomfish population.

Response: NMFS acknowledges the potential benefits of minimum size limits when a fishery is in need of additional management measures. However, the best available science indicates that Deep 7 bottomfish stocks are currently healthy, so additional management measures beyond those currently proposed and in effect are not necessary at this time. NMFS and the State of Hawaii will continue to monitor the fishery and may consider additional management measures, including, but not limited to, size limits if the best scientific information available indicates additional measures are necessary to ensure stock sustainability.

Comment 2: The annual catch limit (ACL) should remain for Deep 7 bottomfish indefinitely to ensure that the fishery remains successful over the next three to five years.

Response: Pursuant to the Magnuson-Stevens Act and the Hawaii Fishery Ecosystem Plan, ACLs are a permanent part of the management regime for bottomfish management unit species. NMFS has managed the MHI Deep 7 bottomfish fishery through ACLs since 2011. As required by the Magnuson-Stevens Act, NMFS and the Council will continue to manage the fishery using ACLs after the end of the 3-year period to which this rule applies based on the best science available at that time.

Comment 3: There are insufficient data to accurately assess the impact on small businesses if Federal waters were closed to fishing. Further consideration would be necessary to evaluate how this proposed action will impact these fishing industry workers. A recommendation would be to establish a task force to accurately assess the impact of this rule in its totality as it pertains to small businesses.

Response: Section 4.3.1 of the EA specifically addresses the potential effects on the fishing community. Additionally, potential economic effects were also considered under the Regulatory Flexibility Act (section 5.11) and the Regulatory Impact Review (section 8). See also the **CLASSIFICATION** section of the proposed rule, and specifically the description under the heading, ''Certification of Finding of No Significant Impact on Substantial Number of Small Entities.'' each of these analyses determined that the action is not expected to have negative social or economic effects.

As described in the EA, the ACL implemented by this rule is sustainable. At the same time, it is substantially larger than the fishery's annual catch in recent years. Given the history of this fishery, we do not expect the fishery to reach the ACL in any fishing year and therefore, do not anticipate a fishery closure. In the unlikely event of such a fishery closure, however, this would mean that the fishery will have reaped economic and social benefits upon achieving a level of catch that the fishery has not realized since 1989.

Comment 4: The proposed action should provide regulations that prevent marine mammals, including bottlenose dolphins and Hawaiian monk seals, from becoming hooked or entangled in fishing gear.

Response: Pursuant to the Marine Mammal Protection Act, the MHI bottomfish fishery is a Category 3 fishery, with a remote likelihood of, or no known, incidental mortality or serious injury of marine mammals. To date, there is no data indicating this fishery is the cause of serious injury or mortality to marine mammals. NMFS has also concluded that marine mammals protected under the Endangered Species Act, including the Hawaiian monk seal, are not likely to be adversely affected by the Hawaii bottomfish fishery. NMFS will continue to monitor the fishery and would consider additional bycatch management measures if the best scientific information available indicates such measures would be necessary to prevent and minimize interaction with marine mammals (and other protected species).

Comment 5: There should be some measure by which the agency reassesses the fish population on an annual basis to ensure that the limit remains reasonable. Should some unforeseen event affect the fish population so that the proposed ACL results in overfishing, adjustments, other than closing the fisheries for that year, would be warranted.

Response: NMFS assesses the status of Deep 7 bottomfish stocks approximately every three years. NMFS and the Council review these assessments, and also monitor catches and evaluate them each year relative to the ACL and associated risk of overfishing. These analyses are reported in annual Stock

Assessment and Fishery Evaluation Reports, presented at public meetings and available on the Council website (*http://www.wpcouncil.org/fishery-plans-policies-reports/fishery-reports-2/*). If significant new information becomes available, NMFS and the Council would use such information to determine whether changes to the management of the fishery, including changes in the ACL and AMs, are necessary.

Comment 6: One commenter questioned whether this action would lead to long-term sustainability when the new ACL is 186,000 lb more than the ACL for 2017–18, and greater than the highest reported landings over the past five fishing seasons.

Response: As described in the EA, the higher ACL for fishing years 2019–20 through 2020–21 is the result of improved stock conditions as described in the 2018 benchmark assessment for MHI Deep 7 bottomfish. Specifically, the 2018 stock assessment estimated the overfishing limit (OFL) for the MHI Deep 7 bottomfish stock complex to be 558,000 lb, assuming three years of identical catch in fishing years 2018–19, 2019–20, and 2020–21. This OFL is 206,000 lb more than the OFL in the 2011 stock assessment, as updated in 2015. According to the 2018 stock assessment, an ACL of 492,000 lb for 2018–2021 is associated with a 40 percent probability of overfishing in each fishing year.

The 2018 assessment represents an improvement over the previous assessment upon which the 2017–18 ACL was based because it included more years of fishery data, an independent biomass estimate from a fishery-independent survey, improved fishery data filtering, and catch per unit of effort or CPUE standardization methods obtained through a series of workshops with fishermen and managers. As such, the 2018 stock assessment is the best scientific information available for assessing the status of the MHI Deep 7 bottomfish stocks.

Comment 7: Reopening of four of the bottomfish restricted fishing areas (BRFA) to fishing by the Hawaii Division of Aquatic Resources could lead to overfishing.

Response: The proposed opening of four BRFA to fishing is a State of Hawaii management action and is not part of this final rule.

Although the State may open four of the 12 BRFAs to fishing, this final rule ensures that total authorized catch of bottomfish will remain sustainable, regardless of the location of the catch. Thus, even if bottomfish are caught in one or more of the four BRFAs that would be open to fishing, the ACL and AMs would prevent catch from reaching the OFL, or mitigate overages, if they were to occur, thus maintaining a healthy and sustainable fishery.

Changes From the Proposed Rule

This final rule contains no changes from the proposed rule.

Classification

The Administrator, Pacific Islands Region, NMFS, determined that this action is necessary for the conservation, management, and long-term sustainability of Deep 7 bottomfish, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. NMFS did not receive any comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfish, Fisheries, Fishing, Hawaii, Pacific Islands.

Dated: June 17, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 665.12, revise the definition of ''Fishing year'' to read as follows:

§ 665.12 Definitions.

* * * * *

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31, with the exception of fishing for Deep 7 bottomfish and any precious coral MUS.

* * * * *

■ 3. Amend § 665.201 by:

■ a. Adding in alphabetical order the definitions of ''Deep 7 bottomfish'' and ''Deep 7 bottomfish fishing year;''

■ b. Revising the definition of ''Hawaii bottomfish management unit species (Hawaii bottomfish MUS);''

■ c. Removing the definition of ''Hawaii restricted bottomfish species fishing year;'' and

■ d. Revising the definition of ''Main Hawaiian Islands non-commercial bottomfish permit.''

The revisions and additions to read as follows:

§ 665.201 Definitions.

* * * * *

Deep 7 bottomfish means the following species:

Local name	Common name	Scientific name
(1) lehi	silver jaw jobfish	*Aphareus rutilans.*
(2) ehu	squirrelfish snapper	*Etelis carbunculus.*
(3) onaga	longtail snapper	*Etelis coruscans.*
(4) hapuupuu	sea bass	*Hyporthodus quernus.*
(5) opakapaka	pink snapper	*Pristipomoides filamentosus.*
(6) kalekale	pink snapper	*Pristipomoides sieboldii.*
(7) gindai	snapper	*Pristipomoides zonatus.*

Deep 7 bottomfish fishing year means the year beginning at 0001 local time on September 1 and ending at 2400 HST on August 31 of the next calendar year.

* * * * *

Hawaii bottomfish management unit species (Hawaii bottomfish MUS) means the following species:

Local name	Common name	Scientific name
(1) lehi	silver jaw jobfish	*Aphareus rutilans.*
(2) uku	gray jobfish	*Aprion virescens.*
(3) ehu	squirrelfish snapper	*Etelis carbunculus.*
(4) onaga	longtail snapper	*Etelis coruscans.*
(5) hapuupuu	sea bass	*Hyporthodus quernus.*
(6) opakapaka	pink snapper	*Pristipomoides filamentosus.*
(7) kalekale	pink snapper	*Pristipomoides sieboldii.*
(8) gindai	snapper	*Pristipomoides zonatus.*

Main Hawaiian Islands non-commercial bottomfish permit means the permit required by § 665.203(a)(2) to own or fish from a vessel that is used in any non-commercial vessel-based fishing, landing, or transshipment of any Hawaii bottomfish MUS or ECS in the MHI Management Subarea.

* * * * *

■ 4. In § 665.204, revise paragraphs (h), (i), and (j) to read as follows:

§ 665.204 Prohibitions.

* * * * *

(h) Fish for or possess any Deep 7 bottomfish as defined in § 665.201, in the MHI management subarea after a closure of the fishery, in violation of § 665.211.

(i) Sell or offer for sale any Deep 7 bottomfish as defined in § 665.201, after a closure of the fishery, in violation of § 665.211.

(j) Harvest, possess, or land more than a total of five fish (all species combined) identified as Deep 7 bottomfish in § 665.201 from a vessel in the MHI management subarea, while holding a MHI non-commercial bottomfish permit, or while participating as a charter boat customer, in violation of § 665.212.

* * * * *

§ 665.210 [Removed and Reserved]

■ 5. Remove and reserve § 665.210.

■ 6. Revise § 665.211 to read as follows:

§ 665.211 Annual Catch Limit (ACL).

(a) In accordance with § 665.4, the ACL for MHI Deep 7 bottomfish for each fishing year is as follows:

Fishing year	ACL (lb)
(1) 2018–2019	492,000
(2) 2019–2020	492,000
(3) 2020–2021	492,000

(b) When an ACL is projected to be reached based on analyses of available information, the Regional Administrator shall publish a notification to that effect in the **Federal Register** and shall use other means to notify permit holders. The notification will include an advisement that the fishery will be closed beginning at a specified date, which is not earlier than seven days after the date of filing the closure notification for public inspection at the Office of the Federal Register, until the end of the fishing year in which the ACL is reached.

(c) On and after the date specified in paragraph (b) of this section, no person may fish for or possess any Deep 7 bottomfish in the MHI management subarea, except as otherwise allowed in this section.

(d) On and after the date specified in paragraph (b) of this section, no person may sell or offer for sale Deep 7 bottomfish, except as otherwise authorized by law.

(e) Fishing for, and the resultant possession or sale of, Deep 7 bottomfish by vessels legally registered to Mau Zone, Ho'omalu Zone, or PRIA bottomfish fishing permits and conducted in compliance with all other laws and regulations, is exempted from this section.

■ 7. Revise § 665.212 to read as follows:

§ 665.212 Non-commercial bag limits.

No more than a total of five fish (all species combined) identified as Deep 7 bottomfish may be harvested, possessed, or landed by any individual participating in a non-commercial vessel-based fishing trip in the MHI management subarea. Charter boat customers are also subject to the non-commercial bag limit.

■ 8. In § 665.401, revise the definition of ''Mariana bottomfish management unit species (Mariana bottomfish MUS)'' to read as follows:

§ 665.401 Definitions.

* * * * *

Mariana bottomfish management unit species (Mariana bottomfish MUS) means the following fish:

Local name	Common name	Scientific name
(1) lehi/maroobw	red snapper, silvermouth	*Aphareus rutilans.*
(2) tarakitu/etam	giant trevally, jack	*Caranx ignobilis.*
(3) tarakiton attelong, orong	black trevally, jack	*Caranx lugubris.*
(4) bueli, bwele	lunartail grouper	*Variola louti.*
(5) buninas agaga', falaghal moroobw	red snapper	*Etelis carbunculus.*
(6) abuninas, taighulupegh	red snapper	*Etelis coruscans.*
(7) mafuti, atigh	redgill emperor	*Lethrinus rubrioperculatus.*
(8) funai, saas	blueline snapper	*Lutjanus kasmira.*
(9) buninas, falaghal-maroobw	yellowtail snapper	*Pristipomoides auricilla.*
(10) buninas, pakapaka, falaghal-maroobw,	pink snapper	*Pristipomoides filamentosus.*
(11) buninas, falaghal-maroobw	yelloweye snapper	*Pristipomoides flavipinnis.*
(12) buninas, falaghal-maroobw	pink snapper	*Pristipomoides sieboldii.*
(13) buninas rayao amariyu, falaghal-maroobw	flower snapper	*Pristipomoides zonatus.*

■ 9. In § 665.601, in the table to the definition of ''PRIA bottomfish management unit species (PRIA bottomfish MUS)'':

■ a. Revise the first column heading;

■ b. Designate the entries as paragraphs (1) through (12); and

■ c. Revise newly designated paragraph (5).

The revisions read as follows:

§ 665.601 Definitions.

* * * * *

PRIA bottomfish management unit species (PRIA bottomfish MUS) means the following fish:

Common name	Scientific name
* * * * *	
(5) Sea bass	*Hyporthodus quernus.*
* * * * *	

[FR Doc. 2019–13108 Filed 6–21–19; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 121
Monday, June 24, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AH16

Small Business Size Standards: Calculation of Annual Average Receipts

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) proposes to modify its method for calculating annual average receipts used to prescribe size standards for small businesses. Specifically, consistent with a recent amendment to the Small Business Act, SBA proposes to change its regulations on the calculation of annual average receipts for all receipts-based SBA size standards and other agencies' proposed size standards for service-industry firms from a 3-year averaging period to a 5-year averaging period.

DATES: SBA must receive comments to this proposed rule on or before August 23, 2019.

ADDRESSES: Identify your comments by RIN 3245–AH16 and submit them by one of the following methods: (1) Federal eRulemaking Portal: *https://www.regulations.gov,* follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Office of Size Standards, U.S. Small Business Administration, 409 Third Street SW, Mail Code 6530, Washington, DC 20416.

SBA will post all comments to this proposed rule on *https://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *https://www.regulations.gov,* you must submit such information to Khem R. Sharma, Ph.D., Chief, Office of Size Standards, U.S. Small Business Administration, 409 Third Street SW, Mail Code 6530, Washington, DC 20416, or send an email to *sizestandards@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should withhold this information as confidential. SBA will review your information and determine whether it will make it public.

FOR FURTHER INFORMATION CONTACT: Khem R. Sharma, Ph.D., Chief, Office of Size Standards, (202) 205–6618 or *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

Public Law 115–324 (the ''Small Business Runway Extension Act of 2018'') amended section 3(a)(2)(C)(ii)(II) of the Small Business Act, 15 U.S.C. 632(a)(2)(C)(ii)(II), to modify the requirements for proposed small business size standards prescribed by an agency without separate statutory authority to issue size standards.

Under section 3(a)(2)(C)(ii) of the Small Business Act as amended, an agency without separate statutory authority to issue size standards must satisfy three requirements to prescribe a size standard. First, the agency must propose the size standard with an opportunity for public notice and comment. Second, the agency must provide for determining the size of a manufacturing concern based on a 12-month average of the concern's employment, the size of a services concern based on a 5-year average of gross receipts, and the size of another business concern on the basis of data of not less than 3 years. Third, the agency must obtain approval of the size standard from the SBA Administrator.

In contrast to agencies subject to section 3(a)(2)(C), SBA has independent statutory authority to issue size standards. Under section 3(a)(2)(A) of the Small Business Act, the SBA Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of SBA's programs or any other Federal Government program. Section 3(a)(2)(B) of the Small Business Act further provides that such definitions may utilize the number of employees, dollar volume of business, net worth, net income, a combination thereof, or other appropriate factors. To determine eligibility for Federal small business assistance, SBA establishes detailed size definitions for small businesses (usually referred to as ''size standards'') that vary from industry to industry reflecting differences among the various industries. SBA typically uses two primary measures of business size for size standards purposes: (i) Annual average gross receipts for businesses in services, retail trade, agricultural, and construction industries, and (ii) average number of employees for businesses in all manufacturing and most mining and utilities industries. SBA uses financial assets for certain financial industries and refining capacity, in addition to employees, for the petroleum refining industry to measure business size.

The SBA's size standards establish eligibility for a variety of Federal small business assistance programs, including Federal government contracting and business development programs designed to assist small businesses in obtaining Federal contracts, and for SBA's loan guarantee programs, which provide access to capital for small businesses that are unable to qualify for conventional loans elsewhere. The government contracting programs that use SBA's size standards include the SBA's 8(a) Business Development (BD) program, the Historically Underutilized Business Zones (HUBZone) program, the Service Disabled Veteran-Owned Small Business (SDVOSB) program, the Woman-Owned Small Business (WOSB) program, and the Economically Disadvantaged Woman-Owned Small Business (EDWOSB) program. In fiscal year 2017, small businesses received $105.7 billion in Federal contracts, including $42.0 billion in set-aside contracts for small businesses. Small businesses received $25.6 billion in Federal set-aside contracts in fiscal year 2017 through the SBA's 8(a), HUBZone, SDVOSB, WOSB, and EDWOSB programs. (In addition to using SBA's size standards, SBA's Small Business Investment Company (SBIC), Certified Development Company (CDC/504), and 7(a) loan programs use either the industry-based size standards or tangible net worth and net income based alternative size standards to determine eligibility for those programs.)

SBA has long interpreted section 3(a)(2)(C) of the Small Business Act as not applying to SBA's size standards issued under section 3(a)(2)(A). In the preambles to the proposed and final rules implementing 3(a)(2)(C), SBA explained that the Small Business Act

requires that other Federal agencies use SBA's size standards *or* else use their own size standards that meet the requirements as set forth in that section. 65 FR 4176 (Jan. 26, 2000) and 67 FR 13714 (March 26, 2002). In the final implementation in 2002, SBA interpreted section 3(a)(2)(C) as applying only to non-SBA agencies, stating, ''Unless a statute specifies size standards for an agency's program or gives an agency direct authority to establish size standards, the agency must use the applicable size standards established by SBA.'' However, the Act allows an agency to ''prescribe a size standard for categorizing a business concern as a small business concern (*see* sec. 3(a)(2)(C) of the Act) provided that the contemplated size standard meets certain criteria and the agency obtains approval of the SBA Administrator.'' 67 FR 13714. Since 2002, SBA has repeated this interpretation of section 3(a)(2)(C) in the **Federal Register** 52 times: 67 FR 48423; 67 FR 61835; 68 FR 74841; 70 FR 68373; 70 FR 72582; 71 FR 28610; 72 FR 41242; 72 FR 61577; 73 FR 41241; 73 FR 42519; 74 FR 53953; 74 FR 53923; 74 FR 53937; 75 FR 61596; 75 FR 61602; 75 FR 61608; 76 FR 14339; 76 FR 27950; 76 FR 63524; 76 FR 63228; 76 FR 70693; 76 FR 70679; 77 FR 7513; 77 FR 11016; 77 FR 10945; 77 FR 42211; 77 FR 42224; 77 FR 42453; 77 FR 55753; 77 FR 55767; 77 FR 58746; 77 FR 58754; 77 FR 58759; 77 FR 72775; 77 FR 72701; 77 FR 72707; 78 FR 37415; 78 FR 37403; 78 FR 37421; 78 FR 37408; 78 FR 77342; 78 FR 77350; 79 FR 28645; 79 FR 33654; 79 FR 53665; 79 FR 54170; 81 FR 3947; 81 FR 3955; 81 FR 4466; 81 FR 4485; 82 FR 18263; 82 FR 44893. Additionally, in the final Size Standards Methodology that SBA issued in April 2009, SBA stated, ''Paragraph 3(a)(2)(C) refers to the establishment of size standards by other Federal agencies. SBA generally applies these same provisions when it establishes its size standards, but the Agency is not legally bound by them. On the other hand, Paragraphs 3(a)(2)(A) and 3(a)(2)(B) give the Administrator the flexibility to evaluate and establish size standards using a broader range of criteria, depending on what the Administrator determines will serve small businesses the best.'' Thus, section 3(a)(2)(C) pertains to special size standards that agencies prescribe for defining small businesses for their programs when they determine that SBA's size standards are not appropriate for such programs.

SBA grounds this long-standing interpretation of section 3(a)(2)(C) on the following facts. First, SBA has applied a 3-year average for receipts-based size standards since January 1956, *see* 21 FR 80, and the requirement in section 3(a)(2)(C) for an agency lacking specific authority to use a 3-year average was not passed into law until 38 years later on October 22, 1994 through the Small Business Administration Reauthorization and Amendments Act of 1994, Public Law 103–403, section 301. Second, the legislative history from the U.S. Senate Committee on Small Business and Entrepreneurship specifically excepts SBA from section 3(a)(2)(C) by stating that the 1994 amendment ''clarifies that a Federal Department or agency, *other than the Administration,* may issue a size standard set in terms of number of employees, average annual gross receipts, or otherwise, only under certain conditions. Those conditions are that the standard is set by rulemaking, including a proposal and an opportunity for public comment, and that the SBA Administrator has approved the standard.'' S. Rpt. No. 103–332 (emphasis added). Third, the predecessor statutory provision to section 3(a)(2)(C), which is set forth in section 222(a) of Public Law 102–366, explicitly stated that the specified averaging period applied only ''for the use of such department or agency'' where the department or agency had issued its own size standard, and the 1994 amendment did not evince any intent to change this rule of limited applicability. Fourth, based on a literal reading of the Small Business Act, section 3(a)(2)(C) only applies where an agency is not specifically authorized by statute to issue size standards, but SBA has specific authorization to issue SBA's size standards in section 3(a)(2)(A) of the Small Business Act. As such, section 3(a)(2)(C) requires that a non-SBA agency obtain approval from the SBA's Administrator for adopting its own size standard.

Nevertheless, to promote consistency government-wide on small business size standards, SBA proposes to change its own size standards to provide for a 5-year averaging period for calculating annual average receipts for all receipts-based size standards. It would be confusing for a service-industry business to use a 3-year average for SBA's receipts-based size standards and switch to a 5-year average for another agency's receipts-based size standards. Similarly, it would be confusing to apply SBA's size standards for a business that is engaged in both service- and non-service industries to use a 5-year average for determining small business status in a service industry but switch to a 3-year average for a non-service industry. Thus, although section 3(a)(2)(C), as amended, permits any agency to use a 3-year average outside of the service industries, SBA proposes to adopt a 5-year averaging period for calculating the annual receipts of businesses for all industries that are subject to receipts-based size standards, including the retail trade, agricultural, and construction industries.

SBA's proposed rule carries out the intent of Public Law 115–324, as expressed in the Report of the House Committee on Small Business, H. Rpt. 115–939. The Committee report states that, to help advanced small businesses successfully navigate the middle market as they reach their small business size thresholds, the bill would lengthen the time in which the SBA measures size through revenue, from the average of the past 3 years to the average of the past 5 years. The Committee report states that the bill would reduce the impact on small businesses from rapid-growth years which would result in spikes in revenue that may prematurely eject a small business out of their small size standard. The Committee report adds that the bill would allow small businesses at every level more time to grow and develop their competitiveness and infrastructure, before entering the open marketplace. The bill, as the report states, would also protect Federal investment in SBA's small business programs by promoting greater chances of success in the middle market for newly graduated firms, resulting in enhanced competition against large prime contractors.

As stated in the Committee report, during the period when annual revenues are rising, the 5-year average will generally be lower than the 3-year average, thereby allowing: (i) Mid-sized businesses who have just exceeded size standards to regain their small business status, and (ii) advanced small businesses close to exceeding the size standard to retain their small business status for a longer period. It is notable that, when annual revenues are declining, the 5-year average may be higher than the 3-year average. This would cause small businesses near the size thresholds to lose their small business status sooner under the 5-year average than under the 3-year average. This is more likely to happen during economic downturns. Businesses that lose their small business status under the 5-year average may be disadvantaged further because they may have to wait several years more to regain their small business status, as compared to under a 3-year average. Newly established firms that have been in business for less than 5 years will

receive no benefit from a change to a 5-year average. A firm that has been in business for less than the averaging period simply annualizes the receipts from its full existence.

Additionally, by enabling mid-size businesses to regain small business status and by lengthening the small business status of advanced and successful larger small businesses, the longer averaging period may disadvantage smaller small businesses in more need of Federal assistance than their more advanced and larger counterparts in competing for Federal opportunities. Similar to concerns from mid-size businesses that they lack necessary resources, past performance qualifications and expertise to be able to compete against very large businesses in the full and open market, SBA has also received concerns from smaller small businesses that they also lack resources, past performance qualifications and expertise to be able to compete against more resourceful, qualified, and experienced large small businesses for Federal opportunities for small businesses.

SBA's proposed rule satisfies the requirements of section 3(a)(6) of the Small Business Act, which requires that, to revise, modify, or establish size standards pursuant to section 3(a), SBA must issue a notice of proposed rulemaking that includes, among other things, the anticipated effect of the proposed rulemaking on industry. In this regard, the United States Supreme Court has ruled that agencies must ''use the same procedures when they amend or repeal a rule as they used to issue the rule in the first instance.'' *Perez* v. *Mortgage Bankers Assn.,* 135 S. Ct 1199, 1206 (2015).

II. Section-by-Section Analysis

A. Section 121.104

The proposed rule removes ''Schedule K'' from the definition of receipts. SBA has found that reviewing Schedule K is generally not useful, but SBA reserves the ability to request a Schedule K as part of SBA's review of the other Internal Revenue Service (IRS) forms listed in section 121.104(a).

For consistency with the size standard averaging period being changed in § 121.104, for the purposes of applying SBA's receipts-based size standards, the proposed rule changes the averaging period for a business that has been in business for 5 or more fiscal years to a 5-year period, *i.e.,* the business calculates its total receipts over the 5-year period and divides by 5. Under the proposed rule, if a business has been in business for less than 5 complete fiscal years, the business calculates its total receipts, divides by the number of weeks in business, and multiplies by 52. This is the same process SBA currently uses when a business has less than 3 complete fiscal years. If a business has a short year as one of its 5 years, the business calculates its total receipts over the 5-year period, divides by the number of weeks in the short year and its other 4 fiscal years, and multiplies by 52. This too is the same process SBA currently uses.

SBA proposes that the 5-year averaging period in § 121.104 would not distinguish between firms in service industries and other firms subject to receipts-based size standards. Although section 3(a)(2)(C) of the Small Business Act, as amended, permits other agencies to use a 5-year averaging period for service-industry firms and a 3-year averaging period for other firms, SBA believes that, in applying SBA's own size standards, separating out service-industry firms would cause confusion and create a greater compliance burden on firms that participate in both services industries and non-services industries (such as agriculture, construction, and retail trade) with receipts-based size standards.

This proposed rule only would affect the application of SBA's size standard rules after the effective date of a final rule. Thus, until the effective date of a final rule, SBA will continue to apply the 3-year averaging period in the present § 121.104 for calculating annual average receipts for all SBA's receipts-based size standards. Since size is determined as of the date when a firm certifies its size as part of its initial offer which includes price, the 3-year calculation period will apply to any offer submitted prior to the effective date of a final rule. Thus, even if SBA receives a request for a size determination or size appeal after the effective date of the final rule, SBA will still use a 3-year calculation period if the determination or appeal relates to a certification submitted prior to the final rule's effective date.

SBA also proposes to clarify how it believes annual receipts should be calculated in connection with the acquisition or sale of a division. Specifically, the proposed rule would provide that the annual receipts of a concern would not be adjusted where the concern sells or acquires a segregable division during the applicable period of measurement or before the date on which it self-certified as small. This would be different from how SBA treats the sale or acquisition of a subsidiary. In the case of a subsidiary, SBA's regulations provide that ''[t]he annual receipts of a former affiliate are not included if affiliation ceased before the date used for determining size. This exclusion of annual receipts of a former affiliate applies during the entire period of measurement, rather than only for the period after which affiliation ceased.'' 13 CFR 121.104(d)(4).

SBA believes that the sale or acquisition of a division is different from buying or selling a separate legal entity and, as such, should be treated differently. Any receipts attributable to a specific division of a concern are certainly receipts earned by the concern. Even if that division is later sold, its receipts were always part of the receipts directly received by the concern itself, and SBA believes that those receipts should remain a part of the concern's receipts after the sale for purposes of determining the concern's size. Similarly, where a concern acquires a segregable division from another business entity during the applicable period of measurement, the proposed rule would not increase the concern's overall receipts by the amount of receipts attributable to that division. This proposal is consistent with decisions of SBA's Office of Hearings and Appeals (OHA). *See, e.g. Size Appeal of Global, A 1st Flagship Co.,* SBA No. SIZ–5462 (2013) (''OHA has repeatedly held that a firm which acquires most of the assets of a subsidiary or division of a larger firm is affiliated only with that subsidiary or division, and not with the entire parent company.'').

SBA understands that some may feel that distinguishing the sale of a division from that of a subsidiary would elevate form over substance, and would merely require a seller to move assets into a separate subsidiary and then sell that subsidiary in order to bring the transaction under the rule. However, SBA believes that there really is an important distinction between a division and a separate legal entity. SBA specifically requests comments on this issue.

B. Section 121.903

As required by Public Law 115–324, SBA is proposing to amend the requirements for agencies that seek to propose and adopt size standards for their own programs, instead of applying SBA's size standards. Under the proposed rule, a non-SBA agency's receipts-based size standard applying to services-industry firms must be proposed with an averaging period of at least 5 years.

SBA is not proposing to change the requirement that other agency's size

standards for firms other than service and manufacturing firms use data over a period of at least 3 years. Such a change is not mandated by Public Law 115–324. Section 3(a)(2)(ii)(III) of the Small Business Act still provides that other agencies prescribe size standards for industries other than services or manufacturing using ''data over a period of not less than 3 years.'' Because Congress did not change this statutory language, SBA is reluctant to change it administratively. However, SBA believes that it could also require other agencies establishing size standards for industries other than services or manufacturing to use data over a 5-year period. Since requiring 5 years instead of 3 is not inconsistent with the statutory provision (*i.e.,* 5 years is ''not less than 3 years''), SBA specifically requests comments on whether SBA should require other agencies to use 5 years' worth of data for all industries.

This new calculation period does not affect existing non-SBA size standards. The averaging period for existing non-SBA size standards is not changed unless the responsible agency proposes and finalizes changes to such size standards. This is consistent with the change in Public Law 115–324 to the requirements for prescribing a non-SBA size standard, given the lack of any restrictions in the Small Business Act or Public Law 115–324 on applying an existing size standard. In proposing a change to the averaging period for its existing size standard, the responsible agency should coordinate with SBA using the procedure in § 121.903.

III. Request for Comments

SBA invites comments, input, or suggestions from interested parties on its proposal to change the period for the calculation of annual average receipts for all receipts-based size standards from 3 years to 5 years. The comments should address the following specific issues pertaining to the SBA's proposal.

1. SBA seeks feedback, along with supporting facts and analyses, on whether the Agency should calculate annual average receipts over 5 years for all industries subject to receipts-based size standards or on whether it should use a 5-year annual receipts average for businesses in services industries only and continue using a 3-year annual average for other businesses. SBA is concerned that the latter option may create confusion for both businesses in reporting their size based on annual average receipts and contracting personnel in verifying the size of bidders to Federal contracts.

2. SBA invites input on how the use of annual average receipts over 5 years instead of 3 years would impact both smaller small businesses and more advanced, larger small businesses in terms of getting access to Federal opportunities for small businesses.

IV. Compliance With Executive Orders 12866, 12988, 13132, 13563, and 13771, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

A. Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule is not a significant regulatory action for purposes of Executive Order 12866. However, in the next section, SBA provides a benefit-cost analysis of this proposed rule, including: (1) A statement of the need for the proposed action, and (2) an evaluation of the benefits and costs—both quantitative and qualitative—of the proposed action and alternatives considered. This rule is also not a ''major rule'' under the Congressional Review Act, 5 U.S.C. 800, *et seq.*

a. Benefit-Cost Analysis

1. What is the need for this regulatory action?

As stated elsewhere, the Small Business Act delegates to SBA's Administrator the responsibility for establishing small business size definitions (usually referred to as ''size standards''). Recently, Public Law 115–324 modified the requirements for proposed small business size standards prescribed by an agency without separate statutory authority to issue size standards.

The need of this proposed rule is to carry out Public Law 115–324 and to ensure consistency in the calculation of annual average receipts for SBA's size standards. In addition to the averaging requirements, size standards prescribed under section 3(a)(2)(C)(ii) of the Small Business Act must meet two other requirements: (1) Be proposed with an opportunity for public notice and comment, and (2) be approved by the Administrator. Public Law 115–324 does not undo these 2 requirements, and this proposed rule satisfies these requirements.

SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development and counseling, and disaster assistance programs. This regulatory action promotes the Administration's goals and objectives and meets the SBA's statutory responsibility to implement a new law impacting size definitions for small businesses. One of SBA's goals in support of promoting the Administration's objectives is to help small businesses succeed through access to capital, Federal Government contracts and purchases, and management, technical and disaster assistance.

2. What are the potential benefits and costs of this regulatory action?

Changing the period for calculating annual average receipts from 3 years to 5 years may enable some mid-size businesses that have just exceeded size standards to regain small business status. Similarly, it could also allow some advanced and larger small businesses about to exceed size standards to retain their small status for a longer period. However, it could also result in some advanced small businesses having a 5-year receipts average that happens to be higher than the 3-year receipts average, thus ejecting them out of their small business status sooner. Detailed impacts of the proposed change are discussed below.

It is difficult to determine the actual number of small and mid-size businesses that would be impacted by Public Law 115–324 and this regulatory action because there is no data on annual receipts of businesses. The annual receipts data from the Economic Census special tabulation are only available once every 5 years. Similarly, the System for Award Management (SAM) only records the data on 3-year annual average receipts of businesses over their three preceding fiscal years, but not their annual receipts for each fiscal year. For example, the receipts data for year 2018 is an average of annual receipts for 2017, 2016, and 2015. Similarly, the receipts data for 2017 is an average of annual receipts for 2016, 2015, and 2014, and so on. A 5-year receipts average for 2018 would be an average of annual receipts for 2017, 2016, 2015, 2014, and 2013.

Given the lack of annual receipts for each year, SBA approximates a firm's 5-year annual average revenue for 2018 as follows:

$$AvgRevenue_{2013-17} = \frac{1}{5} * \{(2 * AvgRevenue_{2015\,(SAM)}) + (3 * AvgRevenue_{2018\,(SAM)})\}$$

where:

$$AvgRevenue_{2015\,(SAM)} = AvgRevenue_{2012-14} = = \frac{1}{3} * (Revenue_{2012} + Revenue_{2013} + Revenue_{2014})$$

and

$$AvgRevenue_{2018\,(SAM)} = AvgRevenue_{2015-17} = = \frac{1}{3} * (Revenue_{2015} + Revenue_{2016} + Revenue_{2017}).$$

This result may slightly underestimate the 5-year revenue average when annual revenues are rising (*i.e.,* 2014 revenue > 2013 revenue > 2012 revenue) and overestimate it if annual revenues are declining (*i.e.,* 2014 revenue < 2013 revenue < 2012 revenue).

To estimate the 5-year receipts average for 2018 using the above formula, SBA analyzed the 2018 SAM extracts (as of September 1, 2018) and 2015 SAM extracts (as of September 1, 2015). The above 5-year annual average receipts formula would only work for businesses that were present in both 2015 and 2018 SAM extracts. One challenge was that some businesses found in 2018 SAM could not be found in 2015 SAM and vice versa. Excluding entities registered in SAM for purposes other than government contracting and entities ineligible for small business consideration (such as foreign governments and state-controlled institutions of higher learning), there were a total of 346,958 unique business concerns in SAM subject to at least one receipts-based size standard. Of these concerns, 293,524 (or about 84.6 percent) were ''small'' in all North American Industry Classification System (NAICS) industries, 9,990 (or 2.9 percent) were ''small'' in some industries and ''not small'' in other industries, and 43,444 (or 12.5 percent) were ''not small'' in any industry.

Excluding entities with ''null'' or ''zero'' receipts values, 194,686 firms (or about 56 percent) appeared both in 2018 SAM and in 2015 SAM and were included in the 5-year annual average receipts approximation and calculation of number of businesses impacted. Of those 194,686 matched firms subject to a receipts-based size standard, 154,220 (or about 79 percent) were ''small'' in all NAICS industries, 8,049 (or 4.1 percent) were ''small'' in some industries and other than small (''not small'') in other industries, and 32,417 (or about 17 percent) were ''not small'' in any industry. In other words, 303,514 (or 87.5 percent) of 346,958 total concerns in SAM 2018 and 162,269 (or 83.3 percent) of 194,686 total matched firms were small in at least one NAICS industry with a receipts-based size standard. These results are summarized in Table 1, ''Size Status of Businesses in Industries Subject to Receipts-Based Size Standards,'' below.

TABLE 1—SIZE STATUS OF BUSINESSES IN INDUSTRIES SUBJECT TO RECEIPTS-BASED SIZE STANDARDS

Size status	Total firms in 2018 SAM subject to at least one receipts-based standard		Firms in both 2015 SAM and 2018 SAM (matched)		% Matched	Total to matched ratio *
	Number of firms	%	Number of firms	%		
Small in at least one industry	303,514	87.5	162,269	83.3	53.5	1.809
Small in all industries	293,524	84.6	154,220	79.2	52.5	1.903
Small in some and not small in others	9,990	2.9	8,049	4.1	80.6	1.241
Large in all industries	43,444	12.5	32,417	16.7	74.6	1.340
Total	346,958	100.0	194,686	100	56.1	1.782

* To be used to translate the results from the matched data to overall 2018 SAM data.

According to Table 2, ''Distribution of Business Concerns Subject to Receipts-Based Size Standards by Number of NAICS Codes,'' below, the distribution of firms by the number of NAICS codes in the matched data is very similar to that for the overall 2018 SAM data. About 42–44 percent of firms were in only one NAICS code that has a receipts-based size standard, about 35 percent in 2–5 NAICS codes, about 12 percent in 6–10 NAICS codes, and about 8–10 percent in more than 10 NAICS codes. In other words, 56–58 percent of firms were in multiple NAICS codes with receipts-based size standards. Thus, it is quite possible that the proposed change may impact a firm's

small business status in multiple industries. For purposes of this analysis, an impacted firm is defined as one that would be impacted by the change in terms of gaining, regaining, extending, or losing small business status in at least one industry with a receipts-based size standard.

TABLE 2—DISTRIBUTION OF BUSINESS CONCERNS SUBJECT TO RECEIPTS-BASED SIZE STANDARDS BY NUMBER OF NAICS CODES

Number of NAICS codes	Total firms in 2018 SAM with at least one receipts-based NAICS code		Matched firms between 2018 and 2015 SAM	
	Count	%	Count	%
1 NAICS code	153,184	44.2	82,082	42.2
2 to 5 NAICS codes	123,277	35.5	68,458	35.2
6 to 10 NAICS codes	41,518	12.0	24,529	12.6
> 10 NAICS codes	28,979	8.4	19,617	10.1
Total	346,958	100.0	194,686	100.0

Note: A business concern is defined in terms of a unique local (vendor) DUNS number.

A central premise of Public Law 115–324 is that a 5-year annual receipts average (as opposed to a 3-year annual receipts average) would enable some mid-size businesses who have recently exceeded the size standard to regain small business status and some advanced small businesses close to exceeding the size standard to retain their small business status for a longer period. However, this premise would only hold true when businesses' annual revenues are rising. When businesses' annual revenues are declining, due to economic downturns or other factors, the 5-year annual receipts average could be higher than the 3-year annual receipts average, thereby causing small businesses close to their size standards to lose their small business status sooner.

b. Impacts on Businesses From the Proposed Change

By comparing the approximated 5-year annual receipts average with the current receipts-based size standard for each of the 194,686 matched business concerns in each NAICS code subject to a receipts-based size standard, SBA first estimated the following:

i. The number of mid-size businesses that have exceeded the size standard and would regain small business status in at least one NAICS industry with a receipts-based size standard (*i.e.,* 3-year average > size standard ≥ 5-year average)—positive impact;

ii. the number of advanced small businesses within 10 percent below the size standard that would have their small business status extended for a longer period in at least one NAICS industry with a receipts-based standard (5-year average < 3-year average ≤ size standard *and* 0.9*size standard < 3-year average ≤ size standard)—positive impact;

iii. the number of currently small businesses that would lose their small business status in at least one NAICS industry subjected to at least one receipts-based size standard (*i.e.,* 3-year average ≤ size standard < 5-year average)—negative impact; and

iv. the number of advanced small businesses within 10 percent below the size standard that would have their small status shortened in at least one NAICS industry subject to a receipts-based standard (3-year average < 5-year average ≤ size standard *and* 0.9*size standard < 3-year average ≤ size standard)—negative impact.

In this proposed rule, SBA is changing the period for calculation of average annual receipts for all of its receipts-based size standards from 3 years to 5 years. The purpose of Public Law 115–324 is to allow small businesses more time to grow and develop competitiveness and infrastructure so that they are better prepared to succeed under full and open competition once they outgrow the size threshold. However, as stated previously, a longer 5-year averaging period may not always and necessarily provide relief to every small business concern. As discussed previously, when annual revenues are declining or when annual revenues for the latest 3 years are lower than those for the earliest 2 years of the 5-year period, the 5-year average would be higher than the 3-year average, thereby ejecting some advanced small businesses out of their small business status sooner or rendering some small businesses under the 3-year average not small immediately.

As discussed earlier, the change in the averaging period for annual receipts from 3 years to 5 years results in four different types of impacts on small businesses: (i) Enabling current large or mid-size businesses to gain small business status (impact i); (ii) enabling current advanced small businesses to lengthen their small business status (impact ii); (iii) causing current small businesses to lose their small business status (impact iii); and (iv) causing current small businesses to shorten their small business status (impact iv). Table 3, 'Percentage Distribution of Impacted Firms by the Number of NAICS Codes,' below, provides these results based on the 2018 SAM—2015 SAM matched firms.

TABLE 3—PERCENTAGE DISTRIBUTION OF IMPACTED FIRMS BY THE NUMBER OF NAICS CODES

Impact*	Number of impacted firms	% Distribution of impacted firms by number of NAICS codes				
		1 NAICS code	2–5 NAICS codes	6–10 NAICS codes	>10 NAICS codes	Total
Currently small in all NAICS codes:						
Impact (ii)	1,255	25.3	39.6	16.3	18.8	100.0
Impact (iii)	1,176	35.5	32.5	14.9	17.2	100.0
Impact (iv)	112	20.5	33.9	25.0	20.5	100.0

TABLE 3—PERCENTAGE DISTRIBUTION OF IMPACTED FIRMS BY THE NUMBER OF NAICS CODES—Continued

Impact *	Number of impacted firms	% Distribution of impacted firms by number of NAICS codes				
		1 NAICS code	2–5 NAICS codes	6–10 NAICS codes	>10 NAICS codes	Total
Currently large business in all NAICS codes:						
Impact (i)	914	36.0	36.1	13.6	14.3	100.0
Currently small in some NAICS and not small in others:						
Impact (i)	1,640	0.0	24.6	24.2	51.2	100.0
Impact (ii)	1,138	0.0	25.0	26.0	49.0	100.0
Impact (iii)	497	0.0	23.7	20.9	55.3	100.0
Impact (iv)	108	0.0	23.1	23.1	53.7	100.0
Total Impact by Impact Type:						
Impact (i)	2,554	12.9	28.7	20.4	38.0	100.0
Impact (ii)	2,393	13.3	32.6	20.9	33.2	100.0
Impact (iii)	1,673	24.9	29.9	16.7	28.5	100.0
Impact (iv)	220	10.5	28.6	24.1	36.8	100.0
Overall Impact:						
Positive	4,687	13.8	31.8	20.7	33.8	100.0
Negative	1,890	23.3	29.8	17.6	29.4	100.0
Both	6,577	16.5	31.2	19.8	32.5	100.0

* Impact (i) = Current large businesses gaining small status; Impact (ii) = Current small businesses extending small status; Impact (iii) = Current small businesses losing small status; Impact (iv) = Current small businesses shortening small status.

It is highly notable that the distribution of impacted firms by the number of NAICS codes, as shown in Table 3, is very different as compared to a similar distribution based on the overall matched and total 2018 SAM data (*see* Table 2), especially with respect to firms with only one NAICS code and those with more than 5 NAICS codes. For example, more than 40 percent of all firms in the overall data were associated with only one NAICS code, as compared to less than 20 percent among impacted firms. Similarly, firms with more than 5 NAICS codes accounted for about 20 percent of all firms in the original data, as compared to more than 50 percent among impacted firms. It is also notable that NAICS Sectors 54, 56, and 23 together accounted for more than 70 percent of impacted firms (both negatively and positively impacted), with Sector 54 (Professional, Scientific and Technical Services) accounting for about 35 percent, Sector 23 (Construction) about 25 percent, and Sector 56 (Administrative and Support, Waste Management and Remediation Services) about 12–13 percent.

Each of these impacts was then multiplied by an applicable factor or ratio, as shown in the last column of Table 1, to obtain the respective impacts corresponding to all firms in 2018 SAM subject to at least one receipts-based size standard. These results are presented below in Table 4, ''Impacts from Changing the Averaging Period for Receipts from 3 Years to 5 Years.'' The last column of the table shows the percent of firms impacted relative to all business concerns in 2018 SAM.

Because the SAM data only captures businesses that are primarily interested in Federal procurement opportunities, the SAM-based results do not capture the impacts the proposed change may have on businesses participating in various non-procurement programs that apply to SBA's receipts-based size standards, such as SBA loan programs and exemptions from compliance with paperwork and other regulatory requirements.

TABLE 4—IMPACTS FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS

Impact [1]	Firms impacted in matched dataset	Total to matched ratio	Total firms impacted in 2018 SAM	Total firms in 2018 SAM	% Impacted
Entities only small under all NAICS code(s):					
Impact (ii)	1,255	1.903	2,389	293,524	0.8
Impact (iii)	1,176	1.903	2,238	293,524	0.8
Impact (iv)	112	1.903	213	293,524	0.1
Entities other than small under all NAICS code(s):					
Impact (i)	914	1.340	1,225	43,444	2.8
Entities small in some NAICS code(s) and other than small in other(s):					
Impact (i)	1,640	1.241	2,035	9,990	20.4
Impact (ii)	1,138	1.241	1,412	9,990	14.1
Impact (iii)	497	1.241	617	9,990	6.2
Impact (iv)	108	1.241	134	9,990	1.3
Total impact by impact type:					
Impact (i)	2,554	.....	3,260	53,434	6.1
Impact (ii)	2,393	.....	3,801	303,514	1.3
Impact (iii)	1,673	.....	2,855	303,514	0.9
Impact (iv)	220	.....	347	303,514	0.1
Overall total by positive or negative impact: [2]					

TABLE 4—IMPACTS FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS—Continued

Impact [1]	Firms impacted in matched dataset	Total to matched ratio	Total firms impacted in 2018 SAM	Total firms in 2018 SAM	% Impacted
Positive *[impact (i) or impact (ii)]*	4,687		6,690	346,958	1.9
Negative *[impact (iii) or impact (iv)]*	1,890		3,197	346,958	0.9
Total impact	6,577		9,887	346,958	2.8

[1] Impact (i) = Current large businesses gaining small business status; Impact (ii) = Current small businesses extending small status; Impact (iii) = Current small businesses losing small status; Impact (iv) = Current small businesses shortening small status.
[2] Number of firms under overall positive, negative and total impacts refer to the number of unique firms. Some firms could appear in multiple impact types and hence individual impacts may not add up to overall impact.

The Economic Census, combined with the Census of Agriculture and County Business Patterns Reports, provides for each NAICS code information on the number of total small and large businesses subjected to a receipts-based size standard. Based on the matched SAM data, SBA computed percentages of businesses impacted under each impact category for each NAICS industry subject to a receipts-based size standard. By applying such percentages to the 2012 Economic Census tabulation, SBA estimated the number of all businesses impacted under each impact type for each NAICS code subject to a receipts-based size standard. These results are presented in Table 5, ''Impacts from Changing the Averaging Period for Receipts from 3 Years to 5 Years (2012 Economic Census),'' below.

TABLE 5—IMPACTS FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS

[2012 Economic Census]

Impact [1]	Total firms (in million)	Estimate of impacted firms	% Impacted
Impact (i)	271,505	7,822	2.9
Impact (ii)	6,896,633	62,822	0.9
Impact (iii)	6,896,633	62,662	0.9
Impact (iv)	6,896,633	5,945	0.1
Overall impact:			
Positive *[impact (i) or impact (ii)]*	7,168,138	70,644	1.0
Negative *[impact (iii) or impact (iv)]*	7,168,138	68,607	1.0
Total impact	7,168,138	139,251	1.9

[1] Impact (i) = Current large businesses gaining small status; Impact (ii) = Current small businesses extending small status; Impact (iii) = Current small businesses losing small status; Impact (iv) = Current small businesses shortening small status.

Currently large or mid-size businesses regaining small business status would get various benefits as small business concerns, including access to Federal set-aside contracts, SBA's guaranteed loans and disaster assistance, reduced patent fees, and exemptions from various compliance and paperwork requirements. With their small business status extended, advanced small businesses would continue to receive such benefits for a longer period. However, the proposed change may also cause some small businesses to lose their small business status in at least one receipts-based size standard and access to small business assistance, especially Federal set-aside opportunities.

c. The Baseline

OMB directs agencies to establish an appropriate baseline to evaluate benefits, costs, or transfer impacts of regulatory actions and alternative approaches considered, if any. The baseline should represent the agency's best assessment of what the world would look like absent the regulatory action. For a new regulatory action modifying an existing regulation (such as changing the annual average receipts calculation from 3 years to 5 years), a baseline assuming no change to the regulation (*i.e.,* maintaining the status quo) generally provides an appropriate benchmark for evaluating benefits, costs, or transfer impacts of proposed regulatory changes and their alternatives.

Based on the 2012 Economic Census special tabulations (the latest available), 2012 County Business Patterns Reports (for industries not covered by the Economic Census), and 2012 Agricultural Census tabulations (for agricultural industries), of a total of about 7.2 million firms in all industries with receipts-based size standards, about 96 percent are considered small and 4 percent other than small under the 3-year annual receipts average. Similarly, of 346,958 businesses that were subject to at least one receipts-based size standard and eligible for Federal contracting, 87.5 percent were small in at least one NAICS code and 12.5 percent other than small in all NAICS codes.

Based on the data from the Federal Procurement Data System—Next Generation (FPDS–NG) for fiscal years 2015–2017, on average, about 88,770 unique firms in industries subject to receipts-based size standards received at least one Federal contract during that period, of which 83 percent were small. Businesses subject to receipts-based standards received $182 billion in annual average Federal contract dollars during that period, of which nearly $64 billion or about 35 percent went to small businesses. Of total dollars awarded to small businesses subject to receipts-based size standards, $45 billion or 71 percent was awarded through various small business set-aside programs and another 29 percent was awarded through non-set aside contracts.

Based on SBA's internal data on its loan programs, small businesses subject to receipts-based size standards received, on an annual basis, a total of nearly 58,600 7(a) and 504 loans for fiscal years 2016–2018, totaling $24.5 billion, of which 85 percent was issued through the 7(a) program and 15 percent was issued through the CDC/504 program. During fiscal year 2018, small businesses in those industries also received about 11,350 loans through the SBA's Economic Injury Disaster Loan (EIDL) program, totaling about $1.0 billion on an annual basis. Table 6, ''Baseline Analysis of Receipts-Based Size Standards,'' below, provides these baseline results.

Besides set-aside contracting and financial assistance discussed above, small businesses also benefit through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through Federal agencies that use SBA's size standards. However, SBA has no data to estimate the number of small businesses receiving such benefits. Similarly, due to the lack of data, SBA is not able to determine impacts the proposed rule will have on small businesses participating in other agencies' programs that are subject to their own size standards based on annual average receipts.

TABLE 6—BASELINE ANALYSIS OF RECEIPTS-BASED SIZE STANDARDS

Measure	Value
Total industries subject to receipts-based standards	518
Total firms subject to at least one receipts-based standard (million)—2012 Economic Census	7.17
Total small firms subject to at least one receipts-based standard (million)—2012 Economic Census	6.9
Total small firms subject to at least one receipts-based standard as % of total firms—2012 Economic Census	96.2
Total business concerns in SAM [1] (as of September 1, 2018)	420,381
Total business concerns subject to a receipts-based size standard in at least one NAICS code [2] (SAM)	346,958
Total businesses that are small in at least one NAICS code subject to a receipts-based size standard	303,514
Small business concerns as % of total business concerns subject to receipts-based standards (2018 SAM)	87.5
Average total number of unique Eligible vendors getting Federal contracts [1]—FPDS–NG (2015–2017)	126,500
Average total number of unique firms with receipts-based size standards getting Federal contracts [2]—FPDS–NG (2015–2017)	88,770
Average total contract dollars awarded to business concerns, subject to receipts-based standards ($ billion)	$182
Average total small business contract dollars awarded to businesses subject to receipts-based standards ($ billion)	$63.7
Small business dollars as % of total dollars awarded to firms subject to receipts-based standards	34.9
Annual average number of 7(a) and 504 loans to businesses subject to receipts-based standards (2015–2018)	58,569
Annual average amount of 7(a) and 504 loans ($ billion) (2015–2018)	$24.5
Number of EIDL loans to businesses subject to receipts-based size standards (2018)	11,345
Amount of EIDL loans ($ billion)	$1.0

[1] Entities in SAM and FPDS–NG presented above only include business concerns that can be eligible to qualify as small for Federal contracting. That is, entities that can never qualify as small (*e.g.,* foreign, not-for-profit and government entities) are excluded as they are not impacted by this rule.

[2] A business concern could appear in multiple NAICS industries involving both receipts-based and size standards and those based on other measures (such as employees). Similarly, a business could be small in some industries and other than small in others.

As mentioned previously, businesses that would regain or lose small business status can be identified by comparing their 5-year receipts average with the size standard. That is, if the 5-year receipts average of a firm currently above the size standard is lower than the applicable size standard, that firm will gain or regain small business status. Similarly, if the 5-year annual receipts average of a currently small business is higher than the size standard, that business will lose its small business status. However, to estimate the number of small businesses that would benefit by having their small business status extended for a longer period or would be penalized by having their small size status shortened, SBA considered small businesses whose 3-year annual average receipts average was within 10 percent below their receipts-based size thresholds. Small businesses that are not immediately impacted may be impacted either negatively or positively someday as they continue to grow and approach the size standard threshold.

d. Benefits

The most significant benefits to businesses from the proposed change in the period for calculation of annual average receipts from 3 years to 5 years include: (i) Enabling some mid-size businesses currently categorized above their corresponding size standards to gain or regain small business size status and thereby qualify for participation in Federal assistance intended for small businesses, and (ii) allowing some advanced and larger small businesses close to their size thresholds to lengthen their small business status for a longer period and thereby continue their participation in Federal small business programs. These include SBA's loan programs, EIDL program, and Federal procurement programs intended for small businesses. Federal procurement programs provide targeted, set-aside opportunities for small businesses under SBA's various business development and contracting programs, including 8(a)/BD, HUBZone, WOSB, EDWOSB, and SDVOSB programs. Benefits accruing to businesses gaining and extending small status are presented below in Table 7, ''Positive Impacts of Changing the Averaging Period for Receipts from 3 Years to 5 Years.'' The results in Table 7 pertain to businesses and industries subject to receipts-based size standards only.

As shown in Table 7, of 43,444 firms not currently considered small in any receipts-based size standards, 3,260 (or 7.5 percent) would benefit from the proposed change by gaining or regaining small status under the 5-year receipts average in at least one NAICS industry that is subject to a receipts-based size standard. Additionally, about 3,800 or 1.3 percent of small businesses within 10 percent below size standards would see their annual receipts decrease under the 5-year averaging period, consequently enabling them to keep their size status for a longer period.

Using the 2012 Economic Census, SBA estimated that about 7,800 or 2.9 percent of currently large businesses would gain or regain small status and more than 62,800 or 0.9 percent of total small businesses would see their small business status extended for a longer period as the result of this proposed

rule. These results are shown in Table 7, below.

With more businesses qualifying as small under the proposed change, Federal agencies will have a larger pool of small businesses from which to draw for their small business procurement programs. Growing small businesses that are close to exceeding the current size standards will be able to retain their small business status for a longer period under the 5-year receipts average, thereby enabling them to continue to benefit from the small business programs.

TABLE 7—POSITIVE IMPACTS OF CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS

Impact of proposed change	Large firms gaining small status	Small firms extending small status	Total positive impact
No. of impacted industries	372	361	[1] 420
No. of large firms becoming small or/and small firms extending small status—SAM (as of Sept 1, 2018)	3,260	3,801	[2] 6,690
Large firms becoming small or/and small firms with extended small status as % of total large or/and small firms in the baseline—SAM (as of Sept 1, 2018)	7.5	1.3	1.9
No. of large firms becoming small or/and small firms extending small status—2012 Economic Census	7,822	62,822	70,644
Large firms becoming small or/and small firms extending small status as % of total large or/and small firms in the baseline—2012 Economic Census	2.9	0.9	1.0
No. of large firms becoming small or/and small firms extending small status for small business contracts (FPDS–NG)	910	838	[2] 1,700
Additional small business dollars available to newly qualified firms or/and current small firms with extended small status ($ million)	$961	$133	$1,094
Additional small business dollars as % total small business contract dollars in the baseline	1.5	0.2	1.7
No. of additional 7(a) and 504 loans to newly qualified firms or/and current small firms extending small status	54	478	532
Additional 7(a) and 504 loan amount to newly qualified firms or/and current small firms extending small status ($ million)	$22	$189	$211
Additional 7(a) and 504 loan amount as % of total EIDL loan amount in the baseline	0.1	0.8	0.9
No. of additional EIDL loans to newly qualified for/firms and small firms extending small status	21	84	105
Additional EIDL loan amount to newly qualified firms or/and small firms with extended small status ($ million)	$2.2	$7.8	$10.0
Additional EIDL loan amount as % of total loan amount in the baseline	0.2	0.8	1.0

[1] Total impact represents total unique industries impacted to avoid double counting as some industries have large firms gaining small status and small firms extending small status.

[2] Total impact represents total unique firms impacted to avoid double counting as some firms may gain small business status in at least one NAICS code, while extending small business status in at least one other NAICS code.

Based on the FPDS–NG data for fiscal years 2015–2017, as shown in Table 7, SBA estimates that those newly qualified small businesses (*i.e.,* large businesses gaining small status) under the proposed rule, if adopted, could receive $961 million in small business contract dollars annually under SBA's small business, 8(a)/BD, HUBZone, WOSB, EDWOSB, and SDVOSB programs. That represents a 1.5 percent increase to total small business contract dollars from the baseline. Additionally, small businesses could receive approximately $133 million in additional small business contract dollars because of extension of their small business status, which is about a 0.2 percent increase from the total small business contract dollars in the baseline. That is, businesses gaining or extending small business status could receive about $1.1 billion in additional small business contract dollars, which is a 1.7 percent increase to the total small business dollars in the baseline.

Under SBA's 7(a) and 504 loan programs, based on the data for fiscal years 2016–2018, SBA estimates up to about 54 SBA 7(a) and 504 loans totaling nearly $22.0 million could be made to these newly qualified small businesses under the proposed change. Additionally, small businesses could receive up to 478 SBA 7(a) and 504 loans totaling $189 million due to the extension of their size status. These are, respectively, 0.1 percent and 0.8 percent increases to the loan amount in the baseline.

Newly qualified small businesses and those with extended small business status will also benefit from the SBA's EIDL program. Since the benefit provided through this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact. However, based on the historical trends of the EIDL data, SBA estimates that, on an annual basis, the newly defined small businesses under the proposed change could receive about 21 EIDL loans, totaling about $21 million. Similarly, extending small business status for a longer period could result in small businesses receiving 84 EIDL loans, totaling about $7.8 million. These results are presented in Table 7, above.

The added competition from more businesses qualifying as small may result in lower prices to the Federal Government for procurements set aside or reserved for small businesses, but SBA cannot quantify this impact. Costs could be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to a larger pool of small businesses under the proposed change, HUBZone firms might actually end up getting more set-aside contracts and fewer full and open contracts, thereby resulting in some cost savings to agencies. While SBA cannot estimate such costs savings, as it is impossible to determine the number and value of unrestricted contracts to be otherwise awarded to HUBZone firms that will be awarded as set-asides, such cost savings are likely to be relatively small as only a small fraction of full and open contracts are awarded to HUBZone businesses.

Additionally, the newly defined small businesses, as well as those with a longer small business status, would also

benefit from reduced fees, less paperwork, and fewer compliance requirements but SBA has no data to quantify this impact.

The proposed change will also address some of the challenges and uncertainties small businesses face in the open market once they graduate from their small business status. Small and mid-size businesses experience a considerable disadvantage in competing for full and open contracts against large businesses, including the largest in the industry. These large businesses have several competitive advantages over small and mid-size firms, including vast past performance qualifications and experience, strong brand-name recognition, a plethora of professional certifications, security clearances, and greater financial and marketing resources. Small and mid-size businesses cannot afford to maintain these resources, leaving them at a considerable disadvantage.

With contracts getting bigger, one large set-aside contract could throw a firm out of its small business size status, thereby subjecting it to certain requirements that apply to other-than-small firms, such as developing subcontracting plans. That firm may not have the infrastructure, existing business processes, and/or other resources in place in order to comply with such requirements. This may also result in constant shuffling between small and other-than-small status.

By allowing smaller mid-size companies that have just exceeded the size threshold to regain small business status and advanced small businesses close to size standards to prolong their small business status for a longer period, this proposed rule can expand the pool of qualified small firms for agencies to draw upon to meet their small business requirements.

e. The Costs

As stated previously, the change enacted under Public Law 115–324 may not always and necessarily benefit every small business concern. When businesses' annual revenues are declining or when annual revenues for the latest 3 years are lower than those for the earliest 2 years of the 5-year period, the 5-year average would be higher than the 3-year average, thereby ejecting small businesses out of their small status sooner or rendering some small businesses other than small immediately. Such small businesses would no longer be eligible for Federal small business opportunities, such as SBA's loans, Federal small business contracts, and other Federal assistance available to small businesses. These impacts are provided in Table 8, ''Negative Impacts from Changing the Averaging Period for Receipts from 3 Years to 5 Years,'' below.

TABLE 8—NEGATIVE IMPACTS FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS

Impact of proposed change	Small firms losing small status	Small firms shortening small status	Total negative impact
No. of industries impacted	370	184	[1] 383
No. of small firms losing or/and shortening small status—SAM (as of Sept 1, 2018)	2,855	347	[2] 3,197
Small firms losing or shortening small status as % of total small firms—SAM (as of Sept 1, 2018)	0.9	0.1	1.1
No. of small firms losing or extending small status—2012 Economic Census	62,662	5,945	68,607
Small firms losing or shortening small status as % of total small firms in the baseline—2012 Economic Census	0.9	0.1	1.0
No. of small firms losing or shortening small business eligibility for set-aside contracts—FPDS–NG (2015–17)	416	82	498
Small business dollars unavailable to small firms losing or shortening small status ($ million)	$289	$46	$335
Small business dollars as % of total small business dollars in the baseline	0.5	0.07	0.5
No. of 7(a) and 504 loans unavailable to small firms losing or shortening small status	565	52	617
7(a) and 504 loan amount unavailable to small firms losing or shortening ($ million)	$256	$22	$278
Unavailable 7(a) and 504 loan amount as % of total loan amount in the baseline (baseline = $24.5 billion)	1.0	0.1	1.1
No. of EIDL loans unavailable to small firms losing or shortening small status	100	21	121
Unavailable EIDL loan amount to small firms losing or extending small status ($ million)	$9.6	$2.2	$11.8
Unavailable EIDL loan amount as % of total EIDL loan amount in the baseline (baseline = $1.0 billion)	1.0	0.2	1.2

[1] Total impact represents total unique industries impacted to avoid double counting as some industries have small firms losing small status and small firms shortening small status.

[2] Total impact represents total unique firms impacted to avoid double counting as some firms may gain small business status in at least one NAICS code, while extending small business status in at least one other NAICS code.

SBA estimates that, of 303,514 firms in 2018 SAM that were small under at least one receipts-based size standard based on the 3-year receipts average, 2,855 firms (or 0.9 percent) would lose their small status and another 347 firms (or 0.1 percent) would see their size status shortened as a result of the proposed change. Similarly, based on the 2012 Economic Census data, about 62,650 firms would lose their small business status and about 5,950 firms would see their size status shortened, which represent, respectively, 0.9 percent and 0.1 percent of total small firms subject to a receipts-based size standard.

Based on the contract awards data from FPDS–NG for fiscal years 2015–2017, businesses losing or shortening small status would lose access to about $335 million in Federal small business contract collars, which is about a 0.5 percent decrease from the corresponding value in the baseline. Similarly, based on the SBA's loan data for fiscal years 2016–2018 and the number of impacted firms from the Economic Census, SBA estimates that businesses losing or shortening small status would also lose access to about $277 million in SBA 7(a) and 504 loans and $12 million in EIDL loans. These are, respectively, 1.1 percent and 1.2 percent of the corresponding baseline values.

Businesses losing small status and those with size status shortened would also be deprived of other Federal benefits available, including reduced fees and exemptions from certain paperwork and compliance

requirements. However, there exists no data to quantify this impact.

Additionally, by enabling mid-size businesses to regain small business status and lengthening the small business status of advanced and successful larger small businesses, the proposed rule may disadvantage smaller small businesses in more need of Federal assistance than their larger counterparts in competing for Federal opportunities. SBA frequently receives concerns from smaller small businesses that they also lack resources, past performance qualifications and expertise to be able to compete against more resourceful, qualified and experienced large small businesses for Federal opportunities for small businesses.

Besides having to register in SAM to be able to participate in Federal contracting and update the SAM profile annually, small businesses incur no direct costs to gain or retain their small business status. All businesses willing to do business with the Federal Government have to register in SAM and update their SAM profiles annually, regardless of their size status. SBA believes that a vast majority of businesses that are willing to participate in Federal contracting are already registered in SAM. Furthermore, this proposed rule does not establish the new size standards for the first time; rather, it merely proposes to modify the calculation of annual average receipts that apply to the existing size standards in accordance with a statutory requirement.

The proposed change may entail some additional administrative costs to the Federal Government because more businesses may qualify as small for Federal small business programs. For example, there will be more firms seeking SBA's loans; more firms eligible for enrollment in the Dynamic Small Business Search (DSBS) database or in *certify.sba.gov;* more firms seeking certification as 8(a)/BD or HUBZone firms or qualifying for small business, WOSB, EDWOSB, and SDVOSB status; and more firms applying for SBA's 8(a)/BD and All-Small Mentor-Protégé programs. With an expanded pool of small businesses, it is likely that Federal agencies will set aside more contracts for small businesses under the proposed change. One may surmise that this might result in a higher number of small business size protests and additional processing costs to agencies. However, the SBA's historical data on size protests actually shows that the number of size protests actually decreased after an increase in the number of businesses qualifying as small as a result of size standards revisions as part of the first 5-year review of size standards. Specifically, on an annual basis, the number of size protests dropped from about 600 during fiscal years 2011–2013 (review of most receipts-based size standards was completed by the end of fiscal year 2013) to about 500 during fiscal years 2014–2016. However, with more years of data to be reviewed, 5-year averaging may increase time needed by size specialists to process a size protest. Among those newly defined small businesses seeking SBA's loans, there could be some additional costs associated with compliance and verification of their small business status. However, small business lenders have an option of using the tangible net worth and net income based alternative size standard instead of using the industry-based size standard to establish eligibility for SBA's loans. For these reasons, SBA believes that these added administrative costs will be minor because necessary mechanisms are already in place to handle these added requirements.

Additionally, some Federal contracts may possibly have higher costs. With a greater number of businesses defined as small under the proposed change, Federal agencies may choose to set aside more contracts for competition among small businesses only instead of using full and open competition. The movement of contracts from unrestricted competition to small business set-aside contracts might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers under the proposed change. However, the additional costs associated with fewer bidders are expected to be minor since, by law, procurements may be set aside for small businesses under the 8(a)/BD, HUBZone, WOSB, EDWOSB, or SDVOSB programs only if awards are expected to be made at fair and reasonable prices.

Costs may also be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to the availability of a larger pool of small businesses under the proposed increases to size standards, HUBZone firms might actually end up getting fewer full and open contracts, thereby resulting in some cost savings to agencies. However, such cost savings are likely to be minimal as only a small fraction of unrestricted contracts are awarded to HUBZone businesses.

f. Net Impact

As discussed elsewhere, the proposed rule would result in four primary impacts, which can be categorized as either having a 'positive impact' or 'negative impact' on size status of both currently large and small businesses. Allowing some currently large firms to gain small business status and some advanced small firms to remain small for a longer period represents the positive impact of the proposed rule. Causing some currently small firms to lose or shorten their small business is the negative impact.

Although businesses in a majority of industries with receipts-based size standards would be both positively and negatively impacted by this proposed rule, in totality the number firms with positive impacts was generally greater than the number of firms with negative impacts. The proposed rule would result in a net gain of about $759 million (or 1.2 percent) in Federal small business dollars. However, due to the relative sizes of the industries in terms of the number of firms, the net impact of the proposed rule on SBA loans was slightly negative. SBA estimates a net loss of 0.3 percent of 7(a) and 504 loans and 0.2 percent of EIDL loans to small firms as a result of changing the period for calculating annual average receipts from 3 years to 5 years. Net impacts of the proposed rule are summarized in Table 9, ''Net Impact from Changing the Averaging Period for Receipts from 3 Years to 5 Years,'' below.

TABLE 9—NET IMPACT FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS

Impact of proposed change	Total positive impact	Total negative impact	Net impact
Total no. of impacted firms—SAM (as of Sept 1, 2018)	6,690	3,197	3,493
Impacted firms as % of total firms in the baseline—SAM (as of Sept 1, 2018)	1.9	0.9	1.0
Number of impacted firms—2012 Economic Census	70,644	68,607	2,037
Impacted firms as % of total firms in the baseline—2012 Economic Census	1.0	1.0	0.03

TABLE 9—NET IMPACT FROM CHANGING THE AVERAGING PERIOD FOR RECEIPTS FROM 3 YEARS TO 5 YEARS—Continued

Impact of proposed change	Total positive impact	Total negative impact	Net impact
Number of impacted firms eligible for set-aside contracts (FPDS–NG)	1,700	498	1,200
Small business dollars impacted ($ million)	$1,094	$335	$759
Small business dollars impacted as % total set-aside dollars in the baseline	1.7	0.5	1.2
Number of 7(a) and 504 loans impacted	532	617	−85
7(a) and 504 loan amount impacted ($ million)	$211	$277	−$66
7(a) and 504 loan amount impacted as % of total 7(a) and 504 loan amount in the baseline	0.9	1.1	−0.3
No. of EID loans impacted	105	121	−16
EID loan amount impacted ($ million)	$10.0	$11.8	−$1.8
EID loan amount impacted as % of total loan amount in the baseline	1.0	1.2	−0.2

g. Transfer Impacts

The proposed change may result in some redistribution of Federal contracts between businesses gaining or extending small status and large businesses, and between businesses gaining or extending small status and other existing small businesses. However, it would have no impact on the overall economic activity since the total Federal contract dollars available for businesses to compete for will not change. While SBA cannot quantify with certainty the actual outcome of the gains and losses from the redistribution of contracts among different groups of businesses, it can identify several probable impacts in qualitative terms. With the availability of a larger pool of small businesses under the proposed change, some unrestricted Federal contracts may be set aside for small businesses. As a result, large businesses may lose access to some Federal contracts. Similarly, some currently small businesses may obtain fewer set-aside contracts due to the increased competition from some large businesses qualifying as small and advanced small businesses remaining small for a longer period. This impact may be offset by a greater number of procurements being set aside for all small businesses. With large businesses qualifying as small and advanced larger small businesses remaining small for a longer period under the proposed rule, smaller small businesses could face some disadvantages in competing for set-aside contracts against their larger counterparts. However, SBA cannot quantify these impacts.

B. Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. This action does not have retroactive or preemptive effect.

C. Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this proposed rule 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. Therefore, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

D. Executive Order 13563

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. A description of the need for this regulatory action and benefits and costs associated with this action, including possible distributional impacts that relate to Executive Order 13563 is included above in the Benefit-Cost Analysis under Executive Order 12866. Additionally, Executive Order 13563, Section 6, calls for retrospective analyses of existing rules.

Following the enactment of Public Law 115–324, SBA issued a public notice advising business and contracting communities that SBA must go through a rulemaking process to implement the new law and that businesses still must report their receipts based on a 3-year average until SBA changes its regulations. SBA updated the Small Business Procurement Advisory Council (SBPAC) at its March 26, 2019, and April 23, 2019, meetings about SBA's rulemaking process to implement Public Law 115–324. On April 18, 2019, SBA also presented an update on the implementation of Public Law 115–324 at the 2019 Annual Government Procurement Conference. Through phone calls and emails, SBA also advised business and contracting communities and other interested parties about the SBA's process to implement the new law.

Additionally, SBA issued a revised draft white paper titled ''Small Business Size Standards: Revised Size Standards Methodology'' and published a notice in the April 27, 2018, issue of the **Federal Register** (83 FR 18468) to advise the public that the document is available for public review and comments. The Revised Size Standards Methodology explains how SBA establishes, reviews, and modifies its receipts-based and employee-based small business size standards. On April 11, 2019, SBA published a **Federal Register** Notice (84 FR 14587) advising the public that the Agency has issued the revised final white paper.

E. Executive Order 13771

This proposed rule is not expected to be an Executive Order 13771 regulatory action because this proposed rule is not significant under Executive Order 12866.

F. Initial Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act (RFA), this proposed rule, if adopted, may have a significant impact on a substantial number of small businesses in industries subject to receipts-based size standards. As described above, this rule may affect small businesses in those industries seeking Federal contracts, loans under SBA's 7(a), 504 and EIDL programs, and assistance under other Federal small business programs.

Immediately below, SBA sets forth an initial regulatory flexibility analysis (IRFA) of this proposed rule to address the following questions: (1) What is the need for and objective of the rule?; (2) What is SBA's description and estimate of the number of small businesses to which the rule will apply?; (3) What are the projected reporting, record-keeping, and other compliance requirements of the rule?; (4) What are the relevant Federal rules that may duplicate,

overlap, or conflict with the rule?; and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small businesses?

1. What are the need for and objective of the rule?

Recently, Public Law 115–324 amended section 3(a)(2)(C)(ii)(II) of the Small Business Act by modifying the period for calculating annual average receipts of business concerns providing services in a proposed size standard prescribed by an agency without separate statutory authority to issue size standards from 3 years to 5 years. This proposed rule is needed to implement Public Law 115–324 and to make consistent changes to SBA's definition of annual receipts by amending the SBA's regulations on the calculation of annual average receipts for all receipts-based standards from over 3 years to over 5 years.

2. What are SBA's description and estimate of the number of small businesses to which the rule will apply?

This proposed rule applies to all small businesses that are subject to a receipts-based size standard. Based on the 2012 Economic Census special tabulations, 2012 County Business Patterns Reports, and 2012 Agricultural Census tabulations, of a total of about 7.2 million firms in all industries with receipts-based size standards to which the rule will apply, 6.9 million or about 96.0 percent are considered small under the 3-year annual receipts average. Of 346,958 total concerns in SAM 2018 to which the rule will apply, about 303,500 or 87.5 percent were small in at least one NAICS industry with a receipts-based size standard. Similarly, based on the data from FPDS–NG for fiscal years 2015–2017, on average, about 88,770 unique firms in industries subject to receipts-based size standards received at least one Federal contract during that period, of which 83 percent, or 73,825 were small.

3. What are the projected reporting, record-keeping and other compliance requirements of the rule?

The proposed rule changes existing reporting or record-keeping requirements for small businesses. In reporting receipts to SBA for an SBA size determination, businesses will report a 5-year average rather than a 3-year average. To qualify for Federal procurement and a few other programs requires businesses to register in SAM and to self-certify that they are small at least once annually. Therefore, businesses opting to participate in those programs must comply with SAM requirements. There are no costs associated with SAM registration or certification. Changing size standards alters access to SBA's programs that assist small businesses but does not impose a regulatory burden because they neither regulate nor control business behavior.

4. What are the relevant Federal rules, which may duplicate, overlap or conflict with the rule?

Under section 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(C), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rule that would duplicate or conflict with establishing size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (13 CFR 121.903). The Regulatory Flexibility Act authorizes an Agency to establish an alternative small business definition, after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

5. What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards. As stated elsewhere, the objective of this proposed rule is to change SBA regulations on the calculation of business size in terms of annual average receipts to implement Public Law 115–324 and there are no other alternatives to achieve that objective.

G. Paperwork Reduction Act

For purposes of the Paperwork Reduction Act, 44 U.S.C. Chapter 35, SBA has determined that this proposed rule would amend an information collection (SBA Form 355, Information for Small Business Size Determination, which was previously approved under OMB Control Number 3245–0101). In addition to seeking reinstatement of this information collection, SBA will also submit it to OMB for approval of the changes described below. Certain proposed revisions in Parts III and IV of Form 355 address the change from 3 years to 5 years for calculating annual average receipts. Other proposed revisions to the form would be to delete unnecessary questions, clarify certain previously approved requests for information, and in some instances, to request additional information where SBA has determined there is a programmatic need. The proposed deletions and clarifications, though not required by the statute, will alleviate the additional burden posed by changing from 3 years to 5 years for calculating annual average receipts.

First, SBA will amend the General Instructions section to define ''concern'' and ''principal stockholders''; state that separate affiliation rules apply in some of SBA's loan and research programs; remove the requirement to identify a labor surplus county, as well as obsolete information about industries with special size standards; and to include in the certification a statement that accompanying documentation is true and correct.

Second, in Part 1, SBA will clarify that the information relates to the applicant business; add a checkbox for the firm to identify its corporate organization structure; require a firm to disclose whether it is organized for profit; and remove various obsolete or unnecessary information regarding county/city, purpose of the size determination, the contracting agency, the business's major products or services and shares of sales, addresses of owners or officers, and recently completed mergers. Part 1 will also be amended to request ownership information for owners that are entities until the respondent identifies the ultimate owners that are natural persons.

Third, in Part II, SBA will limit the information requested about employees to businesses that are being evaluated under an employee-based size standard.

Fourth, in Part III, SBA will limit the information request about receipts to businesses that are being evaluated under a receipts-based size standard. SBA will add 2 additional lines to the entries for annual receipts so that a business that has been in business for 5 years provides information about its most recently competed 5 fiscal years.

Fifth, in Part IV, SBA will add that the business must provide information for any business that the applicant's owner

reports on a Schedule C or Schedule E of the owner's personal tax returns if the owner or an immediate family member has a controlling interest in the business, remove the request for addresses of individual owners and managers, request ownership information for owners that are entities until the respondent identifies the ultimate owners that are natural persons, limit the request for employee information to applicants being evaluated under an employee-based size standard, limit the information request for receipts information to applicants being evaluated under a receipts-based size standard, and add two rows to the receipts table so that the receipts of acknowledged affiliates are reported based on a 5-year average.

Sixth, in Part V, SBA will remove requests about acknowledged affiliates that are covered in Part IV; delete questions about performance of work on the contract, financial impact of termination for default, and specific terms and conditions of the contract; and add a question about actual or proposed subcontracts between the applicant and any of its alleged affiliates.

SBA determines that these changes to the information collection will cause the paperwork burden to remain at 4 hours. The changes will require a business in an industry with a receipts-based size standard to gather information about the business's 5 prior fiscal years and complete information about its 5 prior fiscal years and the 5 prior fiscal years for acknowledged affiliates. However, a business with a receipts-based size standard will not complete information about its number of employees. Similarly, a business with an employee-based size standard will not complete information about its receipts. Additionally, SBA has removed all requests for the addresses of individual owners and managers, and deleted 3 questions from Part V.

The deadline and method for submitting comments are as stated above in the **DATES** and **ADDRESSES** sections, respectively. The title, summary of the amended information collection, description of respondents, and an estimate of the reporting burden are discussed below. Included in the estimate is the time for reviewing instructions, searching existing data, and completing and reviewing each collection of information.

1. *Title and Description:* SBA Form 355, Information for Small Business Size Determination. The information provided in this form will be used by SBA for a size determination of a business applying for assistance available to small businesses under any program administered by this Agency, except for its SBIC Program which uses SBA Form 480, or at the request of another Federal agency for purposes of its small business program.

Need and Purpose: This information collection is necessary for SBA to, among other things, evaluate the eligibility of an applicant for SBA's small business programs.

OMB Control Number: 3245–0101.

Description of and Estimated Number of Respondents: This information will be collected from small businesses seeking an SBA determination of size. Based on historical information, SBA estimates this number to be between 500 and 600 each year.

Estimated Response Time: 4 hours.

Total Estimated Annual Hour Burden: 2,000–2,400.

SBA invites comments on: (1) Whether the proposed changes to this collection of information are necessary for the proper performance of SBA's functions, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 662, and 694a(9).

2. In § 121.104 revise the second sentence of paragraphs (a), paragraphs (c) and (d)(3) to read as follows:

§ 121.104 How does SBA calculate annual receipts?

(a) * * * Generally, receipts are considered ''total income'' (or in the case of a sole proprietorship ''gross income'') plus ''cost of goods sold'' as these terms are defined and reported on Internal Revenue Service (IRS) tax return forms (such as Form 1120 for corporations; Form 1120S for S corporations; Form 1120, Form 1065 or Form 1040 for LLCs; Form 1065 for partnerships; Form 1040, Schedule F for farms; Form 1040, Schedule C for other sole proprietorships) * * *

* * * * *

(c) *Period of measurement.* (1) Annual receipts of a concern that has been in business for 5 or more completed fiscal years means the total receipts of the concern over its most recently completed 5 fiscal years divided by 5.

(2) Annual receipts of a concern which has been in business for less than 5 complete fiscal years means the total receipts for the period the concern has been in business divided by the number of weeks in business, multiplied by 52.

(3) Where a concern has been in business 5 or more complete fiscal years but has a short year as one of the years within its period of measurement, annual receipts means the total receipts for the short year and the 4 full fiscal years divided by the total number of weeks in the short year and the 4 full fiscal years, multiplied by 52.

(d) *Annual receipts of affiliates.*

* * * * *

(3) If the business concern or an affiliate has been in business for a period of less than 5 years, the receipts for the fiscal year with less than a 12-month period are annualized in accordance with paragraph (c)(2) of this section. Receipts are determined for the concern and its affiliates in accordance with paragraph (c) of this section even though this may result in using a different period of measurement to calculate an affiliate's annual receipts.

* * * * *

■ 3. Amend by § 121.903 by revising paragraphs (a)(1)(ii) as follows:

§ 121.903 How may an agency use size standards for its programs that are different than those established by SBA?

(a) * * *

(1) * * *

(i) * * *

(ii) The size of a services concern by its average annual receipts over a period of at least 5 years, determined according to § 121.104;

* * * * *

Dated: June 6, 2019.

Christopher M. Pilkerton,

Acting Administrator.

[FR Doc. 2019–12754 Filed 6–21–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0444; Product Identifier 2019–NM–028–AD]

RIN 2120–AA64

Airworthiness Directives; Various Transport 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 various transport airplanes. This proposed AD was prompted by reports of smoke and fumes in the flight deck. This proposed AD would require modification of certain universal serial bus (USB) receptacles located in the flight deck. 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 August 8, 2019.

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

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

For service information identified in this NPRM, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0444; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Comments Invited

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–2019–0444; Product Identifier 2019–NM–028–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 FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments received, 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 FAA receives about this NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0259R1, dated February 7, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the following airplanes on which certain USB receptacles were installed using certain Fokker service information:

- Fokker Services B.V. Model F.27 Mark 050 airplanes.
- Fokker Services B.V. Model F.28 Mark 3000 airplanes.
- Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes.
- Airbus SAS Model A318–111 airplanes.
- Airbus SAS Model A319–111, –112, –114, –115, and –132 airplanes.
- Airbus SAS Model A320–211, –212, –214, –231, –232, and –251N airplanes.
- Airbus SAS Model A321–211, –231, –232, –251N and –253N airplanes.
- Airbus SAS Model A330–202, –223, –243, –322 and –343 airplanes.
- Airbus SAS Model A340–312 and –313 airplanes.
- ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes.
- ATR—GIE Avions de Transport Régional Model ATR72–212 and –212A airplanes.
- The Boeing Company Model 737–300, –400, –500, –700, –800 and –900ER series airplanes.
- The Boeing Company Model 757–200 series airplanes.
- The Boeing Company Model 767–200 and –300 series airplanes.
- The Boeing Company Model 777–200LR series airplanes.
- Bombardier, Inc., Model CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes.
- Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes.
- Bombardier, Inc., Model DHC–8–202, –311, –315 and –402 airplanes.

The MCAI states:

> Several occurrences on various aeroplanes have been reported of smoke and fumes in the cockpit, due to overheating of an Electronic Flight Bag (EFB) [universal serial bus] USB receptacle, which had been installed by [Fokker Services] FS Supplemental Type Certificate (STC), [service bulletin] SB, or minor modification, either an Engineering Change Request (ECR) or Compliance Record Report (CRR), as applicable. Investigation results revealed that each of these events was caused by a short circuit in the EFB charging cable.
>
> This condition, if not corrected, could lead to further events of smoke/fumes in the cockpit, possibly resulting in excessive flight crew workload and/or injury to flight deck occupants.
>
> To address this unsafe condition, the USB manufacturer developed a modification (change to USB receptacle [part number] P/N LS03–05050–B), and Fokker Services published the applicable SB/EB to provide those modification instructions, installing current limiting and overheat protection.
>
> For the reason described above, EASA issued AD 2018–0259 to require modification of each affected part. That [EASA] AD also prohibited (re)installation of affected parts.
>
> Since that [EASA] AD was issued, FS issued Revision 2 of EBA320–0167 and Revision 1 of EBDHC8–0035, redefining the affected aeroplanes. It was determined that aeroplanes with EBA320–0151 embodied are not affected, as this involves a USB power supply from another manufacturer. It was also determined that aeroplanes with FS EBDHC8–0033 embodied (part of EASA STC 10046185) are not affected by the [EASA] AD, as that mod is a holder-only installation. This [EASA] AD is revised accordingly.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0444.

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued the following service information, which describes procedures for modifying the electronic flight bag USB receptacles located in the flight deck, including current limiting and overheat protection. These documents are distinct since they apply to different airplane models.

- Fokker Services F28 Generic Service Bulletin SBF28–46–002, Revision 0, dated July 27, 2018.
- Fokker Services F50/60 Generic Service Bulletin SBF50–46–006, Revision 0, dated July 27, 2018.
- Fokker Services F100/700 Generic Service Bulletin SBF100–46–008, Revision 0, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBA320–0167, Revision 2, dated December 13, 2018.
- Fokker Services Engineering Bulletin EBA330–0011, Revision 0, Sequence 9, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBA340–0005, Revision 0, Sequence 8, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBAT72–0013, Revision 0, Sequence 7, dated July 27, 2018.
- Fokker Services Engineering Bulletin EBB737–0156, Revision 3, dated February 25, 2019.
- Fokker Services Engineering Bulletin EBB757–0020, Revision 1, dated October 2, 2018.
- Fokker Services Engineering Bulletin EBB767–0023, Revision 1, dated October 3, 2018.
- Fokker Services Engineering Bulletin EBB777–0009, Revision 1, dated October 3, 2018.
- Fokker Services Engineering Bulletin EBCL60–0010, Revision 1, dated August 30, 2018.
- Fokker Services Engineering Bulletin EBDHC8–0035, Revision 1, dated December 13, 2018.

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 14 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
3 work-hours × $85 per hour = $255	* $0	$255	$3,570

* The FAA has received no definitive data on the parts costs for the required actions.

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 FAA has included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

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):

Transport Category Airplanes: Docket No. FAA–2019–0444; Product Identifier 2019–NM–028–AD.

(a) Comments Due Date

We must receive comments by August 8, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in figure 1 to paragraph (c) of this AD, certificated in any category, having an affected part (defined in paragraph (g) of this AD) installed as specified in the applicable service information identified in figure 1 to paragraph (c) of this AD.

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Figure 1 to paragraph (c) of this AD – *Detailed Applicability*

Affected Airplanes, All Manufacturer Serial Numbers	Fokker Modification Service Bulletin (SB)/Engineering Bulletin (EB) Used to Install Affected Part
Fokker Services B.V. Model F.27 Mark 050 airplanes	SBF50-46-004
Fokker Services B.V. Model F28 Mark 3000 airplanes	SBF28-46-001
Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes	SBF100-46-003
Airbus SAS Model A318-111 airplanes; Model A319-111, -112, -114, -115, and -132 airplanes; Model A320-211, -212, -214, -231, -232, and -251N airplanes; and Model A321-211, -231, -232, -251N, and -253N airplanes	EBA319-0025 or -0032; EBA320-0044, -0049, -0059, -0064, -0095, -0097, -0105, -0108, -0124, -0126, -0139, -0140, -0141, -0145, -0150, -0156, -0158, -0160, or -0164
Airbus SAS Model A330-202, -223, -243, -322, and -343 airplanes	EBA330-0004, -0005, or -0007
Airbus Model A340-312 and -313 airplanes	EBA340-0001 or -0004
ATR – GIE Avions de Transport Régional Model ATR42-500 airplanes; and Model ATR72-212 and -212A airplanes	EBAT72-0006, -0007, -0008, -0010, or -0011
The Boeing Company Model 737-300, -400, -500, -700, -800 and -900ER series airplanes	(EASA supplemental type certificate (STC) 10061825, which corresponds to FAA STC ST03939NY) EBB737-0008, -0021, -0022, -0023, -0025, -0031, -0032, -0041, -0044, -0046, -0052, -0068, -0070, -0071, -0088, -0094, -0096, -0098, -0099, -0108, -0113, -0123, -0124, -0133, -0140, -0143, -0147, -0148, -0149 or -0154
The Boeing Company Model 757-200 series airplanes	EBB757-0002, -0004, -0005, or -0010
The Boeing Company Model 767-200 and -300 series airplanes	EBB767-0003, -0004, -0006, -0008, -0009, -0010, -0011, -0014, -0015, or -0018
The Boeing Company Model 777-200LR series airplanes	EBB777-0005 or -0007

Affected Airplanes, All Manufacturer Serial Numbers	Fokker Modification Service Bulletin (SB)/Engineering Bulletin (EB) Used to Install Affected Part
Bombardier, Inc., Model CL-600-2B16 (601-3A, 601-3R, and 604 Variants) airplanes; and Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) airplanes	EBCL60-0005 or -0008
Bombardier, Inc., Model DHC-8-202, -311, -315, and -402 airplanes	(EASA STC 10046185, which corresponds to FAA STC ST03700NY) EBDHC8-0019, 022, -0031, or -0034

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(d) Subject

Air Transport Association (ATA) of America Code 46, Information systems.

(e) Reason

This AD was prompted by reports of smoke and fumes in the flight deck. We are issuing this AD to address smoke and fumes in the flight deck, which could result in excessive flightcrew workload and injury to flight deck occupants.

(f) Compliance

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

(g) Definition

For the purpose of this AD, an ''affected part'' is a universal serial bus (USB) receptacle manufactured by Lone Star Aviation, Corporation, having part number LS03–05050–A.

(h) Modification

Within 12 months after the effective date of this AD, modify each affected part in accordance with the Accomplishment Instructions of the applicable Fokker Services B.V. service information identified in paragraphs (h)(1) through (h)(13) of this AD.

(1) Fokker Services Engineering Bulletin EBA320–0167, Revision 2, dated December 13, 2018.

(2) Fokker Services Engineering Bulletin EBA330–0011, Revision 0, Sequence 9, dated July 27, 2018.

(3) Fokker Services Engineering Bulletin EBA340–0005, Revision 0, Sequence 8, dated July 27, 2018.

(4) Fokker Services Engineering Bulletin EBAT72–0013, Revision 0, Sequence 7, dated July 27, 2018.

(5) Fokker Services Engineering Bulletin EBB737–0156, Revision 3, dated February 25, 2019.

(6) Fokker Services Engineering Bulletin EBB757–0020, Revision 1, dated October 2, 2018.

(7) Fokker Services Engineering Bulletin EBB767–0023, Revision 1, dated October 3, 2018.

(8) Fokker Services Engineering Bulletin EBB777–0009, Revision 1, dated October 3, 2018.

(9) Fokker Services Engineering Bulletin EBCL60–0010, Revision 1, dated August 30, 2018.

(10) Fokker Services Engineering Bulletin EBDHC8–0035, Revision 1, dated December 13, 2018.

(11) Fokker Services F28 Generic Service Bulletin SBF28–46–002, Revision 0, dated July 27, 2018.

(12) Fokker Services F50/60 Generic Service Bulletin SBF50–46–006, Revision 0, dated July 27, 2018.

(13) Fokker Services F100/700 Generic Service Bulletin SBF100–46–008, Revision 0, dated July 27, 2018.

(i) Parts Installation Prohibition

After modification of an airplane as required by paragraph (h) of this AD, no person may install an affected part on that airplane.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (j)(1) through (j)(7) of this AD.

(1) Fokker Services Engineering Bulletin EBA320–0167, Revision 1, dated August 30, 2018.

(2) Fokker Services Engineering Bulletin EBDHC8–0035, Revision 0, dated July 27, 2018.

(3) Fokker Services Engineering Bulletin EBB737–0156, Revision 1, dated August 30, 2018.

(4) Fokker Services Engineering Bulletin EBB737–0156, Revision 2, dated October 3, 2018.

(5) Fokker Services Engineering Bulletin EBB757–0020, Revision 0, dated July 27, 2018.

(6) Fokker Services Engineering Bulletin EBB767–0023, Revision 0, dated July 27, 2018.

(7) Fokker Services Engineering Bulletin EBB777–0009, Revision 0, dated July 27, 2018.

(k) 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 (l)(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 corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Fokker Services B.V.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0259R1, dated February 7, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0444.

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

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31

(0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.*

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

Issued in Des Moines, Washington, on June 4, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13084 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0395; Product Identifier 2019–NE–11–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Pratt & Whitney Canada Corp. (P&WC) PW150A turboprop engines. This proposed AD was prompted by a determination by the manufacturer that certain PW150A engine high-pressure (HP) centrifugal impellers may exhibit a material microstructure anomaly that has a potential to adversely affect the low cycle fatigue characteristics of the part. This proposed AD would require replacement of the affected HP centrifugal impellers. 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 August 8, 2019.

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

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

For service information identified in this NPRM, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; internet: *http://www.pwc.ca.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0395; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), 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: Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

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–2019–0395; Product Identifier 2019–NE–11–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 FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments we receive, 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 we receive about this NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued AD CF–2018–12, dated April 27, 2018 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> Pratt & Whitney Canada (P&WC) has determined that certain PW150A engine HP centrifugal impellers, part number (P/N) 3049127–01, may exhibit a material microstructure anomaly which has a potential to adversely affect the low cycle fatigue (LCF) characteristics of the part, resulting in a lower LCF life than currently published in the engine model's Airworthiness Limitations. The identified discrepancy was related to specific parts having been exposed to inappropriate temperature levels during the manufacturing process.
>
> To address the subject potential material microstructure problem, P&WC issued SB 35331 Initial Issue, dated 16 March 2016, and then subsequently Revision 1, dated 3 May 2016, to recommend replacement of specific impeller serial numbers prior to the parts reaching the determined thresholds. Subsequent to the release of the SB, P&WC voluntarily initiated a fleet campaign to achieve this objective.
>
> The actions specified by this AD are to ensure that HP centrifugal impellers with this potential material anomaly condition are contained in order to prevent severe engine damage and possible aeroplane damage caused by an impeller failure.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0395.

Related Service Information Under 1 CFR Part 51

The FAA reviewed P&WC Service Bulletin (SB) PW150–72–35331, Revision No. 1, dated May 3, 2016. The SB describes procedures for replacement of the affected HP centrifugal impeller. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of Canada and is approved for operation in the United States. Pursuant to our bilateral agreement with Canada, they have notified us of the unsafe condition described in the MCAI and service information referenced in this proposed AD. The FAA is proposing this AD because we evaluated all the relevant information provided by Transport Canada Civil Aviation and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require replacement of affected HP centrifugal impellers.

Differences Between This Proposed AD and the MCAI or Service Information

P&WC SB No. PW150–72–35331, Revision No. 1, dated May 3, 2016 (''the SB''), indicates HP centrifugal impellers with serial numbers (S/Ns) listed in Table 1 of the SB should be removed prior to March 31, 2016 (15 days after the issue date of P&WC SB No. 35331, Initial Issue) and HP centrifugal impellers with S/Ns listed in Table 2 of the SB should be removed within 150 flight cycles or prior to accumulating 8,000 flight cycles since new. Our proposed AD would require removal of only the HP centrifugal impellers with S/Ns listed in Table 2 of the SB since the HP centrifugal impellers with S/Ns listed in Table 1 have already been removed from service. Our proposed AD is consistent with the SB and the MCAI in prohibiting the installation of any HP centrifugal impeller listed in Table 1 or Table 2 of the SB after the effective date of the proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 20 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HP centrifugal impeller	100 work-hours × $85 per hour = $8,500	$201,921	$210,421	$4,208,420

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

Regulatory Findings

The FAA 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, the FAA certifies 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):

Pratt & Whitney Canada Corp.: Docket No. FAA–2019–0395; Product Identifier 2019–NE–11–AD.

(a) Comments Due Date

The FAA must receive comments by August 8, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Canada Corp. (P&WC) PW150A turboprop engines with a high-pressure (HP) centrifugal impeller, part number (P/N) 3049127–01, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination by the manufacturer that certain PW150A engine HP centrifugal impellers may exhibit a material microstructure anomaly that has a potential to adversely affect the low cycle fatigue characteristics of the part. The FAA is issuing this AD to prevent failure of certain HP centrifugal impeller. The unsafe condition, if not addressed, could result in uncontained release of the HP centrifugal impeller, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Remove HP centrifugal impeller, P/N 3049127–01, with any serial number listed in Table 2 of P&WC Service Bulletin (SB) No. PW150–72–35331, Revision No. 1, dated May 3, 2016, prior to accumulating 8,000 flight cycles since new or within 150 flight cycles after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation.

(h) Installation Prohibition

After the effective date of this AD, do not install an HP centrifugal impeller, P/N 3049127–01, with any serial number listed in Table 1 or 2 of P&WC SB No. PW150–72–35331, Revision No. 1, dated May 3, 2016, onto any engine.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD,

if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

(2) Refer to Transport Canada Civil Aviation (TCCA) AD CF–2018–12, dated April 27, 2018, for more information. You may examine the TCCA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2019–0395.

(3) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; internet: *http://www.pwc.ca.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on June 17, 2019.

Robert J. Ganley,

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

[FR Doc. 2019–13193 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0443; Product Identifier 2019–NM–056–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 certain Airbus SAS Model A320–251N and A321–253N airplanes. This proposed AD was prompted by reports of cracks on the pylon block seals. This proposed AD would require replacement of the pylon block seals, as specified in a 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 August 8, 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 NPRM that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *http://www.regulations.gov.*

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443; 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; phone 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–2019–0443; Product Identifier 2019–NM–056–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 2019–0068, dated March 27, 2019 (''EASA AD 2019–0068'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A320–251N and A321–253N airplanes. The MCAI states:

> Cracks have been reported on pylon block seals of aeroplanes in final assembly line. Investigation results identified a manufacturing issue, leading to lack of thickness of seal on the engines and, eventually, cracks on pylon block seals. Affected aeroplanes have also been identified.
>
> This condition, if not corrected, could reduce the firewall integrity function between the pylon and the nacelle.
>
> To address this potential unsafe condition, Airbus issued the SB [Airbus Service Bulletin A320–54–1040, dated April 20, 2018], providing replacement instructions.
>
> For the reasons described above, this [EASA] AD requires replacement of pylon block seals.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0068 describes procedures for replacement of the pylon block seals. 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 agency 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 2019–0068 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, the FAA expects that EASA AD 2019–0068 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0068, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0068 that is required for compliance with EASA AD 2019–0068 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 9 airplanes of U.S. registry. The agency 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
2 work-hours × $85 per hour = $170	$5,300	$5,470	$49,230

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.

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 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–2019–0443; Product Identifier 2019–NM–056–AD.

(a) Comments Due Date

The FAA must receive comments by August 8, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–251N and A321–253N airplanes, certificated in any category, as identified in European Aviation Safety Agency (EASA) AD 2019–0068, dated March 27, 2019 (''EASA AD 2019–0068'').

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Reason

This AD was prompted by reports of cracks on the pylon block seals. The FAA is issuing this AD to address cracks on pylon block seals, which could reduce the firewall integrity between the pylon and the nacelle.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0068.

(h) Exceptions to EASA AD 2019–0068

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0068 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0068 specifies credit for actions ''accomplished before the effective date of this AD in accordance with the instructions of the applicable Airplane Maintenance Manual,'' this AD provides credit for actions ''accomplished before the effective date of this AD in accordance with the instructions of an FAA-approved maintenance or inspection program.''

(3) The ''Remarks'' section of EASA AD 2019–0068 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0068 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 (k)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(k) Related Information

(1) For information about EASA AD 2019–0068, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +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 2019–0068 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0443.

(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; phone and fax: 206–231–3223.

Issued in Des Moines, Washington, on June 12, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13048 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0425; Product Identifier 2016–NE–13–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2016–24–08 which applies to all Rolls-Royce plc (RR) RB211–Trent 875–17, RB211–Trent 877–17, RB211–Trent 884–17, RB211-Trent 884B–17, RB211–Trent 892–17, RB211–Trent 892B–17, and RB211–Trent 895–17 model turbofan engines. AD 2016–24–08 requires repetitive inspections of the engine upper fairing and repair or replacement of any fairing that fails inspection. Since the FAA issued AD 2016–24–08, RR has developed a modification of the engine upper bifurcation nose fairing assembly that terminates the inspection requirements of this AD. This proposed AD would continue the repetitive inspections until the terminating action is performed at the next engine shop visit. 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 August 8, 2019.

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

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

For service information identified in this NPRM, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* internet: *https://customers.rolls-royce.com/public/rollsroycecare.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0425; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7148; fax: 781–238–7199; email: *Eugene.triozzi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0425; Product Identifier 2016–NE–13–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 FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments we receive, 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 we receive about this proposed AD.

Discussion

The FAA issued AD 2016–24–08, Amendment 39–18725 (81 FR 86567, December 1, 2016), (''AD 2016–24–08''), for all RR RB211–Trent 875–17, RB211–Trent 877–17, RB211–Trent 884–17, RB211–Trent 884B–17, RB211–Trent 892–17, RB211–Trent 892B–17, and RB211–Trent 895–17 model turbofan engines. AD 2016–24–08 requires repetitive inspections of the engine upper bifurcation fairing and repair or replacement of any fairing that fails inspection. AD 2016–24–08 resulted from reports of cracking and material release from an engine upper bifurcation fairing. The FAA issued AD 2016–24–08 to prevent failure of the engine fire protection system, engine fire, and damage to the airplane.

Actions Since AD 2016–24–08 Was Issued

Since the FAA issued AD 2016–24–08, RR has developed a modification of the engine upper bifurcation nose fairing assembly. Performance of this modification terminates the repetitive inspection requirements of this AD. Also since the FAA issued AD 2016–24–08, the European Union Aviation Safety Agency (EASA) has issued AD 2018–0088, dated April 18, 2018, which requires repetitive inspections of the engine upper bifurcation fairing until modification of the engine upper bifurcation nose fairing assembly at the next engine shop visit.

Related Service Information Under 1 CFR Part 51

The FAA reviewed RR Service Bulletin (SB) RB.211–72–J803, Revision 1, dated July 13, 2018, and Initial Issue, dated December 7, 2017. This service information describes procedures for modification of the engine upper bifurcation nose fairing assembly. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AJ165, Revision 2, dated August 21, 2018. This service information provides guidance on upper bifurcation fairing inspection locations. The FAA also reviewed AMM TASK 70–20–02, Water Washable Fluorescent Penetrant Inspection (Maintenance Process 213), and OMat 632, high sensitivity fluorescent penetrant inspection. This service information provides guidance on performing a fluorescent penetrant inspection.

FAA's Determination

The FAA is proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain the repetitive inspection requirements of AD 2016–24–08. This proposed AD would also require modification of the engine upper bifurcation nose fairing assembly at the next engine shop visit after the effective date of this AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 125 engines installed on airplanes of U.S. registry.

The FAA estimates 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	3.25 work-hours × $85 per hour = $276.25	$0	$276.25	$34,531
Modification of engine upper bifurcation nose fairing assembly.	2 work-hours × $85 per hour = $170	50	220	27,500

The FAA estimates the following costs to do any necessary repairs or replacements that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of engines that might need these repairs or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair of engine upper bifurcation fairing	8 work-hours × $85 per hour = $680	$500	$1,180
Replacement of engine upper bifurcation fairing	30 work hours × $85 per hour = $2,550	500	3,050

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

applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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 that the 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 removing airworthiness directive (AD) 2016–24–08, Amendment 39–18725 (81 FR 86567, December 1, 2016), and adding the following new AD:

Rolls-Royce plc: Docket No. FAA–2019–0425; Product Identifier 2016–NE–13–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by August 8, 2019.

(b) Affected ADs

This AD replaces AD 2016–24–08, Amendment 39–18725 (81 FR 86567, December 1, 2016).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211–Trent 875–17, RB211–Trent 877–17, RB211–Trent 884–17, RB211–Trent 884B–17, RB211–Trent 892–17, RB211–Trent 892B–17, and RB211–Trent 895–17 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7130, Engine Fireseals.

(e) Unsafe Condition

This AD was prompted by reports of cracking and material release from an engine upper bifurcation fairing. The FAA is issuing this AD to prevent failure of the engine fire control system. The unsafe condition, if not addressed could result in engine fire and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 7,500 engine flight hours (FHs) since new, or since the last inspection, or within 150 flight cycles (FCs) after the January 5, 2017 (the effective date of AD 2016–24–08), whichever occurs later, inspect the engine upper bifurcation fairing for cracks or missing material. Use paragraph (g)(3) of this AD to perform the inspection.

(2) Repeat the inspection required by paragraph (g)(1) of this AD within every 7,500 engine FHs since last inspection.

(3) Inspect the engine upper bifurcation fairing as follows.

Note 1 to paragraph (g)(3): Figure 1 of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AJ165, Revision 2, dated August 21, 2018, provides guidance on upper bifurcation fairing inspection locations.

(i) Visually inspect upper bifurcation fairing seal face 22, seal support 23, and Zone A for any cracks or material loss on the right side.

(A) If fairing seal face 22 is found to have released material, repair or replace the fairing before further flight.

(B) If there is a single crack found on fairing seal face 22, shorter than 6 mm, repair or replace the fairing within 100 engine FCs, or at the next shop visit, whichever occurs sooner.

(C) If there is a single crack, longer than 6 mm, found on fairing seal face 22, repair or replace the fairing within 15 engine FCs or at the next shop visit, whichever occurs sooner.

(D) If there are two or more cracks found on fairing seal face 22, replace the fairing within 15 engine FCs or at next shop visit, whichever occurs sooner.

(E) If there is any cracking or material loss found on seal support 23, replace the fairing within 15 engine FCs or at next shop visit, whichever occurs sooner.

(ii) If the visual inspection required by paragraph (g)(3)(i) of this AD does not detect any cracks, fluorescent penetrant inspect Zone A.

(A) If a crack shorter than 6 mm is detected, repair or replace the fairing within 100 engine FCs, or at the next shop visit, whichever occurs sooner.

(B) If a crack longer than 6 mm is detected, repair or replace the fairing within 15 engine FCs or at the next shop visit, whichever occurs sooner.

Note 2 to paragraph (g)(3)(ii): AMM TASK 70–20–02, Water Washable Fluorescent Penetrant Inspection (Maintenance Process 213), and OMat 632, high sensitivity fluorescent penetrant inspection, provide guidance on performing a fluorescent penetrant inspection.

(h) Mandatory Terminating Action

At the next engine shop visit after the effective date of this AD, modify the upper bifurcation fairing assembly in accordance with the Accomplishment Instructions, paragraph 3., of RR Service Bulletin (SB) RB.211–72–J803, Revision 1, dated July 13, 2018, or Original Issue, dated December 7, 2017. Installation of a modified upper bifurcation fairing assembly is terminating action to the inspections required by paragraphs (g)(1) through (g)(3) of this AD.

(i) Installation Prohibition

After the effective date of this AD do not install an upper bifurcation fairing assembly, part number FK25470, onto any engine.

(j) Definition

For the purpose of this AD, a ''shop visit'' is defined as induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(l) Related Information

(1) For more information about this AD, contact Eugene Triozzi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7148; fax: 781–238–7199; email: *Eugene.triozzi@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2018–0088, dated April 18, 2018 for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2019–0425.

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

view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on June 17, 2019.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–13194 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0481; Product Identifier 2019–NM–058–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 A318 and A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by a report that during a maintenance check, cracks were found in a stiffener of a certain lateral window frame. This proposed AD would require repetitive high frequency eddy current (HFEC) inspections for cracking of a stiffener of a certain lateral window frame, and applicable related investigative and corrective actions, as specified in a 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 August 8, 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 the EASA, at 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–2019–0481; 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–2019–0481; Product Identifier 2019–NM–058–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 FAA 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 2019–0067, dated March 27, 2019 (''EASA AD 2019–0067'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Several occurrences were reported where, during a maintenance check, cracks were found at the lateral sliding window of the fuselage FR4 [frame 4] upper attachment on both RH [right-hand] and LH [left-hand] sides.
>
> This condition if not detected and corrected, could reduce the structural integrity of the fuselage.
>
> To address this potential unsafe condition, Airbus developed Airworthiness Limitation Item (ALI) task 531105, providing instructions for a detailed inspection (DET), or a special detailed inspection (SDI) using high frequency eddy current (HFEC) method. Following further analysis of the reported events, Airbus published the applicable inspection SB [service bulletin], providing instructions to accomplish the SDI, with updated threshold and intervals, and not allowing accomplishment of the DET as alternative to the SDI.
>
> For the reasons described above, this [EASA] AD requires repetitive SDI of the affected parts and, depending on findings, accomplishment of applicable [related investigative and] corrective action(s).

Related investigative actions include an HFEC inspection and a detailed visual inspection of the reworked area to ensure a crack-free condition. Corrective actions include reworking the horizontal upper stiffener, a modification (a cut-out of the sliding window frame stiffener), and repair.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0067 describes procedures for repetitive HFEC inspections of the horizontal upper stiffener of the lateral window frame on the RH and LH sides for any cracking, and applicable related investigative and corrective actions. 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 FAA 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 2019–0067 described previously, 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 certain inspection results to Airbus.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0067 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0067, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0067 that is required for compliance with EASA AD 2019–0067 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0481 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,291 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
9 work-hours × $85 per hour = $765	$0	$765	$987,615

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
Up to 13 work-hours × $85 per hour = Up to $1,105	$0	Up to $1,105.

*Table does not include estimated costs for reporting and on-condition repairs. The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition repairs specified in this proposed AD.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed on-condition 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 $85 per product.

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 required 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 is 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 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–2019–0481; Product Identifier 2019–NM–058–AD.

(a) Comments Due Date

The FAA must receive comments by August 8, 2019.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report that during a maintenance check, cracks were found on an upper stiffener of the lateral window frame at the frame 4 upper attachment. The FAA is issuing this AD to address cracking of the horizontal upper stiffener of the lateral window frame, which could reduce the structural integrity of the fuselage.

(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 2019–0067, dated March 27, 2019 (''EASA AD 2019–0067'').

(h) Exceptions to EASA AD 2019–0067

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0067 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0067 does not apply to this AD.

(3) Paragraph (7) of EASA AD 2019–0067 specifies to report certain inspection results to Airbus. For this AD, report those inspection results at the applicable time specified in paragraph (h)(3)(i) or (h)(3)(ii) of this AD.

(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 Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2019–0067 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(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 1 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 2019–0067, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA AD 2019–0067 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0481.

(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 June 17, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13337 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0483; Product Identifier 2019–NM–053–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 certain Airbus SAS Model A330–200 Freighter, A330–200, and A330–300 series airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 8, 2019.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0483; 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: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Comments Invited

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–2019–0483; Product Identifier 2019–NM–053–AD'' at the beginning of your comments. The agency 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 because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0059, dated March 20, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Airbus SAS Model A330–200 Freighter, A330–200, and A330–300 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus A330 aeroplanes, which are approved by EASA, are currently defined and published in the A330 [Airworthiness Limitations Section] ALS document. The Damage Tolerant Airworthiness Limitation Items (DT ALI) are specified in the ALS Part 2. These instructions have been identified as mandatory actions for continued airworthiness.
>
> Failure to comply with these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2018–0068 [which corresponds to FAA AD 2018–24–04, Amendment 39–19508 (83 FR 60756, November 27, 2018) (''AD 2018–24–04'')] for A330 aeroplanes to require accomplishment of all maintenance tasks as described in ALS Part 2 Revision 02.
>
> Since that [EASA] AD was issued, Airbus published Revision 03 of the ALS Part 2 for A330 aeroplanes, including new and/or more restrictive items.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2018–0068, which is superseded, and requires accomplishment of the actions specified in the ALS.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0843.

Relationship Between Proposed AD and Other ADs

This NPRM does not propose to supersede AD 2018–24–04 or AD 2017–19–13, Amendment 39–19043 (82 FR 43837, September 20, 2017) (''AD 2017–19–13''). Rather, the FAA has determined that a stand-alone AD is more appropriate to address the changes in the MCAI. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Accomplishment of the proposed actions would then terminate all requirements of AD 2018–24–04 and AD 2017–19–13.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated October 15, 2018, as supplemented by Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Variation 3.1, dated January 18, 2019, which describes mandatory maintenance tasks that operators must perform at specified intervals. This service information describes airworthiness limitations for certification maintenance requirements applicable to the DT–ALI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

The MCAI specifies that if there are findings from the airworthiness limitations section (ALS) inspection tasks, corrective actions must be accomplished in accordance with [Airbus] maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. The FAA considers those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 107 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

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

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 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–2019–0483; Product Identifier 2019–NM–053–AD.

(a) Comments Due Date

We must receive comments by August 8, 2019.

(b) Affected ADs

This AD affects AD 2017–19–13, Amendment 39–19043 (82 FR 43837, September 20, 2017) (''AD 2017–19–13'') and AD 2018–24–04, Amendment 39–19508 (83 FR 60756, November 27, 2018) (''AD 2018–24–04'').

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 15, 2018.

(1) Model A330–223F and –243F airplanes.

(2) Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or

inspection program, as applicable, to incorporate the information specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated October 15, 2018 (''Airbus A330 ALS Part 2, DT–ALI, Revision 03''), as supplemented by Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Variation 3.1, dated January 18, 2019. The initial compliance time for doing the tasks is at the time specified in Airbus A330 Airbus A330 ALS Part 2, DT–ALI, Revision 03, including Airbus A330 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Variation 3.1, dated January 18, 2019; or within 90 days after the effective date of this AD; whichever occurs later. This AD does not require Section 4, ''Damage Tolerant—Airworthiness Limitations Items—Tasks Beyond MPPT,'' of Airbus A330 ALS Part 2, DT–ALI, Revision 03.

(h) No Alternative Actions, Intervals

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

(i) Terminating Action for AD 2017–19–13 and AD 2018–24–04

Accomplishing the actions required by this AD terminates all requirements of AD 2017–19–13 and AD 2018–24–04.

(j) 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 (k)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) The AMOC specified in letter AIR–676–19–120, dated March 5, 2019, approved previously for AD 2018–24–04, is approved as an AMOC for the corresponding provisions of this AD for Model A330–300 series airplanes modified from a passenger to freighter configuration under the provisions of FAA Supplemental Type Certificate ST04038NY.

(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, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA 2019–0059, dated March 20, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0843.

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

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on June 18, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13333 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0686; Airspace Docket No. 18–ANM–10]

RIN 2120–AA66

Proposed Amendment of Class D and Class E Airspace, and Establishment of Class E Airspace; Spokane, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace, Class E surface area airspace, and establish Class E airspace extending upward from 700 feet above the surface at Felts Field Airport, Spokane, WA. After a biennial review, the FAA found it necessary to amend existing airspace and establish new controlled airspace for the safety and management of Instrument Flight Rules (IFR) operations at this airport. This action also would make a minor editorial change to the airspace designation and would replace the outdated term Airport/Facility Directory with the term Chart Supplement. The Class D and Class E surface areas would be extended to the Spokane International Airport Class C surface area on the southwest and expanded 1.2 miles on the northeast. The Class E airspace extending upward from 700 feet above the surface would be established to provide airspace for aircraft transitioning to and from Felts Field airport.

DATES: Comments must be received on or before August 8, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0686; Airspace Docket No. 18–ANM–10, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *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: Richard Roberts, Federal Aviation Administration, Operations Support Group, 2200 S. 216th St, Des Moines, WA 98198–6547; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Felts Field, Spokane, WA, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0686; Airspace Docket No. 18–ANM–10.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th St., Des Moines, WA 98198–6547.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Modifying Class D airspace, and Class E surface area airspace at Felts Field Airport, Spokane, WA, by expanding an area that would be extended to the Spokane International Airport Class C surface area on the southwest and expanded 1.2 miles on the northeast; and

Establishing Class E airspace extending upward from 700 feet above the surface within a 4-mile radius of Felts Field Airport, Spokane, WA, and within 1.8 miles each side of the 53° bearing from the airport extending from the 4-mile radius to 6.5 miles from the airport, and within 3.0 miles each side of the 75° bearing from the point in space at (Lat. 47°37′46″ N., long.117°26′30″ W), extending 12.6 miles from the point in space coordinates. After a biennial review of the airspace, the FAA found modification of the airspace necessary for the safety and management of aircraft departing and arriving under IFR operations at the airport.

Class D and Class E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, of FAA Order 7400.11C, dated August 13, 2018 and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM WA D Spokane, WA [Amended]

Felts Field, WA
(Lat. 47°40′59″ N, long. 117°19′21″ W)
Felts Field, Point In Space Coordinates
(Lat. 47°39′08″ N, long. 117°18′46″ W)
Felts Field, Point In Space Coordinates
(Lat. 47°41′36″ N, long. 117°22′43″ W)

That airspace extending upward from the surface to and including 4,500 feet MSL within a 4-mile radius of Felts Field Airport and that airspace 1.2 miles each side of the 53° bearing from the airport extending from the 4-mile radius to 5.2 miles from the Felts Field airport, and that airspace from a line 1.5 miles northwest and parallel to a line along the 224° bearing from a point in space lat. 47°41′36″ N, long. 117°22′43″ W, to a line 2.1 miles south and parallel to a line along the 258° bearing from a point in space lat. 47°39′08″ N, long. 117°18′46″ W, extending from the Felts Field's 4-mile radius to 6.5 miles from the Felts Field Airport, excluding that airspace in the Spokane International Airport Class C surface area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WA E2 Spokane, WA [Amended]

Felts Field, WA
(Lat. 47°40′59″ N, long. 117°19′21″ W)
Felts Field, Point In Space Coordinates
(Lat. 47°39′08″ N, long. 117°18′46″ W)
Felts Field, Point In Space Coordinates
(Lat. 47°41′36″ N, long. 117°22′43″ W)

That airspace extending upward from the surface within a 4-mile radius of Felts Field Airport and that airspace 1.2 miles each side of the 53° bearing from the airport extending from the 4-mile radius to 5.2 miles from the Felts Field airport, and that airspace from a line 1.5 miles northwest and parallel to a line along the 224° bearing from a point in space lat. 47°41′36″ N, long. 117°22′43″ W, to a line 2.1 miles south and parallel to a line along the 258° bearing from a point in space lat. 47°39′08″ N, long. 117°18′46″ W, extending from the Felts Field's 4-mile radius to 6.5 miles from the Felts Field Airport, excluding that airspace in the Spokane International Airport Class C surface area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM WA E5 Spokane, WA [New]

Felts Field, WA
(Lat. 47°40′59″ N, long. 117°19′21″ W)
Felts Field, Point In Space Coordinates
(Lat. 47°37′46″ N, long.117°26′30″ W)

That airspace extending upward from 700 feet above the ground within a 4-mile radius of Felts Field Airport, and that airspace 1.8 miles each side of the 53° bearing from the airport extending from the 4-mile radius to 6.5 miles from the Felts Field airport, and that airspace 3.0 miles each side of the 75° bearing from point in space at (Lat. 47°37′46″ N, long.117°26′30″ W), extending 12.6 miles from the point in space, excluding that airspace in the Spokane International Airport Class C Airspace.

Issued in Seattle, Washington, June 14, 2019.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2019–13291 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 651, 652, 653, and 658

[Docket No. ETA–2019–0004]

RIN 1205–AB87

Wagner-Peyser Act Staffing Flexibility

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Labor (Department) is issuing a Notice of Proposed Rulemaking (NPRM) that, if finalized, would give States increased flexibility in their administration of Employment Service (ES) activities funded under the Wagner-Peyser Act. The proposed changes would modernize the regulations to align them with the flexibility allowed under the Workforce Innovation and Opportunity Act (WIOA). The changes would also give States the flexibility to staff employment and farmworker-outreach services in the most effective and efficient way, using a combination of State employees, local government employees, contracted services, and other staffing models in the way that makes the most sense for them. This in turn could leave more resources to help employers find employees, and to help employees find the work they need. The proposed changes are also consistent with Executive Order (E.O.) 13777, which requires the Department to identify outdated, inefficient, unnecessary, or overly burdensome regulations that should be repealed, replaced, or modified.

DATES: To be ensured consideration, comments must be received on or before July 24, 2019.

ADDRESSES: You may submit comments, identified by docket number ETA–2019–0004, for Regulatory Information Number (RIN) 1205–AB87, by one of the following methods:

Federal e-Rulemaking portal: http://www.regulations.gov. Follow the website instructions for submitting comments (under ''Help'' > ''How to use Regulations.gov'').

Mail and hand delivery/courier: Written comments, disk, and CD–ROM submissions may be mailed to Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: Label all submissions with ''RIN 1205–AB87.''

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this NPRM on *http://www.regulations.gov* without making any change to the comments or redacting any information. The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information such as Social Security Numbers (SSNs), personal addresses, telephone numbers, and email addresses included in their comments, as such, information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC, may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on this proposed rule will be available on the *http://www.regulations.gov* website and can be found using RIN 1205–AB87. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids such as readers or print magnifiers. The Department will make copies of this proposed rule available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of Policy Development and Research (OPDR) at (202) 693–3700 (this is not a toll-free number). You may also contact this office at the address listed below.

Comments under the Paperwork Reduction Act (PRA): In addition to filing comments with the Employment and Training Administration (ETA), persons wishing to comment on the information collection (IC) aspects of this proposed rule may send comments to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submissions@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210, Telephone: (202) 693–3700 (voice) (this is not a toll-free number) or 1–800–326–2577 (TDD).

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I. Summary

A. Delivery of Wagner-Peyser Act-Funded Activities

The Wagner-Peyser Act established the ES program, which is a nationwide system of public employment offices that provide public labor exchange services. The ES program is designed to improve the functioning of the nation's labor markets by bringing together individuals seeking employment with employers seeking workers. Section 3(a) of the Wagner-Peyser Act directs the Secretary of Labor to assist States by ''developing and prescribing minimum standards of efficiency'' for the States' public ES offices. This NPRM would amend regulations in 20 CFR parts 651, 652, 653, and 658 by allowing States flexibility in how they engage in ES activities. States would have the freedom to use State employees, local employees, contractors, other personnel, or a combination of them to best meet their States' unique circumstances in engaging in ES activities. These changes may free up resources for the ES program and put its focus where it counts: On helping employers find the employees they need, and helping workers find the jobs they are looking for. The Department is also proposing technical corrections to these parts for consistency among the parts and to make them easier to understand.

The proposed regulation is consistent with recent E.O.s. On January 30, 2017, President Trump signed E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' E.O. 13771 announced ''the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources.'' E.O. 13771 requires that for every new regulation, at least two be identified for elimination, and that the total incremental cost of new regulations be no greater than zero. On February 25, 2017, President Trump signed E.O. 13777, ''Enforcing the Regulatory Reform Agenda.'' E.O. 13777 directs agencies to identify regulations that eliminate jobs or inhibit job creation; are outdated, unnecessary, or ineffective; or impose costs that exceed benefits. As required by the E.O.s, ETA is in the process of identifying such overly burdensome regulations for repeal, replacement, or modification. This rule is an E.O. 13771 deregulatory action, as it would remove unnecessary restrictions on States, giving them the flexibility to serve workers better and more efficiently. Details on the estimated cost savings of this proposed rule can be found in the proposed rule's economic analysis.

The proposed modifications, if finalized, would require conforming amendments to the specific Wagner-Peyser Act reference in 20 CFR 678.630, 34 CFR 361.630, and 34 CFR 463.630 of the U.S. Departments of Labor and Education's joint WIOA regulations (*Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions Final Rule,* 81 FR 55,792 (Aug. 19, 2016)) in a separate rulemaking. This change would not affect other programs' staffing requirements, such as the Vocational Rehabilitation program.

i. Flexible Staffing for Wagner-Peyser Act-Funded Activities

Although the Wagner-Peyser Act does not impose particular staffing requirements for State ES offices, current Wagner-Peyser Act regulations (*see* 20 CFR parts 651 through 653, 658) require that labor exchange services provided through the ES program, Monitor Advocate System activities for migrant and seasonal farmworkers (MSFWs), and ES Complaint System intake be provided under the Federal standards for merit personnel systems.[2] *See* 5 CFR part 900, subpart F.

The Department has reconsidered these one-size-fits-all federally mandated regulatory requirements and is now proposing to allow States more flexibility. Specifically, the Department proposes to allow States to use the staffing model that best fits their needs and the needs of workers and job creators, whether that model be State staff that comply with Federal criteria for merit personnel systems, local-area staff, contracted services, other alternatives, or all of the above. The Department would remove, with limited exceptions, the requirement for one-size-fits-all State staffing based on Federal criteria for the Wagner-Peyser Act ES program. The Department is proposing the change for several reasons.

First, this proposal aligns the provision of Wagner-Peyser Act services and activities with WIOA's service-delivery model, so the programs work better together. WIOA envisions an integrated workforce development system that provides streamlined service delivery of the WIOA core programs,[3] including ES services. Neither statute nor regulation requires

[1] This statute was originally titled the Act of June 6, 1933. Section 16 of the Wagner-Peyser Act instructs that the statute may be called the Wagner-Peyser Act.

[2] Throughout this NPRM, the term merit staff is used in several different contexts, but, is always meant to refer to the requirement to employ individuals consistent with the Federal standards for merit personnel systems.

[3] The WIOA core programs are the WIOA title I Adult, Dislocated Worker, and Youth programs; the WIOA title II Adult Education and Family Literacy Act (AEFLA) program; the Wagner-Peyser Act Employment Service (ES) program, authorized under the Wagner-Peyser Act, as amended by title III of WIOA; and the Vocational Rehabilitation (VR) program, authorized under title I of the Rehabilitation Act of 1973, as amended by title IV of WIOA.

that personnel providing services under WIOA's Adult, Dislocated Worker, and Youth programs meet Federal merit personnel system criteria. Instead, States and local areas have discretion in how to staff WIOA title I programs, and they have adopted a variety of staffing approaches—local-area staff, contractors, and State employees. The specific staffing requirements in the current ES regulations may inhibit full integration of the ES program with WIOA's other services, such as those provided through the WIOA title I programs. This proposal, if finalized, would allow States to use the same service-delivery model for both the ES program and other Department-administered WIOA title I programs.

Second, allowing maximum flexibility to States would encourage innovative and creative approaches to delivering employment services with limited resources. This flexibility would allow States to create the staffing solutions that best meet their unique needs.

Third, and as a direct consequence, allowing States more staffing flexibility for ES activities would free up resources to assist job creators and workers more effectively. Section 3 of the Wagner-Peyser Act charges the Department with helping States in coordinating ''State public employment services throughout the country and increasing their usefulness.'' These proposed changes would free States focusing on issues of internal administration to focus on issues that are most central—and most useful—to the purpose of the ES program: Helping workers find jobs, and helping employers find workers. The changes may also free up additional resources for States to better help workers and job creators.

Fourth, the Department has found that services similar to those provided through the ES program can be delivered effectively through systems without the specific Federal regulatory requirements regarding merit staffing. States have had experience administering similar services through flexible staffing models since 1982, under the Job Training Partnership Act, the Workforce Investment Act of 1998 (WIA), and WIOA. These programs historically have placed an emphasis on serving disadvantaged populations with barriers to employment, as opposed to the ES program's emphasis on providing universal access to all job seekers. But the WIOA title I formula programs for adults and dislocated workers provide similar services to the ES program using a combination of State employees, other employees, and contractors. These similar services include job-search assistance, job-referral and placement assistance for job seekers, reemployment services for unemployment-insurance claimants, and recruitment services for employers with job openings. The Department acknowledges that ES services are less staff- and time-intensive than some services offered under WIOA's Adult and Dislocated Worker programs (*e.g.,* individualized case management, training services, etc.). Yet, when comparing the WIOA title I core programs and ES services that are similar, the performance outcomes are comparable (earnings, employment status, etc.).[4] ETA seeks comments addressing how differing staffing models for the various DOL-administered workforce programs affect—or do not affect—services delivered, worker and employer outcomes, and administrative costs and efficiency.

The Department notes that, unlike the Wagner-Peyser Act, section 303(a)(1) of the Social Security Act requires States to administer the Unemployment Insurance (UI) program with personnel who meet the Federal criteria for a merit-staff personnel system. The ES is required to provide certain services to UI claimants. For example, the ES is required to administer the work-test requirements of the State unemployment-compensation system. *See* 20 CFR 652.3(e). Any eligibility issues for UI claimants that arise out of these services must still be handled by staff that meet the requirements of the Social Security Act.

ii. Flexible Staffing for Wagner-Peyser Act-Funded Activities Conducted Under the Monitor Advocate System

The Monitor Advocate System was created to comply with a court order issued by the U.S. District Court for the District of Columbia. *See* Order issued on August 13, 1974 in *NAACP, Western Region et al.* v. *Brennan,* No. 2010–72 (D.D.C.); *see also* 45 FR 39,454 (June 10, 1980). The Order set forth requirements to establish a system to ensure that MSFWs receive ES services that are qualitatively equivalent and quantitatively proportionate to the services provided other job seekers. Key components of the Monitor Advocate System include outreach, monitoring, the Complaint System, and the Agricultural Recruitment System for U.S. Workers. The Department still expects States to ensure that MSFWs receive ES services that are qualitatively equivalent and quantitatively proportionate to the services provided other job seekers. But the Department has determined that nothing in the Order requires staff providing ES services to MSFWs to meet the Federal criteria of a merit-personnel system. The Department welcomes comment and information regarding this issue.

As explained more fully below, the Department now proposes changes to the Monitor Advocate System regulations found at 20 CFR parts 651, 653, and 658 to parallel the proposed changes in part 652, which would permit States flexibility in their staffing of certain activities funded by the Wagner-Peyser Act. The Department also proposes other changes necessitated by the new flexibilities for States. The Department's proposed changes to part 651 involve revisions to definitions used throughout the Monitor Advocate System regulations, including *ES office, field checks, field visits, outreach contact,* and *Respondent.* The most notable proposed change is adding new, clarifying definitions for *Complaint System Representative* and *outreach staff.*

In part 653, the Department proposes to change the language throughout to reflect States' new flexibility in staffing. In addition, the Department proposes two other notable changes in part 653: (1) Clarifying that complaint logs must include actions regarding the informal resolution of complaints (*see* proposed § 653.107(b)(8)) and that State Monitor Advocates (SMAs) must monitor the informal resolution of complaints (*see* proposed § 653.108(g)(1)); and (2) requiring that the SMA be a State employee, though he or she need not be merit-staffed (*see* proposed § 653.108(b)). While the Department is generally proposing to allow States to determine the best staffing model for the needs of their program, the Department has concluded it would be more appropriate for the SMA to be a State employee, as explained in further detail below.

In part 658, the Department proposes several changes: (1) Stating that the State Administrator has overall responsibility for the Complaint System, which includes informal resolution of complaints; (2) requiring a State Workforce Agency (SWA) official (as proposed to be defined at § 651.10) to make determinations regarding initiation of the discontinuation of services to an employer; and (3) no

[4] Full employment-outcome data under WIOA are not yet available, so the Department has analyzed outcomes for the programs under WIA, which authorized similar services. Under WIA, those services were identified as ''core'' services, while under WIOA, they are classified as ''basic career services.'' To find data related to ES program outcomes, please visit *http://doleta.gov/performance/results/wagner-peyser_act.fm.* To find data on WIA outcomes, please visit *http://doleta.gov/performance/results/WIA_Performance_Results.cfm.*

longer requiring that the Regional Monitor Advocate (RMA) be a full-time position.

B. Legal Basis

The Wagner-Peyser Act does not dictate particular staffing requirements. Section 3(a) of the Wagner-Peyser Act requires the Secretary of Labor to assist in coordinating the ES Offices by ''developing and prescribing minimum standards of efficiency.'' Historically, the Department has interpreted Section 3(a) as permitting the Department to require, through regulations, States to provide Wagner-Peyser Act labor exchange services with State merit staff. The Department has determined, however, that is not the only reasonable interpretation of this open-ended statutory provision. Under this proposed rule, the Department would adopt an interpretation that would allow States the flexibility to use staffing arrangements that best suit their needs and thereby to create additional efficiencies in their provision and administration of Wagner-Peyser Act-funded activities. Under these proposed regulations, if finalized, States could use a personnel system that meets Federal merit-staffing criteria if they deem that their best solution.

The broad scope of Section 3(a) has been recognized in court. In 1998, the State of Michigan challenged the Department's authority to require the use of State merit staff. *See Michigan* v. *Herman,* 81 F. Supp. 2d 840 (W.D. Mich. 1998). The district court held that ''the language in § 3[a] authorizing the Secretary to develop and prescribe 'minimum standards of efficiency' is broad enough to permit the Secretary . . . to require merit-staffing'' and that ''the Department of Labor's construction of the Wagner-Peyser Act to require merit-staffing is a reasonable and permissible interpretation of the Act.'' *Id.* at 848. The court also recognized that ''there is ample basis for a conflicting interpretation of the Wagner-Peyser Act's requirements.'' *Id.*

The WIA and WIOA rulemakings continued the Department's requirement of federal merit-system staffing procedures for the Wagner-Peyser Act-funded employment services. *See* 64 FR 18,662, 18,691 (April 15, 1999) (WIA Interim Final Rule); 65 FR 49,294, 49,385 (Aug. 11, 2000) (WIA Final Rule); 80 FR 20,690, 20,805 (April 16, 2015) (WIOA NPRM); 81 FR 56,072, 56,267 (Aug. 19, 2016) (WIOA Final Rule). Those rulemakings acknowledged the Department's history of requiring these procedures, but they did not interpret the Wagner-Peyser Act itself to require them. Rather, the Department in those rulemakings continued to impose federal merit-system staffing requirements on States as a policy choice.

The Department has in the past cited section 5(b) of the Wagner-Peyser Act as support for imposing the federal merit-system staffing requirement, both during the *Michigan* litigation and in rulemaking, see 65 FR 49,294, 49,385; *Michigan,* 81 F. Supp. 2d at 845, but section 5(b) also does not require the imposition of such a requirement. Instead, section 5(b) requires the Secretary of Labor to certify that each State seeking Wagner-Peyser Act funds ''has an unemployment compensation law . . . in compliance with section 303 of the Social Security Act,'' ''coordinate[s] the public employment services with the provision of unemployment insurance claimant services,'' and ''compli[es] with this [Wagner-Peyser] Act.'' Section 303 of the Social Security Act expressly requires ''the establishment and maintenance of personnel standards on a merit basis,'' see 42 U.S.C. 503(a)(1), but the Wagner-Peyser Act does not. Section 5(b) thus conditions States' Wagner-Peyser Act funds on such staffing in the administration of UI programs. Section 5(b) does not condition funds on such staffing in the administration of Wagner-Peyser Act-funded services and activities.

As authorized by the Wagner-Peyser Act and acknowledged by the district court, the Department has discretion in how ''to develop and prescribe minimum standards of efficiency'' in the provision of ES services. Exercising this discretion, the Department proposes to change its policy to allow States additional flexibility in their staffing approaches for the provision of Wagner-Peyser Act-funded services.

The Department has authority to change its interpretation of an ambiguous statutory provision like Section 3(a) so long as the Department offers a reasoned explanation for the change. *See Encino Motorcars, LLC* v. *Navarro,* 136 S. Ct. 2117, 2125 (2016); *Chevron, U.S.A., Inc.* v. *Natural Res. Def. Council, Inc.,* 467 U.S. 837, 863–64 (1984). Here, the Department believes that its proposal will ensure and indeed enhance the efficiency of States as they seek to carry out Wagner-Peyser-funded activities. The reasons for this belief are discussed throughout this preamble and include the benefits of granting States flexibility to fit the unique needs of their particular workers, employers, and ES programs; freeing up resources to better serve job creators and job seekers; better integrating the ES program with services under WIOA; and the successful functioning of flexible staffing arrangements in the provision of other, comparable services.

This proposal, if finalized, should not affect the reliance interests of States accustomed to the current rules. This proposed rule would not impose any new requirements on States. States could choose to make no changes to their staffing arrangements as a result of this proposed rule. This proposed rule only provides States flexibility to determine the system that best meets their workers' and employers' needs.

Accordingly, the Department proposes to amend regulations at parts 651, 652, 653, and 658.

II. Section-By-Section Discussion of Proposal

A. Part 651—General Provisions Governing the Wagner-Peyser Act Employment Service

20 CFR 651.10 sets forth definitions for 20 CFR parts 652, 653, 654, and 658. The Department proposes to revise the definitions to better align them across the regulatory text, and to conform them to the proposed changes permitting States flexibility in the staffing of certain Wagner-Peyser Act-funded activities.

The Department proposes to delete the definition of *affirmative action* as, for the reasons stated in the preamble explaining changes to § 653.111, the term will no longer be used in these regulations.

The Department proposes to add a definition for *Complaint System Representative* to this section. Currently, this term is used in part 658, but is not defined. The proposed definition makes clear that a Complaint System Representative is an ES staff person working at the local or State level who is responsible for handling complaints. The Complaint System Representative position is funded, in whole or in part, by the funds the Department provides to the States to administer the Wagner-Peyser Act ES program. As such, the individual is an ES staff person. Except when the SMA acts as the Complaint System Representative as required by § 653.108, the proposed rule provides States the flexibility to determine how to staff the Complaint System Representative position.

The Department proposes to amend the definition of *Employment Service (ES) office* in two ways. First, the Department intends to define the term more accurately. Currently the ES office definition refers to a local workforce development board (WDB) as the site where the ES office is located. However,

the previous usage of ''local WDB'' in this situation did not fully capture the intended meaning because local WDBs are not physical locations. Therefore, the Department is proposing to remove the reference to the local WDB and instead define an ES office as a ''site that provides Wagner-Peyser Act services as a one-stop partner program.'' [5] This would better align the use of the terms in the other WIOA regulations and guidance. Second, the Department proposes to remove the language referring to staff of the SWA and the requirements found in 20 CFR 652.215. This change is proposed for consistency with the proposed changes to 20 CFR 652.215 in how to staff the provision of Wagner-Peyser Act-funded services.

The Department proposes to change the definition of *Local Office Manager* to *Employment Service (ES) Office Manager.* This proposed change includes replacing ''official'' with ''individual.'' The term ''official'' may suggest a person employed by the State, but the Department is not requiring the ES Office Manager to be a State employee. Second, the Department proposes to change the term *Local Office Manager* to *ES Office Manager,* because the current regulations do not use the term *Local Office Manager* and instead use the undefined term of *ES Office Manager.* Within § 651.10, the Department will move the definition to align with alphabetical order, placing it between *Employment Service (ES) office* and *Employment Service (ES) regulations.*

The Department proposes to align the definition of *field checks* with section 653.503(a). The proposed language would also provide that Federal staff may, at times, be involved in or make *field checks.* The Department notes that the terms *field checks* and *field visits* are distinct.

The Department proposes to change the definition of *field visits* to replace the language referring to ''State Workforce Agency outreach personnel'' with ''outreach staff.'' This change would align the definition with the proposal to afford States greater flexibility in staffing.

The Department proposes to change the definition of *outreach contact* to remove ''worker'' from the definition and replace it with the term ''staff.'' This would align terminology throughout the regulations for consistent use of the term ''worker'' to mean someone who receives services through the system and ''staff'' to mean someone who provides services funded by the Wagner-Peyser Act.

The Department proposes to add a new definition for the term *outreach staff* to mean ES staff with the responsibilities described in 653.107(b) of this chapter.

The Department proposes to amend the definition of *Respondent* to include the term ''service provider'' as an entity that may be alleged to have committed a violation of the ES regulation, or other violations of employment-related laws. Because States now have the flexibility to provide certain Wagner-Peyser Act services through contracts, the Department proposes to add the term ''service provider'' to make it clear that service providers can also be Respondents. The Department notes that the list of Respondents in this proposed regulation is not exhaustive.

The Department proposes to add the term *State Workforce Agency (SWA) official,* because proposed changes elsewhere in the ES regulations have added this term or amended language to include this term. The definition clarifies that SWA officials are individuals employed directly by the SWA or its subparts, rather than through other staffing mechanisms such as those provided for in the proposed definition for ES staff.

The Department proposes to add the term *Wagner-Peyser Act Employment Service staff (ES staff)* which it defines as individuals, including, but not limited to, State employees and contractors, who are funded, in whole or in part, by Wagner-Peyser Act funds to carry out activities authorized under the Wagner-Peyser Act. As discussed below, the Department is proposing to revise § 652.215 to allow States more flexibility in providing Wagner-Peyser Act services and activities. To implement this change, the Department proposes to replace ''Staff funded under the Wagner-Peyser Act,'' ''SWA or ES office representative,'' and ''State Workforce Agency personnel'' with the umbrella term ''ES staff'' throughout the regulations. Accordingly, the Department proposes to add this definition to § 651.10.

The Department is not proposing changes to the definitions of *State, State Administrator, State agency, or State Workforce Agency,* but notes that these terms have been used throughout the proposed rule text to confer ultimate responsibility for Wagner-Peyser Act functions on the State as the grant recipient. Although a State may contract for the provision of most Wagner-Peyser Act functions, the State must ensure that contractors are fulfilling their responsibilities consistent with the requirements of the Wagner-Peyser Act, its implementing regulations, and all relevant guidance. This requires States to monitor how contractors are fulfilling their obligations. If a contractor is not following all applicable requirements, States must take steps to bring the contractor into compliance, or, ultimately, to replace the contractor if necessary. Additionally, the Department will continue to monitor States' provision of Wagner-Peyser Act services and activities. States will continue to be held responsible for meeting all applicable requirements, whether or not they use contractors.

B. Part 652—Establishment and Functioning of State Employment Service

Subpart C—Wagner-Peyser Act Services in a One-Stop Delivery System Environment

This subpart discusses State agency roles and responsibilities; rules governing ES offices; the relationship between the ES and the one-stop delivery system; required and allowable Wagner-Peyser Act services; universal service access requirements; provision of services and work-test requirements for UI claimants; and State planning. The NPRM's proposed changes to regulations under subpart C are tailored to provide flexibility to States by allowing them to use alternative staffing models to deliver Wagner-Peyser Act-funded services and activities.

The Department notes that, while the proposed changes under subpart C give States more flexibility in staffing programs funded under the Wagner-Peyser Act, the changes do not affect existing merit-staffing requirements applicable to the UI program. These are required by statute. *See* 42 U.S.C. 503(a)(1). Under 20 CFR 652.209(b)(2)

[5] There are two categories of partner programs under WIOA, those which are statutorily required to participate in one-stop centers for regions in which those programs are active, and optional partner programs, which can be any Federal, State, or local government entity or organization, as long as it is approved by the local Workforce Development Board. The required partner programs are, as listed in 20 CFR 678.400: The WIOA Title I programs for adults, dislocated workers, youth, job corps, YouthBuild, Native American Programs, and Migrant Seasonal Farmworker (MSFW) programs; the Wagner-Peyser Act Employment Service; the Adult Education and Family Literacy Act program; the Vocational Rehabilitation program; the Senior Community Service Employment Program; career and technical education programs at the postsecondary level authorized by the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act; programs carrying out Trade Adjustment Assistance activities; Jobs for Veterans State Grant programs; programs carrying out Community Services Block Grant activities; programs authorized under State unemployment laws; and Temporary Assistance for Needy Families (TANF), unless exempted by the Governor under 20 CFR 678.405(b).

and Sec. 3(c)(3) of the Wagner-Peyser Act, States are required to provide reemployment services to certain UI claimants; however, these services are not required to be delivered by merit-staff employees. For example, 20 CFR 652.209(b)(2) requires that the State administer the work-test, conduct eligibility assessments, register UI claimants for employment services, and provide job-finding and placement services, but these activities, under these proposed regulations, could be performed under any staffing model the State determines most appropriate. In accordance with the applicable UI system requirements, which would remain unaffected by these proposed regulations, all UI eligibility determinations would still need to be issued by staff who meet the UI staffing requirements.

§ 652.204 Must funds authorized under the Wagner-Peyser Act (the Governor's Reserve) flow through the one-stop delivery system?

This section clarifies that the Governor's reserve funds may or may not flow through the one-stop delivery system and provides a list of allowable uses for those funds. The proposed text would change ''SWA staff'' to ''SWA official.'' Under the current regulations, ''SWA staff'' are employees of the State. Under the proposed revisions to the regulations, SWA staff would no longer be required to be State employees; ''SWA officials,'' however, would be required to be State employees. This change was made to align the proposed regulations with the Wagner-Peyser Act, which allows funds under Sec. 7(b)(3) of the Act, as amended by WIOA, to be used for professional development and career advancement of ''State agency staff.'' The Department interprets ''State agency staff'' in this provision of the Wagner-Peyser Act to be employees of the State. Therefore, the Department is proposing to use the term ''SWA officials'' instead of ''SWA staff'' here.

§ 652.215 Can Wagner-Peyser Act-funded activities be provided through a variety of staffing models?

This section currently provides that only State merit staff may provide Wagner-Peyser Act labor exchange services. For the reasons explained at length earlier in this NPRM, the Department proposes to exercise its discretion under Sec. 3(a) of the Wagner-Peyser Act to permit States to deliver Wagner-Peyser Act-funded employment services using a variety of staffing models, rather than with the current one-size-fits-all merit personnel system. The Department notes that Section 3(a) of the Act also requires the Department to assist States in ''promoting uniformity in their [States] administrative and statistical procedure . . .'' Although States would now have the discretion to determine what staffing structure best suits their unique needs, the Department would still require the uniform provision of services as governed by the Act and the other regulations that implement the Act.

The proposed expansion of options would give States greater flexibility to determine how best to provide these services, whether through State staff, local government staff, a contractor, a combination of these personnel, or otherwise. Since the early 1990s, pursuant to Sec. 3(a)'s open-ended terms, the Department has permitted the use of different staffing systems in three States—Colorado, Massachusetts, and Michigan. This allowed these States the flexibility to set their own staffing models. The Department seeks comments on the use of the different staffing systems and their impact on service delivery under Wagner-Peyser Act-funded programs in these States.

The Department proposes revising both the question asked by 20 CFR 652.215 as well as the response. The Department proposes revising the current question to: ''Can Wagner-Peyser Act-funded activities be provided through a variety of staffing models?'' The Department also proposes revising the response to: ''Yes, Wagner-Peyser Act-funded activities can be provided through a variety of staffing models. They are not required to be provided by State merit-staff employees; however, States may still choose to do so.'' These revisions are proposed to make the amended 20 CFR 652.215 clear and concise. In the proposed amended § 652.215, the Department is referring to ''Wagner-Peyser Act-funded activities'' instead of ''services'' to clarify that the flexibility afforded by this section pertains not only to labor exchange services, but also to certain activities covered by the Monitor Advocate System and some administrative functions of the Wagner-Peyser Act.

These proposed changes would allow States to continue using State and State merit-staffing models, but provide additional flexibility to use other innovative staffing and service delivery models, such as contract-based staffing, which may free up resources to better serve employers and workers. The Department requests comments on different service-delivery methods States could use to provide these services with the flexibility proposed in this section. This proposal would allow Colorado, Massachusetts, and Michigan, as well as all other States, to provide labor exchange services using staff that are not State merit staff. Under the proposed regulations, all States would have the flexibility to determine what staffing arrangement best suits their needs.

In the preamble to the Department's final rule for WIOA, the Department addressed this same section and stated that the benefits of merit staffing included promoting greater consistency, efficiency, accountability, and transparency. *See* 81 FR 56,072, 56,267. The Department values these benefits and believes they can be achieved by approaches other than a requirement mandating one-size-fits-all State merit staffing, when such requirement is not mandated by statute. As discussed above, services similar to those provided through the ES program are delivered effectively through systems without the specific Federal regulatory requirements regarding merit staffing. Allowing States flexibility in their Wagner-Peyser Act-funded activities gives them the opportunity to innovate, better integrates WIOA title I services, and may improve efficiency by focusing States on serving employers and workers rather than complying with one-size-fits-all staffing requirements—which, in turn, may preserve resources for those services to employers and workers. As noted above, under the proposed rule, the Department would continue to hold States accountable for providing high-quality Wagner-Peyser Act-funded services, consistent with the Act and its implementing regulations.

§ 652.216 May the one-stop operator provide guidance to ES staff in accordance with the Wagner-Peyser Act?

This section explains that ES staff may receive guidance from a one-stop operator about the provision of labor exchange services. The Department proposes to change the language in 20 CFR 652.216 to clarify that staff funded under the Wagner-Peyser Act could be employed through a variety of staffing models. The Department proposes removing references to State merit-staff employees found in 20 CFR 652.216 and replacing them with the newly defined ''ES staff,'' as appropriate. One-stop operators would be able to continue to provide guidance to staff funded under the Wagner-Peyser Act, if that guidance is consistent with the provisions of the Wagner-Peyser Act, the Memorandum of Understanding as described in 20 CFR 678.500, and any applicable collective-bargaining agreements. This change is proposed to align this section with the proposed change under 20 CFR 652.215

that would give States more flexibility in providing Wagner-Peyser Act-funded employment services. In light of this proposal, the Department would no longer require that personnel matters for ES staff remain under the authority of the SWA.

C. Part 653—Services of the Wagner-Peyser Act Employment Service System

Subpart B—Services for Migrant and Seasonal Farmworkers (MSFWs)

This subpart sets forth the principal regulations of the ES concerning the provision of services for MSFWs, consistent with the requirement that all services of the workforce development system be available to all job seekers in an equitable fashion. Throughout subpart B, the Department proposes revised language to conform to the proposed changes above that would allow States more staffing flexibility, except at section 653.108(b), where the Department clarifies that the SMA must be a SWA official. This proposed change is further explained below.

§ 653.102 Job Information

The regulations at § 653.102 provide for equitable access to job information for MSFWs. This section requires one-stop centers to take affirmative steps to assist MSFWs in accessing job information to enable them to take advantage of employment services in a manner comparable to non-MSFWs. The current text states, ''One-stop centers must provide adequate staff assistance to MSFWs to access job order information easily and efficiently.'' Consistent with the changes proposed in part 652, the Department proposes to remove the word ''staff.'' This change would give States maximum flexibility to determine who, on behalf of the one-stop centers—including contractors—provides assistance to MSFWs to access job order information. This proposed change is consistent with the Department's broader goal to give States flexibility in how they staff the provision of services.

§ 653.103 Process for Migrant and Seasonal Farmworkers To Participate in Workforce Development Activities

The regulation at § 653.103 describes the process for MSFWs to participate in workforce development activities. This section provides for meaningful access to career services in particular for MSFWs who are English-language learners. Specifically, section 653.103(c) requires that one-stop centers provide MSFWs a list of available career and supportive services in their native language, and paragraph (d) of this section requires that one-stop centers refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services. Consistent with the proposed changes to part 652, the Department proposes to change sections 653.103(c) and (d) by removing the word ''staff.'' This change would give States maximum flexibility to determine who on behalf of the one-stop centers, including contractors, provides services to MSFWs participating in workforce development activities, allowing the States to adopt staffing models that best meet the unique needs of MSFWs in their areas.

§ 653.107 Outreach and Agricultural Outreach Plan

Section 653.107 requires States to conduct outreach to MSFWs and specifies the requirements for the Agricultural Outreach Plan. The Department is proposing to make several changes to this section of the regulation to provide States flexibility in how best to staff the provision of outreach services.

Proposed § 653.107 contains changes to conform to the addition of the term outreach staff proposed in part 651. This proposed addition is explained in the preamble to part 651.

Section 653.107(a)(1) currently requires States to ''employ'' an adequate number of outreach workers to conduct MSFW outreach in their service areas. In this paragraph, the Department proposes to replace ''employ'' with ''provide.'' The Department currently requires that these services be delivered by State employees under a merit-personnel system, but is proposing to give States flexibility to determine what staffing solution best fits the States' unique needs. The use of the term ''provide'' instead of ''employ'' in the proposed regulation makes it clear that States would have the discretion and flexibility to choose to provide the services with State employees or to contract for these outreach services. Although this would give States significantly more flexibility in how they satisfy the requirement that there be an adequate number of outreach staff, States would still be required to meet that requirement consistent with the requirement for the equitable provision of services.

Section 653.107(a)(2) assigns responsibility to the SWA to communicate the full range of workforce development services available to MSFWs and to conduct thorough outreach and follow-up in Supply States. The Department proposes to replace the current language, which states that ''SWAs must'' perform these outreach functions, with the requirement that ''SWAs must ensure outreach staff'' perform these functions. This proposed change would align this provision with the other flexibility-maximizing provisions. Under this proposed change, SWAs will have the flexibility to choose whether to provide these services directly, as they do now, or, if it is a better approach, to use another model described in the preamble to § 652.215. This change does not affect the SWAs' ultimate responsibility for the outreach program, nor their responsibility to monitor their own compliance with program requirements, under the oversight of the State Administrator, as required by section 653.108(a). A State that contracts for MSFW outreach would still be required to ensure that contractors are fulfilling their responsibilities consistent with regulatory requirements. This would require States to monitor their contractors and, if a contractor is not following all applicable requirements, to take steps to bring the contractor into compliance or, ultimately, to replace the contractor if necessary.

Section 653.107(a)(3) sets out criteria the SWAs must look for in seeking and ''hiring'' outreach staff candidates. The Department proposes to change ''hiring'' to ''providing,'' and to no longer require that SWAs seek candidates ''through merit system procedures,'' consistent with the proposed change to paragraph (a)(1) of this section. However a State chooses to staff these positions, it would still be required to seek out candidates possessing the MSFW-related qualities specified in § 653.107. The Department also proposes to replace the phrase ''affirmative action programs'' with the requirement that States seek outreach staff candidates using the same criteria used for State Monitor Advocates. Those criteria are located in § 653.108(b)(1) through (3). The reasons for these proposed revisions are explained below in the discussion of proposed § 653.111, which would be revised similarly and remind States of their obligations to comply with all applicable antidiscrimination laws.

Paragraph (a)(4) of this section lays out the requirement to have full-time, year-round outreach staff in the 20 States with the highest estimated MSFW activity, and provides for increasing the required part-time staff coverage in the remaining States to full-time coverage during periods of high activity. The current provision requires the States to ''assign'' staff ''in accordance with State merit staff requirements'' to conduct outreach duties. The Department proposes to no longer require State

merit staffing and to remove the provision specifically for assignment of staff by the States. Similarly, the Department proposes to no longer require that the States outside the top 20 with the highest levels of activity ''hire'' outreach staff, instead requiring that these States ''provide'' sufficient staff, whether through direct hiring or outside contracting. The proposed language maintains the current staffing level requirements based on areas with high MSFW activity but would provide States flexibility in how they achieve those levels. Allowing States to use different models to achieve required staffing levels aligns with the other proposed changes to the ES regulations.

Section 653.107(b) includes provisions regarding outreach staff responsibilities. In particular, paragraph (b)(4) of this section specifies the responsibilities of outreach staff to provide various forms of on-site assistance in situations where the MSFW cannot or does not want to visit the one-stop center, where the MSFW would otherwise be able to obtain the full range of employment and training services. One of these responsibilities is to refer ES or employment law-related complaints to the ES Office Complaint Specialist or ES Office Manager. Here, the Department proposes to replace the term ''ES Office Complaint Specialist'' with ''Complaint System Representative,'' in order to clarify to whom the referral must be sent and to align the terminology with the proposed added definition of ''Complaint System Representative'' at § 651.10.

Paragraph (b)(8) of this section lays out the recordkeeping requirements for outreach staff in order to document their contacts with MSFWs. The paragraph requires in part that outreach staff maintain records of the number of contacts, the names of contacts (if available), and the services provided by the staff. The regulations provide examples of events that would require documentation, including ''whether a referral was made.'' The Department proposes to change this example to clarify that outreach staff must document ''if the complaint or apparent violation was resolved informally or referred to the appropriate enforcement agency.'' The Department proposes this change to ensure that logs kept by outreach staff capture the complaints that were resolved informally without the need for referral, which provides the opportunity for higher-level review of informal complaint resolution among the services provided, and methods and tools used, by outreach staff.

Under the current version of § 653.107(c), the performance of outreach staff, including quality and productivity of their work, is assessed by the ''ES Office Manager and/or other appropriate State office staff.'' The Department proposes to delete the words ''State office'' and refer only to ''staff.'' The current regulation gives States the flexibility to determine who, in addition to or in place of the ES Office Manager, may appropriately assess outreach worker performance. The proposed change would maximize this flexibility by enabling States to determine the appropriate staff, whether employed by the State, contracted, or otherwise, to perform these assessments.

§ 653.108 State Workforce Agency and State Monitor Advocate Responsibilities

The regulations at § 653.108 contain the provisions for SWA and SMA responsibilities. The Department proposes several changes to this section to improve SWA and SMA review functions, increase hiring and staffing flexibility, and align the language with proposed new terminology.

Section 653.108(b) provides the process by which the SMA is appointed. Currently, paragraph (b) of this section requires the State Administrator to appoint the SMA. First, the Department proposes to add that the SMA must be a SWA official and cannot be a contracted position. The Department proposes to add this provision to distinguish the SMA from other ES staff. The SMA performs oversight functions on behalf of the State Administrator to ensure compliance with the ES regulations. This oversight function suggests that it is more appropriate for the SMA to be a SWA official. Likewise, the responsibilities of the SMA, which include entering into memoranda of understanding (MOUs) on behalf of the State with workforce system partners, such as the National Farmworker Jobs Program (NFJP) grantees, are more appropriately carried out by a State employee. Second, the Department proposes to delete the current requirement that the State Administrator encourage SMA applicants to apply through ''the State merit system prior to appointing a State Monitor Advocate.'' While the SMA would continue to be a State employee, the SWA may choose to hire the SMA through means other than the State merit system. Again, this would allow States more hiring flexibility.

Section 653.108(c) currently requires that the SMA ''have direct, personal access, when necessary, to the State Administrator,'' and that the SMA ''have status and compensation as approved by the civil service classification system and be comparable to other State positions assigned similar levels of tasks, complexity, and responsibility.'' The Department proposes to remove the second requirement regarding the SMA's status and compensation and comparability to other State positions. This gives the States the flexibility to determine what is appropriate for the SMA position and conforms with other changes proposed throughout the NPRM.

Section 653.108(d) provides staffing requirements for the SMA. The current text requires that the SMA ''be assigned'' the staff necessary to perform all regulatory responsibilities. The Department proposes to change this provision to require simply that SMAs ''must have'' the necessary staff. This change is proposed to provide maximum flexibility in the manner in which SMAs are staffed, whether by the State directly or through a contractor. The Department further proposes to insert ''ES'' before ''staff'' and ''staffing'' consistent with the proposed definition of the term ''ES staff,'' to reflect that while the SMA must be a SWA official, SMA staff do not necessarily have to meet State- or merit-staffing requirements.

Section 653.108(g) lays out SMA duties in reviewing the provision of services to MSFWs. In paragraph (g)(1) of this section, the current text provides that the SMA must ''[c]onduct an ongoing review of the delivery of services and protections afforded by the ES regulations to MSFWs by the SWA and ES offices (including progress made in achieving affirmative action staffing goals),'' which the SMA performs in part by studying complaint logs prior to on-site reviews as described in paragraph (g)(2) of this section. The Department seeks to clarify in proposed paragraphs (g)(1) and (g)(2)(i)(D) of this section that reviewing the log includes reviewing the informal resolution of complaints and apparent violations. This would allow the SMA as a State official to assess the outcomes of complaints and apparent violations regarding MSFWs, in conjunction with the comprehensive recordkeeping requirements provided in § 653.107(b)(8), to determine whether such outcomes are in keeping with the States' obligations to MSFWs and with applicable laws. The Department also proposes changing the phrase ''achieving affirmative action staffing goals'' to ''efforts to provide ES staff in accordance with § 653.111,'' to conform to revisions proposed to § 653.111.

Paragraph (g)(2)(v) of this section discusses procedures following SMA on-site reviews and analysis. Among other requirements, this paragraph

states that ''[i]f the review results in any findings of noncompliance with the regulations under this chapter, the ES Office Manager must develop and propose a written corrective action plan. The plan must be approved or revised by appropriate superior officials and the SMA.'' The Department proposes to replace ''superior officials'' with ''SWA officials'' to clarify that the corrective action plan must continue to be approved by State employees (*i.e.,* not contractors). This will avoid any ambiguity that may be introduced by enabling other functions throughout this subpart to be performed by non-State employees.

Section 653.108(i), which discusses the SMA's role in the Complaint System, states that the SMA may be assigned the responsibility as the Complaint Specialist. Similar to the proposed change to section 653.107(b), the Department proposes to replace ''Complaint Specialist'' with ''Complaint System Representative'' in accordance with the definition of Complaint System Representative that is proposed to be added to § 651.10, to ensure that these regulations refer in a consistent manner to the individual at the State or local level responsible for handling complaints.

Section 653.108(s) lays out the requirements for the Annual Summary that the SMA must prepare for the State Administrator, the RMA, and the National Monitor Advocate (NMA) on the State's provision of services to MSFWs. Proposed section 653.108(s)(2) states that the summary must include an assurance that ''the SMA has status and compensation approved by the civil service classification system, and is comparable to other State positions assigned similar levels of tasks, complexity, and responsibility.'' The Department proposes to remove these requirements surrounding status and compensation and comparability to other State positions to maintain consistency with the proposed change to section 653.108(c).

Section 653.108(s)(3) further states that the summary must also include ''[a]n assurance the SMA devotes all of his/her time to monitor advocate functions. Or, if the SWA proposed the SMA conducts his/her functions on a part-time basis, an explanation of how the SMA functions are effectively performed with part-time staffing.'' In this paragraph, the Department proposes to remove ''the SWA proposed'' for clarity. This results in a requirement that the summary contain an explanation of the effectiveness of part-time SMAs if those functions are in fact being performed on a part-time basis.

Finally, in section 653.108(s)(11), the Department proposes changing the phrase ''the functioning of the State's affirmative action staffing program'' to ''the State's efforts to provide ES staff in accordance with § 653.111,'' to conform to revisions proposed to § 653.111.

§ 653.111 State Workforce Agency Staffing Requirements

Section 653.111 contains provisions for SWA staffing requirements in ''significant'' MSFW ES offices, as defined in current § 651.10. The Department proposes two sets of changes to § 653.111.

The first set of changes would revise the section to reflect the new flexibilities proposed for States. Current section 653.111(a) requires SWAs to employ ES staff to facilitate the provision of services tailored to MSFWs. Consistent with similar changes proposed elsewhere in this NPRM, the Department proposes to change this provision to require the SWA to provide such staff, but not necessarily to hire or employ them directly.

The second set of changes regards the section's staffing criteria. The Department is fully committed to serving all MSFWs, and to requiring that States provide useful help to them from staff who can speak their languages and understand their work environment. Accordingly, the Department proposes to maintain an emphasis on hiring ES staff who speak languages spoken by MSFWs and who have an MSFW background or experience, by cross-referencing those same criteria as used in the hiring of State Monitor Advocates. The Department, however, has serious concerns about the constitutionality of the additional, race-based and ethnicity-based hiring criteria in the current regulation. The regulations were originally adopted to remedy discrimination in response to a court order in *NAACP, Western Region* v. *Brennan,* No. 2010–72, 1974 WL 229 (D.D.C. 1974). In the intervening years, the Supreme Court has held that government-imposed racial classifications must be narrowly tailored, including by lasting no ''longer than the discriminatory effects it is designed to eliminate.'' *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200, 238 (1995) (quoting *Fullilove* v. *Klutznick,* 448 U.S. 448, 513 (1980) (Powell, J., concurring; *cf. Fisher* v. *Texas,* 136 S. Ct. 2198, 2208 (2016) (''A university cannot impose a fixed quota or otherwise define diversity as some specified percentage of a particular group merely because of its race or ethnic origin.'' (quoted sources omitted)). The Department believes it can meet the needs of MSFWs without resorting to employment criteria that favor or disfavor applicants on the basis of race or ethnicity. The Department thus proposes to remove the requirement for an ''affirmative action program,'' which requires quota-style ''sufficient staffing'' of employees in ''under-represented categories,'' 20 CFR 653.111(b)(2), and replace it with the express requirements that the SWA seek ES staff that meet the same criteria as those used for State Monitor Advocates. The proposed regulation also includes an explicit reminder that SWAs remain subject to all applicable federal laws prohibiting discrimination and protecting equal employment opportunity.[6] *See Parents Involved in Cmty. Sch.* v. *Seattle Sch. Dist. No. 1,* 551 U.S. 701, 748 (2007) (''The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.''). SWAs' efforts to hire in accordance with this section would be monitored as part of their regular compliance reviews. Current § 653.111(a) would be modified accordingly, § 653.111(b) through (b)(2) would be removed, and current paragraph § 653.111(b)(3) would be renumbered as § 653.111(b), with the revised instruction that SWAs be regularly reviewed for their compliance with the requirements of this section.[7] A new paragraph § 653.111(c) would be added to remind SWAs of their obligations to comply with all applicable federal antidiscrimination laws.

Subpart F—Agricultural Recruitment System for U.S. Workers (ARS)

This subpart includes the requirements for the acceptance of intrastate and interstate job clearance orders, which seek U.S. workers to perform farmwork on a temporary, less than year-round basis. Orders seeking workers to perform farmwork on a year-round basis are not subject to the requirements of this subpart. This subpart affects all job orders for workers who are recruited through the ES intrastate and interstate clearance systems for less than year-round

[6] These laws include, as applicable, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments Act of 1972, and WIOA § 188.

[7] As mentioned above, the Department is aware that the MSFW program was founded as a remedial measure in litigation against the Department in the 1970s and 1980s, prior to more recent precedent from the U.S. Supreme Court. The Department is continuing to evaluate whether the results of that litigation require additional or different changes to the regulations governing employment in significant MSFW ES offices than those proposed in this NPRM.

farmwork, including both MSFWs and non-MSFW job seekers.

The Department proposes changes to this subpart, which include clarifying who must make certain decisions or take specific actions.

§ 653.502 Conditional Access to the Agricultural Recruitment System

The regulations at § 653.502 cover the provisions for conditional access to the ARS. Employers may be granted conditional access if they provide assurance that housing that does not meet applicable standards will be brought into compliance at least 20 calendar days before occupancy. Section 653.502(e) covers housing inspections for employers who were granted conditional access to ARS. If the housing inspection reveals that the housing is not in full compliance as assured by the employer, and the employer does not then come into compliance within 5 calendar days, the ES office must take immediate action, including removing the employer's clearance orders from interstate and intrastate clearance. The Department proposes to add the requirement that this removal take place only with the approval of an appropriate SWA official. This would ensure that parties' rights and responsibilities are determined by the State itself, which is a typical governmental duty. Further, State governments have experience and expertise in adjudicating parties' rights and responsibilities.

§ 653.503 Field Checks

The regulation at § 653.503 includes the provisions for field checks as defined at 20 CFR 651.10. This section discusses how and when field checks must be conducted, and the respective roles of the SWAs and ES staff generally. Section 653.503(d) provides procedures for instances in which fields checks reveal conditions not as stated in the clearance order or employment law violations. Currently, these conditions or violations are described as being documented by the SWA or Federal personnel. The Department proposes to revise the language to replace ''SWA or Federal personnel observe'' with ''If the individual conducting the field check observes'' and replace, ''the SWA must'' with ''the individual must'' to recognize that States may assign these duties to non-State employees, while ensuring that whoever is conducting the field check (be they ES staff, a State employee, or a Federal employee) documents the finding.

Section 653.503(e) provides authority for SWAs to enter into agreements with State and Federal enforcement agencies for enforcement-agency staff to conduct field checks on the SWAs' behalf. Currently, this paragraph enables the SWA to enter into either formal or informal agreements. The Department proposes to change ''SWA'' to ''SWA officials'' to clarify that only State employees, and not contractors, may enter into formal or informal arrangements with appropriate State and Federal enforcement agencies. The Department also proposes to delete the reference to performing checks on behalf of SWA ''personnel'' and instead refer simply to ''the SWA'' for clarity.

D. Part 658—Administrative Provisions Governing the Wagner-Peyser Act Employment Service

Subpart E—Employment Service and Employment-Related Law Complaint System (Complaint System)

Subpart E sets forth the regulations governing the Complaint System for the ES at the State and Federal levels. The Complaint System handles complaints from applicants against an employer about a specific job to which the applicant was referred through the ES, and complaints involving failure to comply with the ES regulations under parts 651, 652, 653, and 654 of this chapter. The Complaint System also accepts, refers, and, under certain circumstances, tracks and resolves complaints involving employment-related laws as defined in § 651.10.

Throughout subpart E, the Department proposes revisions consistent with the proposed new flexibility for States' provision of and engagement in Wagner-Peyser Act-funded services and activities from § 652.215. Additionally, the Department proposes clarifications to several provisions in subpart E to state explicitly that the State Administrator's ultimate responsibility for the Complaint System, as currently provided in the regulation, includes the informal resolution of complaints and apparent violations.

Further, the Department proposes that the SMA, a State official, review complaint logs and monitor actions on the informal resolution of complaints. The Department notes that it is not proposing that informal resolution of complaints must be approved in each instance by a State official. More information can be found about this in proposed § 653.108 and its accompanying preamble. The Department also proposes to change references to a Complaint Specialist to ''Complaint System Representative'' for clarity, consistency, and alignment with the proposed definition for Complaint System Representative at § 651.10.

The Department has made various changes to terms in proposed part 658 to conform to changes in proposed part 651. As discussed in detail above, throughout this proposed rule the Department proposes to use an umbrella term, ES staff, to refer to a variety of individuals providing Wagner-Peyser Act services. The term ES staff is defined in proposed § 651.10 and includes State employees and contractors. Where the Department uses the term ES staff in this Part, the State has the flexibility to contract for the services governed or required by that provision of the regulation if the State so chooses.

Likewise, the Department proposes to change the term ''outreach worker'' to ''outreach staff,'' which is a type of ES staff. As with other ES staff, outreach staff can be State employees or contractors, as States would no longer be required to hire individuals directly to perform this work.

While the Department is now giving States more flexibility for accomplishing many ES activities, the States still retain ultimate responsibility for ensuring the services and activities required to be provided under this Part are consistent with the requirements of the statute, regulation, and any relevant guidance.

§ 658.410 Establishment of Local and State Complaint Systems

The regulations at § 658.410 govern the establishment of local and State Complaint Systems. The Department is proposing to amend section 658.410(b) to clarify that the State Administrator has overall responsibility for the informal resolution of complaints. Currently, section 658.410(b) provides that the State Administrator has overall responsibility for the operation of the Complaint System. Informal resolution of complaints is already a part of the Complaint System, and thus, the State Administrator already has responsibility for the resolution of these complaints. The Department proposes to clarify that the State Administrator's responsibilities extend to informal resolution of complaints, a duty that ES staff would be permitted to perform under the proposed regulation. Additional information about the informal resolution of complaints is found in proposed § 653.108 and its accompanying preamble. The Department notes that ''the State Administrator has overall responsibility'' means the State Administrator must ensure all of the requirements set forth in the operation of the Complaint System at the local and

State level are followed, regardless of the staffing model used to meet the requirements.

The Department also proposes to modify the second sentence of § 658.410(b) to clarify that the ES Office Manager, as defined at § 651.10, is responsible for the operation of the Complaint System. The current version of the regulation states, ''At the ES office level the manager must be responsible for the operation of the Complaint System.'' The Department proposes to revise the sentence to, ''In the ES office, the ES Office Manager is responsible for the operation of the Complaint System'' to align it with the definition of ES Office Manager at § 651.10.

Section 658.410(c) requires, among other things, that the SWA maintain a central complaint log. This log contains a variety of information to help determine if complaints are being appropriately handled. The Department proposes to modify section 658.410(c)(6) to include a clarification that the complaint log's description of what action was taken on a complaint must also include whether the complaint was resolved informally. This clarification is proposed to ensure these actions are captured in complaint logs and therefore will be reviewed by the SMA. In proposed section 653.108(g), the Department clarifies that the SMA, a SWA official, must review informal resolution of complaints. The language proposed in section 658.410(c)(6) will ensure this information is available in the complaint log to facilitate the SMA's review of complaints. Additionally, to ensure that the SMA reviews action on apparent violations, the Department proposes to add a new sentence to section 658.410(c) that clarifies that the complaint log must include any action taken on apparent violations.

In the second sentence of section 653.410(c), the Department proposes to change ''manager of the ES office,'' an undefined term, to ''the ES Office Manager,'' a term proposed to be added to the part 651 definitions. The Department intends no change in meaning, but merely proposes the change here for clarity and consistency within the regulations.

Section 658.410(h) governs who must be designated to handle complaints. Currently, the provision requires the State Administrator to assign complaints to a State agency official, with the State agency official designated to handle MSFW complaints being the SMA. The term ''State agency official'' suggests the individual handling the complaints is a State employee. Because the Department is proposing to give States the flexibility to determine how to staff the provision of Wagner-Peyser Act-funded services, State employees would no longer be required to handle non-MSFW complaints. Therefore, the Department proposes to replace ''State agency official'' with ''Complaint System Representative.'' As noted above, the Department proposes to define Complaint System Representative in § 651.10 as an ES staff individual who is responsible for handling complaints. As with other ES staff, Complaint System Representatives would be permitted to be State employees (merit staff or otherwise), local government employees, contractors, others, or a combination of such personnel.

Section 658.410(m) governs follow-up on unresolved complaints for MSFWs. When an MSFW submits a complaint at the State level to the SWA, the SMA is responsible for handling the complaint. This provision requires the SMA to follow-up monthly on the handling of the complaint and inform the complainant of the complaint's status. The Department proposes to streamline the text of this provision to make the requirements clearer. The Department notes that the current regulations do not require follow-up on complaints made by individuals who are not MSFWs, and the Department is not proposing to change this.

§ 658.411 Action on Complaints

The regulations at § 658.411 govern the actions States must take when individuals file complaints. There are two kinds of complaints, ES complaints and employment-law related complaints. There are also specific procedures States must follow when an MSFW makes a complaint.

Section 658.411(a) governs the procedures for filing complaints. Currently, § 658.411(a)(1) provides that when an individual indicates interest in filing a complaint with an ''ES Office, a SWA representative, or an outreach worker,'' the individual who receives the complaint must explain the operation of the Complaint System and offer to take the complaint in writing. Under the changes proposed to parts 651 and 652, States would be permitted to contract for the provision of these services, which could include some responsibilities in the Complaint System. In this section, the Department proposes to replace the term ''a SWA representative'' with a reference to ''the SWA'' to make it clear that the SWA, not its representatives, has the responsibility for ensuring that the individuals receiving complaints offer to explain the operation of the Complaint System and offer to take the complaint in writing. As in other areas of the program, the SWA has discretion to choose how best to carry out this requirement.

Section 658.411(d) governs how States are required to treat complaints regarding the ES regulations (ES complaints). Section 658.411(d)(3)(ii) requires States to issue a written determination about a complaint if 30 calendar days have elapsed since the complaint was received or after all necessary information was submitted to the SWA pursuant to paragraph (a)(4) of this section. Currently, the regulation requires ''the SWA'' to make a written determination. While the Department is giving States the flexibility to permit non-State employees to be involved in many aspects of administering the Complaint System, the Department has determined that making determinations on complaints is more appropriately handled by a State employee. This ensures that parties' rights and responsibilities are determined by the State itself, which is a typical governmental duty. Further, State governments have experience and expertise in adjudicating parties' rights and responsibilities. Moreover, a State might contract with more than one contractor to provide the services throughout the State, or that contractor might change with time. Different contractors could make different and possibly inconsistent decisions. Requiring States to make these determinations means that only one entity will be doing so, promoting consistency in determinations. The regulation implements this approach by proposing to add the word ''official'' to this provision to make it clear that the SWA official, a State employee, must make written determinations.

Section 658.411(d)(5)(ii) requires SWAs to offer complainants a hearing if the SWA has determined that a Respondent has not violated the ES regulations. Currently, this paragraph provides that if the ''SWA determines that an employer has not violated the ES regulations,'' then the SWA must offer the complainant the opportunity to request a hearing. The Department proposes to revise this provision to require SWA officials to make the determination that ES regulations have not been violated instead of referencing only the SWA. The Department proposes to make this change for similar reasons to the proposed change in § 658.411(d)(3)(ii) as explained above.

Section 658.411(d)(5)(iii) governs how a SWA must handle a written request for a hearing. A party can submit a written withdrawal of their hearing request before the hearing. However, the

SWA and the State hearing official must consent to the withdrawal. This NPRM proposes more flexibility for States, under which they could choose to contract for the processing of complaints. But, the Department has determined that a SWA official—a State employee—should decide whether to consent to the withdrawal of complaints. Such a decision is akin to a determination on the merits of a complaint, because a withdrawal almost always indicates the parties have accepted (or otherwise reached) a compromise on the underlying determination. The same policy considerations thus apply to both determinations on complaints and decisions on withdrawals. To implement this decision, the Department proposes to replace ''SWA representative'' with ''SWA official'' in section 658.411(d)(5)(iii)(G). The proposed regulation would then read, ''With the consent of the SWA official and of the State hearing official, the party who requested the hearing may withdraw the request for hearing in writing before the hearing.''

Subpart F—Discontinuation of Services to Employers by the Wagner-Peyser Act Employment Service

This subpart contains the regulations governing the discontinuation of services provided pursuant to 20 CFR part 653 to employers by ETA, including SWAs. In this subpart, the Department proposes to clarify various provisions to state that a SWA official must initiate procedures for and make decisions regarding the discontinuation of services to employers. These proposed clarifications would maintain consistency with the Department's determination that it is most appropriate for a State employee to determine when an employer may no longer use the Wagner-Peyser Act services.

§ 658.501 Basis for Discontinuation of Services

The regulations at § 658.501 govern the basis for discontinuation of services. Section 658.501(a) states that a SWA must initiate procedures for discontinuation of services to employers who have committed one or more of the eight infractions listed under paragraph (a) of this section. The Department proposes to add the word ''official'' after ''SWA'' to clarify that a SWA official must initiate procedures for discontinuation of services. While the Department proposes more flexibility for States to choose to contract for services related to the discontinuation of services provisions, for the same reasons discussed above regarding decisions on complaints and withdrawals, the Department has determined that it would be most appropriate for a State employee to determine when an employer may no longer access the Wagner-Peyser Act-funded services. To make this requirement clear, the Department proposes to insert the term ''officials'' after SWA in paragraph (a) of this section to provide that only State employees may initiate procedures to discontinue services.

The Department is proposing similar changes to § 658.501(b) and (c) for the same reasons as the change to paragraph 658.501(a). Section 658.501(b) governs when a SWA may discontinue services immediately. The Department proposes to change the beginning of the sentence from ''The SWA may'' to ''SWA officials may'' to clarify that only SWA officials may discontinue services. The Department also proposes a similar change for § 658.501(c). Currently, this provision in the regulation provides that the ''State agencies'' must engage in the procedures for discontinuation of services if it comes to the attention of the ES office or SWA that an employer participating in the ES may not have complied with the terms of its temporary labor certification. The Department proposes to change ''State agencies'' to ''SWA officials'' to clarify that only State employees may engage in the procedures for discontinuation of services under paragraph (a)(1) of this section.

Subpart G—Review and Assessment of State Workforce Agency Compliance With Employment Service Regulations

This subpart sets forth the regulations governing review and assessment of SWA compliance with the ES regulations at this part and parts 651, 652, 653, and 654 of this chapter. In Subpart G, the Department proposes changes to update reporting-system references. It also proposes changes to the ETA Regional Office responsibilities by providing Regional Administrators (RAs) greater flexibility in staffing their ETA regional offices and obligating travel funds. The Department notes that these changes would directly affect only the U.S. Department of Labor's internal administration.

§ 658.601 State Workforce Agency Responsibility

The regulations at § 658.601 govern SWA responsibilities for establishing and maintaining a self-appraisal system for ES operations to determine success in reaching its goals and to correct deficiencies in performance. The Department proposes to change how this information is submitted to the Department. Previously the information was submitted through the ETA 9002A report. However, the Department is proposing that it be submitted through the WIOA Common Performance Reporting System, ETA Form 9172 (Participant Individual Record Layout). The Department is proposing to change the reference to ETA 9002A report in section 658.601(a)(1)(ii) to ETA Form 9172. A similar change for the same reasons is also proposed at section 658.601(a)(2)(ii).

§ 658.602 Employment and Training Administration National Office Responsibility

Section 658.602 governs the responsibilities of the ETA National Office. This provision requires the NMA to monitor and assess the SWAs' compliance with the ES regulations affecting MSFWs. Currently, section 658.602(l) requires the NMA to take certain steps if the NMA receives information that the effectiveness of any SMA is being substantially impeded by the State Administrator or another State or Federal ES official. The Department proposes to add ''ES staff'' to this group of individuals who may be impeding the effectiveness of the SMA. This proposed addition would clarify that the NMA is also responsible for ensuring that the SMA is not substantially impeded by any of the individuals who may be providing Wagner-Peyser Act-funded services, whether that individual is an employee of the State or Federal government or a contractor. The revised provision would state, ''If the NMA receives information that the effectiveness of any SMA has been substantially impeded by the State Administrator, a State or Federal ES official, or ES staff . . .''

§ 658.603 Employment and Training Administration Regional Office Responsibility

Section 658.603 governs ETA Regional Office responsibilities. Section 658.603(f) currently requires the RMA to be devoted fulltime to RMA duties. Recognizing different States' MSFW populations in the relevant labor markets, the Department is proposing to remove that requirement to give RAs greater flexibility in how they staff and assign duties in the regional offices to meet MSFWs' needs best. To make this change, in the first sentence of paragraph § 658.603(f), the Department proposes to replace ''devote full time'' with ''carry out'' so that it is clear there is not a requirement for the RMA to work full time on RMA duties.

Section 658.603(h) requires the RA to ensure assignment of the staff necessary to fulfill effectively the regional-office responsibilities set forth in § 658.603. Currently, the second sentence of this provision requires the RMA to notify the RA of staffing deficiencies and for the RA to appropriately respond. The Department proposes to delete this sentence because the RA is in the best position to determine regional office staffing needs. This proposed deletion does not prevent the RMA from making staffing recommendations to the RA. The Department notes that section 658.603(h) would continue to require the RA to ensure there are the necessary staff to fulfill effectively the regional office responsibilities.

Proposed section 658.603(n)(3) adds the term ''ES staff'' to the list of those who could ''impede'' the effectiveness of an SMA, and who must be reported to the Regional Administrator by the RSMA with recommended appropriate actions. This change is proposed to bring this provision in line with other proposed changes made throughout this NPRM, including the proposed addition of the term ''ES staff'' and corresponding change to section 653.602(l), Employment and Training Administration National Office responsibility, discussed earlier in this preamble.

Finally, section 658.603(r) currently requires the RMA to visit each State in the region not scheduled for an on-site review during peak harvest season of that fiscal year. It may not be necessary to visit each of these States every year, due, for example, to there not being a significant MSFW population in those States or to a visit by the NMA instead of the RMA that year. Further, with limited funds, this is very challenging to carry out. Therefore, the Department proposes to revise this provision to read, ''As appropriate, each year during the peak harvest season, the RMA will visit each State in the region not scheduled for an on-site review. . .'' The remainder of the provision would retain the current language. This will allow Regional Administrators the flexibility to determine where staff will travel depending on the specific needs of each State and the availability of Federal funds.

Proposed section 658.603(t) adds ''as necessary'' to the end of the first sentence, to clarify that the RMA will not be attending all MSFW-related public meetings. The Department is adding ''as appropriate'' here to allow flexibility to adapt to unforeseen circumstances, such as limited resources, or the urgency of issues.

III. Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Under E.O. 12866, the Office of Management and Budget (OMB)'s Office of Information and Regulatory Affairs determines whether a regulatory action is significant and, therefore, subject to the requirements of the E.O. and review by OMB. 58 *FR* 51735. Section 3(f) of E.O. 12866 defines a ''significant regulatory action,'' as an action that is likely to result in a rule that: (1) Has an annual effect on the economy of $100 million or more, or adversely affects in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as economically significant); (2) creates serious inconsistencies or otherwise interferes with an action taken or planned by another agency; (3) materially alters the budgetary impacts of entitlement grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O.. OMB has determined that while this proposed rule is not an economically significant regulatory action under Sec. 3(f) of E.O. 12866, it raises novel legal or policy issues and is therefore otherwise significant. Accordingly, OMB has reviewed this proposed rule.

E.O. 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; it is tailored to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits. E.O. 13563 recognizes that some benefits are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

E.O. 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017 and is discussed in the Summary section of this preamble. This proposed rule, if finalized as proposed, is expected not to be an E.O. 13771 regulatory action, because it imposes no more than *de minimis* costs.

Wage Savings for States

As stated elsewhere in this preamble, the Department is exercising its discretion under the Wagner-Peyser Act to give States more staffing options for how they provide labor exchange services and carry out certain other ES activities authorized by that Act. This flexibility would permit States to continue using State merit-staffing models to perform these functions, or to use other innovative models such as contract-based staffing that best suit each State's individual needs. All 50 States, plus the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands, receive funding under the Wagner-Peyser Act.

To estimate the wage savings to States, the Department surveyed a sample of States that receive various levels of Wagner-Peyser Act funding to obtain an approximation of staffing levels and patterns. Seventeen jurisdictions [8] receive annual Wagner-Peyser Act funding between $12.3 and $78.3 million (labeled *Tier 1 States* in this analysis), 17 jurisdictions receive funding between $6.0 million and $12.2 million (labeled *Tier 2 States* in this analysis), and 20 jurisdictions receive funding of less than $6.0 million (labeled *Tier 3 States* in this analysis).[9] Eight States were surveyed by the Department and asked to provide the total number of Full-Time Equivalent (FTE) hours provided by State merit staff dedicated to providing Wagner-Peyser Act-funded services, as well as the occupational/position title for all employees included in the FTE calculations.[10] The results ranged from 561 FTEs in California, the state that received the highest level of Wagner-Peyser Act funding in Program Year (PY) 2018, to 19 FTEs in Delaware, the state that received the lowest level of Wagner-Peyser Act funding in PY 2018.[11] On average among the States

[8] Fifty States receive Wagner-Peyser Act funding. Additionally, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands receive Wagner-Peyser Act funding.

[9] State allotments are primarily based on a State's relative share of the civilian labor force and relative share of total unemployment.

[10] The eight States surveyed were California, Delaware, Idaho, Maryland, North Dakota, Ohio, Tennessee, and Utah. California, Ohio, and Tennessee are in Tier 1. Maryland and Idaho are in Tier 2. Utah, North Dakota, and Delaware are in Tier 3.

[11] The U.S. Virgin Islands and Guam received lower levels of Wagner-Peyser Act funding than Delaware. The PY 2018 allotments are available at *https://www.federalregister.gov/documents/2018/05/25/2018-11307/program-year-py-2018-*

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surveyed, 15 percent of staff funded under the Wagner-Peyser Act are managers or supervisors, 19 percent provide project management or mid-level analysis, and 66 percent provide administrative support and/or customer service.

To estimate the percent of current ES positions that States would choose to re-staff under this rule, the Department surveyed three States that participate in a Wagner-Peyser Act pilot program and already have non-State-merit staff providing labor exchange services: Colorado, Massachusetts, and Michigan. These three States were asked how many of their Wagner-Peyser Act-funded FTE hours are provided by non-State-merit staff.[12] The three pilot States have an average of 52 percent non-State-merit staff providing labor exchange services; therefore, the Department assumes a 50 percent substitution rate in its wage savings calculations. For example, the Department estimated that California would employ 280.5 FTEs (= 561 FTEs × 50%) who are neither merit-staffed nor State employees after the rule takes effect, while Delaware would employ 9.5 such FTEs (= 19 FTEs × 50%). The FTEs are assumed to be distributed in accordance with the average staffing patterns of the surveyed states: 15 percent managers or supervisors, 19 percent provide project management or mid-level analysis, and 66 percent provide administrative support and/or customer service.

To calculate the potential savings, median wage rates for government workers in each of the eight States were obtained from the Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES) program.[13] The median wage rates for private sector workers are not available by State and occupation; therefore, the Department used the median wage rates for all sectors[14] as a proxy, because private sector jobs constitute 85 percent of total employment.[15] The median wage rates were obtained for three Standard Occupational Classification (SOC) codes: (1) SOC 11–3011 Administrative Services Managers; (2) SOC 13–1141 Compensation, Benefits, and Job Analysis Specialists; and (3) SOC 43–9061 Office Clerks, General. The wage rates were doubled to account for fringe benefits and overhead costs. Then the difference between the fully loaded wage rates of government workers and workers in all sectors was calculated. For example, in Ohio, the median hourly wage rate for managers/supervisors is $36.02 in the government sector and $40.52 in all sectors. Accounting for fringe benefits and overhead costs, the fully loaded median hourly rate is $72.04 in the government sector and $81.04 in all sectors, a difference of $9.00 per hour. Since the fully loaded wage rate is $9.00 per hour higher in all sectors than in the government sector, Ohio would not realize a savings at the manager/supervisor level under this proposed rule. However, Ohio would realize a $0.42 per hour savings at the project management level (= $56.08 for government workers − $55.66 for workers in all sectors) and a $6.66 per hour savings at the administrative support level (= $36.42 for government workers − $29.76 for workers in all sectors).

Multiplying these fully loaded wage rate differences by the estimated number of FTEs in each occupation and by 2,080 hours (= 40 hours per week × 52 weeks per year) results in a potential savings for Ohio of $3,058 per year at the project management level (= $0.42 per hour savings × 3.5 FTEs × 2,080 hours per year) and $470,995 per year at the administrative support level (= $6.66 per hour savings × 34.0 FTEs × 2,080 hours per year). In total, the estimated savings for Ohio under this proposed rule is $474,053 per year (= $0 at the manager/supervisor level + $3,058 at the project management level + $470,995 at the administrative support level). The same process was followed for the other seven States surveyed by the Department.

Next, the estimated wage savings for the States within each tier were summed. The estimated savings for the Tier 1 States of California ($4,066,254), Ohio ($474,053), and Tennessee ($100,880) equals $4,641,187. The estimated savings for the Tier 2 States of Maryland ($0) and Idaho ($174,637) equals $174,637. The estimated savings for the Tier 3 States of Utah ($20,301), North Dakota ($121,118), and Delaware ($35,693) equals $177,112.

The results for each tier were then multiplied by the appropriate ratio to estimate the wage savings for the entire tier. There are 17 States in Tier 1, so the estimated savings for the Tier 1 States of California, Ohio, and Tennessee ($4,641,187) was multiplied by 17/3, bringing the total estimated savings to $26,300,061 per year for Tier 1. There are 17 States in Tier 2, so the estimated savings for the Tier 2 States of Maryland and Idaho ($174,637) was multiplied by 17/2, bringing the total estimated savings to $1,484,413 per year for Tier 2. There are 20 States in Tier 3, so the estimated savings for the Tier 3 States of Utah, Nevada, and Delaware ($177,112) was multiplied by 20/3, bringing the total estimated savings to $1,180,747 per year for Tier 3.

Finally, the estimated wage savings for each tier were added together. Therefore, the total estimated savings of this proposed rule is $28,965,220 per year (= $26,300,061 for Tier 1 States + $1,484,413 for Tier 2 States + $1,180,747 for Tier 3 States), as shown in Table X.[16]

For purposes of Executive Orders 12866 and 13771, these estimated savings are categorized as transfers from employees to States.

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[12] State Monitor Advocates will continue to be State staff, so they are not included in the calculations of this rule.

[13] BLS OES data for government workers by State (May 2017): *https://www.bls.gov/oes/special.requests/oes_research_2017_sec_99.xlsx.* These data do not distinguish between government staff employed under a merit system and staff who are not, thus the Department could not accurately estimate of the impact of transitioning to State employees not under a merit system.

[14] BLS OES data for all sectors by State (May 2017): *https://www.bls.gov/oes/special.requests/oesm17st.zip.*

[15] In May 2017, total employment was 142,549,250 (*https://www.bls.gov/oes/current/oes_nat.htm*), with 120,851,270 jobs (85%) in the private sector (*https://www.bls.gov/oes/current/000001.htm*) and 21,697,980 jobs (15%) in the government sector (*https://www.bls.gov/oes/current/999001.htm*).

[16] This proposed rule may have other effects, which are described qualitatively here. The changes proposed to § 653.111, regarding the staffing of significant MSFW one-stop centers, could affect States' administrative costs. The changes would revise the staffing criteria for these centers, eliminating some requirements and adding new requirements. It is unknown whether this change would reduce or increase costs, but the Department believes that the effect in either case would be small.

Table X. Estimated Wage Savings Per Year

SOC code	Number of FTEs (rounded)	Number of FTEs with 50% Substitution Rate	Median Wage Rate for Government Sector	Loaded Median Wage Rate for Government Sector	Median Wage Rate for All Sectors	Loaded Median Wage Rate for All Sectors	Difference Between Loaded Wage Rates for Government and All Sectors	Cost Savings = estimated FTE × wage rate difference × 2080 hours per year
CA								
11-3011	117	58.5	$56.63	$113.26	$49.44	$98.88	-$14.38	($1,749,758)
13-1141	74	37.0	$33.50	$67.00	$33.67	$67.34	$0.34	$0
43-9061	370	185.0	$19.31	$38.62	$16.30	$32.60	-$6.02	($2,316,496)
	561	280.5						
OH								
11-3011	8	4.0	$36.02	$72.04	$40.52	$81.04	$9.00	$0
13-1141	7	3.5	$28.04	$56.08	$27.83	$55.66	-$0.42	($3,058)
43-9061	68	34.0	$18.21	$36.42	$14.88	$29.76	-$6.66	($470,995)
	84	42.0						
TN								
11-3011	22	11.0	$34.44	$68.88	$35.84	$71.68	$2.80	$0
13-1141	28	14.0	$24.84	$49.68	$27.99	$55.98	$6.30	$0
43-9061	97	48.5	$15.02	$30.04	$14.52	$29.04	-$1.00	($100,880)
	148	74.0						
					Estimated cost savings for CA, OH, and TN			($4,641,187)
					Estimated cost savings for 17 Tier 1 States			($26,300,061)
MD								
11-3011	12	6.0	$44.27	$88.54	$49.84	$99.68	$11.14	$0
13-1141	16	8.0	$27.67	$55.34	$34.39	$68.78	$13.44	$0
43-9061	53	26.5	$14.60	$29.20	$15.34	$30.68	$1.48	$0
	81	40.5						
ID								
11-3011	10	5.0	$30.25	$60.50	$32.24	$64.48	$3.98	$0
13-1141	13	6.5	$27.32	$54.64	$26.70	$53.40	-$1.24	($16,765)
43-9061	46	23.0	$15.67	$31.34	$14.02	$28.04	-$3.30	($157,872)
	70	35.0						
					Estimated cost savings for MD and ID			($174,637)
					Estimated cost savings for 17 Tier 2 States			($1,484,413)
UT								
11-3011	11	5.5	$33.05	$66.10	$36.42	$72.84	$6.74	$0
13-1141	14	7.0	$24.14	$48.28	$23.82	$47.64	-$0.64	($9,318)
43-9061	48	24.0	$14.18	$28.36	$14.07	$28.14	-$0.22	($10,982)
	73	36.5						
ND								
11-3011	6	3.0	$35.38	$70.76	$38.21	$76.42	$5.66	$0
13-1141	15	7.5	$29.92	$59.84	$26.50	$53.00	-$6.84	($106,704)
43-9061	21	10.5	$16.06	$32.12	$15.73	$31.46	-$0.66	($14,414)
	41	20.5						
DE								
11-3011	3	1.5	$40.52	$81.04	$51.56	$103.12	$22.08	$0
13-1141	4	2.0	$28.80	$57.60	$30.71	$61.42	$3.82	$0
43-9061	13	6.5	$14.95	$29.90	$13.63	$27.26	-$2.64	($35,693)
	19	9.5						
					Estimated cost savings for UT, ND, and DE			($177,112)
					Estimated cost savings for 20 Tier 3 States			($1,180,747)
							Total estimated cost savings	($28,965,220)

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Rule Familiarization Costs

Regulatory familiarization costs represent direct costs to States associated with reviewing the new regulation. The Department calculated this cost by multiplying the estimated

time to review the rule by the hourly compensation of a Human Resources Manager and by the number of States (including the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands).

The Department estimates that rule familiarization will take on average one hour by a State government Human Resources Manager who is paid a median hourly wage of $47.25.[17] To account for fringe benefits and overhead costs, the median hourly wage rate has been doubled, so the fully loaded hourly wage is $94.50 (= $47.25 × 2). Therefore, the one-time rule familiarization cost for all 54 jurisdictions (the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands) is estimated to be $5,103 (= $94.50 × 1 hour × 54 jurisdictions).

Summary of Estimated Impacts and Discussion of Uncertainty

For all States, the expected first-year budget savings will be approximately $28,960,117 (= $28,965,220 wage savings − $5,103 regulatory familiarization costs).

This analysis assumes a 50 percent substitution rate, meaning that States would choose to re-staff certain positions with personnel other than State merit staff, because these models may be more efficient and less expensive. Wage savings will vary among States based on each State's substitution rate. For some States, substitution at the managerial level may be cheaper; for other States, cost savings may be realized for administrative staff. Some States may find that private sector wage rates, for example, are more expensive than State merit staff wage rates and so choose to keep their current Wagner-Peyser Act merit staff. Under this proposed rule, States are not required to re-staff employment services and certain other activities under the Wagner-Peyser Act; they are given the option to do so. The purpose of this rule is to grant States maximum flexibility in administering the Wagner-Peyser Act Employment Service program and thereby free up resources for more and better service to employers and job seekers. Each State's wage savings will depend on the choices it makes for staffing. The Department seeks comments on the savings expected from this proposed rule.[18]

Non-Quantifiable Benefits

In addition to cost savings, this proposed rule will likely provide benefits to States and to society. The added staffing flexibility this rule gives to States will allow them to identify and achieve administrative efficiencies. Given the estimated cost savings that will result, States will be able to dedicate more resources under the Wagner-Peyser Act to providing services to job seekers and employers. These services, which help individuals find jobs and helps employers find workers, will provide economic benefits through greater employment. These resources can also provide the States with added capacity to provide more intensive services, which studies have shown improve employment outcomes. The Department seeks comments on these anticipated benefits, including studies and data.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. Chapter 6, requires the Department to evaluate the economic impact of this proposed rule on small entities. The RFA defines small entities to include small businesses, small organizations, including not-for-profit organizations, and small governmental jurisdictions. The Department must determine whether the final rule imposes a significant economic impact on a substantial number of such small entities. The Department concludes that this rule does not directly regulate any small entities, so any regulatory effect on small entities would be indirect. Accordingly, the Department has determined this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

C. Paperwork Reduction Act

The Purposes of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* include minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise a collection of information, including publishing for public comment a summary of the collection of information and a brief description of the need for and proposed use of the information.

As part of its continuing effort to reduce paperwork and respondent burden, the Department conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA. *See* 44 U.S.C. 3506(c)(2)(A). This activity helps to ensure that the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless it is approved by OMB under the PRA and displays a currently valid OMB control number. The public is also not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person will be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512).

In accordance with the PRA, the Department has submitted two ICRs to OMB in concert with the publishing of this NPRM. This provides the public the opportunity to submit comments on the information collections, either directly to the Department or to OMB. The 60-day period for the public to submit comments begins with the submission of the ICRs to OMB. Comments may be submitted electronically through *www.Regulations.gov*, or in hardcopy via the United States Postal Service.

The information collections in this NPRM are summarized as follows.

Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act, Wagner-Peyser WIOA Title I Programs and Vocational Rehabilitation Adult Education

Agency: DOL–ETA.

Title of Collection: Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act, Wagner-Peyser WIOA Title I Programs and Vocational Rehabilitation Adult Education.

Type of Review: Revision.

OMB Control Number: 1205–0522.

[17] BLS OES National Industry-Specific Occupational Employment and Wage Estimates, Sector 99 (May 2017): *https://www.bls.gov/oes/current/naics2_99.htm.*

[18] This NPRM is expected to reduce deadweight loss (DWL). DWL occurs when a market operates at less than optimal equilibrium output, which happens anytime the conditions for a perfectly competitive market are not met. Causes of DWL include taxes, subsidies, externalities, labor market interventions, price ceilings, and price floors. This NPRM removes a wage premium. The lower cost of labor may lead to an increase in the total number of labor hours purchased on the market. DWL reduction is a function of the difference between the compensation employers would be willing to pay for the hours gained and the compensation employees would be willing to accept for those hours. The size of the DWL reduction will largely depend on the elasticities of labor demand and labor supply.

Description: Under the provisions of *Workforce Innovation and Opportunity Act (WIOA),* the Governor of each State or Territory must submit a Unified or Combined State Plan to the U.S. Department of Labor, which is approved jointly with the Department of Education, that fosters strategic alignment of the six core programs, which include the adult, dislocated worker, youth, Wagner-Peyser Act Employment Service, AEFLA, and VR programs.

Affected Public: States, Local, and Tribal Governments.

Obligation to Respond: Required to Obtain or Retain Benefits.

Estimated Total Annual Respondents: 38.

Estimated Total Annual Responses: 38.

Estimated Total Annual Burden Hours: 8,136.

Estimated Total Annual Other Burden Costs: $0.

Regulations sections: DOL programs—20 CFR 652.211, 653.107(d), 653.109(d), 676.105, 676.110, 676.115, 676.120, 676.135, 676,140, 676.145, 677.230, 678.310, 678.405, 678.750(a), 681.400(a)(1), 681.410(b)(2), 682.100, 683.115. ED programs—34 CFR parts 361, 462 and 463.

Migrant and Seasonal Farmworker Monitoring Report and Complaint/Apparent Violation Form

This information collection is not new. The MSFW information collected supports regulations that set forth requirements to ensure such workers receive services that are qualitatively equivalent and quantitatively proportionate to other workers. ETA is proposing to revise Form ETA–5148 to conform to this NPRM's proposed changes to § 653.107(a)(3), .108(g)(1) & (s)(11), and .111.

Unrelated to this rulemaking, this information collection is currently being revised for other purposes. Those changes were the subject of a separate **Federal Register** Notice published on March 7, 2019 (84 FR 8343).

Agency: DOL–ETA.

Title of Collection: Migrant and Seasonal Farmworker Monitoring Report and Complaint/Apparent Violation Form.

Type of Review: Revision.

OMB Control Number: 1205–0039.

Description: This information collection package includes the ETA Form 5148 (Services to Migrant and Seasonal Farmworkers Report) and the ETA Form 8429 (Complaint/Apparent Violation Form). SWAs must submit (pursuant to § 653.109) ETA Form 5148 quarterly to report the level of services provided to MSFWs through the one-stop centers and through outreach staff to demonstrate the degree to which MSFWs are serviced and to ensure that such services are provided on a basis that is qualitatively equivalent and quantitatively proportionate to the services provided to non-MSFWs. The Department requires SWAs to use ETA Form 8429 when logging and referring complaints and/or apparent violations pursuant to part 658, Subpart E.

Affected Public: State and Local Governments; Individuals or Households.

Obligation to Respond: Required to Obtain or Retain Benefits.

Estimated Total Annual Respondents: 52.

Estimated Total Annual Responses: 7,416.

Estimated Total Annual Burden Hours: 9,706.

Estimated Total Annual Other Burden Costs: $297,922.

Regulations sections: § 653.107, § 653.108(g)(6), § 653.108(s), § 653.108(i), 653.108(m), 653.109, § 658.601.

Interested parties may obtain a copy free of charge of one or more of the information collection requests submitted to the OMB on the *reginfo.gov* website at *http://w www.reginfo.gov/public/do/PRAMain.* From the Information Collection Review tab, select Information Collection Review. Then select Department of Labor from the Currently Under Review dropdown menu and look up the Control Number. You may also request a free copy of an information collection by contacting the person named in the **ADDRESSES** section of this preamble.

As noted in the **ADDRESSES** section of this proposed rule, interested parties may send comments about the information collections to the Department throughout the 60-day comment period and/or to the OMB within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention the applicable OMB Control Number(s).

The Department and OMB are particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

D. Executive Order 13132 (Federalism)

E.O. 13132 requires Federal agencies to ensure that the principles of Federalism animating our Constitution guide the executive departments and agencies in the formulation and implementation of policies and to further the policies of the Unfunded Mandates Reform Act. Further, agencies must strictly adhere to constitutional principles. Agencies must closely examine the constitutional and statutory authority supporting any action that would limit the policy-making discretion of the States and they must carefully assess the necessity for any such action. To the extent practicable, State and local officials must be consulted before any such action is implemented. The Department has reviewed the NPRM in light of these requirements and has concluded that it is properly premised on the statutory authority given to the Secretary of Labor to set standards of efficiency for programs under the Wagner-Peyser Act, and it meets the requirements of E.O. 13132 by enhancing, rather than limiting, States' discretion in the administration of these programs.

Accordingly, the Department has reviewed this NPRM and has concluded that the rulemaking has no substantial direct effects on States, or on the distribution of power and responsibilities among the various levels of government as described by E.O. 13132. Therefore, the Department has concluded that this NPRM does not have a sufficient Federalism implication to warrant consultation with State and local officials or the preparation of a summary impact statement.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any federal mandate in a final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year

1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. A Federal mandate is defined in 2 U.S.C. 658 in part as any provision in a regulation that imposes an enforceable duty upon State, local, or tribal governments, or the private sector.

Following consideration of these factors, the Department has concluded that the NPRM contains no unfunded Federal mandates, including either a ''Federal intergovernmental mandate'' or a ''Federal private sector mandate.'' Rather, this NPRM increases State flexibility in staffing the Wagner-Peyser program.

F. Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed the NPRM under the terms of E.O. 13175 and DOL's Tribal Consultation Policy, and have concluded that the changes to regulatory text which are the focus of the NPRM would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

List of Subjects

20 CFR Part 651

Employment, Grant programs—labor.

20 CFR Part 652

Employment, Grant programs—labor, Reporting and recordkeeping requirements.

20 CFR Part 653

Agriculture, Employment, Equal employment opportunity, Grant programs—labor, Migrant labor, Reporting and recordkeeping requirements.

20 CFR Part 658

Administrative practice and procedure, Employment, Grant programs—labor, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, ETA proposes to amend 20 CFR parts 651, 652, 653 and 658 to read as follows:

PART 651—GENERAL PROVISIONS GOVERNING THE WAGNER-PEYSER ACT EMPLOYMENT SERVICE

1. The authority citation for part 651 continues to read as follows:

Authority: 29 U.S.C. 49a; 38 U.S.C. part III, 4101, 4211; Secs. 503, 3, 189, Pub. L. 113–128, 128 Stat. 1425 (Jul. 22, 2014).

■ 2. Amend § 651.10 by:

■ a. Adding the definitions for ''*Complaint System Representative,*'' ''*Employment Service (ES) Office Manager,*'' ''*Outreach staff,*'' ''*State Workforce Agency (SWA) official,*'' and ''*Wagner-Peyser Act Employment Service staff (ES staff);*'' in alphabetical order.

■ b. Revising the definitions of ''*Employment Service (ES) office,*'' ''*Field checks,*'' ''*Field visits,*'' ''*Outreach contact,*'' and ''*Respondent,*'' and

■ c. Removing the definitions of ''*affirmative action*'' and ''*Local Office Manager.*''

The additions and revisions read as follows:

§ 651.10 Definitions of terms used in this part and parts 652, 653, 654, and 658 of this chapter.

* * * * *

Complaint System Representative means the ES staff individual at the local or State level who is responsible for handling complaints.

* * * * *

Employment Service (ES) office means a site that provides Wagner-Peyser Act services as a one-stop partner program. A site must be co-located in a one-stop center consistent with the requirements of §§ 678.305 through 678.315 of this chapter.

Employment Service (ES) Office Manager means the individual in charge of all ES activities in a one-stop center.

* * * * *

Field checks means random, unannounced appearances by the SWA, through its ES offices, and/or Federal staff at agricultural worksites to which ES placements have been made through the intrastate or interstate clearance system to ensure that conditions are as stated on the job order and that the employer is not violating an employment-related law.

Field visits means appearances by Monitor Advocates or outreach staff to the working and living areas of migrant and seasonal farmworkers (MSFWs), to discuss employment services and other employment-related programs with MSFWs, crew leaders, and employers. Monitor Advocates or outreach staff must keep records of each such visit.

* * * * *

Outreach contact means each MSFW that receives the presentation of information, offering of assistance, or follow-up activity from outreach staff.

Outreach staff means ES staff with the responsibilities described in § 653.107(b) of this chapter.

* * * * *

Respondent means the individual or entity alleged to have committed the violation described in the complaint, such as the employer, service provider, or State agency (including a State agency official).

* * * * *

State Workforce Agency (SWA) official means an individual employed by the State Workforce Agency or any of its subdivisions.

* * * * *

Wagner-Peyser Act Employment Service staff (ES staff) means individuals, including but not limited to State employees, contractors, and staff of a subrecipient, who are funded, in whole or in part, by Wagner-Peyser Act funds to carry out activities authorized under the Wagner-Peyser Act.

* * * * *

PART 652—ESTABLISHMENT AND FUNCTIONING OF STATE EMPLOYMENT SERVICE

■ 3. The authority citation for part 652 continues to read as follows:

Authority: 29 U.S.C. 491–2; Secs. 189 and 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014).

■ 4. Amend § 652.204 by revising the first sentence of the paragraph to read as follows:

§ 652.204 Must funds authorized under the Wagner-Peyser Act (the Governor's Reserve) flow through the one-stop delivery system?

No, Sec. 7(b) of the Wagner-Peyser Act provides that 10 percent of the State's allotment under the Wagner-Peyser Act is reserved for use by the Governor for performance incentives, supporting exemplary models of service delivery, professional development and career advancement of SWA officials as applicable, and services for groups with special needs. * * *

■ 5. Amend § 652.207 by revising paragraph (b)(3) to read as follows:

§ 652.207 How does a State meet the requirement for universal access to services provided under the Wagner-Peyser Act?

* * * * *

(b) * * *

(3) In each local area, in at least one comprehensive physical center, ES staff must provide labor exchange services (including staff-assisted labor exchange services) and career services as described in § 652.206; and

* * * * *

■ 6. Amend § 652.210 by revising the introductory text of paragraphs (b) to read as follows:

§ 652.210 What are the Wagner-Peyser Act's requirements for administration of the work test, including eligibility assessments, as appropriate, and assistance to unemployment insurance claimants?

* * * * *

(b) ES staff must assure that:

* * * * *

■ 7. Revise § 652.215 and the section heading to read as follows:

§ 652.215 Can Wagner-Peyser Act-funded activities be provided through a variety of staffing models?

Yes, Wagner-Peyser Act-funded activities can be provided through a variety of staffing models. They are not required to be provided by State merit-staff employees; however, States may still choose to do so.

■ 8. Revise § 652.216 and the section heading to read as follows:

§ 652.216 May the one-stop operator provide guidance to ES staff in accordance with the Wagner-Peyser Act?

(a) Yes, the one-stop delivery system envisions a partnership in which Wagner-Peyser Act labor exchange services are coordinated with other activities provided by other partners in a one-stop setting. As part of the local Memorandum of Understanding described in § 678.500 of this chapter, the SWA, as a one-stop partner, may agree to have ES staff receive guidance from the one-stop operator regarding the provision of labor exchange services.

(b) The guidance given to ES staff must be consistent with the provisions of the Wagner-Peyser Act, the local Memorandum of Understanding, and applicable collective bargaining agreements.

PART 653—SERVICES OF THE WAGNER-PEYSER ACT EMPLOYMENT SERVICE SYSTEM

■ 9. The authority citation for part 653 continues to read as follows:

Authority: Secs. 167, 189, 503, Public Law 113–128, 128 Stat. 1425 (Jul. 22, 2014); 29 U.S.C. chapter 4B; 38 U.S.C. part III, chapters 41 and 42.

■ 10. Amend § 653.102 by removing the word ''staff'' from the third sentence, to reads as follows:

§ 653.102 Job information.

* * * One-stop centers must provide adequate assistance to MSFWs to access job order information easily and efficiently. * * *

■ 11. Amend § 653.103 by revising paragraphs (c) and (d) to read as follows:

§ 653.103 Process for migrant and seasonal farmworkers to participate in workforce development activities.

* * * * *

(c) One-stop centers must provide MSFWs a list of available career and supportive services in their native language.

(d) One-stop centers must refer and/or register MSFWs for services, as appropriate, if the MSFW is interested in obtaining such services.

■ 12. Amend § 653.107 by revising paragraphs (a)(1), intro text of paragraph (2) and (3), paragraph (4), intro text of paragraph (b), (2), (4)(iv), (5) through (11), and (c) to read as follows:

§ 653.107 Outreach and Agricultural Outreach Plan

(a) * * *

(1) Each SWA must provide an adequate number of outreach staff to conduct MSFW outreach in their service areas. SWA Administrators must ensure State Monitor Advocates and outreach staff coordinate their outreach efforts with WIOA title I sec. 167 grantees as well as with public and private community service agencies and MSFW groups.

(2) As part of their outreach, SWAs must ensure outreach staff:

* * * * *

(3) For purposes of providing and assigning outreach staff to conduct outreach duties, and to facilitate the delivery of employment services tailored to the special needs of MSFWs, SWAs must seek qualified candidates who meet the criteria in § 653.108(b)(1) through (3).

* * * * *

(4) In the 20 States with the highest estimated year-round MSFW activity, as identified in guidance issued by the Secretary, there must be full-time, year-round outreach staff to conduct outreach duties. For the remainder of the States, there must be year-round part-time outreach staff, and during periods of the highest MSFW activity, there must be full-time outreach staff. All outreach staff must be multilingual if warranted by the characteristics of the MSFW population in the State, and must spend a majority of their time in the field.

* * * * *

(b) Outreach staff responsibilities. Outreach staff must locate and contact MSFWs who are not being reached by the normal intake activities conducted by the ES offices. Outreach staff responsibilities include:

* * * * *

(2) Outreach staff must not enter work areas to perform outreach duties described in this section on an employer's property without permission of the employer unless otherwise authorized to enter by law; must not enter workers' living areas without the permission of the workers; and must comply with appropriate State laws regarding access.

* * * * *

(4) * * *

* * * * *

(iv) Referral of complaints to the ES Office Complaint System Representative or ES Office Manager;

* * * * *

(5) Outreach staff must make follow-up contacts as necessary and appropriate to provide the assistance specified in paragraphs (b)(1) through (4) of this section.

(6) Outreach staff must be alert to observe the working and living conditions of MSFWs and, upon observation or upon receipt of information regarding a suspected violation of Federal or State employment-related law, document and refer information to the ES Office Manager for processing in accordance with § 658.411 of this chapter. Additionally, if an outreach staff member observes or receives information about apparent violations (as described in § 658.419 of this chapter), the outreach staff member must document and refer the information to the appropriate ES Office Manager.

(7) Outreach staff must be trained in local office procedures and in the services, benefits, and protections afforded MSFWs by the ES, including training on protecting farmworkers against sexual harassment. While sexual harassment is the primary requirement, training also may include similar issues such as sexual coercion, assault, and human trafficking. Such trainings are intended to help outreach staff identify when such issues may be occurring in the fields and how to document and refer the cases to the appropriate enforcement agencies. They also must be trained in the procedure for informal resolution of complaints. The program for such training must be formulated by the State Administrator, pursuant to uniform guidelines developed by the Employment and Training Administration (ETA). The SMA must be given an opportunity to review and comment on the State's program.

(8) Outreach staff must maintain complete records of their contacts with MSFWs and the services they perform. These records must include a daily log, a copy of which must be sent monthly to the ES Office Manager and

maintained on file for at least 2 years. These records must include the number of contacts, the names of contacts (if available), and the services provided (*e.g.,* whether a complaint was received and if the complaint or apparent violation was resolved informally or referred to the appropriate enforcement agency, and whether a request for career services was received). Outreach staff also must maintain records of each possible violation or complaint of which they have knowledge, and their actions in ascertaining the facts and referring the matters as provided herein. These records must include a description of the circumstances and names of any employers who have refused outreach staff access to MSFWs pursuant to paragraph (b)(2) of this section.

(9) Outreach staff must not engage in political, unionization, or anti-unionization activities during the performance of their duties.

(10) Outreach staff must be provided with, carry and display, upon request, identification cards or other material identifying them as ES staff.

(11) Outreach staff in significant MSFW local offices must conduct especially vigorous outreach in their service areas.

(c) ES office outreach responsibilities. Each ES Office Manager must file with the SMA a monthly summary report of outreach efforts. These reports must summarize information collected, pursuant to paragraph (b)(8) of this section. The ES Office Manager and/or other appropriate staff must assess the performance of outreach staff by examining the overall quality and productivity of their work, including the services provided and the methods and tools used to offer services. Performance must not be judged solely by the number of contacts made by the outreach staff. The monthly reports and daily outreach logs must be made available to the SMA and Federal on-site review teams.

* * * * *

■ 13. Amend § 653.108 by:

■ a. Revising paragraph (b), (c), (d), (g)(2)(i)(D), (g)(2)(iv), (g)(2)(vii), (g)(3), (o), (s)(2), (3), (9), and (11);

■ b. Revising the first sentence of paragraphs (g)(1), (i) and (o);

■ c. Revising the second sentence of paragraph (g)(2)(v).

The revisions read as follows:

§ 653.108 State Workforce Agency and State Monitor Advocate responsibilities.

* * * * *

(b) The State Administrator must appoint a State Monitor Advocate who must be a SWA official. The State Administrator must inform farmworker organizations and other organizations with expertise concerning MSFWs of the opening and encourage them to refer qualified applicants to apply. Among qualified candidates, the SWAs must seek persons:

* * * * *

(c) The SMA must have direct, personal access, when necessary, to the State Administrator.

(d) The SMA must have ES staff necessary to fulfill effectively all of the duties set forth in this subpart. The number of ES staff positions must be determined by reference to the number of MSFWs in the State, as measured at the time of the peak MSFW population, and the need for monitoring activity in the State. The SMA must devote full-time to Monitor Advocate functions. Any State that proposes less than full-time dedication must demonstrate to its Regional Administrator that the SMA function can be effectively performed with part-time ES staffing.

* * * * *

(g) * * *

(1) Conduct an ongoing review of the delivery of services and protections afforded by the ES regulations to MSFWs by the SWA and ES offices (including efforts to provide ES staff in accordance with § 653.111, and the appropriateness of informal complaint and apparent violation resolutions as documented in the complaint logs).

* * *

(2) * * *

(i) * * *

* * * * *

(D) Complaint logs including logs documenting the informal resolution of complaints and apparent violations; and

* * * * *

(v) * * * The plan must be approved or revised by appropriate superior officials and the SMA. * * *

* * * * *

(vii) The SMA may recommend that the review described in paragraph (g)(2) of this section be delegated to an ES staff person, if and when the State Administrator finds such delegation necessary. In such event, the SMA is responsible for and must approve the written report of the review.

(3) Ensure all significant MSFW one-stop centers not reviewed onsite by Federal staff are reviewed at least once per year by ES staff, and that, if necessary, those ES offices in which significant problems are revealed by required reports, management information, the Complaint System, or other means are reviewed as soon as possible.

* * * * *

(i) At the discretion of the State Administrator, the SMA may be assigned the responsibility as the Complaint System Representative.

* * *

* * * * *

(o) The SMA must ensure that outreach efforts in all significant MSFW ES offices are reviewed at least yearly. This review will include accompanying at least one outreach staff from each significant MSFW ES office on field visits to MSFWs' working, living, and/or gathering areas. * * *

* * * * *

(s) * * *

* * * * *

(2) An assurance that the SMA has direct, personal access, whenever he/she finds it necessary, to the State Administrator.

(3) An assurance the SMA devotes all of his/her time to monitor advocate functions. Or, if the SMA conducts his/her functions on a part-time basis, an explanation of how the SMA functions are effectively performed with part-time staffing.

* * * * *

(9) A summary of the training conducted for ES staff on techniques for accurately reporting data.

* * * * *

(11) For significant MSFW ES offices, a summary of the State's efforts to provide ES staff in accordance with § 653.111.

■ 14. Amend § 653.109 by revising paragraph (c) to read as follows:

§ 653.109 Data collection and performance accountability measures.

* * * * *

(c) Provide necessary training to ES staff on techniques for accurately reporting data.

* * * * *

■ 15. Amend § 653.111 by:

■ a. Revising paragraph (a);

■ b. Removing paragraphs (a)(1) through (2), paragraphs (b) and (b)(1) through (2);

■ c. Revising paragraph (b)(3) and redesignate it as paragraph (b); and

■ d. Adding paragraph (c).

The revisions read as follows:

§ 653.111 State Workforce Agency staffing requirements.

(a) The SWA must implement and maintain a program for staffing significant MSFW one-stop centers by providing ES staff in a manner facilitating the delivery of employment services tailored to the special needs of MSFWs, including by seeking ES staff that meet the criteria in § 653.108(b)(1) through (3)).

* * * * *

(b) The SMA, Regional Monitor Advocate, or the National Monitor Advocate, as part of his/her regular reviews of SWA compliance with these regulations, must monitor the extent to which the SWA has complied with its obligations under paragraph (a) of this section.

(c) SWAs remain subject to all applicable federal laws prohibiting discrimination and protecting equal employment opportunity.

■ 16. Amend § 653.501 by revising the introductory text in paragraph (a) and paragraphs (c)(3)(vii), (d)(6), and (9) to read as follows:

§ 653.501 Requirements for processing clearance orders.

(a) *Assessment of need.* No ES office or SWA official may place a job order seeking workers to perform farmwork into intrastate or interstate clearance unless:

* * * * *

(c) * * *

* * * * *

(3) * * *

* * * * *

(vii) Outreach staff must have reasonable access to the workers in the conduct of outreach activities pursuant to § 653.107.

(d) * * *

* * * * *

(6) ES staff must assist all farmworkers, upon request in their native language, to understand the terms and conditions of employment set forth in intrastate and interstate clearance orders and must provide such workers with checklists in their native language showing wage payment schedules, working conditions, and other material specifications of the clearance order.

* * * * *

(9) If weather conditions, over-recruitment, or other conditions have eliminated the scheduled job opportunities, the SWAs involved must make every effort to place the workers in alternate job opportunities as soon as possible, especially if the worker(s) is/(are) already en-route or at the job site. ES staff must keep records of actions under this section.

* * * * *

■ 17. Amend § 653.502 by revising paragraph (e)(2) to read as follows:

§ 653.502 Conditional access to the Agricultural Recruitment System.

* * * * *

(e) * * *

* * * * *

(2) With the approval of an appropriate SWA official, remove the employer's clearance orders from intrastate and interstate clearance; and

* * * * *

■ 18. Amend § 653.503 by revising paragraphs (d) and (e) to read as follows:

§ 653.503 Field checks.

* * * * *

(d) If the individual conducting the field check observes or receives information, or otherwise has reason to believe that conditions are not as stated in the clearance order or that an employer is violating an employment-related law, the individual must document the finding and attempt informal resolution where appropriate (for example, informal resolution must not be attempted in certain cases, such as E.O. related issues and others identified by the Department through guidance). If the matter has not been resolved within 5 business days, the SWA must initiate the Discontinuation of Services as set forth at part 658, subpart F, of this chapter and must refer apparent violations of employment-related laws to appropriate enforcement agencies in writing.

(e) SWA officials may enter into formal or informal arrangements with appropriate State and Federal enforcement agencies where the enforcement agency staff may conduct field checks instead of and on behalf of the SWA. The agreement may include the sharing of information and any actions taken regarding violations of the terms and conditions of the employment as stated in the clearance order and any other violations of employment-related laws. An enforcement agency field check must satisfy the requirement for SWA field checks where all aspects of wages, hours, working and housing conditions have been reviewed by the enforcement agency. The SWA must supplement enforcement agency efforts with field checks focusing on areas not addressed by enforcement agencies.

* * * * *

PART 658—ADMINISTRATIVE PROVISIONS GOVERNING THE WAGNER-PEYSER ACT EMPLOYMENT SERVICE

■ 19. The authority citation for part 658 continues to read as follows:

Authority: Secs. 189, 503, Pub. L. 113–128, 128 Stat. 1425 (Jul. 22, 2014); 29 U.S.C. chapter 4B.

■ 20. Amend § 658.410 by revising paragraphs (b), (c), (c)(6), (f), (g), (h), (k), and (m) to read as follows:

§ 658.410 Establishment of local and State complaint systems.

* * * * *

(b) The State Administrator must have overall responsibility for the operation of the Complaint System; this includes responsibility for the informal resolution of complaints. In the ES office, the ES Office Manager is responsible for the operation of the Complaint System.

(c) SWAs must ensure centralized control procedures are established for the processing of complaints. The ES Office Manager and the SWA Administrator must ensure a central complaint log is maintained, listing all complaints taken by the ES office or the SWA, and specifying for each complaint:

* * * * *

(6) The action taken, and whether the complaint has been resolved, including informally. The complaint log also must include action taken on apparent violations.

* * * * *

(f) Complaints may be accepted in any one-stop center, or by a SWA, or elsewhere by outreach staff.

(g) All complaints filed through the local ES office must be handled by a trained Complaint System Representative.

(h) All complaints received by a SWA must be assigned to a trained Complaint System Representative designated by the State Administrator, provided that the Complaint System Representative designated to handle MSFW complaints must be the State Monitor Advocate (SMA).

* * * * *

(k) The appropriate ES staff handling a complaint must offer to assist the complainant through the provision of appropriate services.

* * * * *

(m) Follow-up on unresolved complaints. When an MSFW submits a complaint, the SMA must follow-up monthly on the handling of the complaint, and must inform the complainant of the status of the complaint. No follow-up with the complainant is required for non-MSFW complaints.

* * * * *

§ 658.410 [Amended]

■ 21. Amend § 658.410 paragraph (i) by removing the words ''Complaint System representative'' and add in its place the words ''Complaint System Representative''.

■ 22. Amend § 658.411 by:

■ a. Revising paragraph (a)(1);

■ b. Removing in paragraphs (a)(2)(iii), (3), (4) (in the second and third sentences), (b)(1)(ii), (1)(ii)(B) (in the second and third sentences), (1)(ii)(C),

(1)(D), (c)(1), (d)(2)(i), (2)(ii), and (3)(i) the words ''Complaint System representative'' and adding in its place the words ''Complaint System Representative''; and

■ c. Revising paragraphs (d)(3)(ii), (5)(ii), and (5)(iii)(G).

The revisions are to read as follows:

§ 658.411 Action on complaints.

(a) * * *

(1) Whenever an individual indicates an interest in filing a complaint under this subpart with an ES office, the SWA, or outreach staff, the individual receiving the complaint must offer to explain the operation of the Complaint System and must offer to take the complaint in writing.

* * * * *

(d) * * *

* * * * *

(3) * * *

* * * * *

(ii) If resolution at the SWA level has not been accomplished within 30 working days after the complaint was received by the SWA (or after all necessary information has been submitted to the SWA pursuant to paragraph (a)(4) of this section), whether the complaint was received directly or from an ES office pursuant to paragraph (d)(2)(ii) of this section, the SWA official must make a written determination regarding the complaint and must send electronic copies to the complainant and the respondent. The determination must follow the procedures set forth in paragraph (d)(5) of this section.

* * * * *

(5) * * *

* * * * *

(ii) If SWA officials determine that the employer has not violated the ES regulations, the SWA must offer to the complainant the opportunity to request a hearing within 20 working days after the certified date of receipt of the notification.

(iii) * * *

* * * * *

(G) With the consent of the SWA official and of the State hearing official, the party who requested the hearing may withdraw the request for the hearing in writing before the hearing.

* * * * *

■ 23. Amend § 658.419 by revising paragraph (a) to read as follows:

§ 658.419 Apparent violations.

(a) If a SWA, ES office employee, or outreach staff, observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or ES regulations by an employer, except as provided at § 653.503 of this chapter (field checks) or § 658.411 (complaints), the employee must document the suspected violation and refer this information to the ES Office Manager.

* * * * *

■ 24. Amend § 658.501 by revising paragraphs (b) and (c) to read as follows:

§ 658.501 Basis for discontinuation of services.

* * * * *

(b) SWA officials may discontinue services immediately if, in the judgment of the State Administrator, exhaustion of the administrative procedures set forth in this subpart in paragraphs (a)(1) through (7) of this section would cause substantial harm to a significant number of workers. In such instances, procedures at §§ 658.503 and 658.504 must be followed.

(c) If it comes to the attention of an ES office or SWA that an employer participating in the ES may not have complied with the terms of its temporary labor certification, under, for example the H–2A and H–2B visa programs, SWA officials must engage in the procedures for discontinuation of services to employers pursuant to paragraphs (a)(1) through (8) of this section and simultaneously notify the Chicago National Processing Center (CNPC) of the alleged non-compliance for investigation and consideration of ineligibility pursuant to § 655.184 or § 655.73 of this chapter respectively for subsequent temporary labor certification.

■ 25. Amend § 658.601 by revising paragraphs (a)(1)(ii) and (2)(ii) to read as follows:

§ 658.601 State Workforce Agency responsibility.

(a) * * *

(1) * * *

* * * * *

(ii) To appraise numerical activities/indicators, actual results as shown on the Department's ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.

* * * * *

(2) * * *

* * * * *

(ii) To appraise these key numerical activities/indicators, actual results as shown on ETA Form 9172, or any successor report required by the Department must be compared to planned levels. Differences between achievement and plan levels must be identified.

* * * * *

■ 26. Amend § 658.602 by revising paragraphs (l), (o)(1), and (s)(2) to read as follows:

§ 658.602 Employment and Training Administration National Office responsibility

* * * * *

(l) If the NMA finds the effectiveness of any RMA has been substantially impeded by the Regional Administrator or other regional office official, he/she must, if unable to resolve such problems informally, report and recommend appropriate actions directly to the OWI Administrator. If the NMA receives information that the effectiveness of any SMA has been substantially impeded by the State Administrator, a State or Federal ES official, or other ES staff, he/she must, in the absence of a satisfactory informal resolution at the regional level, report and recommend appropriate actions directly to the OWI Administrator.

* * * * *

(o) * * *

(1) Meet with the SMA and other ES staff to discuss MSFW service delivery; and

* * * * *

(s) * * *

* * * * *

(2) Provide technical assistance to ETA regional office and ES staff for administering the Complaint System, and any other employment services as appropriate.

* * * * *

■ 27. Amend § 658.603 by:

■ a. Revising introductory language in paragraph (f);

■ b. Revising paragraph (h);

■ c. Republishing the introductory text of paragraph (n); and

■ d. Revising paragraphs (n)(3), intro text paragraph (r), (r)(1), and (t).

The revisions read as follows:

§ 658.603 Employment and Training Administration Regional Office responsibility.

* * * * *

(f) The Regional Administrator must appoint a RMA who must carry out the duties set forth in this subpart. The RMA must:

* * * * *

(h) The Regional Administrator must ensure that staff necessary to fulfill effectively all the regional office responsibilities set forth in this section are assigned.

* * * * *

(n) The RMA must review the activities and performance of the SMAs

and the State monitoring system in the region, and must recommend any appropriate changes in the operation of the system to the Regional Administrator. The RMA's review must include a determination whether the SMA:

* * * * *

(3) Is making recommendations which are being consistently ignored by SWA officials. If the RMA believes that the effectiveness of any SMA has been substantially impeded by the State Administrator, other State agency officials, any Federal officials, or other ES staff, he/she must report and recommend appropriate actions to the Regional Administrator. Copies of the recommendations must be provided to the NMA electronically or in hard copy.

* * * * *

(r) As appropriate, each year during the peak harvest season, the RMA must visit each State in the region not scheduled for an on-site review during that fiscal year and must:

(1) Meet with the SMA and other ES staff to discuss MSFW service delivery; and

* * * * *

(t) The RMA must attend MSFW-related public meeting(s) conducted in the region, as appropriate. Following such meetings or hearings, the RMA must take such steps or make such recommendations to the Regional Administrator, as he/she deems necessary to remedy problem(s) or condition(s) identified or described therein.

* * * * *

■ 28. In § 658.704, the introductory text of paragraph (a) is republished and paragraph (a)(4) is revised to read as follows:

§ 658.704 Remedial actions.

(a) If a SWA fails to correct violations as determined pursuant to § 658.702, the Regional Administrator must apply one or more of the following remedial actions to the SWA:

* * * * *

(4) Requirement of special training for ES staff;

* * * * *

Molly E. Conway,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–12111 Filed 6–21–19; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0081; FRL–9995–37–Region 8]

Clean Data Determination; Salt Lake City, Utah 2006 Fine Particulate Matter Standards Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 5, 2019, the Environmental Protection Agency (EPA) published in the **Federal Register** a proposed rule pertaining to the proposed approval of a clean data determination (CDD) for the 2006 24-hour fine particulate matter ($PM_{2.5}$) Salt Lake City, Utah, (UT) nonattainment area (NAA) and requested comments by July 5, 2019. The EPA is extending the comment period for the proposed rule until July 22, 2019.

DATES: Written comments must be received on or before July 22, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0081, to the Federal Rulemaking Portal: *https://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.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. 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 Air and Radiation Division, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–AP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

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

On June 5, 2019 (84 FR 26053), we published in the **Federal Register** a proposed rule pertaining to proposed approval of a CDD for the 2006 24-hour $PM_{2.5}$ Salt Lake City, UT NAA and requested comments by July 5, 2019. Specifically, the proposed determination is based upon quality-assured, quality-controlled, and certified ambient air monitoring data for the period 2016–2018, available in the EPA's Air Quality System (AQS) database, showing the area has monitored attainment of the 2006 24-hour $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS). Based on our proposed determination that the Salt Lake City, UT NAA is currently attaining the 24-hour $PM_{2.5}$ NAAQS, the EPA also proposed to determine that the obligation for Utah to make submissions to meet certain Clean Air Act (CAA or the Act) requirements related to attainment of the NAAQS for this area is not applicable for as long as the area continues to attain the NAAQS.

We received a request from the Center for Biological Diversity to extend the comment period and, in response, we are extending the comment period to July 22, 2019.[1]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping

[1] A copy of the email requesting the extension, and our initial email response, appears in the docket for this action.

requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: June 17, 2019.

Debra Thomas,

Deputy Regional Administrator, EPA Region 8.

[FR Doc. 2019–13301 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2019–0044; EPA–R05–OAR–2015–0699; FRL–9995–43–Region 3 and 5]

Approval of Air Quality Implementation Plans; Ohio and West Virginia; Attainment Plans for the Steubenville, Ohio-West Virginia 2010 Sulfur Dioxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act (CAA), two State Implementation Plan (SIP) revision submittals, submitted by Ohio and West Virginia, respectively. Ohio's requested SIP revision was submitted to EPA through the Ohio Environmental Protection Agency (OEPA) on April 1, 2015 with supplemental submissions on October 13, 2015 and March 25, 2019, with expectation of an additional submittal within two to three months. This additional submittal is expected to include final, adopted limits corresponding to the limits in proposed form in the March 25, 2019 submittal. West Virginia's requested SIP revision was submitted to EPA through the West Virginia Department of Environmental Protection (WVDEP) on April 25, 2016 with a supplemental submission from WVDEP on November 27, 2017 and a clarification letter on May 1, 2019. The Ohio and West Virginia submittals include each State's attainment demonstration for the Steubenville Ohio-West Virginia sulfur dioxide (SO_2) nonattainment area (hereinafter ''Steubenville Area'' or ''Area''). Each state plan contains an attainment demonstration, enforceable emission limits and control measures and other elements required under the CAA to address the nonattainment area requirements for the Steubenville Area.

EPA proposes to conclude that the Ohio and West Virginia attainment plan submittals demonstrate that the provisions in the States' respective plans provide for attainment of the 2010 1-hour primary SO_2 national ambient air quality standard (NAAQS) in the entire Steubenville Area and meet the requirements of the CAA. EPA is also proposing to approve into the West Virginia SIP new emissions limits, operational restrictions, and associated compliance requirements for Mountain State Carbon, and proposing to approve into the Ohio SIP the limits on emissions from Mingo Junction Energy Center and JSW Steel as well as the proposed limits for the Cardinal Power Plant.

DATES: Written comments must be received on or before July 24, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2019–0044 for comments relating to West Virginia or EPA–R05–2015–0699 for comments relating to Ohio at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov* at EPA Region III or to *aburano.douglas@epa.gov* at EPA Region V. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Marilyn Powers at EPA Region III, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, (215) 814–2308, *powers.marilyn@epa.gov.* John Summerhays at EPA Region V, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, *summerhays.john@epa.gov.*

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

The following outline is provided to aid in locating information in this preamble.

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I. Why were Ohio and West Virginia required to submit SO_2 plans for the Steubenville Area?

On June 22, 2010, EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50. *See* 75 FR 35520, codified at 40 CFR 50.17(a)–(b). On August 5, 2013, EPA designated a first set of 29 areas of the country as nonattainment for the 2010 SO_2 NAAQS, including the Steubenville nonattainment area comprised of portions within Ohio and West Virginia. *See* 78 FR 47191, codified at 40 CFR part 81, subpart C, §§ 81.336 and 81.349. These area designations became effective October 4, 2013. Section 191(a) of the CAA directs states to submit SIPs for areas designated as nonattainment for the SO_2

NAAQS to EPA within 18 months of the effective date of the designation, *i.e.,* by no later than April 4, 2015 in this case. Under CAA section 192(a), these SIPs are required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than five years from the effective date of designation, which is October 4, 2018.

For a number of areas, including the West Virginia portion of the Steubenville Area, EPA published a notice on March 18, 2016 finding that West Virginia and other states had failed to submit the required SO_2 attainment SIPs by this submittal deadline. *See* 81 FR 14736. This finding initiated a deadline under CAA section 179(a) for the potential imposition of new source and highway funding sanctions. Ohio submitted its SO_2 attainment plan before the required deadline, therefore, EPA did not make such a finding with respect to Ohio's submittal for the Ohio portion of the Steubenville Area. Pursuant to West Virginia's submittal of its attainment plan on April 25, 2016, which became complete by operation of law, EPA subsequently notified West Virginia via letter dated June 13, 2017 that the SIP submittal was complete and that sanctions under section 179(a) would not be imposed in West Virginia due to its prior failure to submit a SIP. Additionally, under CAA section 110(c), the failure to submit finding triggered a requirement that EPA promulgate a Federal implementation plan (FIP) for West Virginia within two years of the finding unless, by that time (a) the state has made the necessary complete submittal and (b) EPA has approved the submittal as meeting all applicable requirements. The FIP obligation for West Virginia will no longer apply if EPA finalizes the approval that is proposed in today's action. The SIPs that West Virginia and Ohio submitted focus on four sources in the Steubenville area. The significant source in Brooke County, West Virginia, is the Mountain State Carbon facility (Mountain State Carbon), located in Follansbee. The other three significant sources in the Steubenville area are in Jefferson County, Ohio. Two of these facilities are located in Mingo Junction, namely the Mingo Junction Energy Center and the JSW Steel facility.[1] The other significant source in Jefferson County is the Cardinal power plant (Cardinal) located near Brilliant, Ohio.

In accordance with section 172(c) of the CAA, the April 25, 2016 West Virginia SO_2 attainment plan submittal for the West Virginia portion of the Area includes a 2011 base year emissions inventory; an attainment demonstration; the assertion that West Virginia's existing SIP-approved NSR program meets the applicable requirements for SO_2; requirements for RFP toward attaining the SO_2 NAAQS; a determination that the control strategy for the primary SO_2 source within the nonattainment areas constitutes RACM/RACT; contingency measures; and a consent order between West Virginia and Mountain State Carbon (the primary SO_2 source in the West Virginia portion of the Area) that includes emission limitations, operational restrictions, and associated compliance requirements for Mountain State Carbon, which WVDEP requested be incorporated into the West Virginia SIP. The attainment demonstration is comprised of an analysis that locates, identifies, and quantifies sources of emissions contributing to violations of the 2010 SO_2 NAAQS in the Steubenville Area and dispersion modeling of the emissions control measures in the Area that shows attainment of the 2010 SO_2 NAAQS. On November 27, 2017, WVDEP submitted a revised consent order for Mountain State Carbon to clarify certain provisions related to enforceability.

Likewise, Ohio's April 1, 2015 submittal for the Ohio portion of the Steubenville Area, as supplemented on October 13, 2015, included the nonattainment area submittal requirements under sections 172, 191 and 192 of the CAA. The supplemental submittal included rules which in the Steubenville Area limited the emissions of Mingo Junction Energy Center and JSW Steel.

On March 25, 2019, Ohio provided a requested SIP revision comprised of proposed further revisions to Ohio Administrative Code (OAC) Rule 3745–18–47, along with proposed revisions to associated compliance provisions in OAC Rules 3745–18–03 and 3745–18–04. The proposed SIP revision would modify the SO_2 limit for the coal-fired boilers at Cardinal. In the submittal, Ohio requested that EPA initiate action to propose approval of its attainment SIP concurrently with Ohio's administrative process to adopt the rule and submit the rule as a SIP revision to EPA. Under this process, EPA publishes its notice of proposed rulemaking in the **Federal Register** and solicits public comment in approximately the same time frame during which Ohio is completing its rulemaking process. OEPA provided an anticipated schedule for submittal of the final SIP package to EPA. If changes are made to the SIP revision after this proposal, such changes will be described in EPA's final rulemaking action and, if such changes are significant, EPA may re-propose the action and provide an additional public comment period before issuing a final action.

The remainder of this notice describes the requirements that such plans must meet in order to obtain EPA approval, provides a review of each States' plan with respect to these requirements, and describes EPA's proposed action on the plans.

II. Requirements for SO_2 Nonattainment Area Plans

Nonattainment area SIPs must meet the applicable requirements of the CAA, and specifically CAA sections 110, 172, 191 and 192. The EPA's regulations governing nonattainment area SIPs are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements residing at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, EPA issued comprehensive guidance on SIPs, in a document entitled the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published at 57 FR 13498 (April 16, 1992) (General Preamble). Among other things, the General Preamble addressed SO_2 SIPs and fundamental principles for SIP control strategies. *Id.,* at 13545–49, 13567–68. On April 23, 2014, the EPA issued recommended guidance for meeting the statutory requirements in SO_2 SIPs, in a document entitled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,'' (April 2014 guidance) available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.* In the April 2014 guidance, EPA described the statutory requirements for a complete nonattainment area SIP, which includes: An accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area; an attainment demonstration; enforceable emissions limitations and control measures; demonstration of RFP; implementation of RACM (including RACT); NSR; and adequate contingency measures for the affected area.

In order for EPA to fully approve a SIP as meeting the requirements of CAA sections 110, 172 and 191–192 and EPA's regulations at 40 CFR part 51, the SIP for the affected area needs to demonstrate to EPA's satisfaction that

[1] Although this facility (formerly owned by Wheeling-Pittsburgh Steel and other owners) is identified as Mingo Junction Steel Works, LLC in Ohio's rules, this action will refer to this facility by the name of its current owners, JSW Steel.

each of the aforementioned requirements have been met. Under CAA sections 110(l) and 193, EPA may not approve a SIP that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement, and no requirement in effect (or required to be adopted by an order, settlement, agreement, or plan in effect before November 15, 1990) in any area which is a nonattainment area for any air pollutant, may be modified in any manner unless it insures equivalent or greater emission reductions of such air pollutant.

III. Attainment Demonstration and Longer-Term Averaging

CAA section 172(c)(1) directs states with areas designated as nonattainment to demonstrate that the submitted plan provides for attainment of the NAAQS. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet, and EPA has long required that all SIPs and control strategies reflect four fundamental principles of quantification, enforceability, replicability, and accountability. General Preamble, at 13567–68. SO_2 attainment plans must consist of two components: (1) Emission limits and other control measures that assure implementation of permanent, enforceable and necessary emission controls, and (2) a modeling analysis which meets the requirements of 40 CFR part 51, appendix W which demonstrates that these emission limits and control measures provide for timely attainment of the primary SO_2 NAAQS as expeditiously as practicable, but by no later than the attainment date for the affected area. In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance with the respective emission limits and control measures and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measurable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the assumptions used in the SIP demonstrations).

EPA's April 2014 guidance recommends that the emission limits be expressed as short-term average limits (*e.g.,* addressing emissions averaged over one or three hours), but also describes the option to utilize emission limits with longer averaging times of up to 30 days so long as the state meets various suggested criteria. *See* April 2014 guidance, pp. 22 to 39. The guidance recommends that—should states and sources utilize longer averaging times—the longer-term average limit should be set at an adjusted level that reflects a stringency comparable to the 1-hour average limit at the critical emission value shown to provide for attainment that the plan otherwise would have set.

The April 2014 guidance provides an extensive discussion of EPA's rationale for concluding that appropriately set, comparably stringent limitations based on averaging times for periods as long as 30 days can be found to provide for attainment of the 2010 SO_2 NAAQS. In evaluating this option, EPA considered the nature of the standard, conducted detailed analyses of the impact of use of 30-day average limits on the prospects for attaining the standard, and carefully reviewed how best to achieve an appropriate balance among the various factors that warrant consideration in judging whether a state's plan provides for attainment. *Id.* at pp. 22 to 39. *See* also *id.* at Appendices B, C, and D.

As specified in 40 CFR 50.17(b), the 1-hour primary SO_2 NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value. The 2010 SO_2 NAAQS, including this form of determining compliance with the standard, was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in *Nat'l Envt'l Dev. Ass'n's Clean Air Project* v. *EPA,* 686 F.3d 803 (DC Cir. 2012). Because the standard has this form, a single exceedance of the NAAQS' 75 ppb level does not create a violation of the standard. Instead, at issue is whether a source operating in compliance with a properly set longer term average could cause exceedances of 75 ppb, and if so the resulting frequency and magnitude of such exceedances, and in particular whether EPA can have reasonable confidence that a properly set longer term average limit will provide that the 3-year average of the annual fourth highest daily maximum 1-hour average value will be at or below 75 ppb. A synopsis of how EPA judges whether such plans ''provide for attainment,'' based on modeling of projected allowable emissions and in light of the NAAQS' form for determining attainment at monitoring sites, follows.

For SO_2 attainment demonstrations based on 1-hour emission limits, the standard approach is to conduct modeling using fixed emission rates. The maximum emission rate that would be modeled to result in attainment (*i.e.,* in an ''average year'' [2] shows three, not four days with maximum hourly levels exceeding 75 ppb) is labeled the ''critical emission value.'' The modeling process for identifying this critical emissions value inherently considers the numerous variables that affect ambient concentrations of SO_2, such as meteorological data, background concentrations, and topography. In the standard approach, the state would then provide for attainment by setting a continuously applicable 1-hour emission limit at this critical emission value. EPA recognizes that some sources have highly variable emissions, for example due to variations in fuel sulfur content and operating rate, that can make it extremely difficult, even with a well-designed control strategy, to ensure in practice that emissions for any given hour do not exceed the critical emission value. EPA also acknowledges the concern that longer term emission limits can allow short periods with emissions above the critical emission value which, if coincident with meteorological conditions conducive to high SO_2 concentrations, could in turn create the possibility of an exceedance of the NAAQS level occurring on a day when an exceedance would not have occurred if emissions were continuously controlled at the level corresponding to the critical emission value. However, for several reasons, EPA believes that the approach recommended in its guidance document suitably addresses this concern. First, from a practical perspective, EPA expects the actual emission profile of a source subject to an appropriately set longer term average limit to be similar to the emission profile of a source subject to an analogous 1-hour average limit. EPA expects this similarity because it has recommended that the longer-term average limit be set at a level that is comparably stringent to the otherwise applicable 1-hour limit, reflecting a

[2] An ''average year'' is used to mean a year with average air quality. While 40 CFR 50 appendix T provides for averaging three years of 99th percentile daily maximum 1-hour values (*e.g.,* the fourth highest daily maximum 1-hour concentration in a year with 365 days with valid data), this discussion and an example below uses a single ''average year'' in order to simplify the illustration of relevant principles.

downward adjustment from the critical emission value that is proportionate to the anticipated variability in the source's emissions profile. As a result, EPA expects either form of emission limit to yield a comparable reduction in SO_2 emissions and comparable air quality.

Second, from a more theoretical perspective, EPA has compared the likely air quality with a source having maximum allowable emissions under an appropriately set longer term limit, as compared to the likely air quality with the source having maximum allowable emissions under the comparable 1-hour limit. In this comparison, in the 1-hour average limit scenario, the source is presumed at all times to emit at the critical emission level, and in the longer-term average limit scenario, the source is presumed occasionally to emit at levels higher than the critical emission value but on average, and presumably at most times, to emit well below the critical emission value. In an ''average year,'' compliance with the 1-hour limit is expected to result in three exceedance days (*i.e.,* three days with maximum hourly values above 75 ppb) and a fourth day with a maximum hourly value at 75 ppb. By comparison, with the source complying with a longer-term limit, it is possible that additional exceedances of 75 ppb would occur that would not occur in the 1-hour limit scenario (if emissions exceed the critical emission value at times when meteorology is conducive to poor air quality). However, this comparison must also factor in the likelihood that exceedances of 75 ppb that would be expected in the 1-hour limit scenario would not occur in the longer-term limit scenario. This result arises because the longer-term limit requires lower emissions most of the time (because the limit is set well below the critical emission value), so a source complying with an appropriately set longer term limit is likely to have lower emissions at critical times than would be the case if the source were emitting as allowed with a 1-hour limit.

As a hypothetical example to illustrate these points, suppose a source that always emits 1,000 pounds of SO_2 per hour, which results in air quality at the level of the NAAQS (*i.e.,* results in a design value of 75 ppb). Suppose further that in an ''average year,'' these emissions cause the five highest maximum daily average 1-hour concentrations to be 100 ppb, 90 ppb, 80 ppb, 75 ppb, and 70 ppb. Then suppose that the source becomes subject to a 30-day average emission limit of 700 pounds per hour. It is theoretically possible for a source meeting this limit to have emissions that occasionally exceed 1,000 pounds per hour, but with a typical emissions profile, emissions would much more commonly be between 600 and 800 pounds per hour. In this simplified example, assume a zero background concentration, which allows one to assume a linear relationship between emissions and air quality. (A nonzero background concentration would make the mathematics more difficult but would give similar results.) Air quality will depend on what emissions happen on what critical hours but suppose that emissions at the relevant times on these 5 days are 800 pounds per hour, 1,100 pounds per hour, 500 pounds per hour, 900 pounds per hour, and 1,200 pounds per hour, respectively. (This is a conservative example because the average of these emissions, 900 pounds per hour, is well over the 30-day average emission limit.) These emissions would result in daily maximum 1-hour concentrations of 80 ppb, 99 ppb, 40 ppb, 67.5 ppb, and 84 ppb. In this example, the fifth day would have an exceedance of 75 ppb that would not otherwise have occurred, but the third day would not have exceedances that otherwise would have occurred, and the fourth day would be below rather than at 75 ppb. In this example, the fourth highest maximum daily 1-hour concentration under the 30-day average would be 67.5 ppb.

This simplified example illustrates the findings of a more complicated statistical analysis that EPA conducted using a range of scenarios using actual plant data. As described in appendix B of EPA's April 2014 guidance, EPA found that the requirement for lower average emissions over a longer averaging period is highly likely to yield better air quality than is required with a comparably stringent 1-hour limit. Based on analyses described in appendix B of its 2014 guidance, EPA expects that an emission profile with maximum allowable emissions under an appropriately set comparably stringent 30-day average limit is likely to have the net effect of having a *lower* number of exceedances of 75 ppb and better air quality than an emission profile with maximum allowable emissions under a 1-hour emission limit at the critical emission value. This result provides a compelling policy rationale for allowing the use of a longer averaging period, in appropriate circumstances where the facts indicate this result can be expected to occur.

The question then becomes whether this approach—which is likely to produce a lower number of overall exceedances even though it may produce some unexpected exceedances above the critical emission value—meets the requirement in section 110(a)(1) and 172(c)(1) for state implementation plans to ''provide for attainment'' of the NAAQS. For SO_2, as for other pollutants, it is generally impossible to design a nonattainment area plan in the present that will guarantee that attainment will occur in the future. A variety of factors can cause a well-designed attainment plan to fail and unexpectedly not result in attainment, for example if meteorology occurs that is more conducive to poor air quality than was anticipated in the plan. Therefore, in determining whether a plan meets the requirement to provide for attainment, EPA's task is commonly to judge not whether the plan provides absolute certainty that attainment will in fact occur, but rather whether the plan provides an adequate level of confidence of prospective NAAQS attainment. From this perspective, in evaluating use of a 30-day average limit, EPA must weigh the likely net effect on air quality. Such an evaluation must consider the risk that occasions with meteorology conducive to high concentrations will have elevated emissions leading to exceedances that would not otherwise have occurred and must also weigh the likelihood that the requirement for lower emissions on average will result in days not having exceedances that would have been expected with emissions at the critical emissions value. Additional policy considerations, such as in this case the desirability of accommodating real world emissions variability without significant risk of violations, are also appropriate factors for EPA to weigh in judging whether a plan provides a reasonable degree of confidence that the plan will lead to attainment. Based on these considerations, especially given the high likelihood that a continuously enforceable limit averaged over as long as 30 days, determined in accordance with EPA's guidance, will result in attainment, EPA believes as a general matter that such limits, if appropriately determined, can reasonably be considered to provide for attainment of the 2010 SO_2 NAAQS.

The April 2014 guidance offers specific recommendations for determining an appropriate longer-term average limit. The recommended method starts with determination of the 1-hour emission limit that would provide for attainment (*i.e.,* the critical emission value), and applies an adjustment factor to determine the (lower) level of the longer-term average emission limit that would be estimated

to have a stringency comparable to the otherwise necessary 1-hour emission limit. This method uses a database of continuous emission data reflecting the type of control that the source will be using to comply with the SIP emission limits, which (if compliance requires new controls) may require use of an emission database from another source. The recommended method involves using these data to compute a complete set of emission averages, computed according to the averaging time and averaging procedures of the prospective emission limitation. In this recommended method, the ratio of the 99th percentile among these long term averages to the 99th percentile of the 1-hour values represents an adjustment factor that may be multiplied by the candidate 1-hour emission limit to determine a longer term average emission limit that may be considered comparably stringent.[3] The guidance provided extensive recommendations regarding the calculation of the adjustment factor, for example to derive the adjustment factor from long term average versus 1-hour emissions statistics computed in accordance with the compliance determination procedures that the state is applying. These recommendations are intended to yield the most pertinent estimate of the impact of applying a longer-term average limit on the stringency of the limit in the relevant context. The guidance also addresses a variety of related topics, such as the potential utility of setting supplemental emission limits, such as mass-based limits, to reduce the likelihood and/or magnitude of elevated emission levels that might occur under the longer-term emission rate limit.

Preferred air quality models for use in regulatory applications are described in appendix A of EPA's *Guideline on Air Quality Models* (40 CFR part 51, appendix W).[4] In 2005, EPA promulgated AERMOD as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (for example in estimating SO_2 concentrations) in all types of terrain based on extensive developmental and performance evaluation. Supplemental guidance on modeling for purposes of demonstrating attainment of the SO_2 standard is provided in appendix A to the April 23, 2014 SO_2 nonattainment area SIP guidance document referenced above. Appendix A provides extensive guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations. Consistency with the recommendations in this guidance is generally necessary for the attainment demonstration to offer adequately reliable assurance that the plan provides for attainment.

As stated previously, attainment demonstrations for the 2010 1-hour primary SO_2 NAAQS must demonstrate future attainment and maintenance of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling (*see* appendix W to 40 CFR part 51) to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the SO_2 NAAQS. For a short-term (*i.e.,* 1-hour) standard, EPA believes that dispersion modeling, using allowable emissions and addressing stationary sources in the affected area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO_2.

The meteorological data used in the analysis should generally be processed with the most recent version of AERMET. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010 clarification memo on ''Applicability of appendix W Modeling Guidance for the 1-hr SO_2 National Ambient Air Quality Standard'' (U.S. EPA, 2010a).

IV. Review of Modeled Attainment Plans

Ohio and West Virginia have submitted various modeling analyses of prospective allowable SO_2 air quality in the Steubenville, OH-WV area. Ultimately, Ohio and West Virginia reached agreement on a common set of modeling runs that may be considered their joint attainment demonstration, which Ohio submitted on March 25, 2019 and West Virginia concurred with on May 1, 2019. The following subsection describes the history and nature of these various modeling analyses. Subsequent subsections review various features of the air dispersion modeling in Ohio's and West Virginia's joint attainment demonstration. Additional, more detailed discussion of the modeling is contained in the EPA technical support document (TSD) for today's action, which is available in the docket for this proposed rulemaking.

A. History of Ohio's and West Virginia's Modeling Analyses

Ohio and West Virginia have made a variety of submittals in response to the requirements for nonattainment plans for SO_2 for the Steubenville area. As noted above, Ohio submitted its nonattainment plans for Steubenville and other areas on April 1, 2015. (A supplemental submittal dated October 13, 2015 provides rules with limits that are reflected in these nonattainment plans but does not change the pertinent modeling analyses.) West Virginia submitted its nonattainment plan for the Steubenville area on April 25, 2016, and on November 27, 2016, submitted a supplemental submission that changed certain provisions of the consent order with Mountain State Carbon.

Ohio's and West Virginia's modeling analyses were similar in most respects but differed in important respects as well. Both modeling analyses used a hybrid approach to characterize the release of fugitive emissions from the Mountain State Carbon facility, using hourly meteorology to estimate hourly plume heights and initial plume dispersion, as discussed at length below. Both analyses used the same version of AERMOD, the same receptor grid, the same set of modeled sources, the same emission rates for these facilities, and the same background concentration. However, Ohio and West Virginia used different meteorological data sets and used different approaches to characterize the release of emissions from Cardinal.

Ohio used meteorological data for a 1-year period from July 1, 2013 to June 30, 2014, using data from a tower near Mountain State Carbon to represent meteorology in the northern part of the area and using data from a station near Cardinal to represent meteorology in the southern part of the area. In contrast, West Virginia used meteorological data from a 3-year period from 2007 to 2009 from the tower near Mountain State Carbon to represent meteorology throughout the area.

Cardinal has three boilers, two of which (Units 1 and 2) emit from separate vents on a single stack and one of which (Unit 3) is vented out the top of a cooling tower that services the

[3] For example, if the critical emission value is 1000 pounds of SO_2 per hour, and a suitable adjustment factor is determined to be 70 percent, the recommended longer term average limit would be 700 pounds per hour.

[4] The EPA published revisions to the *Guideline on Air Quality Models* (40 CFR part 51, appendix W) on January 17, 2017.

facility. Ohio represented the release from Units 1 and 2 as being released from the actual height of the stack. For Unit 3, Ohio found that the use of actual cooling tower parameters yielded concentration estimates dramatically unlike the concentrations monitored nearby, and Ohio instead used a hybrid approach (similar in some respects to the approach used in modeling Mountain State Carbon). West Virginia used the same characterization of Units 1 and 2 but for Unit 3 used the stack height and other release characteristics of a previously used Unit 3 stack.

EPA also conducted modeling of this Area, to inform discussions among EPA and the states regarding this Area. This modeling used West Virginia's meteorological data but used a different characterization of the stacks at Cardinal, for Units 1 and 2 using the height calculated from the formula in 40 CFR 51.100(ii)(2)(ii) (the stack height regulations) and for Unit 3 using the actual stack height in combination with historic other release characteristics.

Finally, as noted above, Ohio and West Virginia agreed on a joint attainment demonstration, which Ohio submitted on March 25, 2019 and West Virginia concurred with on May 1, 2019. This modeling used West Virginia's meteorological data, used EPA's characterization of the release of emissions from the stacks at Cardinal, but used an updated background concentration and demonstrated attainment based on an allowable Cardinal emission level that was somewhat higher than the previously modeled level. The details of this joint attainment demonstration and EPA's review are provided in the following subsections.

B. Model Selection

Ohio and West Virginia used the EPA-recommended AERMOD Model (version 18081, the most recent version) for their joint attainment demonstration. AERMOD is a refined, steady-state (both emissions and meteorology over a 1-hour time step), multiple source, air-dispersion model that, according to the Guideline on Air Quality Models, is the preferred model to use for industrial sources in this type of air quality analysis.

C. Meteorological Data

The joint attainment demonstration used processed meteorological data from Mountain State Carbon's 50 m meteorological tower in Follansbee, reflecting the data used in West Virginia's original attainment demonstration. Meteorological tower measurements were taken at 2 meters, 10 meters and 50 meters and included wind direction, wind speed, temperature and turbulence measurements. Additional surface meteorological data also came from the Pittsburgh International Airport located in western Pennsylvania, as necessary when data were not available from the Follansbee tower. One-minute data from Pittsburgh, Pennsylvania were processed using AERMINUTE (version 14337) and included in AERMET's (version 14134) Stage 2 processing. Surface characteristics were processed seasonally according to the Stage 3 file included in West Virginia's modeling files. Upper-air soundings needed to create the final processed meteorology data sets came from Pittsburgh. Three years of meteorological data from 2007–09 were processed in AERMET to produce the surface and profile files used in West Virginia's modeling demonstration. The Mountain State Carbon meteorological tower is considered an on-site measurement and therefore meets the minimum records length requirement (one year) outlined in section 8.4.2(e) of appendix W. The Guideline recommends using up to five years of on-site data where available. In this case, since subsequent years had significant missing data, EPA believes that the three years of data from 2007 to 2009 provides as good or better representation of meteorology in the area as any other available data set. Given the close location of the Follansbee met tower, EPA believes that the meteorological data is likely representative of conditions in the northern portion of the Steubenville area near Mountain State Carbon and the Mingo Junction facilities, where the highest collective impacts from the various sources in the area are estimated to occur. EPA believes the tower provides good measurements of the flow within the Ohio River Valley where the nonattainment sources are located, which is important because relatively steep terrain surrounding the Ohio River creates complex wind flows as air channels through the valley.

D. Receptor Network

In their joint demonstration, Ohio and West Virginia used a receptor network with 21,476 receptors within the nonattainment area. Ohio also conducted additional modeling using numerous receptors outside the nonattainment area that demonstrated that the limits also provide for attainment outside the nonattainment area as well. Further discussion of the receptor network is provided in the TSD. EPA finds the receptor network used in the joint demonstration to be consistent with EPA guidance.

E. Emissions Data

The joint modeling analysis included SO_2 emissions from the Mountain State Carbon coke plant and three facilities in Ohio including Cardinal, the Mingo Junction Energy Center, and JSW Steel. The modeling includes 59 emission points from these four facilities, including 48 emission points from the Mountain State Carbon coke plant.

The consent order for Mountain State Carbon sets limits applicable most of the year reflecting well controlled operation of coke oven gas desulfurization equipment. The consent order authorizes the company to shut down this control equipment for maintenance for up to 10 days in April and 10 days in November, while continuing coke production; however, the consent order also establishes a limit on coal sulfur content and limits operation of the coke plant, to minimize the SO_2 emissions during these periods. The joint modeling analysis uses an hourly emissions file reflecting the lower limits most of the year but reflecting the higher emissions associated with the restrictions that apply for 10 days in April and November.

Mingo Junction Energy Center is currently not operating. However, this facility is authorized to restart partially, and is subject to limits in Ohio's rules that would allow modest emissions upon restarting. Ohio's and West Virginia's modeling both appropriately reflect the emissions this facility would be allowed to emit, were it to resume operating. JSW Steel was not operating at the time of Ohio's original rule adoption, but this facility has resumed operation, subject to the adopted limits.

Cardinal was modeled as emitting 6,942 pounds per hour (lbs/hr) of SO_2. As discussed further below, in Subsection F, in lieu of setting a 1-hour emission limit at this level, Ohio determined that a comparably stringent 30-day average emission limit would be 4,858.75 pounds per hour, which is the limit that Ohio has proposed. No other source emitting 100 tons of SO_2 per year or more is located within the nonattainment area in either Ohio or West Virginia. Table 1 shows the hourly allowable emissions and the modeled emissions (annual total) from the four facilities that were included in the attainment demonstration. The modeled emission rate for Cardinal in this table corresponds to the modeled emission rate of 6,942 pounds per hour, even though annual emissions would not be allowed to be greater than 21,281 tons per year (tpy), corresponding to the 30-

day average limit of 4,858.75 pounds per hour (lb/hr).

TABLE 1—FACILITY TOTAL EMISSIONS

Facility	Hourly allowable emissions (lb/hr)	Modeled combined emission rate (tpy)
Mountain State Carbon, West Virginia	See below	2,229.7
Mingo Junction Energy Center, Ohio	0.0028 lb/MMBTU *	8.8
JSW Steel, Ohio	120	534.4
Cardinal, Ohio	4,859	30,406.7

* Corresponds to a maximum of 2 lb/hr.

West Virginia's consent order for Mountain State Carbon establishes individual limits for numerous emission points at the facility. Some of these limits are in the form of 1-hour limits, applicable every day of the year. Other limits are expressed as 24-hour average limits. Table 2 shows the emission limits included in West Virginia's consent order and the emission rate. For the emission points with 24-hour average limits, the limits are set at a lower level than the emission rate used in the attainment demonstration; the relationship between these two values is discussed in more detail in Subsection F below. (Subsection F also discusses the relationship between the critical emission value and the 30-day average limit that Ohio has proposed for Cardinal.)

TABLE 2—LIMITS FOR SOURCES AT MOUNTAIN STATE CARBON

Source	Emission limits, lbs/hr		Limit averaging time (hours)
	Normal operation	Outage operation	
Pushing Emission Control Sources			
#1, 2, and 3 Batteries	10.48	10.48	1
#8 Battery	15.72	15.72	1
Acid Plant Tail Gas Scrubber	6.0	0	24
Battery 1 Combustion	21.4	* 241.5	24
Battery 2 Combustion	21.4	* 76.8	24
Battery 3 Combustion	24.5	* 76.8	24
Battery 8 Combustion	115.4	* 360.6	24
Batteries 6, 7, 9,10 Combustion Stack	85.7	* 344.8	24
Excess COG Flare	137.7	* 241.5	24

* As described in section V.B, the consent order establishes operational restrictions on the ovens and other measures to limit SO_2 emissions during the outages. The modeled rates during the outages were engineering estimates for maximum emissions with the required operational restrictions and measures.

No other source emitting 100 tons of SO_2 per year or more is located within the nonattainment area in either state, and the nearest source emitting 100 tons of SO_2 per year outside of Ohio (*i.e.,* in West Virginia or Pennsylvania) is about 35 kilometers south, in the Marshall County nonattainment area, sufficiently distant that explicit modeling of that source is not warranted for the Steubenville Area. According to the 2014 National Emissions Inventory (NEI), two other Ohio sources emitting over 100 tons of SO_2 per year are located within 50 kilometers of the nonattainment area, both within Jefferson County, Ohio. The first is the Sammis plant, located in Stratton, 20 kilometers north of the modeled design site near Steubenville, and which in 2014 emitted 10,262 tons of SO_2. The second is a landfill, located in Amsterdam, 25 kilometers northwest of the modeled design value, and which in the 2014 NEI is estimated to emit 206 tons of SO_2 per year. The most common wind directions in this area are from the south and southwest, and modeling shows that these are the applicable wind directions at the times the design concentrations were modeled to occur. During these times, these sources would not be upwind of the nonattainment area. Furthermore, these sources are relatively distant from the relevant portions of the nonattainment area (and the concentration gradients in the area of interest resulting from these sources can be presumed to be relatively insignificant). For these reasons, explicit modeling of these sources to the north and northwest of the area would not have altered the design concentrations in the nonattainment area, and explicit modeling of these sources is not warranted.

F. Source Characterization

Emissions from Mingo Junction Energy Center and from JSW Steel are released from conventional stacks, and Ohio and West Virginia have modeled these sources as point sources with reasonable stack parameters. However, determining appropriate release characteristics for Mountain State Carbon and Cardinal is considerably more difficult.

The various SO_2 emission points at Mountain State Carbon were modeled as either point sources or as volume sources. In numerous cases, emissions are released out of a stack, and these emissions were modeled as point sources with the associated stack parameters. Of particular note is one coke oven gas flare, which was modeled as a point source with its actual release height and typical other release characteristics. Fugitive coke battery emissions were modeled as volume

sources, using hourly release heights and initial vertical dispersion values, reflecting hourly estimates from an independent run of the BLP dispersion model, which were entered into the hourly varying input file for use in AERMOD. As noted by West Virginia, this technique was used in previous particulate matter (PM_{10}) modeling demonstrations and was also used for the Allegheny County, Pennsylvania modeling demonstration for the 1-hour SO_2 nonattainment area. The BLP/AERMOD hybrid approach, however, is considered an alternative model under section 3.2.2 of appendix W—Guideline on Air Quality Models, and therefore requires approval from EPA's Regional Administrator as well as concurrence from EPA's Model Clearinghouse.

Allegheny County confronted similar circumstances in developing a plan for assuring attainment near the Clairton Works coke batteries, also involving coke plants in relatively complex terrain. The Allegheny County Health Department (ACHD) conducted extensive statistical analyses, finding that the same hybrid approach that West Virginia and Ohio used provides a more realistic simulation of fugitive emissions from coke ovens in that area than more conventional characterizations of the release of these emissions.[5] A more complete description of the ACHD approach can be found in the Model Clearinghouse Information Storage and Retrieval System (Record No: 18–III–01).[6]

EPA Region 3 approved and requested concurrence from the Model Clearinghouse on the use for Mountain State Carbon of the same BLP/AERMOD hybrid approach for the fugitive coke oven emissions that Allegheny County justified for Clairton Works, based on the similarities of the sources and the complex terrain and meteorology in the two areas. On October 30, 2018 the Model Clearinghouse granted concurrence with EPA Region 3's approval to use the BLP/AERMOD hybrid approach for Mountain State Carbon's fugitive coke oven emissions. This concurrence is available on EPA's Model Clearinghouse Information Storage and Retrieval System, Record No: 18–III–02 [7] and explains that the Model Clearinghouse concurred on the alternate model approval for the West Virginia SIP based on the unique similarities between the emissions sources at these two facilities, the similarities in complex topographical and meteorological settings surrounding these two facilities, and the similarities in alternative modeling approach for assessing the fugitive emissions from the coke oven batteries at these two facilities. Since Ohio as well as West Virginia is relying on this alternative modeling approach, Region 5 has also requested Model Clearinghouse concurrence on the use of this approach in the joint attainment plan, which the Model Clearinghouse has granted.[8]

Characterizing the release of emissions from Cardinal also poses significant challenges. The emissions for Unit 3 are released from a cooling tower, *i.e.* with nearly unique release characteristics. The emissions for Units 1 and 2 are released from a more conventional stack, although the vents for these two units are on the same stack in very close proximity, which raises the question whether modeling these releases as a merged plume is appropriate. The following discussion summarizes Ohio's and West Virginia's rationale for their approach in the joint attainment demonstration. More detailed discussion of the characterization of these releases from Cardinal are provided in the TSD for this action.

The cooling tower at Unit 3 has a height of approximately 129 meters and a diameter at the top of approximately 56 meters. Modeling conducted by Ohio shows that modeling using these stack dimensions yields a peak concentration over 20,000 $\mu g/m^3$ and widespread modeled concentrations over 10,000 $\mu g/m^3$, dramatically higher than the concentrations measured at well-placed nearby monitoring sites. These unrealistic concentration estimates are presumably the result of mischaracterization of the dispersion from such a wide opening, unlike the more conventional stack diameters present in the studies that informed the development of AERMOD. In the course of working with the states on planning for this Area, EPA conducted an additional modeling run using more conventional stack parameters, in particular using the actual release height of 129 meters but otherwise using the stack parameters used in West Virginia's original modeling analysis, reflecting the diameter and exit gas characteristics of the prior (conventional) stack at Cardinal's Unit 3. This run used actual emissions for a one-year period from July 1, 2013 to June 30, 2014, yielding concentration estimates that could be compared to the concentrations measured at multiple nearby monitoring sites. This run demonstrated that simulating the Unit 3 emissions as being released from a conventional stack yields concentration estimates that are dramatically closer to the observed concentrations. Indeed, based on a comparison of peak concentrations, 99th percentile concentrations, and the average of the top 25 concentrations modeled and monitored at four nearby monitoring locations, EPA found that modeling the Unit 3 emissions as being released from a conventional stack with the noted stack characteristics provides a reasonable characterization of this plume. Additional details of this modeling are provided in the appendix to the TSD for this rulemaking. The subsequent state model runs, including the model runs underlying the joint attainment demonstration, reflect this characterization of the release of emissions from Unit 3.

EPA has also examined whether the emissions from Units 1 and 2 warrant being merged. The emissions from these units are vented out of different vents from a single stack. Satellite imagery indicates that the top of the stack is approximately 22 meters in diameter, and the vents are approximately 9 meters in diameter with less than 2 meters separation between the edges of the two vents. Consequently, treating the release of the emissions from these two units as a single combined release (which, given the similarity of the two units, means modeling a single plume with twice the heat flux) provides for the best simulation of expected plume behavior. Nevertheless, EPA's stack height regulations restrict the circumstances under which plume merging is creditable.

Under 40 CFR 51.100(hh), plume merging is defined to be a prohibited dispersion technique except, in the case of merging occurring after July 8, 1985, for cases in which such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. (*See* 40 CFR 51.100(hh)(2)(B)). The stack height regulations also note that this exclusion from the definition of *dispersion techniques* shall apply only to the emission limitation for the pollutant affected by such change in operation.

As a compliance strategy for meeting the requirements of the Clean Air

[5] *See* appendix A and I of Allegheny County Health Department's 1-Hour SO_2 SIP available in Docket No. EPA–R03–OAR–2017–0730 (83 FR 58206, November 19, 2018).

[6] *https://cfpub.epa.gov/oarweb/MCHISRS/index.cfm?fuseaction=main.resultdetails&recnum=18-III-01.*

[7] *https://cfpub.epa.gov/oarweb/MCHISRS/index.cfm?fuseaction=main.resultdetails&recnum=18-III-02.*

[8] See the concurrence on EPA's Clearinghouse Information Storage and Retrieval System, Record No: 19–V–01, available at *https://cfpub.epa.gov/oarweb/MCHISRS/index.cfm?fuseaction=main.resultdetails&recnum=19-V-01.*

Interstate Rule (CAIR), Cardinal began operation of flue gas desulfurization of the emissions from Units 1 and 2 on March 25, 2008 and December 15, 2007, respectively. Available evidence indicates that the construction of the new stack to vent the emissions from these units was part of the same project as installation of flue gas desulfurization equipment. Although Ohio is proposing its emission limit reflecting a reduction of allowable emissions several years after the installation of the pollution controls, the merging accompanied the installation of controls and may also be considered to accompany a net reduction in allowable emissions in the sense that the initial request for credit for merging (in this SIP) is accompanied by a limit that requires the net emission reduction that the Cardinal control project achieved. In addition, although CAIR did not establish specific emission limits for Cardinal, CAIR imposed requirements contemporaneous with the installation of controls and construction of a new stack with a configuration resulting in the physical merging of the two plumes, requirements that resulted in a net reduction of SO_2 emissions from Cardinal. For these reasons, EPA views the merging of the plumes from Units 1 and 2 to qualify as creditable for SO_2 under 40 CFR 51.100(hh)(2)(ii)(B).

G. Emission Limits and Enforceability

a. Enforceability

An important prerequisite for approval of an attainment plan is that the emission limits that provide for attainment be quantifiable, fully enforceable, replicable, and accountable. *See* General Preamble at 13567–68. The attainment plan for the Steubenville Area reflects limits on all significant SO_2 emission sources in the Area.

The limits on Ohio sources are in the form of state regulations, with the limits in OAC 3745–18–47 and related compliance provisions in OAC 3745–18–03 and 3745–18–04. The limits for Mingo Junction Energy Center and for JSW Steel are already an adopted part of these rules, as submitted on October 13, 2015. Ohio proposed revisions to these rules on March 25, 2019 to limit the emissions of Cardinal as well. On this same date, Ohio submitted these proposed revisions, provided a schedule for adoption of these revisions, requested EPA approval of these revisions, and requested that EPA conclude that final adoption of the limit for Cardinal, in conjunction with the other limits already adopted by Ohio and West Virginia, would assure attainment in this area. As discussed below, EPA's proposed action today is based on the understanding that Ohio will adopt these proposed rule revisions in final form in the near future, at which time this limit would be fully state enforceable, and then Federally enforceable upon EPA's final approval of the SIP. As set forth above, if the proposed limits are not finalized at the State level, then EPA will reconsider this proposed approval based on the limits that are actually in place on Cardinal.

The limits for the Mountain State Carbon facility are in Consent Order CO–SIP–C–2017–9.[9] WVDEP issued this consent order following a process with public notice and hearing and submitted the consent order for incorporation into the West Virginia SIP. EPA finds that the revised consent order submitted on November 27, 2017 meets the requirements for Federal enforceability.

Some of the limits that Ohio and West Virginia's plans rely on are expressed as longer-term average limits. In particular, some of West Virginia's limits for Mountain State Carbon are expressed as 24-hour average limits, and Ohio's proposed limit for Cardinal is expressed as a 30-day average limit. Therefore, EPA's review of these attainment plans considered the use of these limits, both with respect to the general suitability of using such limits for this purpose and with respect to whether the particular limits included in the plans have been suitably demonstrated to provide for attainment. The two subsections that follow address the derivation and suitability of the longer-term average limits for Mountain State Carbon and Cardinal, respectively.

b. Longer Term Average Limits for Mountain State Carbon

Modeled emission rates at Mountain State Carbon represent the set of hourly critical emission values that (in combination with critical emission values for other facilities in the area) show compliance with the standard. Several of Mountain State Carbon's sources that consume the treated coke oven gas (COG) can experience fluctuating SO_2 emissions due to the variability in the sulfur content of the coal in the coke ovens and operations at the by-product plant that can impact sulfur removal efficiencies. To allow for these fluctuations, Mountain State Carbon requested a 24-hour block limit for its #1, #2, #3 and # 8 coke batteries, its new combined boilers 6, 7, 9, and 10 stack, and its Acid Plant Tail Gas Scrubber. Appendix D–2 of West Virginia's April 25, 2016 submittal describes the statistical analysis that was used to develop the proposed 24-hour average limits.

Actual historic operating data from the sources at Mountain State Carbon were used to calculate emission point-specific adjustment factors that were applied to the modeled critical emission value for the sources to determine a comparable emission limits with a 24-hour averaging period. The hourly SO_2 emission rates were calculated using the hourly H_2S concentrations in the COG measured by Mountain State Carbon's existing analyzer and daily average COG flow rates for the combustion sources, assuming complete stoichiometric conversion of H_2S to SO_2 during combustion of the COG. Table 3 addresses normal operation, showing the modeled emission rate, the adjustment factor, and the resulting comparable 24-hour average SO_2 emission rate for normal operation, calculated by applying the adjustment factor to the critical emissions value for normal operation.

TABLE 3—EQUIVALENT LONGER-TERM EMISSION RATES AT MOUNTAIN STATE CARBON

	Modeled 1-hour average SO_2 emission rate (lb/hr)	Calculated adjustment factor	Equivalent 24-hour average SO_2 emission limit (lb/hr)
Battery 1 Combustion	22.9	0.935	21.4
Battery 2 Combustion	22.9	0.933	21.4
Battery 3 Combustion	25.7	0.951	24.5

[9] This consent order, submitted on November 27, 2017, reflects selected revisions as compared to the consent order contained in West Virginia's April 25, 2016 submittal, to address certain enforceability issues identified by EPA.

TABLE 3—EQUIVALENT LONGER-TERM EMISSION RATES AT MOUNTAIN STATE CARBON—Continued

%	Modeled 1-hour average SO_2 emission rate (lb/hr)	Calculated adjustment factor	Equivalent 24-hour average SO_2 emission limit (lb/hr)
Battery 8 Combustion	122.1	0.945	115.4
Batteries 6–10	90.0	See Note	85.7
Excess COG Flare	139.8	0.985	137.7

Note: Batteries 6–10 have a merged stack. The calculated adjustment factors are: Battery 6—0.968, Battery 7—0.968, Battery 9—0.947, and Battery 10—0.928.

Table 4 summarizes Mountain State Carbon's modeled emission rates for the total facility and for fugitive emissions during normal operations and during the two 10-day by-product plant outage periods in the model simulation. Facility wide emissions are listed in the table along with fugitive battery emissions, which were modeled using the BLP/AERMOD hybrid approach discussed previously. The fugitive coke oven emissions from Batteries 1, 2, 3 and 8 make up approximately 5% of the total emission and a smaller percentage during the by-product plant outages (~1%). Modeled emission rates represent the hourly critical emission value that shows compliance with the standard.

TABLE 4—MOUNTAIN STATE CARBON MODELED EMISSION RATES

Modeled emissions	Normal		By-product plant outage		Total
	g/s	lb/hr	g/s	lb/hr	tpy
Mountain State Carbon Total	*60.68	*481.60	151.75	1,204.39	2,229.68
Combined Coke Oven Fugitives	3.27	25.98	1.68	13.31	110.63
Battery 1 Fugitives	0.41	3.28	0.16	1.24	13.88
Battery 2 Fugitives	0.41	3.28	0.16	1.24	13.88
Battery 3 Fugitives	0.45	3.53	0.16	1.24	14.92
Battery 8 Fugitives	2.00	15.86	1.21	9.59	67.95

*In addition to the 53.35 g/s (423.43 lb/hr) shown in Table 3 and the 3.27 g/s (25.98 lb/hr) from fugitive emissions shown here, this total also includes 1.98 g/s (15.72 lb/hr) from the Battery 8 pushing scrubber, 0.76 g/s (6.00 lb/hr) from the acid plant tail gas scrubber, and 1.32 g/s (10.48 lb/hr) from the power boilers.

Based on a review of the state's submittal, EPA believes that the 24-hour average limit for sources at Mountain State Carbon provide a suitable alternative to establishing a 1-hour average emission limit for these sources. The State has used a suitable database in an appropriate manner and has thereby applied an appropriate adjustment, yielding a set of emission limits that have comparable stringency to the 1-hour average limits that the state determined would otherwise have been necessary to provide for attainment. While the 24-hour average limits allow occasions in which emissions may be higher than the level that would be allowed with the 1-hour limit, the State's limits compensate by requiring average emissions to be lower than the level that would otherwise have been required by a 1-hour average limit. For reasons described above and explained in more detail in EPA's April 2014 guidance for SO_2 nonattainment plans, EPA finds that appropriately set longer term average limits provide a reasonable basis by which nonattainment plans may provide for attainment. Based on its review of this general information as well as the particular information in West Virginia's plan, EPA finds that the 24-hour average limit for Mountain State Carbon in combination with other limitations in Ohio's plan as discussed below, will provide for attainment of the NAAQS.

c. Longer Term Average Limits for Cardinal

The emission rate for Cardinal in the joint attainment demonstration is 6,942.2 pounds per hour. In lieu of a 1-hour limit at this level, Ohio has proposed a 30-day average limit that is designed to be comparably stringent. Specifically, Ohio's proposed 30-day average limit reflects multiplication of 6,942.2 pounds per hour times an adjustment factor (described below) determined in accordance with appendix C of EPA's SO_2 SIP guidance. The data used to determine this adjustment factor were the five then most recent years of hourly Cardinal emissions data reported to EPA's Clean Air Markets Division, *i.e.,* the data for 2013 to 2017, except that data for a modest number of hours was not considered because the reported emissions are substitute data required under 40 CFR 75 in the absence of direct measurements. Since Cardinal already operates the control equipment necessary to meet the proposed limit, and has done so throughout this five-year period, EPA considers these data to provide a good representation of the variability of SO_2 emissions that Cardinal can be expected to continue to show.

Given Ohio's intent to adopt the limit in the form of a multi-stack limit governing the sum of emissions from the three units, the adjustment factor was derived from an evaluation of statistics for the hourly and 30-day average sums of emissions from the three units. Consistent with Ohio's proposed limit, these statistics included only days in which at least one of the three units was operating and considered only operating hours. That is, the five years of hourly emissions data were screened to eliminate a modest number of substitute data and then screened to eliminate days in which none of the three units were operating; plant total emissions were determined for each remaining

hour, 30-operating-day average emissions (not including hours with no operation) were calculated for the end of each 30-operating-day period, and the 99th percentile value among the hourly (nonzero) values and the 99th percentile among the 30-operating-day values was computed. The resulting adjustment factor, reflecting the ratio of these 99th percentile values, was 70.0 percent. This adjustment factor may be considered to represent an estimate of the impact of using a 30-day average limit on total emissions of this facility. EPA finds that this analysis supports Ohio's conclusion that its proposed limit of 4,858.75 pounds per hour as a 30-day average is comparably stringent to a limit of 6,942.2 pounds per hour as a 1-hour limit, so that modeling Cardinal as emitting 6,942.2 pounds per hour is an appropriate means of assessing whether Ohio's proposed limit of 4,858.75 pounds per hour will provide for attainment.

EPA guidance states that limits with averaging times of up to 30 days can in many cases adequately provide for attainment so long as (1) the limit is established at an adjusted level such that the limit is comparably stringent to the 1-hour limit that is shown to provide for attainment (the latter reflecting the ''critical emission level''), and (2) emissions are sufficiently constrained that occasions of emissions above the critical emission value will be limited in frequency and magnitude. The dataset used in assessing an appropriate adjustment factor, reflecting the last five calendar years, is also a suitable dataset for assessing the likely frequency and magnitude of emissions above the critical emission value. During these five years, from 2013 to 2017, total emissions from Cardinal were always below 4,858.75 pounds per hour on a 30-day average basis, and hourly emissions exceeded 6,942.2 pounds per hour less than 0.05 percent of the time. A spreadsheet containing these data and the calculations supporting the above adjustment factor are included in the dockets for this rulemaking on Ohio's and West Virginia's submittals.

H. Background Concentration

The joint Ohio/West Virginia attainment demonstration used a uniform background concentration of 5.0 ppb (which AERMOD translates to 13.08 micrograms per cubic meter (μg/m^3)). While Ohio's and West Virginia's original attainment demonstrations used a background value of 8.1 ppb (21.17 μg/m^3), based on 2007 to 2009 monitor values within the Steubenville nonattainment area, the updated analysis that Ohio provided uses a 2016 to 2018 design value from a regional monitor located approximately 21 kilometers south of the Steubenville nonattainment area along the Ohio River, namely site number 39–013–0006 in Belmont County, Ohio. As Ohio has shown, the complexities of terrain and meteorology along the Ohio River in the Steubenville area make it difficult to distinguish those values monitored in the Steubenville Area that are and are not influenced by modeled Steubenville Area sources, and so it is difficult to use the Steubenville Area monitoring data to determine a concentration that truly reflects a background concentration that would exist in absence of the modeled Steubenville area sources. Thus, the Belmont County monitor likely provides the best basis for determining an appropriate background concentration, and EPA believes that the 5.0 ppb value is an appropriate representation of background concentrations in the Area without the influence of the four modeled sources included in West Virginia's model demonstration.

I. Assessment of Plant-Wide Emission Limit for Cardinal

The limit that Ohio has proposed for Cardinal is a limit on total SO_2 emissions from the plant. Therefore, an assessment of whether this limit provides for attainment must evaluate whether attainment is predicted under a full range of distributions of emissions allowed under this limit. Particularly given the 1.6 kilometer distance between the stack for Units 1 and 2 and the stack for Unit 3, the endpoints of the range of allowable distributions of emissions are (1) to have all emissions arising from the stack for Units 1 and 2 and (2) to have all emissions arising from the stack for Unit 3.

The joint attainment demonstration includes this range of simulations. In one simulation, 6,942.2 pounds per hour were emitted from the stack for Units 1 and 2. In a second simulation, 6,942.2 pounds per hour were emitted from the stack for Unit 3. (Since Unit 1 and Unit 2 are essentially identical units with a single stack and essentially identical other stack parameters, it was not necessary to distinguish whether emissions arose from Unit 1 or from Unit 2.) A third simulation used an intermediate, more typical mix of emissions, again adding up to 6,942.2 pounds per hour. Specifically, in this run, Units 1 and 2 together emitted 5,484 pounds per hour and Unit 3 emitted 1,458 pounds per hour. EPA believes that these three runs address the range of air quality that can result from the range of possible distributions of emissions at Cardinal within the total plant emissions limit proposed by Ohio, including the worst case distribution of allowable emissions.

J. Summary of Results

The joint modeling demonstration shows that peak model concentrations occur in the northern Ohio portion of the Steubenville Area, near Mountain State Carbon, with substantial contributions from both Mountain State Carbon and Cardinal. The modeling shows that the maximum 1-hour SO_2 concentration is 192.1 microgram per cubic meter (ug/m^3) (corresponding to 73.4 parts per billion), which meets the 1-hour SO_2 NAAQS level of 196.4 ug/m^3. The maximum modeled concentration includes a fixed representative background concentration and demonstrates that the limits used in the modeling achieve compliance with the 1-hour SO_2 NAAQS. This modeling demonstration follows current guidance included in appendix W to 40 CFR part 51—Guideline on Air Quality Models (2017). EPA finds that the modeling demonstration properly characterized source limits, local meteorological data, background concentrations and provided an adequate model receptor grid to capture maximum modeled concentrations. Final model results are below the current 1-hour SO_2 NAAQS and demonstrate that the modeled emission limits will allow the Steubenville Area to continue to comply with the standard.

V. Review of Other Plan Requirements

A. Emissions Inventory

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) Estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. As noted above, the state must develop and submit to EPA a comprehensive, accurate and current inventory of actual emissions from all sources of SO_2 emissions in each nonattainment area, as well as any sources located outside the nonattainment area which may affect attainment in the area. *See* CAA section 172(c)(3).

For the base year inventory of actual emissions, a ''comprehensive, accurate and current'' inventory can be represented by a year that contributed to

the three-year design value used for the original nonattainment designation. The 2014 SO_2 Nonattainment Guidance notes that the base year inventory should include all sources of SO_2 in the nonattainment area as well as any sources located outside the nonattainment area which may affect attainment in the area.

Ohio Emissions Inventory

In Ohio, major point sources in all counties are required to submit air emissions information annually, in accordance with EPA's Consolidated Emissions Reporting Rule (CERR). OEPA prepares a new periodic inventory for all SO_2 emission sectors every three years. The 2011 periodic inventory has been identified as one of the preferred databases for SIP development and coincides with nonattainment air quality in the Steubenville Area, thus the 2011 inventory was used as the base year for OEPA's submittal to fulfill the base-year emissions inventory requirements under the 2010 SO_2 standard.

Because October 4, 2018 was the attainment date for the 2010 SO_2 NAAQS, 2018 was selected as the future year to fulfill the projected year emissions inventory requirements under the 2010 SO_2 NAAQS. Emissions from 2011 for electric generating units (EGU) and non-EGUs were based on annual data reported by these sources in accordance with the CERR. Projections for area (non-point), on-road mobile (on-road), marine/air/rail (MAR), and non-road mobile (non-road) sources sectors were developed using 2011 county level emissions data downloaded from the 2011 NEI version 1-based Emissions Modeling Platform (Version 6). For townships, county level emissions for area, MAR and non-road were adjusted using population ratios while county level emissions for on-road were adjusted using vehicle miles traveled (VMT) ratios. The resulting inventory is summarized in Table 5.

TABLE 5—2011 BASE YEAR AND 2018 PROJECTION YEAR SO_2 EMISSIONS INVENTORY FOR THE OHIO PORTION OF THE STEUBENVILLE, OHIO-WEST VIRGINIA NONATTAINMENT AREA IN TONS PER YEAR

[tpy]

	2011 base year (tpy)	2018 projected year (tpy)
WarrenTownship:		
EGU Point	0.00	0.00
Non-EGU	0.20	0.20
Non-road	0.03	0.01
MAR	0.57	0.07
Area	5.86	5.86
On-road	0.65	0.25
Total	7.31	6.39
Cross Creek Township:		
EGU Point	0.00	0.00
Non-EGU	0.00	0.00
Non-road	0.06	0.03
MAR	1.13	0.13
Area	11.58	11.58
On-road	0.93	0.36
Total	13.7	12.1
City of Steubenville:		
EGU Point	0.00	0.00
Non-EGU	0.00	0.00
Non-road	0.14	0.06
MAR	2.54	0.30
Area	26.07	26.07
On-road	1.22	0.48
Total	29.97	26.91
Wells Township:		
EGU Point	25,122.43	10,681.56
Non-EGU	0.00	0.00
Non-road	0.02	0.01
MAR	0.38	0.04
Area	3.92	3.92
On-road	0.56	0.23
Total	25,127.31	10,685.76
Steubenville Township:		
EGU Point	0.00	0.00
Non-EGU	223.24	188.29
Non-road	0.03	0.01
MAR	0.58	0.07
Area	5.99	5.99

TABLE 5—2011 BASE YEAR AND 2018 PROJECTION YEAR SO_2 EMISSIONS INVENTORY FOR THE OHIO PORTION OF THE STEUBENVILLE, OHIO-WEST VIRGINIA NONATTAINMENT AREA IN TONS PER YEAR—Continued

[tpy]

	2011 base year (tpy)	2018 projected year (tpy)
On-road	1.26	0.50
Total	231.10	194.86
Ohio Portion of Steubenville Area:		
EGU Point	25,122.43	10,685.76
Non-EGU	223.44	188.49
Non-road	0.28	0.12
MAR	5.20	0.61
Area	53.42	53.42
On-road	4.62	1.81
Total	25,409.39	10,930.22

West Virginia Emissions Inventory

West Virginia submitted a 2011 base year inventory for all source categories in the West Virginia portion of the Area. West Virginia used emissions from EPA's 2011 NEI Version 2 for the 2011 base year inventory. Since designation of the Area as nonattainment was based on monitored data from the 2010–2012 period, EPA finds the election of 2011 as a base year to be appropriate, as 2011 data is representative of the operations of the facilities that contributed to the monitored violations leading to the Area's designation. EPA reviewed the results, procedures, and methodologies for the base year and found them to be acceptable. Actual emissions from all the sources of SO_2 in the West Virginia portion of the area were reviewed and compiled for the base year emissions inventory requirement. The primary SO_2-emitting point source located within the West Virginia portion of the area is Mountain State Carbon.

For the base year emissions inventory, WVDEP used emissions from EPA's 2011 NEI, Version 2. Table 1 shows the level of emissions, expressed in tons per year (tpy), in the West Virginia portion of the Steubenville Area for the 2011 base year and 2018 projection year inventories.

EPA has evaluated West Virginia's 2011 base year emissions inventory for the West Virginia portion of the Area and has made the determination that this inventory was developed consistent with section 172(c)(3) and EPA's guidance. Therefore, EPA is proposing to approve West Virginia's 2011 base year emissions inventory for the Area.

The attainment demonstration also provides for a projected attainment year inventory that includes estimated emissions for all emission sources of SO_2 which are determined to impact the nonattainment area for the year in which the area is expected to attain the NAAQS. West Virginia provided a 2018 projected emissions inventory for all known sources included in the 2011 base year inventory. SO_2 emissions are expected to decrease by approximately 290 tons, or approximately 33%, by 2018 from the 2011 base year. EPA finds that the use of the 2018 inventory is acceptable for use in the modeling analysis submitted by West Virginia for this Area.

TABLE 6—2011 BASE YEAR AND 2018 PROJECTION YEAR SO_2 EMISSIONS INVENTORY FOR THE WEST VIRGINIA PORTION OF THE STEUBENVILLE, OHIO-WEST VIRGINIA NONATTAINMENT AREA

Emission source category	2011 base year (tpy)	2018 projection year (tpy)
Point	730	428
Non-Point (Area)	154	168
Non-road (includes Marine, Air, Rail (MAR))	2	2
On-road	2	0
Total	888	598

B. RACM/RACT

Ohio

OEPA's October 13, 2015 Attainment SIP submittal identified three sources in the Ohio portion of the Steubenville Area subject to RACM/RACT, consisting of Cardinal, JSW Steel and Mingo Junction Energy Center. As Cardinal is already equipped with a flue gas desulfurization unit, OEPA's submittal did not identify any further reductions required at this facility. However, on March 25, 2019, OEPA submitted proposed revisions to its OAC Rule 3745–18–47 that, if finalized, will impose more stringent limits on Cardinal that will assure continued, efficient operation of this control.

EPA's analysis of the proposed limit (discussed previously in section IV.J of this preamble) shows that the more stringent limits, along with the other measures in the area, will achieve attainment in the Area for the 2010 1-hour SO_2 NAAQS. As noted previously, the proposal establishes an SO_2 emission limit of 4,858.75 pounds per

hour for Cardinal, effective upon adoption of the final rule.

Mingo Junction Energy Center is currently not operational but is allowed to be partially operated in the future, subject to stringent limits. For JSW Steel, OEPA considered potential SO_2 emission controls that included wet scrubbing, spray dryer absorption and dry sorbent injection for the electric arc furnace (EAF) but determined that these emission control technologies were not technically feasible for EAF operations. In addition, the RACT/BACT/LAER Clearing House (RBLC) does not identify any EAF that employs add-on SO_2 emission controls. The current recommended reasonably available control technology (RACT) for controlling SO_2 emissions from the EAF is a scrap management program, which is currently a requirement of the facility's permit. In addition, 40 CFR, Subpart YYYYY (Electric Arc Steelmaking Facilities) requires a facility subject to this subpart to employ an approved scrap management program to aid in reducing overall emissions. Therefore, EPA finds that the EAF at JSW Steel, upon resumption of operations, would be subject to limits that satisfy current RACT/RACM requirements.

In addition to the EAF, this facility also has a Ladle Metallurgical Furnace (LMF) to refine molten steel from the EAF, and three reheat furnaces. OEPA determined that with current permitted SO_2 rates at the LMF and a lower emission rate at the three reheat furnaces, additional RACT/RACM controls were not needed as a part of the control strategy for this Area.The Mingo Junction Energy Center is comprised of four 180 MMBtu/hr boilers that can burn a combination of natural gas, blast furnace gas or COG, and two of the units can also burn desulfurized coke oven gas. The consent order between West Virginia and Mountain State Carbon prohibits Mountain State Carbon from providing COG or desulfurized COG to the Mingo Junction Energy Center as of January 2017. Because the blast furnace at JSW Steel was permanently shut down and dismantled, this gas will also not be supplied. Therefore, it is highly likely the only form of fuel that may be burned in the future is natural gas.

Also, to meet Best Available Control Technology (BACT) requirements, a water injection system was installed on these four units. Their current permitted limits allow for 45.7 lbs/hr SO_2, as a 3-hour rolling average, when burning natural gas or natural gas/blast furnace gas blend; or 49.5 lbs/hr SO_2, as a 3-hour rolling average, when burning only COG, a blend of natural gas and COG, or a blend of natural gas, COG, and blast furnace gas. As part of the control strategy for this Area, emissions from each of the four units will be limited to 20.34 pounds per hour of SO_2. Thus, EPA finds that additional RACT/RACM to control SO_2 emissions is not necessary for these sources.

West Virginia

West Virginia's plan for attaining the 1-hour SO_2 NAAQS in the West Virginia portion of the SO_2 nonattainment area is based on measures at Mountain State Carbon. For coke oven batteries, SO_2 reduction can be accomplished by two general methodologies: Pre-combustion desulfurization and restrictions on coal sulfur content. The Mountain State Carbon plant is currently controlled with a pre-combustion desulfurization unit that reduces the sulfur content of COG before it is combusted in the coke ovens. Based on its analysis, West Virginia proposed that the controls already in place, with a hydrogen sulfide (H_2S) limit of 50 grains per dry standard cubic feet (dscf), constitutes RACT, and established SO_2 emission limits on the combustion sources during normal operation of the desulfurization unit to reflect the lowest achievable limits given the technology. However, the desulfurization unit is required to be shut down for up to 20 days a year for maintenance purposes, during which time the existing limits cannot be met without additional operational changes at the plant.

During the maintenance outages, West Virginia proposes its control strategy for Mountain State Carbon as a limit on the sulfur content of the coal to 1.25 percent and restricting the number of ovens in operation to 63 ovens per day on Battery #8, or no more than a combined 51 ovens per day on Battery #8 and no more than 72 ovens per day total on Batteries #1, #2, and #3. Additionally, Mountain State Carbon was required to physically disconnect the COG pipeline leading to the Mingo Junction Energy Center, was prohibited from providing COG to any entity outside of the Mountain State Carbon plant and was required to divert the #9 and #10 Boiler Stack into the combined #6 and #7 Boiler Stack. These requirements are part of a West Virginia consent order with Mountain State Carbon that West Virginia submitted with its April 25, 2016 attainment SIP, and revised in a supplemental submission on November 27, 2017, for incorporation into the West Virginia SIP. The consent order required compliance with these measures by January 1, 2017.

West Virginia and Ohio have determined that these measures, including the limits on Cardinal that Ohio is concurrently proposing at the State level, will suffice to provide for attainment in the Steubenville Area. EPA concurs and proposes to find that the measures submitted by Ohio and West Virginia, along with the limits on Cardinal proposed in Ohio rule 3745–18–47 to be submitted as a SIP revision after their adoption at the State level, satisfy the requirement in section 172(c)(1) to adopt and submit all RACM as needed to attain the standard as expeditiously as practicable.

C. New Source Review (NSR)

Section 172(c)(5) of the CAA requires that an attainment plan require permits for the construction and operation of new or modified major stationary sources in a nonattainment area.

Ohio has a longstanding and fully implemented NSR program that meets the nonattainment NSR permitting requirements for the entire state of Ohio. This is addressed in OAC Chapter 3745–31. The Chapter includes provisions for the PSD permitting program in OAC rules 3745–31–01 to 3745–31–20 and the nonattainment NSR program in OAC rules 3745–31–21 to 3745–31–27. Ohio's NNSR program was conditionally approved on October 10, 2001 (66 FR 51570) and was approved by EPA on January 22, 2003 (68 FR 2909). The latest revisions to OAC Chapter 3745–31 were approved into Ohio's SIP on February 20, 2013 (78 FR 11748).

EPA has approved West Virginia's nonattainment NSR rules at 45CSR13 ''Permits for Construction, Modification, or Relocation of Stationary Sources or Air Pollutants, and Procedures for Registration and Evaluation'' and 45CSR19 ''Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollutants and Bubble Concept for Intrasource Pollutants,'' with the most recent revisions on August 20, 2014 (79 FR 42212) and on May 26, 2015 (80 FR 29973), respectively. These rules provide for appropriate new source review for SO_2 sources undergoing construction or major modification in the West Virginia portion of the Area without need for modification of the approved rules.

As both Ohio and West Virginia have appropriate NSR for SO_2 sources undergoing construction or major modification, EPA concludes that the NSR requirement has already been met for the Steubenville Area.

D. Reasonable Further Progress (RFP)

Section 172(c)(2) of the CAA requires that an attainment plan include a

demonstration that shows reasonable further progress (*i.e.,* RFP) for meeting air quality standards will be achieved through generally linear incremental improvement in air quality. Section 171(1) of the CAA defines RFP as such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D) or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable attainment date. As stated originally in the 1994 SO_2 Guidelines Document and repeated in the April 2014 guidance, EPA continues to believe that this definition is most appropriate for pollutants that are emitted from numerous and diverse sources, where the relationship between particular sources and ambient air quality are not directly quantified. In such cases, emissions reductions may be required from various types and locations of sources. The relationship between SO_2 and sources is much more defined, and usually there is a single step between pre-control nonattainment and post-control attainment. Therefore, EPA interpreted RFP for SO_2 as adherence to an ambitious compliance schedule in both the 1994 SO_2 Guideline Document and the April 2014 guidance. The control measures for Mountain State Carbon included in West Virginia's attainment plan submittals (which are contained in Consent Order CO–SIP–C–2017–9 between West Virginia and Mountain State Carbon) and Ohio's proposed limits for Cardinal in Ohio rule 3745–18–47, both discussed previously, achieve attainment of the 2010 SO_2 NAAQS for the Steubenville Area. The West Virginia plan required that affected sources implement appropriate control measures as expeditiously as practicable in order to ensure attainment of the standard by the applicable attainment date (Mountain State Carbon was required under the consent order to implement the control measures starting on January 1, 2017). Proposed Ohio rule 3745–18–47 requires implementation of SO_2 emission limits for Cardinal upon the Ohio's adoption of the final rule, although Cardinal in fact has been meeting these limits for the last 6 years. Ohio and West Virginia concluded that their respective plans provide for RFP in accordance with the approach to RFP described in EPA's guidance. EPA concurs and proposes to find that the plans, along with the revised limits for Cardinal, provide for RFP in the Steubenville Area.

E. Contingency Measures

As noted above, EPA guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures for SO_2, such that in particular an appropriate means of satisfying this requirement is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. OEPA's plan states that it has an active enforcement program to address violations of the SO_2 NAAQS. OEPA will continue to operate a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIPs. West Virginia's plan provides for satisfying the contingency measure requirement in this manner as well. West Virginia's plan provides for thorough compliance and enforcement inspections, monthly parametric monitoring data review, and quarterly record reviews along with cyclical stack testing for an aggressive compliance assurance plan. Non-compliance may lead to an immediate notice of violation and drafting of an enforceable consent order.

With the special features of SO_2, EPA concurs that the contingency measures described by both Ohio and West Virginia meet the EPA guidance, and EPA proposes to approve both the Ohio and West Virginia plans for meeting the contingency measure requirement in this manner.

VI. EPA's Proposed Action

EPA is proposing to approve two SIP revision submittals, one submitted by the State of Ohio on April 1, 2015, which Ohio supplemented on October 13, 2015 and March 25, 2019, and the other submitted by the State of West Virginia on April 25, 2016, which West Virginia supplemented on November 27, 2017, with a clarification letter submitted on May 1, 2019. This proposed approval is contingent on Ohio adopting in final form the limit it submitted in proposed form on March 25, 2019. The submittals provide Ohio's and West Virginia's plans for attaining the 2010 1-hour SO_2 NAAQS and how they are meeting other nonattainment area planning requirements. Specifically, EPA is proposing to approve the emissions limitations and control measures, the base year emissions inventory, NNSR program, and contingency measures submitted by Ohio and West Virginia for the Steubenville Area. In the West Virginia SIP, EPA is proposing to approve the emission limits and other measures for Mountain State Carbon contained in a consent order submitted by West Virginia, including operational restrictions and sulfur content limits during the periods in which the desulfurization unit for Mountain State Carbon is shut down for maintenance purposes, and their associated compliance requirements. In the Ohio SIP, EPA is proposing to approve Ohio Administrative Code (OAC) Rule 3745–18–03, 3745–18–04, and 3745–18–47, provided Ohio completes adoption of these rules as proposed or in substantially similar form. EPA is also proposing approval of the Ohio and West Virginia attainment demonstrations, RFP, and RACT/RACM, provided that Ohio adopts and submits in final form its proposed SO_2 emission limits for Cardinal.

EPA is proposing approval of the attainment plans, RFP, and RACM/RACT for each State concurrently with Ohio's rulemaking process to establish revised enforceable limits on Cardinal. EPA plans no final action until Ohio finalizes and submits the proposed rule.

On May 1, 2019, WVDEP provided a letter to EPA stating that WVDEP concurs with the attainment demonstration submitted by Ohio, demonstrating that the area attains the standard notwithstanding the expected adoption of higher Cardinal emission limits than accounted for in WVDEP's initial submittal. EPA is proposing to finalize this action in conjunction with approval of the Ohio SIP submittal for revised OAC Rule 3745–18–03, pertinent sections of 3745–18–04,[10] and 3745–18–47. If Ohio fails to adopt final limits for Cardinal or adopts final limits that differ significantly from the proposed limits, EPA may withdraw this proposed action or may re-propose based on Ohio's final adopted rule before EPA takes final action.

The TSD for this proposed action is available on-line at *www.regulations.gov,* Docket No. EPA–R03–OAR–2019–0044 and Docket No. EPA–R05–OAR–2015–0699. The TSD provides additional explanation of EPA's analyses supporting this proposal.

[10] EPA has historically not taken action on several paragraphs of this rule as listed in section VII of this action. These paragraphs are not pertinent to today's action, and EPA is continuing to take no action on these paragraphs.

EPA is taking public comments for 30 days following the publication of this proposed action in the **Federal Register**. We will take all comments into consideration in our final action.

VII. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA action regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the consent order between West Virginia and Mountain State Carbon identified as CO–SIP–C–2017–9, effective September 29, 2017, and Ohio rules OAC 3745–18–03, 3745–18–04 (except for paragraphs (D)(2), (D)(3), (D)(5), (D)(6), (D)(9)(c), (E)(2), (E)(3), and (E)(4), and 3745–18–47. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Regional Offices (please contact the respective EPA Region 3 or 5 person identified in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rulemaking for more information).

VIII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the proposed approval of the SO_2 attainment plan SIPs submitted by Ohio and West Virginia is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by Reference, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: June 4, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

Dated: June 11, 2019.

Cathy Stepp,

Regional Administrator, Region V.

[FR Doc. 2019–13294 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R06–OAR–2019–0213; FRL–9995–18–Region 6]

Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA or Agency) is proposing to approve a revision to the Texas State Implementation Plan (SIP). The EPA is proposing to determine that the Dallas-Fort Worth (DFW) area is continuing to attain the 1979 1-hour and 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or standard) and has met the CAA criteria for redesignation. Therefore, the EPA is proposing to terminate all anti-backsliding obligations for the DFW area for the 1-hour and 1997 ozone NAAQS. The EPA is also proposing to approve the plan for maintaining the 1-hour and 1997 ozone NAAQS through 2032 in the DFW area.

DATES: Written comments must be received on or before July 24, 2019.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2019–0213, at *https://www.regulations.gov/* or via email to *todd.robert@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Robert Todd, 214–665–2156, *todd.robert@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making

effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6 Office, 1201 Elm Street, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Robert Todd, EPA Region 6 Office, Infrastructure & Ozone Section, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214–665–2156, *todd.robert@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Robert Todd or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

In 1979, under section 109 of the CAA, the EPA established the primary and secondary NAAQS for ozone at 0.12 parts per million (ppm) averaged over a 1-hour period (44 FR 8202, February 8, 1979).[1] In 1997, we revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period (62 FR 38856, July 18, 1997).[2] In 2008, we further revised the primary and secondary ozone NAAQS to 0.075 ppm, averaged over an 8-hour period (73 FR 16436, March 27, 2008).[3] For additional information on ozone, please see the Technical Support Document (TSD) in the docket for this action and visit *https://www.epa.gov/ozone-pollution.*

Implementation of the 1-Hour and the 1997 8-Hour Ozone NAAQS

In 2004, we published a rule governing implementation of the 1997 ozone NAAQS (Phase 1 Rule) (69 FR 23951, April 30, 2004). The Phase 1 Rule revoked the 1-hour ozone NAAQS along with designations and classifications for that standard and set anti-backsliding provisions for the transition from the 1-hour to the 1997 8-hour standard. Anti-backsliding provisions provide for controls that are not less stringent than the controls applicable to areas that were listed as nonattainment for the revoked ozone standards when the standards and designations were revoked.

In 2015, EPA revoked the 1997 ozone NAAQS and established anti-backsliding requirements for the revoked 1997 ozone NAAQS, as well as some revisions to the anti-backsliding requirements for the revoked 1-hour standard, in our final rule for implementing the 2008 ozone NAAQS (known as the ''SIP Requirements Rule,'' 40 CFR 51.1100, and 80 FR 12264). EPA considered the *South Coast I* decision on the Phase 1 Rule in developing the SIP Requirements Rule for the 2008 8-hour ozone standard. The anti-backsliding requirements for the revoked 1-hour and 1997 ozone NAAQS are listed in 40 CFR 51.1100(o).[4]

The SIP Requirements Rule provided that an area will be subject to the anti-backsliding obligations for a revoked NAAQS until we approve (1) a redesignation to attainment for the area for the 2008 ozone NAAQS or (2) a ''redesignation substitute'' for a revoked NAAQS, which required an area to demonstrate that it had attained the revoked NAAQS due to permanent and enforceable measures and would maintain that standard for ten years (40 CFR 51.1105(b)(1)). In the SIP Requirements Rule, EPA had created the redesignation substitute procedure because it believed it did not have the authority under the CAA to change the designations of areas under a revoked NAAQS but wanted a means to terminate anti-backsliding requirements for an area that would otherwise be eligible for a redesignation had the standard not been revoked. 80 FR at 12304–05. Though EPA created the redesignation substitute based on the CAA 107(d)(3)(E) redesignation criteria, the procedure did not require states to demonstrate satisfaction of all five criteria. Texas submitted and EPA approved redesignation substitute demonstrations for the DFW area for both the 1-hour ozone NAAQS and the 1997 8-hour ozone NAAQS (81 FR 78688, November 8, 2016), on the basis that the area was attaining both standards based on permanent and enforceable emission reductions and had demonstrated that the area would maintain each standard for 10 years. The effect of the redesignation substitute was to terminate the anti-backsliding obligations for the DFW area to implement Serious nonattainment area requirements for the revoked ozone NAAQS (40 CFR 51.1100(o)).

On February 16, 2018, the D.C. Circuit Court vacated certain parts of the 2015 final rule for implementing the 2008 ozone NAAQS, including the redesignation substitute provision, based on the court's conclusion that those provisions were not consistent with CAA requirements. *South Coast Air Quality Management District* v. *EPA,* 882 F.3d 1138 (D.C. Cir. 2018) (''*South Coast II*''). In that decision, the Court held that the redesignation substitute tool was not consistent with CAA requirements because it failed to satisfy all five of the statutory requirements set forth in CAA section 107(d)(3)(E), which governs redesignations from nonattainment to attainment. *Id.* at 1152.

The DFW Area's Designations and Classifications Under the 1-Hour Ozone NAAQS and the 1997 8-Hour Ozone NAAQS

Under the 1-hour ozone NAAQS, the DFW area, consisting of Collin, Dallas, Denton and Tarrant Counties, was designated as nonattainment and classified as Moderate with an attainment deadline of November 15, 1996. 56 FR 56694, November 6, 1991. On February 18, 1998, we published a finding that the DFW area did not attain the 1-hour ozone standard by its applicable attainment date of November 15, 1996. See 63 FR 8128. As a result of this finding, the DFW ozone nonattainment area was reclassified by operation of law as a Serious ozone nonattainment area for the 1-hour standard on March 20, 1998. 63 FR 8128 (February 18, 1998). This determination of failure to attain by the DFW area's attainment date required the State to submit an attainment demonstration SIP with an attainment date of November 15, 1999, including measures to comply with Federal CAA requirements for Serious ozone nonattainment areas. On October 16, 2008, EPA published a determination of attainment that the DFW 1-hour ozone nonattainment area subsequently attained the 1-hour ozone standard based upon certified ambient air monitoring data. See 73 FR 61357.[5]

Under the 1997 8-hour ozone NAAQS, the DFW area (consisting of the same four core counties plus the five

[1] Primary standards are set to protect human health while secondary standards are set to protect public welfare. In addition, many reports of ozone concentrations are given in parts per billion (ppb); ppb = ppm × 1000. Thus, 0.12 ppm becomes 120 ppb or 124 ppb when rounding is considered.

[2] The standard of 0.08 ppm becomes 0.084 ppm or 84 ppb when rounding, based on the truncating conventions in 40 CFR part 50, Appendix P.

[3] In 2015, we again revised the primary and secondary ozone NAAQS to 0.070 ppm, averaged over an 8-hour period (73 FR 16436, March 27, 2008). This action does not address the DFW area under the 2008 or 2015 ozone standards.

[4] Applicable requirements for the DFW area for anti-backsliding purposes are listed in our TSD for this proposal.

[5] See the TSD to this proposal for a thorough history of actions taken by the State and EPA to bring the area into attainment.

surrounding counties of Ellis, Johnson, Kaufman, Parker and Rockwall)[6] was designated as nonattainment and classified as Moderate with an attainment deadline of no later than June 15, 2010 as set forth in the CAA for Moderate nonattainment areas. (69 FR 23858 and 69 FR 23951 April 30, 2004). The DFW area did not attain by the June 15, 2010 deadline and was reclassified as Serious with an attainment deadline of June 15, 2013. (75 FR 79302, December 20, 2010). On September 1, 2015 EPA published a determination of attainment that the DFW 1997 8-hour ozone nonattainment area attained the 1997 8-hour ozone NAAQS based upon complete, quality-assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS for the 2012–2014 monitoring period. (80 FR 52630).

The Texas Redesignation and Maintenance Plan Submittal

On March 27, 2019, the Texas Commission on Environmental Quality (TCEQ or State) adopted the DFW Redesignation Request and Maintenance Plan SIP Revision for the 1-hour and 1997 ozone NAAQS and submitted this package to EPA on March 29, 2019. The SIP revision includes a request that the EPA redesignate the DFW area to attainment for the 1-hour and 1997 ozone NAAQS and provides a maintenance plan that will ensure the area remains in attainment of these NAAQS through 2032. This submittal addresses all five criteria of CAA section 107(d)(3)(E). As stated in their submittal, the TCEQ developed this redesignation request and maintenance plan SIP revision in order to address the uncertainty created by the court's *South Coast II* ruling.

We note that the Agency has previously taken the position that when it revokes a NAAQS in full, all the associated designations and classifications under that NAAQS are also revoked, *see* 69 FR 23951, 23969–70 (April 30, 2004), and the Agency no longer has the authority to change those designations, 80 FR 12296–97, 12304–05 (March 6, 2015). However, in the SIP Requirements Rule, EPA stated that it was retaining the listing of the designated areas in 40 CFR part 81 under the revoked 1997 NAAQS ''for the *sole purpose* of identifying the anti-backsliding requirements that may apply to the areas at the time of revocation.'' 80 FR 12296–97 (emphasis added). The *South Coast II* court decision did not address the Agency's interpretation that it lacks authority to alter an area's designation post-revocation of a NAAQS. The *South Coast II* court decision did hold that areas that were nonattainment for a revoked standard at the time of revocation could only terminate their obligations under that standard by demonstrating that they have met all five of the statutory redesignation criteria, and thus could not rely on the redesignation substitute mechanism included in the ozone implementation rule at issue. 882 F.3d at 1152 (''The Clean Air Act unambiguously requires nonattainment areas to satisfy all five of the conditions under § 7407(d)(3)(E) before they may shed controls associated with their nonattainment designation.'').

While the Court did not address the issue of EPA's authority to alter designations after a standard has been revoked, it did speak to EPA's interpretation that we lacked authority to change a nonattainment area's *classification* under a revoked ozone NAAQS. The Court held that the EPA is required to continue to reclassify to a higher classification, or bump up, areas under the revoked 1997 NAAQS that fail to attain on time, because, in the court's view, such reclassification is an anti-backsliding control. *South Coast II,* 882 F.3d at 1147–48. The Court's holding on this point could be interpreted to call into question EPA's interpretation that when a NAAQS and its associated designations and classifications are revoked in full, it no longer retains the authority to alter those designations and classifications.

EPA is proposing to find that Texas' submittal meets all five criteria in section 107(d)(3)(E), as required by the court, for the 1-hour and 1997 ozone NAAQS. EPA is therefore proposing to terminate the anti-backsliding obligations for Serious area requirements for the DFW area associated with the 1-hour and the 1997 ozone NAAQS.

We are also taking comment on whether EPA has the authority to alter the area's nonattainment area *designation* post-revocation, if only to fully clarify that such area has satisfied all requirements with respect to that revoked NAAQS. We therefore propose in the alternative that if EPA has such authority, the DFW area be redesignated to attainment for the revoked 1-hour and 1997 ozone NAAQS. However, regardless of whether designations can be altered after revocation, it is clear under *South Coast II* that EPA has the authority to terminate an area's anti-backsliding obligations under a revoked NAAQS for the area's classification if that area meets the section 107(d)(3)(E) criteria.

If finalized, this action will replace our previous approvals of DFW redesignation substitutes for the 1-hour and 1997 8-hour ozone NAAQS. It should be noted that we are not proposing to alter our previous conclusions that the DFW area has attained the 1-hour and 1997 8-hour ozone NAAQS due to permanent and enforceable emission reductions. Along with taking comment on whether EPA can alter an area's nonattainment designation, we are specifically taking comment on whether as part of this action, EPA has the authority to and should revise the listings in Part 81 for the DFW area for the 1-hour and 1997 ozone standards from nonattainment to attainment in recognition that the area meets the 107(d)(3)(E) criteria and it is no longer necessary to identify the area as one where anti-backsliding obligations apply under these standards for the Serious requirements. This proposed action would have no effect on the DFW area's obligations with respect to the 2008 or 2015 ozone NAAQS. The area still must meet the Moderate nonattainment area requirements for the 2008 ozone standard and implement controls that are in the EPA approved SIP, and we note that we have proposed to reclassify the DFW area to Serious for the 2008 ozone standard. See 83 FR 56781 (November 14, 2018). On June 4, 2018, the DFW area was designated as Marginal nonattainment for the 2015 ozone NAAQS (83 FR 25776).

II. Redesignation Criteria for Ozone Nonattainment Areas

As explained earlier in this action, we are proposing to terminate the Serious area classification's anti-backsliding obligations for the revoked standards or redesignate the area to attainment for the revoked standards, which would also have the effect of terminating the Serious area classification's anti-backsliding obligations, based on our conclusion that the five criteria in CAA section 107(d)(3)(E) are met. The CAA requires the following criteria: (1) We determine that the area has attained the NAAQS; (2) we have fully approved the applicable implementation plan for the area under CAA section 110(k); (3) we determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and Federal air pollutant control regulations and other permanent and enforceable

[6] The nonattainment area for Dallas-Fort Worth was expanded to encompass the original four-county area plus five surrounding counties during the designation phase for the 8-hour ozone NAAQS. See 69 FR 23858, April 30, 2004.

reductions; (4) we have fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and (5) we determine the State containing such area has met all requirements applicable to the area under CAA section 110 (Implementation plans) and part D (Plan Requirements for Nonattainment Areas).

Since Congress passed the CAA Amendments in 1990, EPA has consistently held the position that not every requirement that an area is subject to is applicable for purposes of redesignation. *See, e.g.,* September 4, 1992, Memorandum from John Calcagni (''Calcagni Memo'') at 6.[7] For example, some of the Part D requirements, such as demonstrations of reasonable further progress, are designed to ensure that nonattainment areas continue to make progress toward attainment. EPA has interpreted these requirements as not ''applicable'' for purposes of redesignation under CAA section 107(d)(3)(E)(ii) and (v) because areas that are applying for redesignation to attainment are by definition already attaining the standard. *Id.* Similarly, EPA has long held that only those CAA provisions that are relevant to an area's designation and classification as a nonattainment area are ''applicable'' for purposes of redesignation under CAA section 107(d)(3)(E)(ii) and (v). For this reason, SIP revisions that apply regardless of whether an area is designated nonattainment or attainment, such as good neighbor plans required under CAA section 110(a)(2)(D)(i)(I), have not been considered ''applicable'' for purposes of redesignation. Finally, some requirements may not be applicable in this action given that both the 1-hour and 1997 8-hour NAAQS at issue in this notice were revoked for all purposes, and, post-revocation, the DFW area remained subject only to the anti-backsliding requirements identified by EPA in regulation. *See* 40 CFR 51.1105(a); 51.1100(o).

EPA's Evaluation of the Redesignation and Maintenance Plan Submittal

Below is the summary of our evaluation. Detailed information on our evaluation can be found in the TSD. EPA normally evaluates these criteria as the basis to redesignate an area to attainment, therefore, EPA has here conducted this analysis for purposes of terminating the 1-hour and 1997 ozone NAAQS anti-backsliding requirements or in the alternative, for redesignation.

Has the area attained the 1-hour and 1997 8-hour ozone NAAQS and are the improvements in air quality due to permanent and enforceable reductions in emissions? (criteria 1 and 3)

In prior actions we determined that the DFW area attained the 1-hour ozone NAAQS (73 FR 61357, October 16, 2008) and 1997 8-hour ozone NAAQS (80 FR 52630, September 1, 2015). Quality-assured ambient air quality data found in the Air Quality System (AQS) database shows that the DFW area attained the 1-hour ozone NAAQS in 2006 and attained the 1997 ozone NAAQS in 2014 (Table 1).[8] We are proposing to determine that the DFW area is attaining the 1-hour and 1997 8-hour ozone NAAQS.

TABLE 1—1-HOUR AND 1997 OZONE DESIGN VALUES FOR THE DFW AREA

Years	1-hour ozone design value (ppb)	1997 ozone design value (ppb)
2011–2013	108	87
2012–2014	102	81
2013–2015	102	83
2014–2016	101	80
2015–2017	101	79
2016–2018	101	76

In a prior action we determined that the improvement in air quality in the DFW area is due to permanent and enforceable reductions in emissions (81 FR 78688, November 8, 2016). Texas identified State and Federal control measures that led to permanent and enforceable emission reductions. (See the TSD for this proposal for a thorough listing of the identified emission reductions.) Additionally, we have approved Reasonable Further Progress SIPs for the DFW area that document continuous emissions reductions due to permanent and enforceable measures for the 1-hour and 1997 8-hour ozone standards (70 FR 15592, March 28, 2005, 73 FR 58475, October 7, 2008, and 79 FR 67068, November 12, 2014). We propose that the DFW area has attained the 1-hour and 1997 ozone NAAQS due to permanent and enforceable emission reductions.

Is the applicable implementation plan for the area fully approved and has the area met all applicable requirements under CAA section 110 and Part D? (criteria 2 and 5)

We are proposing to find that the DFW area has met all requirements under CAA section 110 (Implementation Plans and part D (Plan Requirements for Nonattainment Areas) that are applicable for purposes of redesignation (CAA section 107(d)(3)(E)(v)), and that those requirements have been fully approved into the Texas SIP (CAA section 107(d)(3)(E)(ii)).

110(a)(2) of the CAA contains the general requirements for a SIP. Section 110(a)(2) provides that the SIP must have been adopted by the state after reasonable public notice and hearing, and that, among other things, it must: (1) Include enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; (2) provide for establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor ambient air quality; (3) provide for implementation of a source permit program to regulate the modification and construction of stationary sources within the areas covered by the plan; (4) include provisions for the implementation of part C prevention of significant deterioration (PSD) and part D new source review (NSR) permit programs; (5) include provisions for stationary source emission control

[7] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992. To view the memo, please visit *https://www.epa.gov/sites/production/files/2016–03/documents/calcagni_memo_-_procedures_for_processing_requests_to_redesignate_areas_to_attainment_090492.pdf.*

[8] For more information on AQS, please visit *https://www.epa.gov/aqs.* Tables listing the DFW monitoring sites with the fourth high 8-hour ozone average concentrations and design values and expected exceedances of the 1-hour ozone NAAQS are provided in the TSD for this rulemaking.

measures, monitoring, and reporting; (6) include provisions for air quality modeling; and, (7) provide for public planning and emission control rule development.

Part D of the CAA establishes the plan requirements for nonattainment areas. Section 172(c) in subpart 1 of part D sets forth the basic requirements of air quality plans for states with nonattainment areas that are required to submit plans on a schedule pursuant to CAA section 172(b). Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the areas' nonattainment classifications. The DFW area was classified as Serious under the 1-hour ozone NAAQS for the original four-county nonattainment area and Serious under the 1997 ozone NAAQS for the expanded nine-county nonattainment area. As such, the area is subject to the subpart 1 requirements contained in CAA sections 172(c) and 176, as well as the specific subpart 2 requirements of CAA section 182(c). A thorough discussion of the requirements contained in CAA sections172(c) and 182(c) can be found in the General Preamble for Implementation of Title I (57 FR 13498, April 16, 1992).

As discussed previously, EPA has consistently held the position that not every requirement that an area is subject to is applicable for purposes of redesignation. However, for the revoked ozone standards at issue here, over the past three decades the State has submitted numerous SIPs for the DFW area in order to implement those standards, improve air quality with respect to those standards, and to address anti-backsliding requirements for those standards. Therefore, even though some of the DFW area's SIP-approved measures address requirements that are not ''applicable'' for purposes of redesignation under CAA section 107(d)(3)(E)(ii) and (v), such as CAA section 182(b) reasonable further progress, or address requirements that were not retained for anti-backsliding, such as section 182(a) emissions inventories, we provide in the accompanying TSD the list of SIP-approved measures the State has adopted and EPA has approved for the DFW area with respect to the revoked 1-hour and 1997 8-hour ozone NAAQS. These include: (1) Emissions inventories, (2) emissions statements, (3) nonattainment new source review programs, (4) reasonably available control technology for sources of both VOC and NO_X, (5) both basic and enhanced vehicle inspection and maintenance programs, (6) enhanced ambient monitoring, (7) attainment and reasonable further progress demonstrations, (8) contingency measures for failure to attain or make reasonable further progress, and (9) clean fuel vehicle programs.[9] Texas also submitted SIPs to address CAA section 110(a)(2) for the 1997 ozone NAAQS, which we approved in prior actions.[10]

Does Texas have a fully approved ozone maintenance plan for the DFW Area? (criterion 4)

Section 107(d)(3)(E)(iv) of the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to CAA section 175A. Under CAA section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, as EPA deems necessary, to assure prompt correction of any future NAAQS violation.

EPA's interpretation of the elements under CAA section 175A is contained in the Calcagni Memo. Section 107(d)(3)(E)(iv) requires the maintenance plan to be ''fully approved,'' and the Calcagni Memo provides that a state may submit the redesignation request and maintenance plan at the same time and rulemaking on both may proceed on a parallel track. The Calcagni Memo further provides guidance on the content of a maintenance plan, explaining that it should address five requirements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) an air quality monitoring commitment; (4) verification of continued attainment; and (5) a contingency plan.

In conjunction with the redesignation request submitted to EPA on April 4, 2019, TCEQ submitted a maintenance plan to provide for the ongoing attainment of the 1-hour and 1997 8-hour ozone NAAQS for at least ten years following the effective date of approval of the SIP revision. Our evaluation of the five requirements follows:

1. Attainment Inventory

The Texas submittal includes a 2014 base year emission inventory (EI) for NO_x and VOC. The TCEQ chose 2014 as it is one of the three years used to determine the design value for the 2014 attainment year (the year the area attained both the 1-hour and 1997 ozone NAAQS), consistent with the attainment inventory criteria in the Calcagni Memo. We propose to approve the 2014 base year EI.

2. Maintenance Demonstration

Texas has demonstrated maintenance of the 1-hour and 1997 ozone NAAQS through 2032 by providing EI projections from 2014 through 2032 that show emissions of NO_X and VOC for the DFW area remain at or below the attainment year (2014) emission levels. A maintenance demonstration need not be based on modeling.[11] The future year Texas EIs presented are 2020, 2026, and 2032: 2032 is more than 10 years after the expected effective date of this action and 2020 and 2026 show emissions between the attainment year and final maintenance year. To generate the future year EIs, Texas estimated the amount of growth that will occur between 2014 and the end of 2020, 2026, and 2032. Generally, the State followed our guidelines in estimating the growth in emissions. Tables 2 through 7 show the 2014 base year EI and the projected emissions for the years 2020, 2026 and 2032 in tons per day (tpd).

TABLE 2—CHANGE IN NO_X EMISSIONS FROM 2014 THROUGH 2032 FOR THE FOUR-COUNTY ONE-HOUR OZONE DFW NONATTAINMENT AREA

[Tpd]

Source category	Year			
	2014	2020	2026	2032
Point	6.29	6.98	6.98	6.98

[9] The requirements can be found in CAA sections 182(a) through 182(c).

[10] Approval of the section 110(a)(2) Infrastructure SIP for the 1997 ozone standard for Texas is not required for purposes of redesignation.

[11] *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001), *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004). *See also* 66 FR 53094, 53099–53100 (October 19, 2001), 68 FR 25413, 25430–25432 (May 12, 2003).

TABLE 2—CHANGE IN NO_X EMISSIONS FROM 2014 THROUGH 2032 FOR THE FOUR-COUNTY ONE-HOUR OZONE DFW NONATTAINMENT AREA—Continued

[Tpd]

Source category	Year			
	2014	2020	2026	2032
Area	32.05	31.67	31.81	32.65
On-road	148.44	70.06	44.51	32.17
Non-road	70.98	53.19	45.62	43.61
Annual Totals	*257.76*	*161.90*	*128.92*	*115.41*

TABLE 3—CHANGE IN NO_X EMISSIONS FROM 2014 THROUGH 2032 FOR THE NINE-COUNTY 1997 8-HOUR OZONE DFW NONATTAINMENT AREA

[Tpd]

Source category	Year			
	2014	2020	2026	2032
Point	27.05	34.82	34.82	34.82
Area	37.43	36.44	36.14	37.07
On-road	184.33	89.68	57.97	42.94
Non-road	84.58	61.84	51.99	48.89
Annual Totals	*333.39*	*222.78*	*180.92*	*163.72*

TABLE 4—CHANGE IN VOC EMISSIONS FROM 2014 THROUGH 2032 FOR THE FOUR-COUNTY ONE-HOUR OZONE DFW NONATTAINMENT DFW AREA

[Tpd]

Source category	Year			
	2014	2020	2026	2032
Point	12.21	12.21	12.21	12.21
Area	223.36	243.11	245.12	263.69
On-road	69.69	44.66	34.81	25.46
Non-road	35.60	30.24	30.50	32.21
Annual Totals	*340.86*	*330.22*	*322.64*	*333.57*

TABLE 5—CHANGE IN VOC EMISSIONS FROM 2014 THROUGH 2032 FOR THE NINE-COUNTY 1997 8-HOUR OZONE DFW NONATTAINMENT AREA

[Tpd]

Source category	Year			
	2014	2020	2026	2032
Point	22.12	22.12	22.12	22.12
Area	268.71	289.00	283.06	303.71
On-road	80.47	51.62	40.17	29.51
Non-road	40.31	33.85	33.87	35.61
Annual Totals	*411.61*	*396.59*	*379.22*	*390.95*

We note that the projections for the on-road mobile source inventory for 2032, which TCEQ submitted as motor vehicle emissions budgets, are consistent with maintenance of the 1-hour and 1997 NAAQS.

TABLE 6—MAINTENANCE DEMONSTRATION FOR THE FOUR-COUNTY DFW 1-HOUR OZONE NAAQS AREA [12]

Description	NO_X (tpd)	VOC (tpd)
a. 2014 Emissions Inventories (from Tables 2 and 4)	257.76	340.86
b. 2032 Emissions Inventories (from Tables 2 and 4)	115.41	333.57
c. Change in EI from 2014 to 2032 (line b minus line a)	−142.35	−7.29
d. Percent change in EI from 2014 to 2032	−55.23%	−2.14%

TABLE 7—MAINTENANCE DEMONSTRATION FOR THE NINE-COUNTY DFW 1997 OZONE NAAQS AREA

Description	NO_X (tpd)	VOC (tpd)
a. 2014 Emissions Inventories (from Tables 3 and 5)	333.39	411.61
b. 2032 Emissions Inventories (from Tables 3 and 5)	163.72	390.95
c. Change in EI from 2014 to 2032 (line b minus line a)	−169.67	−20.66
d. Percent change in EI from 2014 to 2032	−50.89%	−5.02%

For the four-county DFW 1-hour ozone NAAQS area, NO_X emissions are projected to decrease by approximately 142 tpd by 2032, which is about 55 percent less than the 2014 NO_X emission levels. Also, VOC emissions are projected to decrease by approximately 7 tpd by 2032, which is about 2 percent lower than the 2014 VOC emission levels for the same area. For the nine-county DFW 1997 ozone NAAQS area emissions of NO_X are projected to decrease by approximately 170 tpd by 2032, which is about 51 percent less than the 2014 NO_X emission levels. VOC emissions for the nine-county area are projected to decrease by 21 tpd, which is about a 5 percent decrease between 2032 and 2014. Because the projected emissions of NO_X and VOC will decrease between 2032 and 2014, we propose that the TCEQ has demonstrated maintenance of the 1-hour and 1997 ozone NAAQS through 2032.

3. Monitoring Network

The TCEQ has committed to continue to maintain an air monitoring network to meet regulatory requirements in the DFW area to ensure maintenance of the 1-hour and 1997 ozone standards. Texas has committed to meet monitoring requirements and continue to quality assure monitoring data in accordance with 40 CFR part 58, and to enter all data into AQS in accordance with Federal guidelines through the end of the maintenance period in 2032.

4. Verification of Continued Attainment

The TCEQ has the legal authority to enforce and implement the requirements of the maintenance plan for the DFW area. This includes the authority to adopt, implement, and enforce any subsequent emission control measures determined as necessary to correct any future failure to maintain the 1-hour and 1997 ozone NAAQS.

Verification of continued attainment is accomplished through operation of the ambient ozone monitoring network and the periodic update of the area's EI. The TCEQ has committed to continue monitoring ozone levels according to an EPA-approved monitoring plan. Should changes in the location of an ozone monitor become necessary, TCEQ will work with EPA to ensure the adequacy of the monitoring network. The TCEQ has further committed to continue to quality assure the monitoring data to meet the requirements of 40 CFR part 58 and enter all data into AQS in accordance with Federal guidelines.

In addition, to track future levels of emissions, TCEQ will continue to develop and submit to EPA updated EIs for all source categories at least once every three years, consistent with the requirements of 40 CFR part 51, subpart A, and in 40 CFR 51.122. The most recent triennial inventory for Texas was compiled for 2014. Point source facilities covered by the Texas emission statement rule will continue to submit VOC and NO_X emissions on an annual basis as required by 30 TAC Chapter 101.10(d).

5. Contingency Plan

Section 175A of the CAA requires that the state must adopt a maintenance plan, as a SIP revision, that includes such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation of the area to attainment of the NAAQS. The maintenance plan must identify: The contingency measures to be considered and, if needed for maintenance, adopted and implemented; a schedule and procedure for adoption and implementation; and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be considered, adopted, and implemented. The maintenance plan must include a commitment that the state will implement all measures with respect to the control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d) of the CAA.

As required by CAA section 175A, Texas has proposed a contingency plan for the DFW area to address future violations of the 1-hour and/or 1997 ozone NAAQS. The contingency measures proposed by the TCEQ include, but are not limited to, the following:

- Limit VOC emissions from dryers, filtration systems, and fugitive emissions from petroleum dry cleaning facilities by extending control requirements to Ellis, Johnson, Kaufman, Parker and Rockwall Counties.
- Decrease in the rule threshold triggering applicability to requirements, such as control and inspection requirements, for controlling flash emissions from fixed roof crude oil and condensate storage tanks.
- Require the application of low solar-absorptance paint to VOC storage tanks.
- Implement enhanced leak detection and repair program measures.
- Decrease the rule threshold triggering applicability to requirements for storage tanks, transport vessels, and marine vessels.
- Extend control VOC emission from degassing of storage tanks or transport vessels in Ellis, Johnson, Kaufman, Parker and Rockwall Counties.
- Regulate pneumatic controllers used in oil and natural gas production, transmission of oil and natural gas, and natural gas processing.
- Extend requirement to install gas collection and control system on municipal solid waste landfills in Ellis, Johnson, Kaufman, Parker and Rockwall Counties.
- Limit VOC emission from each bakery with a bakery over vent gas stream in Collin, Dallas, Denton, and Tarrant Counties with 25 to 50 tons per year of VOC emissions.

The maintenance plan provides that a monitored and certified violation of the NAAQS triggers the requirement to consider, adopt, and implement the plan's contingency measures. The schedule and procedure for adoption and implementation by the State is no longer than 18 months following a monitored and certified violation of the NAAQS. Given the estimated emissions in the DFW nonattainment area, we believe the proposed contingency measures are sufficient to address any potential future violations.

[12] See our TSD for more detail on the State's submitted maintenance demonstration.

EPA is proposing that the TCEQ's maintenance plan adequately addresses the five basic components of a maintenance plan: Attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. Thus, the maintenance plan SIP revision proposed by the TCEQ meets the requirements of CAA section 175A and EPA proposes to approve it as a revision to the Texas SIP.

III. Motor Vehicle Emissions Budgets

The DFW maintenance plan submission includes motor vehicle emissions budgets (MVEBs) for the last year of the maintenance plan (in this case 2032). MVEBs are used to conduct regional emissions analyses for transportation conformity purposes. *See* 40 CFR 93.118. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. As part of the interagency consultation process on setting MVEBs, TCEQ held discussions to determine what years to set MVEBs for the DFW area maintenance plan.

We note the DFW area already has adequate NO_X and VOC MVEBs for the 2008 ozone NAAQS (81 FR 88124, December 7, 2016). Therefore, the DFW area can continue to make conformity determinations for transportation plans, transportation improvement programs, and projects based on budgets for the 2008 ozone NAAQS as it has been doing, according to the requirements of the transportation conformity regulations at 40 CFR part 93.[13] The DFW area currently demonstrates conformity to the 2008 and 2015 ozone NAAQS using MVEBs contained in the area's 2008 ozone NAAQS Reasonable Further Progress SIP revision (81 FR 88124). Therefore, EPA is not proposing to approve the submitted 2032 NOx and VOC MVEBs for transportation conformity purposes. As noted above, EPA is proposing to find that the projected emissions inventory which reflects these budgets are consistent with maintenance of the 1-hour and 8-hour standard.

IV. Proposed Action

We are proposing to determine that the DFW area is continuing to attain the 1-hour and 1997 8-hour ozone NAAQS, and that Texas has met the CAA criteria for redesignation of this area. Therefore, the EPA is proposing to terminate all the Serious area classification's anti-backsliding obligations for the DFW area for the 1-hour and 1997 ozone NAAQS. We are also proposing to approve the plan for maintaining the 1-hour and 1997 ozone NAAQS through 2032 in the DFW area.

V. Statutory and Executive Order Reviews

The actions in this proposal terminate statutory and regulatory requirements associated with prior federal revoked ozone standards and do not impose any additional regulatory requirements on sources beyond those imposed by state law. Therefore, this action does not in and of itself create any new requirements. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. For that reason, these actions:

- Are not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Are not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because they are not ''significant regulatory actions'' under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: June 14, 2019.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2019–13126 Filed 6–21–19; 8:45 am]

BILLING CODE 6560–50–P

[13] *Transportation Conformity Guidance for the South Coast II Court Decision,* EPA–420–B–18–050. November 2018, available on EPA's web page at *https://www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation.*

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59, WC Docket No. 17–97; FCC 19–51]

Advanced Methods To Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document the Federal Communications Commission (FCC or Commission) invites comments on proposed revisions to its rules implementing the Telephone Consumer Protection Act and seeks comment on issues pertaining to the implementation of SHAKEN/STIR. The Commission proposes: A safe harbor for call-blocking programs targeting unauthenticated calls, which may be potentially spoofed; safeguards to ensure that the most important calls are not blocked; and to require voice service providers to

implement the SHAKEN/STIR Caller ID Authentication framework, in the event major voice service providers have failed to do so by the end of this year.

DATES: Comments are due on or before July 24, 2019, and reply comments are due on or before August 23, 2019.

ADDRESSES: You may submit comments, identified by CG Docket No. 17–59 and WC Docket No. 17–97, by any of the following methods:

- *Federal Communications Commission's website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *Paper Mail:* Parties who choose to file by paper must file an original and one copy of each filing. Filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jerusha Burnett, Consumer Policy Division, Consumer and Governmental Affairs Bureau, email at *jerusha.burnett@fcc.gov* or by phone at (202) 418–0526.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Further Notice of Proposed Rulemaking* (*TFNPRM*), in CG Docket No. 17–59, WC Docket No. 17–97; FCC 19–51, adopted on June 6, 2019 and released on June 7, 2019. The *Declaratory Ruling* that was adopted concurrently with the *TFNPRM* is published elsewhere in this issue of the **Federal Register**. The full text of document FCC 19–51 is available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS), and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Initial Paperwork Reduction Act of 1995 Analysis

The *TFNPRM* in document FCC 19–51 seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Synopsis

1. In the *TFNPRM,* the Commission takes additional steps to protect consumers from illegal calls and ensure the effectiveness and integrity of the SHAKEN/STIR Caller ID authentication framework by proposing rules to allow voice service providers to block calls based on Caller ID authentication in certain instances. The Commission further proposes protections to ensure that the most important calls are not blocked. The Commission also proposes to require voice service providers to implement the SHAKEN/STIR Caller ID authentication framework in the event that major voice service providers have not met Chairman's Pai's deadline for doing so by the end of 2019.

Safe Harbor for Call-Blocking Programs Based on Potentially Spoofed Calls

2. The Commission proposes a narrow safe harbor for voice service providers that offer call-blocking programs that take into account whether a call has been properly authenticated under the SHAKEN/STIR framework and may potentially be spoofed.

3. *First,* the Commission proposes a safe harbor for voice service providers that choose to block calls (or a subset of calls) that fail Caller ID authentication under the SHAKEN/STIR framework. A call would fail authentication when the attestation header has been maliciously altered or inserted—in other words, where a malicious actor has tried to inappropriately spoof another number and attempted to circumvent the protection provided by SHAKEN/STIR. Accordingly, the Commission would expect the vast majority of calls blocked in such circumstances to be illegitimate and call-blocking programs targeting such calls to be deserving of safe harbor. The Commission seeks comment on this view.

4. Are there other instances where authentication would fail? Would a safe harbor for such a call-blocking program provide a strong incentive to participating SHAKEN/STIR providers to ensure their public key infrastructure is up to date, as well as bolster the value of a failed authentication as a strong indicator of an illegal call? As SHAKEN/STIR deployment becomes more widespread, will failed authentication be a good proxy for illegal calls? To the extent it is overbroad, how should the Commission address false positives? Are there specific notification or other procedures that are most appropriate for use to enable callers to correct such false positives quickly?

5. *Second,* the Commission seeks comment on whether it should create a safe harbor for blocking unsigned calls from particular categories of voice service providers. Many larger voice service providers have committed to deploying SHAKEN/STIR in 2019. If other large voice service providers fail to do so, should blocking unsigned calls from such voice service providers, after a reasonable transition period, fall within the safe harbor? Alternatively, should a safe harbor target those voice service providers that are most likely to facilitate unlawful robocallers?

6. How can the Commission ensure that any safe harbor does not impose undue costs on eligible telecommunications carriers participating in the Commission's high-cost program? And how can the Commission ensure any such carve-out

does not protect those few voice service providers that actively facilitate unlawful spoofing and robocalling, often from foreign countries?

7. Can downstream providers reliably determine on which network a particular unsigned call originated? Are there concerns regarding a call that was initially signed transiting a non-IP network? Should the Commission set a date certain for when this type of blocking is permissible?

8. Are there any particular protections the Commission should establish for a safe harbor to ensure that wanted calls are not blocked? The Commission seeks comment on whether to require providers seeking a safe harbor to provide for identifying and remedying the blocking of wanted calls.

9. *Compliance with Rural Call Completion Rules.* The Commission also seeks comment on how its proposal intersects with the Commission's rural call completion rules, including those implementing the Rural Call Quality and Reliability Act of 2017 (RCC Act), and whether to include additional criteria related to these rules. The Commission seeks comment on whether Caller ID authentication provides sufficient justification to permit a downstream provider to block calls from an upstream provider.

10. *Use of SHAKEN/STIR-Based Analytics.* SHAKEN/STIR's ability to determine the source of robocalls will be a significant contribution to the quality of these analytics. The Commission therefore seeks comment on the use of SHAKEN/STIR-based analytics once this technology is implemented.

Protections for Critical Calls

11. Certain emergency calls must never be blocked. Accordingly, the Commission considers requiring any voice service provider that offers call-blocking to maintain a ''Critical Calls List'' of numbers it may not block. Such lists would include at least the outbound numbers of 911 call centers (*i.e.,* PSAPs) and government emergency outbound numbers. The prohibition on call blocking would only apply to authenticated calls. The Commission seeks comment on this proposal.

12. The Commission seeks comment on what numbers should be required on a Critical Calls List. How should the Commission define outbound numbers of 911 call centers (*i.e.,* PSAPs)? How should the Commission define government emergency outbound numbers? How can the Commission mitigate the burden of administering a Critical Calls List? Should a Critical Calls List be centrally maintained, or should each voice service provider instead maintain its own list? If centrally, what entity should maintain the list and how should voice service providers access the list? Does the Commission's proposal capture the most important numbers to avoid blocking?

13. The Commission also seeks comment on limiting Critical Calls List protections to only those calls for which the Caller ID is authenticated. Does this provide protection against illegal callers spoofing these crucial numbers? The Commission seeks comment on whether voice service providers should be required to complete calls where any level of attestation is present so long as the Caller ID authenticates, or whether the Commission should limit this requirement.

14. How can the Commission ensure that a Critical Calls List is sufficiently protected from abuse by unscrupulous callers? Should the list be kept non-public to avoid unlawful spoofing of listed numbers? The Commission seeks comment on whether there are any benefits to making the list public that outweigh these risks. If not public, who should be able to access it? The Commission invites comment on any other critical details. The Commission further seeks comment on the associated costs and benefits of implementing such a Critical Calls List.

15. *Calls Placed to 911.* The Commission see no reason that the rule prohibiting blocking of calls to 911 should not apply to the blocking proposed herein. The Commission seeks comment on the extent to which PSAPs have received calls with a spoofed Caller ID reporting a false emergency.

16. The Commission seeks comment on other ways to protect callers from erroneous blocking. Should the Commission consider other bases for blocking unwanted, illegal calls?

Mandating Caller ID Authentication

17. If major voice service providers fail to meet an end of 2019 deadline for voluntary implementation of the SHAKEN/STIR Caller ID authentication framework, the Commission proposes to require them to implement that framework. The Commission seeks comment on this proposal.

18. Implementation of the SHAKEN/STIR framework across voice networks is important in the fight against unwanted, including illegal, robocalls. Should major voice service providers fail to meet this end-of-year deadline, the Commission proposes to take appropriate regulatory action to ensure that voice service providers implement SHAKEN/STIR. If major voice service providers meet the end-of-year deadline, what steps should the Commission take to ensure that other voice service providers implement SHAKEN/STIR?

19. *Determining whether it is necessary to mandate implementation of SHAKEN/STIR.* The Commission seeks comment on how best to define ''major voice service providers'' for the purpose of evaluating the progress made by such providers in implementing SHAKEN/STIR by the end of this year.

20. The Commission seeks comment on how best to evaluate whether major voice service providers have met the end of year deadline for implementation set by Chairman Pai. In discussing SHAKEN/STIR, providers often refer to signing calls on an intercarrier basis and using signature information they receive to enhance the consumer experience. Should this be the standard the Commission uses to measure implementation? The Commission invites comment on this approach and on specific alternatives. Should the Commission require certifications documenting compliance?

21. *Voice service providers covered by the SHAKEN/STIR implementation requirement.* If the Commission mandates provider implementation of SHAKEN/STIR, the Commission proposes to require implementation by all voice service providers—wireline, wireless, and Voice over internet Protocol (VoIP) providers. The Commission seeks comment on this proposal. Are there other voice service providers the Commission should include? Are there any exceptions to an implementation requirement?

22. *Implementation.* If the Commission mandates implementation of SHAKEN/STIR, what should the Commission require providers to accomplish to meet the requirement? Should it require providers to sign calls on an intercarrier basis and use signature information they receive to enhance the consumer experience? Should the Commission impose other or different requirements?

23. For example, if the Commission mandates SHAKEN/STIR implementation, should the Commission require providers to adopt a uniform display showing consumers whether a call has been authenticated? Or should the Commission encourage provider experimentation to develop the most useful display for consumers?

24. *Timing of the requirement.* If the Commission mandates implementation of SHAKEN/STIR, how much implementation time should the Commission give voice service providers? The Commission invites commenters to propose specific categories of voice service providers,

specify how the Commission should distinguish between or among them, explain why the Commission should do so for purposes of setting implementation deadlines, and propose specific implementation deadlines for each proposed specific category of voice service providers.

25. *Governance.* What role should the Commission have in SHAKEN/STIR governance? Industry has taken steps to establish a governance regime. Are there aspects of the governance authority that the Commission should handle itself or should its role be formal oversight? Are there other functions that the Commission should undertake to ensure the adoption and implementation of SHAKEN/STIR?

26. *Legacy Networks.* The Commission recognizes that there are challenges for smaller and rural carriers. The Commission seeks comment on how to encourage Caller ID authentication for carriers that maintain some portion of their network on legacy technology. Are there technologies available to enable legacy networks to participate in Caller ID authentication?

27. *Illegal calls originating outside the United States.* The Commission seeks comment on how the Commission and the industry can best leverage Caller ID authentication technology and specifically SHAKEN/STIR to combat illegal calls originating outside the United States.

Measuring the Effectiveness of Robocall Solutions

28. Should the Commission create a mechanism to provide information to consumers about the effectiveness of providers' robocall solutions? If so, how should ''effectiveness'' be defined? How would the Commission obtain the information needed to evaluate the effectiveness of the robocall solutions?

Legal Authority

29. The Commission seeks comment on its authority to adopt new rules here. Sections 201(b) and 202(a) of the Communications Act (the Act) have formed the basis for the Commission's traditional prohibitions on call blocking. The Commission also is charged with prescribing regulations to implement the Truth in Caller ID Act, which made unlawful the spoofing of Caller ID ''in connection with any telecommunications service or IP-enabled voice service . . . with the intent to defraud, cause harm, or wrongfully obtain anything of value . . . .'' And section 251(e) of the Act gives the Commission authority over the use and allocation of numbering resources in the United States, including the use of unallocated and unused numbers.

30. The Commission seeks comment on whether these statutory provisions—or any others—confer on the Commission sufficient authority to adopt rules to create a safe harbor for certain call-blocking programs and require voice service providers that offer call-blocking programs to maintain a Critical Calls List. Is creating a safe harbor equivalent to declaring certain practices presumptively just and reasonable? Is encouraging providers to adopt SHAKEN/STIR consistent with the Commission's authority under the Truth in Caller ID Act? Does the Commission's plenary authority over numbering extend to requiring that calls from certain numbers be sacrosanct? Does the Commission's authority depend, in part or at all, on whether the calls considered in a call-blocking program are in fact illegal under federal law or merely unwanted by consumers? Are these proposals necessary to allow voice service providers to help prevent unlawful acts and protect voice service subscribers? Would any of these proposals be limited only to calls purporting to use North American Numbering Plan (NANP) numbers?

31. The Commission believes section 251(e) of the Act, which grants the Commission plenary jurisdiction over the NANP resources in the United States and the authority to administer numbering resources, provides the Commission the authority to mandate Caller ID authentication and specifically SHAKEN/STIR. By permitting voice providers and consumers to identify when a Caller ID number has been spoofed, mandating SHAKEN/STIR would prevent NANP resources from being fraudulently exploited. The Commission concludes that section 251(e) provides it sufficient authority to adopt such rules. Do commenters agree? Are there any other statutory provisions or other sources of authority the Commission should consider?

Initial Regulatory Flexibility Analysis

32. As required by the Regulatory Flexibility Act of 1980, as amended, the Commission has prepared the Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *TFNPRM.* Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *TFNPRM* provided.

33. Need for, and Objectives of, the Proposed Rules

The *TFNPRM* proposes rules to permit voice service providers, on their own initiative, to block calls based on Caller ID authentication, specifically where the Caller ID is eligible for authentication but fails. The *TFNPRM* also proposes to require a ''Critical Calls List'' of numbers that must never be blocked so long as the Caller ID is authenticated. The *TFNPRM* further proposes and seeks comment on requiring voice service providers to implement the SHAKEN/STIR call authentication framework if major voice service providers fail to voluntarily implement it by the end of 2019.

Legal Basis

34. The proposed and anticipated rules are authorized under sections 201, 202, 227, 251(e), and 403 of the Act, as amended, 47 U.S.C. 201, 202, 227, 251(e), 403.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

35. As indicated above, the *TFNPRM* seeks comment on proposed rules to codify that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal calls, as well as on proposed rules to prevent the blocking of lawful calls. Until these requirements are defined in full, it is not possible to predict with certainty whether the costs of compliance will be proportional between small and large voice service providers. In the *TRNPRM,* the Commission seeks to minimize the burden associated with reporting, recordkeeping, and other compliance requirements for the proposed rules, such as modifying software, developing procedures, and training staff.

36. Under the proposed rules, the Commission tentatively concludes that voice service providers will need to keep records of Caller ID authentication information. In addition, voice service providers may need to set up communication with other voice service providers to share information about failed authentication. Voice service providers will also be required to maintain a ''Critical Calls List'' of numbers that should not be blocked.

37. The *TFNPRM* also proposes to require voice service providers to implement SHAKEN/STIR if major voice service providers have not voluntarily implemented the framework by the end of 2019. At this time, the Commission is not in a position to determine whether, if adopted, the Commission's proposals will require small entities to hire attorneys, engineers, consultants, or other

professionals and cannot quantify the cost of compliance with the potential rule changes discussed herein. The *TFNPRM* proposes to require implementation by all voice service providers—wireline, wireless, and VoIP providers.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

38. These proposed rules to codify that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal and unwanted calls are permissive and not mandatory. Small businesses may avoid compliance costs entirely by declining to block calls, or may delay their implementation of call blocking to allow for more time to come into compliance with the rules. However, the Commission intends to craft rules that encourage all carriers, including small businesses, to block such calls and the *TFNPRM* therefore seeks comment from small businesses on how to minimize costs associated with implementing the proposed rules. The *TFNPRM* poses specific requests for comment from small businesses regarding how the proposed rules affect them and what could be done to minimize any disproportionate impact on small businesses.

39. The Commission's proposed rules allow voice service providers to block calls based on certain criteria, including where the Caller ID fails authentication. In addition, the proposed rules protect callers from the risk of their calls being blocked erroneously. The *TFNPRM* requests feedback from small businesses and seeks comment on ways to make the proposed rules less costly and minimize the economic impact of the Commission's proposals.

40. The *TFNPRM* also seeks comment on the length of time the Commission should allow voice service providers to implement SHAKEN/STIR, whether smaller and medium-sized voice providers should be given additional time to implement this framework, and how to qualify and quantify voice providers' sizes. Moreover, the Commission seeks updated information for entities of all sizes, including small entities, regarding the upfront and recurring costs to providers of implementing SHAKEN/STIR.

41. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the *TFNPRM* and the IRFA, in reaching its final conclusions and taking action in this proceeding.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

42. None.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 217 218, 220, 222, 225, 226, 227, 228, 251(a), 251(e), 254(k), 262, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted.

■ 2. Amend § 64.1200 by

■ a. Redesignating paragraph (k)(2) as paragraph (k)(5);

■ b. Redesignating paragraph (k)(4) as paragraph (k)(2);

■ c. Redesignating paragraph (k)(1) as paragraph (k)(4);

■ d. Redesignating paragraph (k)(3) as paragraph (k)(1); and

■ e. Adding new paragraphs (k)(3) and (k)(6).

The additions to read as follows:

§ 64.1200 Delivery restrictions

* * * * *

(k) * * *

(3) Any provider blocking pursuant to this subsection must maintain a list of numbers from which calls will not be blocked where the Caller ID is authenticated on a call purporting to originate from the number. Providers must include on their lists only numbers used for outbound calls by Public Safety Answering Points or other emergency services; government-originated calls, such as calls from local authorities generated during emergencies; and outbound calls from schools and similar educational institutions to provide school-related emergency notifications, such as weather-related closures or the existence of an emergency affecting the school or students.

* * * * *

(6) A provider may block a call that is eligible for authentication of Caller ID and for which authentication by the terminating provider has failed.

* * * * *

[FR Doc. 2019–13320 Filed 6–21–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 5, 8, 9, 12, 13, 15, 19, 22, 25, 30, 50, and 52

[FAR Case 2018–007; Docket No. 2018–0007, Sequence No. 1]

RIN 9000–AN67

Federal Acquisition Regulation: Applicability of Inflation Adjustments of Acquisition-Related Thresholds

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 to make inflation adjustments of statutory acquisition-related thresholds applicable to existing contracts and subcontracts in effect on the date of the adjustment that contain the revised clauses as proposed in this rulemaking.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 23, 2019 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2018–007 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2018–007''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2018–007''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2018–007'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite ''FAR Case 2018–007'', in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at 202–969–7207 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite ''FAR Case 2018–007''.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to make inflation adjustments of statutory acquisition-related thresholds under 41 U.S.C. 1908 applicable to existing contracts and subcontracts in effect on the date of the adjustment. This FAR change will implement section 821 of the NDAA for FY 2018 (Pub. L. 115–91).

41 U.S.C. 1908, Inflation adjustment of acquisition-related dollar thresholds, requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds. See FAR 1.109. The last FAR case which raised the thresholds for inflation was 2014–022, a final rule published on July 2, 2015, effective October 1, 2015. The next final rule to be published raising thresholds for inflation under 41 U.S.C. 1908 will be effective October 1, 2020.

II. Discussion and Analysis

As required by section 821 of the NDAA for FY 2018, DoD, GSA, and NASA are proposing to revise thresholds subject to inflation adjustment so that the periodic inflation adjustments will apply to existing contracts and subcontracts that contain the revised clauses.

A. The following summarizes the proposed changes to FAR parts 1, 5, 8, 9, 12, 13, 15, 19, 22, 25, 30, and 50:

1. Adds a new paragraph at FAR 1.109, Statutory acquisition-related dollar thresholds—adjustment for inflation, to explain the impact of section 821 of the NDAA for FY 2018.

2. Replaces numerical values, throughout the FAR text, that are based on the value of the micro-purchase threshold or the simplified acquisition threshold with the term ''micro-purchase threshold'' or ''simplified acquisition threshold''.

3. Adds a statement at FAR 15.403–4 to explain that if a clause refers to the certified cost or pricing data threshold, and if the threshold is adjusted for inflation, then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

4. Adds a statement at FAR 30.201–1 that the lower threshold for applicability of Cost Accounting Standards (CAS) is the amount set forth in 10 U.S.C. 2306a(a)(1)(A)(i), as adjusted for inflation.

B. The following summarizes proposed changes to FAR part 52.

1. Replaces, throughout part 52 as appropriate, numerical values that are based on the value of the micro-purchase threshold or the simplified acquisition threshold with the term ''micro-purchase threshold'' or ''simplified acquisition threshold''. When the term ''simplified acquisition threshold'' or ''micro-purchase threshold'' is used, adds a reference to the definition in FAR 2.101.

2. Amends FAR 52.202–1, Definitions, to state that if the simplified acquisition threshold or micro-purchase threshold is adjusted for inflation, then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

3. Replaces the numerical value for certain thresholds (other than the micro-purchase and simplified acquisition thresholds) with a reference to the applicable FAR text that specifies the numerical threshold.

4. Adds, to applicable clauses, the phrases ''on the date of subcontract award,'' ''on the date of execution of the modification,'' or ''on the date of award of this contract'', to describe the date on which the applicable threshold value will be determined.

5. Adds a statement at FAR 52.214–28(b), 52.215–12(a), 52.215–13(b), and 52.215–21 that explains that if the threshold for submission of certified cost or pricing data is adjusted for inflation, then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

6. Adds a reference, at FAR 52.230–1 through 52.230–5, to the lower CAS threshold specified at FAR 30.201–4(b).

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new solicitation provisions or clauses, or impact any existing provisions or clauses, except for the added references to acquisition-related thresholds in the FAR text.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action, and therefore, this rule was not subject to the review of the Office of Information and Regulatory Affairs under section 6(b) of E.O. 12866. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not an E.O. 13771 regulatory action, because this rule is not significant under E.O. 12866.

VI. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* However, an Initial Regulatory Flexibility Analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to make inflation adjustments of statutory acquisition-related thresholds under 41 U.S.C. 1908(d) applicable to existing contracts and subcontracts in effect on the date of the adjustment that contain the revised clauses.

The objective is to implement section 821 of the National Defense Authorization Act for Fiscal Year (FY) 2018. The legal basis for this rule is 40 U.S.C. 121(c), 10 U.S.C. chapter 137, and 51 U.S.C. 20113.

This proposed rule will likely affect to some extent all small business concerns that submit offers or are awarded contracts by the Federal Government.

However, this rule is not expected to have any significant economic impact on small business concerns because this rule: (1) Is not creating any new requirements with which

small entities must comply, and (2) is only establishing the framework to apply the inflation adjustments of statutory acquisition-related thresholds under 41 U.S.C. 1908 to existing contracts and subcontracts in effect on the date of the adjustment. Any impact on small business concerns will be beneficial by preventing burdensome requirements from continuing to apply to smaller dollar value contracts when acquisition thresholds are increased during the period of performance.

As of September 30, 2017, there were 637,791 active entity registrations in *SAM.gov*. Of those active entity registrations, 452,310 (71 percent) completed all four modules of the registration, in accordance with FAR 52.204–7(a)(2), including Assertions (where they enter their size metrics and select their NAICS Codes) and Reps & Certs (where they certify to the information they provided and the size indicator by NAICS).

Of the possible 452,310 active *SAM.gov* entity registrations, 338,207 (75 percent) certified to meeting the size standard of small for their primary NAICS Code. Therefore, this rule may be beneficial to 338,207 small business entities that submit proposals that may now fall under the micro-purchase threshold, the simplified acquisition threshold, or other applicable acquisition thresholds (*e.g.,* contractor code of business ethics and conduct, reporting executive compensation and first-tier subcontract awards, equal opportunity for veterans) as a result of this rule.

The proposed rule does not include additional reporting or record keeping requirements.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no available alternatives to the proposed rule to accomplish the desired objective of the statute. DoD, GSA, and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities because the rule is not implementing any requirements with which small entities must comply.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2018–007), in correspondence.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does apply; however, the proposed changes to the FAR do not impose new information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.* The changes do not impose additional information collection requirements to the paperwork burden previously approved under the following OMB Control Numbers: 9000–0007, Subcontracting Plans; 9000–0018, Certification Of Independent Price Determination, Contractor Code of Business Ethics and Conduct, and Preventing Personal Conflicts of Interest; 9000–0027, Value Engineering Requirements; 9000–0094, Debarment, Suspension, and Other Responsibility Matters; 9000–0091, Anti-Kickback Procedures; 9000–0159, System for Award Management Registration (SAM); 9000–0136, Commercial Item Acquisitions; 9000–0034, Examination of Records by Comptroller General and Contract Audit; 9000–0013, Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data; 9000–0048, Authorized Negotiators and Integrity of Unit Prices; 9000–0173, Limitations on Pass-Through Charges; 9000–0045, Bid Guarantees, Performance, and Payments Bonds, and Alternative Payment Protection; 9000–0010, Progress Payments, SF 1443; 9000–0149, Subcontract Consent and Contractors' Purchasing System Review; 1235–0007, Labor Standards for Federal Service Contracts; 1235–0025, Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495; 1250–0004, Office of Federal Contract Compliance Programs Recordkeeping and Reporting Requirements Under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as Amended; and 1250–0005, Office of Federal Contract Compliance Programs Recordkeeping and Reporting Requirements Under Rehabilitation Act of 1973, as Amended Section 503.

List of Subjects in 48 CFR Parts 1, 5, 8, 9, 12, 13, 15, 19, 22, 25, 30, 50, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR parts 1, 5, 8, 9, 12, 13, 15, 19, 22, 25, 30, 50, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 5, 8, 9, 12, 13, 15, 19, 22, 25, 30, 50, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 2. Amend section 1.109 by—

■ a. Removing from paragraph (a) ''Index (CPI) for all-urban consumers'' and adding ''Index for All Urban Consumers (CPI–U)'' in its place;

■ b. Redesignating paragraph (d) as paragraph (e);

■ c. Adding a new paragraph (d); and

■ d. Removing from the newly redesignated paragraph (e) ''2014–022'' and adding ''2014–022, open the docket folder, and go to the supporting documents file'' in its place.

The addition reads as follows:

1.109 Statutory acquisition-related dollar thresholds—adjustment for inflation.

* * * * *

(d) The statute, as amended by section 821 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), requires the adjustment described in paragraph (a) of this section be applied to contracts and subcontracts without regard to the date of award of the contract or subcontract. Therefore, if a threshold is adjusted for inflation as set forth in paragraph (a) of this section, then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

* * * * *

1.110 [Amended]

■ 3. Amend section 1.110, paragraph (c), in the table, under the Title column of entry ''Walsh-Healey Public Contracts Act'' by removing ''$15,000'' and adding ''$10,000'' in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.206 [Amended]

■ 4. Amend section 5.206 by removing from paragraphs (a)(1) and (2) ''$150,000'' and adding ''the simplified acquisition threshold'' in their places, respectively.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.1104 [Amended]

■ 5. Amend section 8.1104 by removing from paragraph (e)(3) ''Exceeding $15,000''.

PART 9—CONTRACTOR QUALIFICATIONS

■ 6. Amend section 9.405–2 by revising the second sentence of paragraph (b) to read as follows:

9.405–2 Restrictions on subcontracting.

* * * * *

(b) * * * Contractors are prohibited from entering into any subcontract in excess of $35,000, other than a subcontract for a commercially available off-the-shelf item, with a contractor that has been debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. * * *

* * * * *

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.503 [Amended]

■ 7. Amend section 12.503 by removing from paragraph (a)(1) ''$15,000'' and adding ''$10,000'' in its place.

12.504 [Amended]

■ 8. Amend section 12.504 by removing from paragraph (a)(4) ''$15,000'' and adding ''$10,000'' in its place.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 9. Amend section 13.003 by revising paragraph (b)(1) to read as follows:

13.003 Policy.

* * * * *

(b)(1) Acquisitions of supplies or services that have an anticipated dollar value above the micro-purchase threshold, but at or below the simplified acquisition threshold, are reserved exclusively for small business concerns and shall be set aside (see 19.000, 19.203, and subpart 19.5).

* * * * *

13.501 [Amended]

■ 10. Amend section 13.501 by removing from paragraph (a)(2)(i) ''$150,000'' and adding ''the simplified acquisition threshold'' in its place.

PART 15—CONTRACTING BY NEGOTIATION

■ 11. Amend section 15.403–4, by adding a new sentence, after the third sentence, in paragraph (a)(1), to read as follows:

15.403–4 Requiring certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

(a)(1) * * * When a clause refers to this threshold, and if the threshold is adjusted for inflation pursuant to 1.109(a), then pursuant to 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment. * * *

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

■ 12. Amend section 19.203 by revising paragraph (b) to read as follows:

19.203 Relationship among small business programs.

* * * * *

(b) *At or below the simplified acquisition threshold.* For acquisitions of supplies or services that have an anticipated dollar value above the micro-purchase threshold, but at or below the simplified acquisition threshold, the requirement at 19.502–2(a) to exclusively reserve acquisitions for small business concerns does not preclude the contracting officer from awarding a contract to a small business under the 8(a) Program, HUBZone Program, SDVOSB Program, or WOSB Program.

* * * * *

■ 13. Amend section 19.502–1 by revising paragraph (b) to read as follows:

19.502–1 Requirements for setting aside acquisitions.

* * * * *

(b) This requirement does not apply to purchases at or below the micro-purchase threshold, or purchases from required sources of supply under part 8 (*e.g.,* Committee for Purchase From People Who are Blind or Severely Disabled, and Federal Supply Schedule contracts).

■ 14. Amend section 19.502–2 by—

■ a. Revising the second sentence of paragraph (a); and

■ b. Removing from paragraph (b) ''$150,000'' and adding ''the simplified acquisition threshold'' in its place.

The revision reads as follows:

19.502–2 Total small business set-asides.

(a) * * * Each acquisition of supplies or services that has an anticipated dollar value above the micro-purchase threshold, but not over the simplified acquisition threshold, is automatically reserved exclusively for small business concerns and shall be set aside for small business unless the contracting officer determines there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery. * * *

* * * * *

19.508 [Amended]

■ 15. Amend section 19.508 by removing from paragraph (e) ''$150,000'' and adding ''the simplified acquisition threshold'' in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.102–2 [Amended]

■ 16. Amend section 22.102–2 by removing from paragraph (c)(1)(iv) ''$15,000'' and adding ''$10,000'' in its place.

22.202 [Amended]

■ 17. Amend section 22.202 by removing from paragraph (a) '', Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000''.

22.305 [Amended]

■ 18. Amend section 22.305 by removing from paragraph (e) '', Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000''.

■ 19. Revise the heading of subpart 22.6 to read as follows:

Subpart 22.6—Contracts For Materials, Supplies, Articles, and Equipment

22.602 [Amended]

■ 20. Amend section 22.602 by removing '', Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000''.

22.610 [Amended]

■ 21. Amend section 22.610 by removing ''Exceeding $15,000''.

22.1003–3 [Amended]

■ 22. Amend section 22.1003–3 by removing from paragraph (b) '', Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000''.

22.1003–6 [Amended]

■ 23. Amend section 22.1003–6 by removing from paragraph (a) '', Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000,''.

PART 25—FOREIGN ACQUISITION

25.703–4 [Amended]

■ 25. Amend section 25.703–4 by removing from paragraphs (c)(5)(ii), (c)(7)(iii), and (c)(8)(iii) ''$3,500'' and adding ''the threshold at FAR 25.703–2(a)(2)'' in their places, respectively.

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

■ 26. Amend section 30.201–1 by redesignating the undesignated text as paragraph (a) and adding paragraph (b) to read as follows:

30.201–1 CAS applicability.

* * * * *

(b) In accordance with 41 U.S.C. 1502(b)(1)(B), the lower threshold for applicability of CAS is the amount set forth in 10 U.S.C. 2306a(a)(1)(A)(i), as adjusted for inflation in accordance with 41 U.S.C. 1908.

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

50.103–7 [Amended]

■ 27. Amend section 50.103–7 by removing from paragraph (b) ''Exceeding $15,000''.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 28. Amend section 52.202–1 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (c) ''meaning; or'' and adding ''meaning;'' in its place;
■ c. Removing from paragraph (d) ''Part'' and ''procedures.'' and adding ''part'' and ''procedures; or'' in their places, respectively; and
■ d. Adding paragraph (e).

The revision and addition read as follows:

52.202–1 Definitions.

* * * * *

Definitions ([DATE])

* * * * *

(e) The word or term defines an acquisition-related threshold (*i.e.,* ''micro-purchase threshold'' or ''simplified acquisition threshold''), and if the threshold is adjusted for inflation as set forth in FAR 1.109(a), then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment; see FAR 1.109(d).

* * * * *

■ 29. Amend section 52.203–6 by revising the date of the clause and removing from paragraph (c) ''threshold'' and adding ''threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–6 Restrictions on Subcontractor Sales to the Government.

* * * * *

Restrictions on Subcontractor Sales to the Government ([DATE])

* * * * *

■ 30. Amend section 52.203–7 by revising the date of the clause and removing from paragraph (c)(5) ''under under this contract which exceed $150,000'' and adding ''under this contract that exceed the threshold specified in FAR 3.502–2(i) on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–7 Anti-Kickback Procedures.

* * * * *

Anti-Kickback Procedures ([DATE])

* * * * *

■ 31. Amend section 52.203–12 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (g)(1) ''exceeding $150,000 under this contract'' and adding ''under this contract that exceeds the threshold specified in FAR 3.808 on the date of subcontract award'' in its place; and
■ c. Removing from paragraph (g)(3) ''exceeding $150,000'' and adding ''that exceeds the threshold specified in FAR 3.808 on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–12 Limitation on Payments to Influence Certain Federal Transactions.

* * * * *

Limitation on Payments to Influence Certain Federal Transactions ([DATE])

* * * * *

■ 32. Amend section 52.203–13 by revising the date of the clause and removing from paragraph (d)(1) ''have a value in excess of $5.5 million'' and adding ''exceed the threshold specified in FAR 3.1004(a) on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–13 Contractor Code of Business Ethics and Conduct.

* * * * *

Contractor Code of Business Ethics and Conduct ([DATE])

* * * * *

■ 33. Amend section 52.203–14 by revising the date of the clause and removing from paragraph (d) introductory text ''$5.5 million'' and adding ''the threshold specified in Federal Acquisition Regulation 3.1004(b)(1) on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–14 Display of Hotline Poster(s).

* * * * *

Display of Hotline Poster(s) ([DATE])

* * * * *

■ 34. Amend section 52.203–16 by revising the date of the clause and removing from paragraph (d)(1) ''$150,000'' and adding ''the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–16 Preventing Personal Conflicts of Interest.

* * * * *

Preventing Personal Conflicts of Interest ([DATE])

* * * * *

■ 35. Amend section 52.203–17 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (a) ''FAR'' and adding ''Federal Acquisition Regulation (FAR)'';
■ c. Removing from paragraph (b) ''section 3.908 of the Federal Acquisition Regulation'' and adding ''FAR 3.908'' in its place; and
■ d. Removing from paragraph (c) ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.203–17 Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights.

* * * * *

Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights ([DATE])

* * * * *

■ 36. Amend section 52.204–10 by—
■ a. Revising the date of the clause;
■ b. Removing from paragraph (d)(1) introductory text ''FAR'' and adding ''Federal Acquisition Regulation (FAR)'' in its place;
■ c. Removing from paragraph (d)(2) introductory text ''contracting officer'' and ''with a value of $30,000 or more'' and adding ''Contracting Officer'' and ''valued at or above the threshold specified in FAR 4.1403(a) on the date of subcontract award'' in their places, respectively;
■ d. Removing from paragraph (d)(3) introductory text ''with a value of $30,000 or more'' and adding ''valued at or above the threshold specified in FAR 4.1403(a) on the date of subcontract award'' in its place; and
■ e. Removing from paragraph (e) ''less than $30,000'' and adding ''below the threshold specified in FAR 4.1403(a), on the date of subcontract award,'' in its place.

The revision reads as follows:

52.204–10 Reporting Executive Compensation and First-Tier Subcontract Awards.

* * * * *

Reporting Executive Compensation and First-Tier Subcontract Awards ([DATE])

* * * * *

■ 37. Amend section 52.209–6 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(1)(i) ''FAR'' and adding ''Federal Acquisition Regulation (FAR)'' in its place;

■ c. Removing from paragraph (b) ''$35,000'' and adding ''the threshold specified in FAR 9.405–2(b) on the date of subcontract award,'' in its place;

■ d. Removing from paragraph (c) ''$35,000'' and adding ''the threshold specified in FAR 9.405–2(b) on the date of subcontract award'' in its place; and

■ e. Removing from paragraph (e)(1) ''$35,000 in value'' and adding ''the threshold specified in FAR 9.405–2(b) on the date of subcontract award'' in its place.

The revision reads as follows:

52.209–6 Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment.

* * * * *

Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment ([DATE])

* * * * *

■ 38. Amend section 52.210–1 by—

■ a. Revising the date of the clause and paragraph (a); and

■ b. Removing from paragraph (b) introductory text ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place.

The revisions read as follows:

52.210–1 Market Research.

* * * * *

Market Research ([DATE])

* * * * *

(a) Definition. As used in this clause—

Commercial item and *nondevelopmental item* have the meaning contained in Federal Acquisition Regulation (FAR) 2.101.

* * * * *

■ 39. Amend section 52.212–1 by revising the date of the provision and removing from paragraph (j) ''exceeding $3,500, and offers of $3,500 or less'' and ''see subpart 32.11'' and adding ''that exceed the micro-purchase threshold, and offers at or below the micro-purchase threshold'' and ''see FAR subpart 32.11'' in their places, respectively.

The revision reads as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

Instructions to Offerors—Commercial Items ([DATE])

* * * * *

■ 40. Amend section 52.212–3 by revising the date of the provision and removing from paragraph (o)(2)(iii) ''$3,500'' and adding ''the threshold at FAR 25.703–2(a)(2)'' in its place.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items ([DATE])

* * * * *

■ 41. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Amending paragraph (b) by—

■ i. Removing from paragraph (b)(1) ''(SEP 2006)'' and adding ''([DATE])'' in its place;

■ ii. Removing from paragraph (b)(2) ''(OCT 2015)'' and adding ''([DATE])'' in its place;

■ iii. Removing from paragraph (b)(4) ''(OCT 2018)'' and adding ''([DATE])'' in its place;

■ iv. Removing from paragraph (b)(8) ''(Oct 2015)'' and adding ''([DATE])'' in its place;

■ v. Removing from paragraph (b)(17)(i) ''(AUG 2018)'' and adding ''([DATE])'' in its place;

■ vi. Removing from paragraph (b)(17)(iv) ''(NOV 2016)'' and adding ''([DATE]) in its place;

■ vii. Removing from paragraph (b)(17)(v) ''(AUG 2018)'' and adding ''([DATE])'' in its place;

■ viii. Removing from paragraph (b)(29)(i) ''(OCT 2015)'' and adding ''([DATE])'' in its place;

■ ix. Removing from paragraph (b)(30)(i) ''(JUL 2014)'' and adding ''([DATE])'' in its place;

■ x. Removing from paragraph (b)(31) ''(FEB 2016)'' and adding ''([DATE])'' in its place;

■ xi. Removing from paragraph (b)(42) ''(AUG 2011)'' and adding ''([DATE]) (E.O. 13513)'' in its place;

■ xii. Removing from paragraph (c)(1) ''(May 2014)'' and adding ''([DATE])'' in its place, and removing from paragraph (c)(10) ''(MAY 2014)'' and adding ''([DATE])'' in its place;

■ xiii. Removing from paragraph (d) introductory text ''threshold,'' and adding ''threshold, as defined in FAR 2.101, on the date of award of this contract,'' in its place;

■ xiv. Removing from paragraph (e)(1)(i) ''(Oct 2015)'' and adding ''([DATE])'' in its place;

■ xv. Removing from paragraph (e)(1)(iv) ''$700,000 ($1.5 million for construction of any public facility)'' and adding ''the applicable threshold specified in FAR 19.702(a) on the date of subcontract award'' in its place;

■ xvi. Removing from paragraph (e)(1)(v) ''(MAY 2014)'' and adding ''([DATE])'' in its place;

■ xvii. Removing from paragraph (e)(1)(viii) ''(Oct 2015)'' and adding ''([DATE])'' in its place;

■ xviii. Removing from paragraph (e)(1)(ix) ''(July 2014)'' and adding ''([DATE])'' in its place;

■ xix. Removing from paragraph (e)(1)(x) ''(FEB 2016)'' and adding ''([DATE])'' in its place;

■ xx. Removing from paragraph (e)(1)(xxi) ''(MAY 2014)'' and adding ''([DATE])'' in its place;

■ xxi. Revising the date of Alternate II;

■ xxii. Removing from paragraph (e)(1)(ii)(A) of Alternate II ''(Oct 2015)'' and adding ''([DATE])'' in its place;

■ xxiii. Removing from paragraph (e)(1)(ii)(D) of Alternate II ''$700,000 ($1.5 million for construction of any public facility)'' and adding ''the applicable threshold specified in FAR 19.702(a) on the date of subcontract award'' in its place;

■ xxiv. Removing from paragraph (e)(1)(ii)(G) of Alternate II ''(Oct 2015)'' and adding ''([DATE])'' in its place;

■ xxv. Removing from paragraph (e)(1)(ii)(H) of Alternate II ''(July 2014)'' and adding ''([DATE])'' in its place; and

■ xxvi. Removing from paragraph (e)(1)(ii)(S) of Alternate II ''(MAY 2014)'' and adding ''([DATE])'' in its place.

The revisions read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items ([DATE])

* * * * *

Alternate II ([DATE]). * * *

* * * * *

■ 42. Amend section 52.213–4 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(2)(iv) ''(JAN 2017)'' and adding ''(JAN 2017).'' and removing from paragraph (a)(2)(viii) ''(JAN 2019)'' and adding ''([DATE])'' in its place;

■ c. Revising paragraphs (b)(1)(i) through (iv), the first sentence of paragraph (b)(1)(v), and revising paragraph (b)(1)(vi);

■ d. Removing from paragraph (b)(1)(xvii) introductory text ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of award of this contract,'' in its place; and

■ e. Revising paragraphs (b)(1)(xviii) and (b)(2)(ii).

The revisions read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) ([DATE])

* * * * *

(b) * * *

(1) * * *

(i) 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards ([DATE]) (Pub. L. 109–282) (31 U.S.C. 6101 note) (Applies to contracts valued at or above the threshold specified in FAR 4.1403(a) on the date of award of this contract).

(ii) 52.222–19, Child Labor—Cooperation with Authorities and Remedies (JAN 2018) (E.O. 13126) (Applies to contracts for supplies exceeding the micro-purchase threshold, as defined in FAR 2.101 on the date of award of this contract).

(iii) 52.222–20, Contracts for Materials, Supplies, Articles, and Equipment ([DATE])(41 U.S.C. chapter 65) (Applies to supply contracts over the threshold specified in FAR 22.602 on the date of award of this contract, in the United States, Puerto Rico, or the U.S. Virgin Islands).

(iv) 52.222–35, Equal Opportunity for Veterans ([DATE]) (38 U.S.C. 4212) (Applies to contracts valued at or above the threshold specified in FAR 22.1303(a) on the date of award of this contract).

(v) 52.222–36, Equal Employment for Workers with Disabilities ([DATE])(29 U.S.C. 793) (Applies to contracts over the threshold specified in FAR 22.1408(a) on the date of award of this contract, unless the work is to be performed outside the United States by employees recruited outside the United States). * * *

(vi) 52.222–37, Employment Reports on Veterans ([DATE])(38 U.S.C. 4212) (Applies to contracts valued at or above the threshold specified in FAR 22.1303(a) on the date of award of this contract).

* * * * *

(xviii) 52.226–6, Promoting Excess Food Donation to Nonprofit Organizations ([DATE])(42 U.S.C. 1792) (Applies to contracts greater than the threshold specified in FAR 26.404 on the date of award of this contract, that provide for the provision, the service, or the sale of food in the United States).

* * * * *

(2) * * *

(ii) 52.209–6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment ([DATE])(Applies to contracts over the threshold specified in FAR 9.405–2(b) on the date of award of this contract).

* * * * *

■ 43. Amend section 52.214–26 by revising the date of the clause and removing from paragraph (e) ''in FAR 15.403–4(a)(1) for submission of certified cost or pricing data'' and adding ''for submission of certified cost or pricing data in FAR 15.403–4(a)(1) on the date of subcontract award'' in its place.

The revision reads as follows:

52.214–26 Audit and Records—Sealed Bidding.

* * * * *

Audit and Records—Sealed Bidding ([DATE])

* * * * *

■ 44. Amend section 52.214–27 by revising the date of the clause and removing from paragraph (a) ''at FAR 15.403–4(a)(1)'' and adding ''in Federal Acquisition Regulation (FAR) 15.403–4(a)(1) on the date of execution of the modification'' in its place.

The revision reads as follows:

52.214–27 Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding.

* * * * *

Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding ([DATE])

* * * * *

■ 45. Amend section 52.214–28 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(1) ''at (FAR) 48 CFR 15.403–4(a)(1)'' and adding ''in Federal Acquisition Regulation (FAR) 15.403–4(a)(1) on the date of execution of the modification'' in its place;

■ c. Removing from paragraph (b) ''at FAR 15.403–4(a)(1)'' twice and adding ''in FAR 15.403–4(a)(1)'' in their places, respectively, and adding a sentence to the end of the paragraph; and

■ d. Removing from paragraph (d) ''at FAR 15.403–4(a)(1)'' and adding ''in FAR 15.403–4(a)(1)'' in its place.

The revision and addition reads as follows:

52.214–28 Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding.

* * * * *

Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding ([DATE])

* * * * *

(b) * * * If the threshold for submission of certified cost or pricing data specified in FAR 15.403–4(a)(1) is adjusted for inflation as set forth in FAR 1.109(a), then pursuant to FAR 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

* * * * *

■ 46. Amend section 52.215–2 by revising the date of the clause and removing from paragraph (g) introductory text ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place.

The revision reads as follows:

52.215–2 Audit and Records—Negotiation.

* * * * *

Audit and Records—Negotiation ([DATE])

* * * * *

■ 47. Amend section 52.215–11 by revising the date of the clause and removing from paragraph (a) ''at FAR 15.403–4'' and ''FAR 15.403–1'' and adding ''in Federal Acquisition Regulation (FAR) 15.403–4(a)(1) on the date of execution of the modification'' and ''FAR 15.403–1(b)'' in their places, respectively.

The revision reads as follows:

52.215–11 Price Reduction for Defective Certified Cost or Pricing Data—Modifications.

* * * * *

Price Reduction for Defective Certified Cost or Pricing Data—Modifications ([DATE])

* * * * *

■ 48. Amend section 52.215–12 by—

■ a. Revising the date of the clause;

■ b. In paragraph (a)—

■ i. Removing the first use of ''at FAR 15.403–4'' and adding ''in Federal Acquisition Regulation (FAR) 15.403–4'' in its place;

■ ii. Removing ''at FAR 15.403–4, the Contractor'' and ''FAR 15.403–1'' and adding ''in FAR 15.403–4(a)(1), the Contractor'' and ''FAR 15.403–1(b)'' in their places, respectively; and

■ iii. Adding a new sentence to the end of the paragraph; and

■ c. Revising paragraph (c) introductory text.

The revisions and addition reads as follows:

52.215–12 Subcontractor Certified Cost or Pricing Data.

* * * * *

Subcontractor Certified Cost or Pricing Data ([DATE])

* * * * *

(a) * * * If the threshold for submission of certified cost or pricing data specified in FAR 15.403–4(a)(1) is adjusted for inflation as set forth in FAR 1.109(a), then pursuant to FAR 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

* * * * *

(c) In each subcontract that, when entered into, exceeds the threshold for submission of certified cost or pricing data in FAR 15.403–4(a)(1), the Contractor shall insert either—

* * * * *

■ 49. Amend section 52.215–13 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(1) ''at FAR 15.403–4'' and adding ''in Federal Acquisition Regulation (FAR) 15.403–4(a)(1) on the date of execution of the modification'' in its place;

■ c. Removing from paragraph (b) ''at FAR 15.403–4'' twice and ''FAR 15.403–1'' and adding ''in FAR 15.403–4(a)(1)'' twice and ''FAR 15.403–1(b)'' in their places, respectively, and adding a sentence to the end of the paragraph; and

■ d. Removing from paragraph (d) ''at FAR 15.403–4'' and adding ''in FAR 15.403–4(a)(1)'' in its place.

The revision and addition reads as follows:

52.215–13 Subcontractor Certified Cost or Pricing Data—Modifications.

* * * * *

Subcontractor Certified Cost or Pricing Data—Modifications ([DATE])

* * * * *

(b) * * * If the threshold for submission of certified cost or pricing data specified in FAR 15.403–4(a)(1) is adjusted for inflation as set forth in FAR 1.109(a), then pursuant to FAR 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

* * * * *

■ 50. Amend section 52.215–14 by revising the date of the clause and paragraph (c) to read as follows:

52.215–14 Integrity of Unit Prices.

* * * * *

Integrity of Unit Prices ([DATE])

* * * * *

(c) The Contractor shall insert the substance of this clause, less paragraph (b), in all subcontracts for other than: acquisitions at or below the simplified acquisition threshold, as defined in Federal Acquisition Regulation (FAR) 2.101 on the date of subcontract award; construction or architect-engineer services under FAR part 36; utility services under FAR part 41; services where supplies are not required; commercial items; and petroleum products.

* * * * *

■ 51. Amend section 52.215–21 by revising the date of the clause and paragraph (a)(1) introductory text to read as follows:

52.215–21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Modifications.

* * * * *

Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Modifications ([DATE])

* * * * *

(a) * * *

(1) In lieu of submitting certified cost or pricing data for modifications under this contract, for price adjustments expected to exceed the threshold set forth in Federal Acquisition Regulation (FAR) 15.403–4(a)(1) on the date of the agreement on price or the date of the award, whichever is later, the Contractor may submit a written request for exception by submitting the information described in the following subparagraphs. If the threshold for submission of certified cost or pricing data specified in FAR 15.403–4(a)(1) is adjusted for inflation as set forth in FAR 1.109(a), then pursuant to FAR 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted, and whether the price is fair and reasonable—

* * * * *

■ 52. Amend section 52.215–23 by—

■ a. Revising the date of the clause;

■ b. Removing from the defined term ''*Subcontract*'' ''FAR 2.101'' and adding ''Federal Acquisition Regulation (FAR) 2.101'' in its place; and

■ c. Revising paragraph (f).

The revision reads as follows:

52.215–23 Limitations on Pass-Through Charges.

* * * * *

Limitations on Pass-Through Charges ([DATE])

* * * * *

(f) *Flowdown.* The Contractor shall insert the substance of this clause, including this paragraph (f), in all cost-reimbursement subcontracts under this contract that exceed the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award, except if the contract is with DoD, then insert in all cost-reimbursement subcontracts and fixed-price subcontracts, except those identified in FAR 15.408(n)(2)(i)(B)(2), that exceed the threshold for obtaining cost or pricing data in FAR 15.403–4(a)(1) on the date of subcontract award.

* * * * *

■ 53. Amend section 52.219–9 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (d)(9) ''$700,000 ($1.5 million for construction of any public facility)'' and adding ''the applicable threshold specified in Federal Acquisition Regulation (FAR) 19.702(a) on the date of subcontract award,'' in its place;

■ c. Removing from paragraph (d)(11)(iii) introductory text ''$150,000'' and adding ''the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award'' in its place;

■ d. Removing from paragraph (e)(6) ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place;

■ e. Removing from paragraph (i) ''threshold in 19.702(a)'' and adding ''threshold in FAR 19.702(a)'' in its place;

■ f. Removing from paragraph (l)(2)(i)(C) ''$700,000 (over $1.5 million for construction of a public facility) and'' and adding ''the applicable threshold specified in FAR 19.702(a), and the contract'' in its place;

■ g. Revising the date of Alternate III and removing from paragraph (l)(2)(i)(C) of Alternate III ''$700,000 (over $1.5 million for construction of a public facility) and'' and adding ''the applicable threshold specified in FAR 19.702(a), and the contract'' in its place;

■ h. Revising the date of Alternate IV and removing from paragraph (d)(9) of Alternate IV ''$700,000 ($1.5 million for construction of any public facility)'' and adding ''the applicable threshold specified in Federal Acquisition Regulation (FAR) 19.702(a) on the date of subcontract award,'' in its place; and

■ i. Removing from paragraph (d)(11)(iii) introductory text of Alternate IV ''$150,000'' and adding ''the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award'' in its place.

The revisions read as follows:

52.219–9 Small Business Subcontracting Plan.

* * * * *

Small Business Subcontracting Plan ([DATE])

* * * * *

Alternate III ([DATE]). * * *

* * * * *

Alternate IV ([DATE]). * * *

* * * * *

■ 54. Amend section 52.222–17 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (c)(3) ''(see FAR subpart 19.13)'' and adding ''(see Federal Acquisition Regulation (FAR) subpart 19.13)'' in its place; and

■ c. Removing from paragraph (l) ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place.

The revision reads as follows:

52.222–17 Nondisplacement of Qualified Workers.

* * * * *

Nondisplacement of Qualified Workers ([DATE])

* * * * *

■ 55. Amend section 52.222–20 by revising the section heading, the clause heading, and the date of the clause, and removing from the introductory text ''$15,000'' and adding ''the threshold specified in Federal Acquisition Regulation (FAR) 22.602 on the date of award of this contract'' in its place.

The revisions read as follows:

52.222–20 Contracts for Materials, Supplies, Articles, and Equipment.

* * * * *

Contracts for Materials, Supplies, Articles, and Equipment ([DATE])

* * * * *

■ 56. Amend section 52.222–35 by—

■ a. Revising the date of the clause;

■ b. Removing from the defined term of paragraph (a) ''FAR'' and adding ''Federal Acquisition Regulation (FAR)'' in its place; and

■ c. Removing from paragraph (c) ''of $150,000 or more'' and adding ''valued at or above the threshold specified in FAR 22.1303(a) on the date of subcontract award,'' in its place.

The revision reads as follows:

52.222–35 Equal Opportunity for Veterans.

* * * * *

Equal Opportunity for Veterans ([DATE])

* * * * *

■ 57. Amend section 52.222–36 by revising the date of the clause and removing from paragraph (b) ''$15,000'' and adding ''the threshold specified in Federal Acquisition Regulation (FAR) 22.1408(a) on the date of subcontract award,'' in its place.

The revision reads as follows:

52.222–36 Equal Opportunity for Workers with Disabilities.

* * * * *

Equal Opportunity for Workers With Disabilities ([DATE])

* * * * *

■ 58. Amend section 52.222–37 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a) ''FAR 22.1301'' and adding ''Federal Acquisition Regulation (FAR) 22.1301'' in its place; and

■ c. Removing from paragraph (g) ''of $150,000 or more'' and adding ''valued at or above the threshold specified in FAR 22.1303(a) on the date of subcontract award,'' in its place.

The revision reads as follows:

52.222–37 Employment Reports on Veterans.

* * * * *

Employment Reports on Veterans ([DATE])

* * * * *

■ 60. Amend section 52.223–18 by revising the date of the clause and removing from paragraph (d) ''threshold'' and adding ''threshold, as defined in Federal Acquisition Regulation (FAR) 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.223–18 Encouraging Contractor Policies To Ban Text Messaging While Driving.

* * * * *

Encouraging Contractor Policies To Ban Text Messaging While Driving ([DATE])

* * * * *

■ 61. Amend section 52.225–25 by—

■ a. Revising the clause heading and date;

■ b. Removing from paragraph (c) introductory text ''with 25.703–4'' and adding ''with Federal Acquisition Regulation (FAR) 25.703–4'' in its place; and

■ c. Removing from paragraph (c)(3) ''$3,500'' and adding ''the threshold at FAR 25.703–2(a)(2)'' in its place.

The revision reads as follows:

52.225–25 Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.

* * * * *

Prohibition on Contracting With Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications ([DATE])

* * * * *

■ 62. Amend section 52.226–6 by revising the heading and date of the clause, and removing from paragraph (e) ''greater than $25,000'' and adding ''that exceed the threshold specified in Federal Acquisition Regulation (FAR) 26.404 on the date of subcontract award'' in its place.

The revisions read as follows:

52.226–6 Promoting Excess Food Donation to Nonprofit Organizations.

* * * * *

Promoting Excess Food Donation to Nonprofit Organizations ([DATE])

* * * * *

■ 63. Amend section 52.227–1 by revising the date of the clause and removing from paragraph (b) ''threshold. However, omission of this clause from any subcontract, including those at or below the simplified acquisition threshold'' and adding ''threshold, as defined in Federal Acquisition Regulation (FAR) 2.101 on the date of subcontract award. However, omission of this clause from any subcontract, including those at or below the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.227–1 Authorization and Consent.

* * * * *

Authorization and Consent ([DATE])

* * * * *

■ 64. Amend section 52.227–2 by revising the date of the clause and removing from paragraph (c) ''threshold'' and adding ''threshold, as defined in Federal Acquisition Regulation (FAR) 2.101 on the date of subcontract award'' in its place.

The revision reads as follows:

52.227–2 Notice and Assistance Regarding Patent and Copyright Infringement.

* * * * *

Notice and Assistance Regarding Patent and Copyright Infringement ([DATE])

* * * * *

■ 65. Amend section 52.227–3 by revising the date of Alternate III and removing from the undesignated paragraph of Alternate III ''threshold'' and adding ''threshold, as defined in Federal Acquisition Regulation (FAR) 2.101 on the date of subcontract award,'' in its place.

The revision reads as follows:

52.227–3 Patent Indemnity.

* * * * *

Alternate III ([DATE]). * * *

* * * * *

■ 66. Amend section 52.228–15 by revising the date of the clause and removing from paragraph (b) ''$150,000 or less'' and adding ''valued at or below the threshold specified in Federal Acquisition Regulation (FAR) 28.102–1(a) on the date of award of this contract'' in its place.

The revision reads as follows:

52.228–15 Performance and Payment Bonds—Construction.

* * * * *

Performance and Payment Bonds—Construction ([DATE])

* * * * *

■ 67. Amend section 52.230–1 by—

■ a. Removing from the provision prescription reference ''30.201–3'' and adding ''30.201–3(a)'' in its place;

■ b. Revising the date of the provision; and

■ c. Removing from paragraph (a) ''$750,000'' and adding ''the lower CAS threshold specified in Federal Acquisition Regulation (FAR) 30.201–4(b)'' in its place.

The revision reads as follows:

52.230–1 Cost Accounting Standards Notices and Certification.

* * * * *

Cost Accounting Standards Notices and Certification ([DATE])

* * * * *

■ 68. Amend section 52.230–2 by revising the date of the clause, and removing from paragraph (d) ''Federal Acquisition Regulation'' and ''$750,000'' and adding ''Federal Acquisition Regulation (FAR)'' and ''the lower CAS threshold specified in FAR 30.201–4(b) on the date of subcontract award'' in their places, respectively.

The revision reads as follows:

52.230–2 Cost Accounting Standards.

* * * * *

Cost Accounting Standards ([DATE])

* * * * *

■ 69. Amend section 52.230–3 by revising the date of the clause, and removing from paragraph (d)(2) ''$750,000'' and adding ''the lower CAS threshold specified in Federal Acquisition Regulation (FAR) 30.201–4(b) on the date of subcontract award'' in its place.

The revision reads as follows:

52.230–3 Disclosure and Consistency of Cost Accounting Practices.

* * * * *

Disclosure and Consistency of Cost Accounting Practices ([DATE])

* * * * *

■ 70. Amend section 52.230–4 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (d)(1) ''FAR 30.201–4'' and adding ''Federal Acquisition Regulation (FAR) 30.201–4'' in its place; and

■ c. Removing from paragraph (d)(2) ''$750,000'' and adding ''the lower CAS threshold specified in FAR 30.201–4(b) on the date of subcontract award'' in its place.

The revision reads as follows:

52.230–4 Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns.

* * * * *

Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns ([DATE])

* * * * *

■ 71. Amend section 52.230–5 by revising the date of the clause, and removing from paragraph (d)(2) ''$750,000'' and adding ''the lower CAS threshold specified in Federal Acquisition Regulation (FAR) 30.201–4(b) on the date of subcontract award'' in its place.

The revision reads as follows:

52.230–5 Cost Accounting Standards—Educational Institution.

* * * * *

Cost Accounting Standards—Educational Institution ([DATE])

* * * * *

■ 72. Amend section 52.232–16 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a)(1) ''FAR 31.205–10'' and adding ''Federal Acquisition Regulation (FAR) 31.205–10'' in its place;

■ c. Revising the date of Alternate III and removing from paragraph (n) of Alternate III ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of individual order award'' in its place.

The revision reads as follows:

52.232–16 Progress Payments.

* * * * *

Progress Payments ([DATE])

* * * * *

Alternate III ([DATE]). * * *

* * * * *

■ 73. Amend section 52.244–2 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraphs (c)(2)(i) and (ii) ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in their places, respectively;

■ c. Revising the date of Alternate I and removing from paragraph (e)(2) of Alternate I ''threshold'' and adding ''threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place.

The revisions read as follows:

52.244–2 Subcontracts.

* * * * *

Subcontracts ([DATE])

* * * * *

Alternate I ([DATE]). * * *

* * * * *

■ 74. Amend section 52.244–6 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (a) in the defined term ''*Commercial item* and *commercially available off-the-shelf item*'' ''Federal Acquisition Regulation 2.101, Definitions'' and adding ''Federal Acquisition Regulation (FAR) 2.101,'' in its place;

■ c. Removing from paragraph (c)(1)(i) ''(Oct 2015)'' and ''$5.5 million'' and adding ''([DATE])'' and ''the threshold specified in FAR 3.1004(a) on the date of subcontract award,'' in their places, respectively;

■ d. Removing from paragraph (c)(1)(vi) ''$700,000 ($1.5 million for construction of any public facility)'' and adding ''the applicable threshold specified in FAR 19.702(a) on the date of subcontract award'' in its place;

■ e. Removing from paragraph (c)(1)(ix) ''(Oct 2015)'' and '';'' and adding ''([DATE])'' and ''.'' in their places, respectively;

■ f. Removing from paragraph (c)(1)(x) ''(July 2014)'' and adding ''([DATE])'' in its place; and

■ g. Removing from paragraph (c)(1)(xi) ''(FEB 2016)'' and adding ''([DATE])'' in its place;

The revisions read as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items ([DATE])

* * * * *

■ 75. Amend section 52.248–1 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (i)(5) ''Federal Acquisition Regulation'' and adding ''Federal Acquisition Regulation (FAR)'' in its place; and

■ c. Removing from paragraph (l) ''of $150,000 or more'' and adding ''valued

at or above the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award,'' in its place.

The revision reads as follows:

52.248–1 Value Engineering.

* * * * *

Value Engineering ([DATE])

* * * * *

[FR Doc. 2019–12480 Filed 6–21–19; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register
Vol. 84, No. 121
Monday, June 24, 2019

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 19, 2019.

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

Comments regarding this information collection received by July 24, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Food and Nutrition Service

Title: Evaluation of Technology Modernization for SNAP Benefit Redemption through Online Transactions.

OMB Control Number: 0584–NEW.

Summary of Collection: Section 4011 of the Agricultural Act of 2014 (The Farm Bill) mandated by Congress that the U.S. Department of Agriculture's Food and Nutrition Service (FNS) conduct an *Electronic Benefits Transfer Online Purchasing Pilot* (referred to in this document as the *SNAP Online Purchasing Pilot*) to test the feasibility and implications of allowing retail food stores to accept Supplemental Nutrition Assistance Program (SNAP) benefits through online transactions. The Farm Bill provided FNS and its stakeholders an opportunity to begin modernizing benefit redemption through online purchasing for SNAP.

Need and Use of the Information: FNS seeks to learn how the seven retailer pilots operate, the implementation challenges and lessons learned, the characteristics of SNAP online customers, the risks and benefits of online purchasing for the integrity of SNAP, and the requirements for expansion. The results of this evaluation will inform FNS' decisions about how to make SNAP online purchases more widely available, how to ensure the accessibility and quality of online purchases, and how to ensure that protections against abuse remain strong or grow stronger. Ultimately, the findings from this evaluation will help FNS in setting new requirements, policies, and procedures for authorization of online retailers.

Description of Respondents: State, Local or Tribal Government; Business-for-not-for-profit.

Number of Respondents: 57,000.

Frequency of Responses: Reporting.

Total Burden Hours: 12,004.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–13357 Filed 6–21–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by July 24, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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Food Safety and Inspection Service

Title: Registration Requirements.

OMB Control Number: 0583–0128.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has

been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S. C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry are safe, wholesome, unadulterated, and properly labeled and packaged. According to the regulations, (9 CFR 320.5 and 381.179), parties required to register with FSIS must do so by submitting form FSIS Form 5020–1, ''Registration of Meat and Poultry Handlers.''

Need and Use of the Information: FSIS will collect the name, address of all locations at which they conduct the business that requires them to register, and all trade or business names under which they conduct the businesses. FSIS uses the information from form FSIS 5020–1 to maintain a database of the businesses. If the information were not collected, it would reduce the effectiveness of the meat and poultry inspection program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,200.

Frequency of Responses: Reporting: Other (Once).

Total Burden Hours: 300.

Food Safety and Inspection Service

Title: Imported Undenatured Inedible Product and Samples for Laboratory Examination, Research, Evaluation Testing or Trade Show Exhibition.

OMB Control Number: 0583–0161.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and egg products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS uses the forms under this collection to identify and keep track of product not subject to FSIS import reinspection requirements. Foreign governments are to petition FSIS for approval to import undenatured inedible egg products into the United States.

Need and Use of the Information: FSIS will collect the information from firms using form FSIS 9540–4, ''Permit Holder—Importation of Undenatured Inedible Products'' for the undenatured inedible product that they are importing into the United States and form FSIS 9540–5, ''Notification of Intent to Import Meat, Poultry, or Egg Products—Samples for Laboratory Examination, Research, Evaluative Testing or Trade Show Exhibition.'' FSIS will use the information on the forms to keep track of the movement of imported undenatured inedible meat and egg products.

Description of Respondents: Business or other-for profit.

Number of Respondents: 209.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 23,930.

Dated: June 19, 2019.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–13360 Filed 6–21–19; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by July 24, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Foreign Agricultural Service

Title: Foreign Market Development Cooperator Program (FMD) and Market Access Program (MAP).

OMB Control Number: 0551–0026.

Summary of Collection: The basic authority for the Foreign Market Development Cooperator Program (FMD) is contained in Title VII of the Agricultural Trade Act of 1978, 7 U.S.C. 5721, *et seq.* Program regulations appear at 7 CFR part 1484. Title VII directs the Secretary of Agriculture to ''establish and, in cooperation with eligible trade organization, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.'' The Market Access Program (MAP) is authorized by section 203 of the Agricultural Trade Act of 1978, as amended. Program regulations appear at 7 CFR part 1485. The primary objective of the Market Access Program (MAP) is to encourage the development, maintenance, and expansion of commercial export markets for U.S. agricultural products through cost-share assistance to eligible trade organizations that implement a foreign market development program. The programs are administered by personnel of the Foreign Agricultural Service (FAS).

Need and Use of the Information: The collected information will be used by FAS to manage, plan, evaluate, and account for government resources. Specifically, data is used to assess the extent to which: Applicant organizations represent U.S. commodity interests; benefits derived from market development effort will translate back to the broadest possible range of beneficiaries; the market development efforts will lead to increases in consumption and imports of U.S. agricultural commodities; the applicant is able and willing to commit personnel and financial resources to assure adequate development, supervision and execution of project activities; and private organizations are able and willing to support the promotional program with aggressive marketing of the commodity in question. Without the collected information the program could not be implemented.

Description of Respondents: Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 67.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 88,922.

Dated: June 19, 2019.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–13352 Filed 6–21–19; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2019–0007]

Retail Exemptions Adjusted Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the dollar limitations on the amount of meat and meat food products and poultry and poultry products that a retail store can sell to hotels, restaurants, and similar institutions without disqualifying itself for exemption from Federal inspection requirements.

DATES: *Applicable:* July 24, 2019.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) provide a comprehensive statutory framework to ensure that meat and meat food products and poultry and poultry products prepared for commerce are wholesome, not adulterated, and properly labeled and packaged. Statutory provisions requiring inspection of the processing of meat and meat food products and poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants in regard to products offered for sale to consumers in normal retail quantities (21 U.S.C. 661(c)(2) and 454(c)(2)). FSIS's regulations (9 CFR 303.1(d) and 381.10(d)) elaborate on the conditions under which requirements for inspection do not apply to retail operations involving the preparation of meat and meat food products and the processing of poultry and poultry products.

Sales to Hotels, Restaurants, and Similar Institutions

Under the aforementioned regulations, sales to hotels, restaurants, and similar institutions (other than household consumers) disqualify a retail store from exemption if the retail product sales exceed either of two maximum limits: 25 percent of the dollar value of the total retail product sales of the amenable product or the calendar year retail dollar limitation set by the FSIS Administrator. The retail dollar limitation is adjusted automatically during the first quarter of the year if the Consumer Price Index (CPI), published by the Bureau of Labor Statistics, shows an increase or decrease of more than $500 in the price of the same volume of product for the previous year. FSIS publishes a notice of the adjusted retail dollar limitations in the **Federal Register**. (See 9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*).)

The CPI for 2018 reveals an annual average price increase for meat and meat food products at 0.41 percent and an annual average price increase for poultry and poultry products at 0.32 percent. When rounded to the nearest dollar, the retail dollar limitation for meat and meat food products increased by $310 and the retail dollar limitation for poultry and poultry products increased by $183. In accordance with 9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*), because the retail dollar limitations for meat and meat food products and poultry and poultry products did not increase or decrease by more than $500, FSIS is making no adjustment in the retail dollar limitations on sales to hotels, restaurants, and similar institutions. The retail dollar limitation for meat and meat food products remains unchanged at $75,700 and the retail dollar limitation for poultry and poultry products remains unchanged at $56,600 for calendar year 2019. FSIS is currently considering the retail dollar limitations for Siluriformes fish and fish products. FSIS intends to include Siluriformes fish and fish products in its calculations for retail dollar limitations for meat products in future **Federal Register** notices that announce retail dollar limitations.

Congressional Review Act

Pursuant to the Congressional Review Act at 5 U.S.C. 801 *et seq.,* the Office of Information and Regulatory Affairs has determined that this notice is not a ''major rule,'' as defined by 5 U.S.C. 804(2).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** notice on-line through its web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** notice through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the FSIS web page, the Agency can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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

How To File a Complaint of Discrimination

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

Send your completed complaint form or letter to USDA by mail, fax, or email:

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

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

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

Carmen M. Rottenberg,

Administrator.

[FR Doc. 2019–13109 Filed 6–21–19; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the California Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Pacific Time) Tuesday, July 23, 2019. The purpose of the meeting is for the Committee to begin planning for their briefing focused on the impact of immigration enforcement on California children.

DATES: The meeting will be held on Tuesday, July 23, 2019 at 12:00 p.m. PT.

Public Call Information: Dial: 877–260–1479, Conference ID: 2359522.

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

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 2359522. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

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

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

Agenda

I. Welcome
II. Approval of June 5, 2019 Meeting Minutes
III. Discussion on Planning Briefing
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: June 18, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–13297 Filed 6–21–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–38–2019]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Notification of Proposed Production Activity; Teijin Carbon Fibers, Inc. (Polyacrylonitrile-Based Carbon Fiber); Greenwood, South Carolina

The South Carolina State Ports Authority, grantee of FTZ 38, submitted a notification of proposed production activity to the FTZ Board on behalf of Teijin Carbon Fibers, Inc. (TCF), located in Greenwood, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 7, 2019.

The applicant indicates that it will be submitting a separate application for FTZ designation at the TCF facility (currently under construction) under FTZ 38. The facility will be used for the production of polyacrylonitrile-based (PAN) carbon fiber. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt TCF from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, TCF would be able to choose the duty rate during customs entry procedures that applies to carbon fiber (duty free). TCF would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include sizing agent, spinning oil, 12,000 tow PAN precursor and 24,000 tow PAN precursor (duty rate ranges from 5.3% to 7.5%). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is August 5, 2019.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: June 18, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–13364 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Delivery Verification Procedure for Imports

AGENCY: Bureau of Industry and Security.

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: To ensure consideration, written comments must be submitted on or before August 23, 2019.

ADDRESSES: Direct all written comments to Mark Crace, IC Liaison, Bureau of Industry and Security, 1401 Constitution Avenue, Suite 2099B, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign governments, on occasions, require U.S. importers of strategic commodities to furnish their foreign supplier with a U.S. Delivery Verification Certificate validating that the commodities shipped to the U.S. were in fact received. This procedure increases the effectiveness of controls on the international trade of strategic commodities.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0016.
Form Number(s): BIS–647P.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 100.
Estimated Time per Response: 30 minutes.
Estimated Total Annual Burden Hours: 56 hours.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Voluntary.
Legal Authority: Pub. L. 95–223 Sec. 203. International Emergency Economic Powers Act.

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. 2019–13445 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–109]

Ceramic Tile From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, Moses Song, or John McGowan, at (202) 482–3813, (202) 482–7885, or (202) 492–3019, respectively; AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 30, 2019, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation on ceramic tile from the People's Republic of China.[1] Currently, the preliminary determination is due no later than July 5, 2019.[2]

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On June 7, 2019, the petitioner, the Coalition for Fair Trade in Ceramic Tile, submitted a timely request that we postpone the preliminary CVD determination because Commerce is still in the respondent selection phase of this investigation, and because this case may present certain complicated issues. The petitioner states that additional time is necessary to ensure that Commerce can conduct a full investigation regarding the subsidy benefits received by Chinese producers and exporters of ceramic tile.[3]

[1] *See Ceramic Tile from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 84 FR 20101 (May 8, 2019).

[2] The preliminary determination deadline falls on July 4, 2019. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[3] *See* Letter from the petitioner, ''Countervailing Duty Investigation of Ceramic Tile from the People's Republic of China: Petitioner's Request for

Continued

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, pursuant to section 703(c)(1)(A) of the Act, we are extending the due date for the preliminary determination to September 6, 2019. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(l).

Dated: June 14, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–13314 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) is partially rescinding its administrative review of the antidumping duty (AD) order on honey from the People's Republic of China (China) for the period of review (POR) December 1, 2017, through November 30, 2018.

DATES: Applicable June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Jasun Moy or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8194 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2018, Commerce published in the **Federal Register** a notice of ''Opportunity to Request an Administrative Review'' of the AD order on honey from China for the period December 1, 2017, through November 30, 2018.[1] In December 2018, Commerce received timely requests to conduct administrative reviews of the AD order on honey from China from the American Honey Producers Association and Sioux Honey Association's (collectively, the petitioners) and Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd (Runchen).[2] On March 14, 2019, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the AD order on honey from China with respect to these companies.[3] On June 12, 2019, the petitioners timely withdrew their request for an administrative review of two companies.[4]

Partial Rescission

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 publication date of the notice of initiation of the requested review. The petitioners timely withdrew their review request, in part, and no other party requested a review of the companies for which the petitioners withdrew their requests. Of the three companies for which the petitioners requested an administrative review, the petitioners withdrew their request for review of two companies: (1) Inner Mongolia Komway Import & Export Co., Ltd and (2) Shenzhen Long Sheng Shang Mao Ltd.[5] Accordingly, we are rescinding this review of honey from China for the period December 1, 2017, through November 30, 2018, in part, with respect to these entities, in accordance with 19 CFR 351.213(d)(1). The review will continue with respect to the following company: Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit rate of estimated antidumping 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 publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition 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 sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(l) of the Act and 19 CFR 351.213(d)(4).

Dated: June 18, 2019.

James Maeder,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–13363 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–DS–P

Postponement of Preliminary Determination,'' dated June 7, 2019.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 62293 (December 3, 2018).

[2] *See* the Petitioners' Letter ''Petitioners' Request for Administrative Review; 2017–2018,'' dated December 28, 2018; *see also* Runchen's Letter ''Request for Administrative Review,'' dated December 23, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 9297 (March 14, 2019).

[4] *See* the Petitioners' Letter ''Petitioners' Partial Withdrawal of Review Request,'' dated June 12, 2019.

[5] *Id.*

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Conference on Weights and Measures 104th Annual Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The 104th Annual Meeting of the National Conference on Weights and Measures (NCWM) will be held in Milwaukee, Wisconsin, from Sunday, July 14, 2019, through Thursday, July 18, 2019. This notice contains information about significant items on the NCWM Committee agendas but does not include all agenda items. As a result, the items are not consecutively numbered.

DATES: The meeting will be held on Sunday, July 14, 2019, through Wednesday, July 19, 2019, from 8:30 a.m. to 5:00 p.m. Central Time, and on Thursday, July 19, 2018, from 9:00 a.m. to 12:00 p.m. Central Time. The meeting schedule is available at *www.ncwm.net*.

ADDRESSES: This meeting will be held at the Hyatt Regency Milwaukee Hotel, 333 West Kilbourn Avenue, Milwaukee, Wisconsin 53203.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Olson, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899–2600. You may also contact Dr. Olson at (301) 975–2956 or by email at *douglas.olson@nist.gov*. The meeting is open to the public, but a paid registration is required. Please see the NCWM website (*www.ncwm.net*) to view the meeting agendas, registration forms, and hotel reservation information.

SUPPLEMENTARY INFORMATION: Publication of this notice on the NCWM's behalf is undertaken as a public service and does not itself constitute an endorsement by the National Institute of Standards and Technology (NIST) of the content of the notice. NIST participates in the NCWM as an NCWM member and pursuant to 15 U.S.C. 272(b)(10) and (c)(4) and in accordance with Federal policy (*e.g.,* OMB Circular A–119 ''Federal Participation in the Development and Use of Voluntary Consensus Standards''). The NCWM is an organization of weights and measures officials of the states, counties, and cities of the United States, and representatives from the private sector and federal regulatory agencies. These meetings can bring these government officials together with representatives of business, industry, trade associations, and consumer organizations to discuss proposed laws and regulations and other subjects related to the field of weights and measures technology, administration, and enforcement. NIST hosted the first meeting of the NCWM in 1905. Since then, the conference has provided a model of cooperation between Federal, State and local governments and the private sector. NIST participates to encourage cooperation between federal agencies and the states in the development of legal metrology requirements. NIST also promotes uniformity in state laws, regulations, and testing procedures used in the regulatory control of commercial weighing and measuring devices, packaged goods, and for other trade and commerce issues.

The following are brief descriptions of some of the significant agenda items that will be considered for adoption at voting sessions of the NCWM 2019 Annual Meeting. Comments will be taken on these and other recommendations to amend NIST Handbook 44, ''Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices (NIST Handbook 44),'' NIST Handbook 130, ''Uniform Laws and Regulations in the areas of Legal Metrology and Fuel Quality (NIST Handbook 130),'' and NIST Handbook 133, ''Checking the Net Contents of Packaged Goods (NIST Handbook 133).'' These NIST Handbooks are regularly adopted by reference or through the administrative procedures of all the states.

The Committees may withdraw or carryover items that need additional development. These notices are intended to make interested parties aware of the proposals and to make them aware that reports on the status of the project may also be given at the Annual Meeting.

The Specifications and Tolerances Committee (S&T Committee) will consider proposed amendments to NIST Handbook 44. Those items address weighing and measuring devices used in commercial applications, that is, devices that are used to buy from or sell to the public or used for determining the quantity of products or services sold among businesses.

NCWM S&T Committee

The following items are proposals to amend NIST Handbook 44:

GEN—General Code

Item GEN–1 G–A.1. Commercial and Law-Enforcement Equipment and G–S.2. Facilitation of Fraud

The National Conference on Weights and Measures (NCWM) S&T Committee will consider a proposal that would expand the application of NIST Handbook 44 (HB 44) to include accessory equipment (*e.g.,* credit/debit card ''skimmers) that can be used to defraud or collect unauthorized personal or financial information from a user when that accessory equipment is used in connection with a commercial weighing or measuring device. The original proposal would have expanded HB 44 paragraph G–S.2. Facilitation of Fraud by requiring credit/debit card readers and other devices capable of customer initiated electronic financial transactions that are used in conjunction with weighing and measuring equipment to: (1) Be designed and constructed to restrict access and tampering by unauthorized persons; and (2) include an event counter that records the date and time of access.

In 2018 the S&T Committee assigned this item to a NCWM Task Group (TG) for further development. The TG provided an update on its development of this item at the 2019 NCWM Interim Meeting. The TG reported that they agreed that credit card skimming devices are within Weights and Measures purview. Consequently, the TG drafted new language to replace the original proposal to change the General Code in HB 44 with a new proposal to add new paragraph, UR 4.2. ''Security for Retail Motor-Fuel Devices (RFMD)'' to the Liquid Measuring Device Code in HB 44. This item has now been given an Information status on the S&T Annual Meeting agenda.

SCL—Scales

Item SCL–2 S.1.8.5. Recorded Representations, Point of Sale Systems

The NCWM S&T Committee will consider a proposal requiring additional sales information to be recorded by cash registers interfaced with a weighing element for items that are weighed at a checkout stand. These systems are currently required to record the net weight, unit price, total price, and the product class, or in a system equipped with price look-up capability, the product name or code number. The change proposed would add ''tare weight'' to the list of sales information currently required. This change has been proposed as a nonretroactive requirement with an enforcement date

of January 1, 2022. If the proposal is adopted, the additional information (*i.e.,* the tare weight) would be required to appear on the sales receipt for items weighed at a checkout stand (Point of Sale Systems) on equipment installed into commercial service as of January 1, 2022.

This proposed change would not affect equipment already in service. The further development of this item was assigned to an NCWM TG in 2018 at the request of the S&T Committee. The TG provided an update on its development of this item at the 2019 NCWM Interim Meeting and reported members had discussed whether the addition of proposed part (e) to paragraph S.1.8.5., which adds ''tare weight'' to the list of required information printed on a receipt should remain non-retroactive as submitted, or be changed per NIST OWM's suggestion to be retroactive with an effective date ten years from the date of adoption. The TG also reported that discussions have taken place regarding whether the value of ''tare'' and/or ''gross'' weight should appear on the receipt.

The TG has recommended that this item maintain the assigned status for the Annual Meeting. The S&T committee agreed with keeping the assigned status for this item to provide the TG with additional time for further discussion and development.

Item SCL–3 Sections Throughout the Code To Include Provisions for Commercial Weigh-In-Motion (WIM) Vehicle Scale Systems

The NCWM S&T Committee will consider a proposal to amend various sections of NIST Handbook 44, Scales Code to address WIM vehicle scale systems used for commercial applications. This ''Carry-Over'' item has appeared on the S&T Committee's agenda since 2016. An NCWM Task Group (TG) was formed in 2016 at the request of the S&T Committee to consider a proposal that would have expanded the NIST Handbook 44, Weigh-In-Motion Systems Used for Vehicle Enforcement Screening—Tentative Code to also apply to legal-for-trade (commercial) and law enforcement applications. Members of the TG later agreed that commercial application of WIM vehicle scale systems should be addressed in the Scales Code of NIST Handbook 44, rather than the Weigh-In-Motion Systems Used for Vehicle Enforcement Screening—Tentative Code. Members of the TG agreed in 2016 to eliminate from the proposal any mention of a law enforcement application and focus solely on WIM vehicle scale systems intended for use in commercial applications. The TG, that is still active today, is made up of representatives of WIM equipment manufacturers, NIST Office of Weights and Measures, state weights and measures agencies, and others. Recent activity by the TG has focused on obtaining evidence supporting the claims of WIM scale manufacturers regarding the performance capabilities of these devices. The TG has requested this evidence to indicate whether devices being manufactured at this time can comply with established commercial device tolerances applied to comparable static-weighing devices. The submitter of this proposal (a WIM manufacturer) has initiated a process where preliminary testing can be done to provide the TG with data to substantiate the claims regarding device performance.

An additional focus of the TG, since its formation in 2016, has been to concentrate on the development of appropriate official test procedures that can be used to verify the accuracy of a WIM vehicle scale system. Important factors in this discussion have been that a variety of axle and tandem axle configurations on vehicles will typically be weighed by a WIM system and that a proposed tolerance of 0.2 percent on gross (total) vehicle weight would be applied as both maintenance and acceptance tolerances. The TG provided an update on its development of this item at the 2019 NCWM Interim Meeting. Mr. Tim Chesser, AR, (and co-chair chairman of the WIM TG) provided the Committee with an update on the development of this item. Mr. Chesser recommended the Committee assign the item, returning it to the TG. Additional comments with concerns about the proposal were received. The Committee agreed to recommend the item be assigned to the TG.

Item SCL–6 UR.3.11. Class II Scales

The NCWM S&T Committee will consider a proposal to add a new paragraph to the Scales Code of NIST Handbook 44 requiring users of Accuracy Class II scales equipped with a different verification scale division value (e) than the displayed division value (d) to base all commercial transactions on the verification scale division (e). When these two scale divisions (identified as ''e'' and ''d'') are different, two different levels of the scale's resolution are established. The variation in scale divisions within a scale's capacity range will produce either a reduced, or a greater resolution in the representation of values for loads applied to the scale. According to NIST Handbook 44, when these division values aren't equal on Class II scales, the value of ''e'' is required to be larger than the value of ''d.'' This proposal will require that all commercial transactions conducted using Class II scales will be based on ''e'' (the larger of the two divisions). Using ''e'' as specified in this proposal will result in the use of the scale's minimum level of resolution. NIST OWM provided its analysis of this item to the S&T committee prior to the 2019 annual meeting with examples. Examples included a citation from the USDA Agricultural Marketing Service, FGIS Grain Inspection Handbook (Book II) that specifies that the expanded resolution (''d'') should be used when weighing work portions or separation during grain analysis. In consideration of the comments received on this item and the submitters request that the item be assigned a status of ''Information'' or ''Developing,'' the committee agreed to the ''Developing'' status to allow the submitter additional time to further develop this item.

Item SCL–7 T.N.3.6. Coupled-in-Motion Railroad Weighing Systems., T.N.4.6. Time Dependence (Creep) for Load Cells During Type Evaluation., UR.5. Coupled-in-Motion Railroad Weighing Systems. and Appendix D—Definitions: Point-Based Railroad Weighing Systems

The NCWM S&T Committee will consider a new proposal (which replaces one from the same submitter that appeared on the Committee's agenda in 2018) to amend the Scales Code of NIST Handbook 44 to allow for the use of ''point-based'', in-motion railroad weighing systems in commercial applications. The current proposal has eliminated many of the changes proposed in the previous proposal but has retained recommended changes listed below.

- Increase the tolerance allowed during official testing of these types of commercial devices used for dynamic weighments of unit trains.
- Provide an exemption for ''point-based'' in-motion railroad weighing systems from the performance of ''creep tests'' during official evaluations.
- Require the user of dynamic weighing systems for railway cars to provide a suitable static-weighing scale, located in close proximity to the dynamic system to use as a reference scale during dynamic scale testing.
- Provide a definition for ''point-based'' railroad weighing systems.

During the 2019 Interim meeting the committee heard a presentation from a consultant representing the submitter. The presentation showed that the system uses a strain gauge attached

directly to the existing rail. The presenter suggested that the item is ready to be assigned a voting item. The committee received several opposing comments to moving this item to a voting status, some stating that existing systems (as competing products to ''point-based'' systems) have been in service for many years while maintaining compliance with current performance requirements. During the Committee's work session, the original proposal was revised to state that the determination of the suitability of the reference scale was within the scope of the jurisdiction having statutory authority for the system. The revised version was accepted by the Committee and the item was subsequently given a voting status.

Belt-Conveyor Scales

Item BCS–1; S.1.3. Value of the Scale Division., S.1.9. Zero-Ready Indicator., S.4. Accuracy Class., S.5. Marking Requirements., N.1. General., N.2. Conditions of Test., T.1. Tolerance Values., T.2. Tolerance Values. and UR.3. Maintenance Requirements—Scale and Conveyor Maintenance

The NCWM S&T Committee will consider a proposal amending the Belt-Conveyor Scale Systems Code of NIST Handbook 44 in multiple sections of this code. This proposal has been submitted by the U.S. National Work Group on Belt-Conveyor Scales and recommends a number of changes to the existing code. Many of the recommended changes are intended to clarify the application of tolerances to material tests that are either performed under the same or under varying conditions. These changes specify that a less stringent application of tolerances is to be used when comparing results of totalization operations that are performed under different flow rates of material. Additional recommended changes would establish two different accuracy classes for these systems. In addition to the currently recognized systems, an accuracy class would be added to the code to encompass systems capable of complying with more stringent performance requirements (tolerance of 0.1%) as compared to the existing tolerance (0.25%). During the 2019 Interim Meeting open hearing session, the Committee heard support for this item and during the work session the committee agreed to assign a voting status for this item.

Automatic Bulk Weighing Systems

Item ABW–3 Application, S. Specifications, N. Notes, UR. User Requirements and Appendix D—Definitions: Automatic Bulk Weighing System

The NCWM S&T Committee will consider a proposal to amend the Automatic Bulk Weighing Systems Code that would broaden the scope of the code to encompass additional automated weighing systems. This proposal would eliminate language in the Application Section of the code that currently constrains the code's use to automatic weighing systems that operate only as specified. The proposal would also amend the definition of ''automatic bulk weighing system'' in Appendix D of NIST Handbook 44 by broadening its application to encompass additional automatic weighing systems that do not meet the current definition. Additionally, the proposal would update the code in recognition of more recent designs and technologies that have evolved and are being used in automated weighing systems. During the 2019 interim meeting the Committee received comments indicating that the proposal needed additional work. In consideration of the comments received, the submitters requested additional time to address the stated concerns and the Committee agreed to provide a ''Developing'' status for this item.

Liquid Measuring Devices

Item LMD–5 UR.3.4. Printed Ticket

The NCWM S&T Committee will consider a proposal that would provide an exemption to the requirement that the identification of liquid measuring devices (*e.g.,* dispenser #1) be included on a customer's receipt. This exemption would apply to establishments with only a single dispenser having multiple meters or those establishments having not more than one dispenser with a single meter for each product delivered. At the 2019 Interim meeting open hearing the committee heard no additional comments on this item. During their work session the Committee considered the lack of comments and varying opinions from the regional associations and decided that this item be given a ''Voting'' status.

Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices

Item LPG–2 S.2.5. Zero-Setback Interlock, Stationary and Vehicle Mounted Meters, Electronic

The NCWM S&T Committee will consider a proposal to add a new nonretroactive paragraph that requires both stationary and vehicle mounted electronic LPG and anhydrous ammonia liquid-measuring devices be designed with an automatic interlock system that must engage following completion of a delivery. The proposal specifies that the interlock system must prevent a subsequent delivery from occurring until such time that the indicating elements and recording elements, if so equipped, have been reset to zero. The proposal also requires the automatic interlock system to activate within three minutes of product flow cessation and that this ''timeout'' feature be a sealable parameter accessible through the indicator. At the 2019 NCWM Interim Meeting work session the Committee agreed:—(1) That the item is fully developed; (2) with other recommendations to specify a nonretroactive date of January 1, 2021 and; (3) to change the time-out limit from three minutes to two minutes. The committee assigned a ''Voting'' Status to this item.

Hydrogen Gas-Measuring Devices

Item HGM–6 Tentative Code Status and Preamble., A.2.(c) Exceptions., N.2 Test Medium., N.3. Test Drafts., N.4.1. Master Meter (Transfer) Standard Test., N.4.2. Gravimetric Tests., N.4.3 PVT Pressure Volume Temperature Test., N.6.1.1. Repeatability Tests., T.3. Repeatability., T.6. Tolerance—Minimum Measured Quantity (MMQ). and Appendix D. Definitions Where Applicable

The NCWM S&T Committee will consider a proposal that would remove the tentative status of the existing code and make this a permanent code. With several amendments throughout this tentative code and in the Appendix D definitions relative to these devices, the proposal states that this code has been sufficiently vetted and should now be made permanent.

Most notably this proposal will eliminate the recognition of one of three test apparatus in the test notes and double the acceptable performance tolerance for the smallest delivery that the manufacturer declares the device can achieve accuracy.

During the 2019 Interim Meeting, the Committee heard support for this item and comments to remove paragraphs N.4.1 and N.4.1.1 thus eliminating the master meter test method from the Hydrogen Gas Measuring Devices Code due to the ongoing S&T committee concerns regarding appropriate terminology for transfer standards when the technology selected for use is a master meter. During the S&T

Committee's work session the Committee agreed with the proposed changes to remove N.4.1 and N.4.1.1 from the code and hearing no opposition or further requests for changes, moved the item forward with a ''Voting'' status.

Grain Moisture Meters

Item GMA–2 Table S.2.5. Categories of Devices and Methods of Sealing

The NCWM S&T Committee will consider a proposal that would require (on or after the effective date—TBD) grain moisture meters approved under the National Type Evaluation Program to comply with ''category 3'' sealing methods. This electronic method of sealing would require an event logger and the ability to generate a printed copy of audit trail information that is available through the device or through another on-site device. Prior to the 2019 Interim meeting, revised language was recommended and provided to the Committee to clarify when the proposed changes to the sealing requirements would apply. Comments on the history of this item were heard during the open hearing session. During the 2019 Interim Meeting the Committee recommended a ''Voting'' status for the original proposed item.

Item GMA–3 Table T.2.1. Acceptance and Maintenance Tolerances Air Oven Method for All Grains and Oil Seeds

The NCWM S&T Committee will consider a proposal that would reduce the tolerances applied to official grain samples used as reference standards established when using the Air Oven Reference Method. During the 2019 NCWM Interim Meeting, an S&T Committee member reported that concerns were raised with reducing the tolerance to all grain types. During the 2019 Interim Meeting's S&T Committee work session, the Committee assigned a ''Developing'' status to this item to allow more time to research the proposed changes to Table T.2.1.

Multiple Dimension Measuring Devices

Item MDM–2 S.1.7. Minimum Measurement

The NCWM S&T Committee has received the recommendation to withdraw the proposal intended to amend requirement S.1.7. Minimum Measurement to also provide an exemption from that requirement for ''mobile tape-based'' MDMD devices. This proposal would allow measurements of less than 12 divisions made using mobile tape-based devices to be used in the calculation of charges for shipping of parcels. During the 2019 NCWM Interim Meeting, comments heard were in opposition to this proposal. During the S&T Committee's work session, members agreed that there was little support for this item and agreed to ''Withdraw'' this proposal.

NCWM L&R Committee

The NCWM Laws and Regulations Committee (L&R Committee) will consider proposed amendments to NIST HB130 and NIST HB 133, which may relate to regulations on fuel quality and the packaging and labeling of goods and methods of sale and test procedures for other products or commodities.

The following items are proposals to amend NIST Handbook 130 and/or NIST Handbook 133:

NIST Handbook 130 and NIST Handbook 133

The following items are proposals to amend NIST Handbook 130 and NIST Handbook 133:

Item Block (B1)—HB 130, UPLR, Sec. 2.8. Multiunit Package. HB 133, Modify ''scope'' for Chapters 2 thru 4, add a note following Sections 2.3.7.1. and 2.7.3., create a Chapter 5. Specialized Test Procedures.

The L&R Committee will consider a proposal to add a Chapter 5. Specialized Test Procedures in NIST Handbook 133. The L&R Committee will be also addressing a proposal to include adoption of a test procedure for the total quantity declaration on multiunit or variety packages. In addition, in NIST Handbook 130, Uniform Packaging and Labeling Regulation it will clarify Section 2.8. Multiunit.

NIST Handbook 130

MOS–7—NIST Handbook 130, Uniform Method of Sale, Section 2.4. Fireplace and Stove Wood

The L&R Committee will consider a request to extend the effective date of Section 2.4.3.(a) Packaged natural wood sold in packaged form in quantities less than 0.45 m^3 (⅛ cord or 16 ft^3). This could change the effective date of enforcement from 2019 until 2021.

MOS–10 and MOS–11—NIST Handbook 130, Uniform Method of Sale, Section 2.37. Pet Treats or Chews

The L&R Committee will consider a request to reviews and proceed with one proposal for Pet Treats or Chews. Proposal MOS–10, will allow for an individual unit to be sold by count and to prescribe an enforceable date of January 1, 2021 to allow manufacturers ample time to modify labeling and use existing stocked labeling. Proposal MOS–11 will modify existing handbook language to grant an enforceable date of January 1, 2021 and provide manufacturers time to modify labeling and use existing stocked labeling.

Item Block 5 (B5)—ODR–2, Handbook 130, Open Dating Regulation and WAM–1 Update to Weights and Measures Law, Section 9. Requirement for Open Dating and Section 12. Powers and Duties of the Director

Within Item Block 5—ODR–2, the L&R Committee will consider a recommended proposal to remove the Open Dating Regulation in its entirety from NIST Handbook 130.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–13375 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH065

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting (webinar).

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a public hearing via webinar to discuss Reef Fish Amendment 51—Gray Snapper Status Determination Criteria, Reference Points, and Annual Catch Limits.

DATES: The webinar will be held on Wednesday, July 17, 2019, 6 p.m. EDT; and, will conclude no later than 9 p.m.

ADDRESSES: The public hearing will be held via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the meeting on the calendar.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Emily Muehlstein, Public Information Officer, Gulf of Mexico Fishery Management Council; *emily.muehlstein@gulfcouncil.org,* telephone: (813) 348–1630. The Council's website, *www.gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: Council staff will brief the public on the purpose and need of the amendment. The actions in the document will set values that will be used to determine stock status for *gray snapper* and adjust the annual catch limits. The status

determination criteria being considered include Maximum Sustainable Yield Proxy, Maximum Fishing Mortality Threshold, Minimum Stock Size Threshold, and Optimum Yield for *gray snapper.*

Wednesday, July 17, 2019; 6 p.m.–9 p.m.

The meeting will be held via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the meeting on the calendar. The agenda is subject to change, and the latest version along with other meeting materials will be posted on as they become available.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the listen-in access by visiting *www.gulfcouncil.org* and clicking on the AP meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Dated: June 19, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–13353 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[0648–PR–A002]

Endangered Species; File No. 22281

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Kristen Hart, Ph.D., U.S. Geological Survey, Wetland and Aquatic Research Center, Davie Field Office, 3321 College Ave., Davie, FL 33314, has applied in due form for a permit to take green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before July 24, 2019.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 22281 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Erin Markin, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year research permit to determine distribution, seasonal movements, vital rates and habitat use of juvenile, sub-adult, and adult sea turtles in the northern Gulf of Mexico. Researchers would annually capture up to 300 green, 300 loggerhead, 300 Kemp's ridley, and 20 hawksbill sea turtles by hand, trawl, or other nets or obtain sea turtles from relocation trawlers. They may perform the following procedures on animals before release: Morphometrics, carapace mark, photograph/video, flipper and passive integrated transponder tags, skin, fecal, scute and blood sampling, biological swabbing, and lavage. A subset of green, Kemp's ridley, and loggerhead sea turtles also may receive up to three transmitters and be subsequently tracked after release. Researchers may opportunistically recapture these animals for gear removal.

Dated: June 18, 2019.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–13326 Filed 6–21–19; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2019–0035]

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, ''Evaluation of Financial Empowerment Training Program.''

DATES: Written comments are encouraged and must be received on or before August 23, 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–2019–0035 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: Evaluation of Financial Empowerment Training Program.

OMB Control Number: 3170–0067.

Type of Review: Extension with revision of a currently approved collection.

Affected Public: Government social service entities, and not-for-profit institutions.

Estimated Number of Respondents: 7,500.

Estimated Total Annual Burden Hours: 1,899.

Abstract: The Bureau's Office of Community Affairs (OCA) is responsible for developing strategies to improve the financial capability of low-income and economically vulnerable consumers, such as consumers who are unbanked or underbanked, those with thin or no credit file, and households with limited savings. To address the needs of these consumers, OCA has developed Your Money, Your Goals, a suite of financial empowerment materials with an accompanying training program. These resources equip frontline staff and volunteers in a range of organizations to provide relevant and effective information, tools, and resources designed to improve the financial outcomes and capability of these vulnerable consumers. The Bureau seeks to renew approval of the information collection plan titled, ''Evaluation of Financial Empowerment Training Program,'' in order to collect qualitative data related to evaluating the effectiveness of the Your Money, Your Goals training program. The proposed collections will focus on (1) evaluating Your Money, Your Goals training practices in enhancing the ability of frontline staff and volunteers to inform and educate low-income consumers about managing their finances; and (2) assessing the extent of workshop participants' execution of follow-on trainings, designed to share Your Money, Your Goals tools and resources with other frontline staff and volunteers, so they can use them with the people they serve. The Bureau expects to collect qualitative data through paper-based and web-based surveys.

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 19, 2019.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2019–13392 Filed 6–21–19; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Defense Health Board, Department of Defense.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board will take place.

DATES: Open to the public Thursday, July 11, 2019 from 9:00 a.m. to 11:00 a.m.

ADDRESSES: The address of the open meeting is Gatehouse, 8111 Gatehouse Road, Room 345, Falls Church, Virginia 22042 (registration required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Meeting Accessibility.'').

FOR FURTHER INFORMATION CONTACT: Captain Gregory Gorman, Medical Corps, U.S. Navy, (703) 275–6060 (Voice), (703) 275–6064 (Facsimile), *gregory.h.gorman.mil@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042. Website: *http://www.health.mil/dhb.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the July 11, 2019 meeting, as well as any other materials presented in the meeting, may be obtained at the meeting.

Purpose of the Meeting: The DHB provides independent advice and recommendations to maximize the safety and quality of, as well as access to, health care for DoD health care beneficiaries. A work group of DHB members (''group'') is examining opportunities to improve the efforts within the Military Health System (MHS) to provide support to prevent, detect, assess, and treat child abuse and neglect occurring in military families. The purpose of the meeting is to receive public comments concerning child abuse and neglect within the spectrum of family violence. Comments from the public can range from insight on child maltreatment-related health issues to personal accounts and objective input, focusing on the following:

- Feedback on mechanisms to advocate treatment options in health care settings that address potential factors for increased risk of child abuse and neglect (*i.e.,* mental health or relationship counseling, nonclinical counseling such as provided by Military OneSource, referral to programs focusing on socioeconomic factors such as food insecurity, etc.).
- Assessment of how child abuse and neglect victims are identified and treated in the military health care setting, with a focus on consistency within treatment protocols; record keeping; standardized treatments and protocols; medical and mental health treatment programs; and processes to connect victims to appropriate support programs within the MHS or civilian sector, and if there is an overlap.
- Review of existing support programs for victims of child abuse and neglect in the MHS, as well as the continuity of care coordination with medical and social services to strengthen the interface between medical and non-medical communities (military and civilian).

Agenda: After a brief introduction of the review, the group will receive public comments on child abuse and neglect within the spectrum of family violence. The DHB Designated Federal Officer (DFO), in consultation with the group leader, will allot time for members of the public to present their issues for review and discussion, restricting speaking time to 3–5 minutes per

person. Members of the public must sign up to speak (see guidance in **SUPPLEMENTARY INFORMATION**, ''Oral Statements'').

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public from 9:00 a.m. to 11 a.m. on July 11, 2019. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must register by emailing their name, rank/title, and organization/company to *dha.ncr.dhb.mbx.defense-health-board@mail.mil* or by contacting Ms. Theresa Fassig Normil at (703) 275–6012 no later than 12:00 p.m. on July 8, 2019. Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Theresa Fassig Normil at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Any member of the public wishing to provide comments to the DHB related to the Healthy Military Family Systems: Examining Child Abuse and Neglect tasking may do so in accordance with section 10(a)(3) of the Federal Advisory Committee Act, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice. Written statements may be submitted to the DHB DFO, CAPT Gregory Gorman, at *gregory.h.gorman.mil@mail.mil*. Written statements should not be longer than two type-written pages and include the issue, a short discussion, and a recommended course of action. Supporting documentation may also be included, to establish the appropriate historical context and to provide any necessary background information. If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting. The DFO will review all timely submissions with the group leader and ensure they are provided to members of the group before the meeting that is subject to this notice. Oral Statements: Members of the public must sign up to speak by contacting Ms. Theresa Fassig Normil at (703) 275–6012 or *Theresa.m.fassignormil.ctr@mail.mil* or by signing up at the reception table at the meeting. Public comments will be received by the group in order of sign-up and within the time limits of the meeting. Those who provide public comment are strongly encouraged to also provide written statements to support their comments (see guidance in ''Written Statements'' section).

Dated: June 19, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–13386 Filed 6–21–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Meeting of the Chief of Engineers Environmental Advisory Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Chief of Engineers, Environmental Advisory Board (EAB). This meeting is open to the public. For additional information about the EAB, please visit the committee's website at *http://www.usace.army.mil/Missions/Environmental/EnvironmentalAdvisoryBoard.aspx.*

DATES: The meeting will be held from 8:30 a.m. to 12:00 p.m. on July 10, 2019. Public registration will begin at 8:00 a.m.

ADDRESSES: The EAB meeting will be conducted in the Board Room at the The Arnold and Mable Beckman Center of the National Academy of Sciences & Engineering; 100 Academy Way; Irvine, CA 92617 (The Beckman Center).

FOR FURTHER INFORMATION CONTACT: Ms. Mindy M. Simmons, the Designated Federal Officer (DFO) for the committee, in writing at U.S. Army Corps of Engineers, ATTN: CECW–P, 441 G St NW, Washington, DC 20314; by telephone at 202–761–4127; and by email at *Mindy.M.Simmons@usace.army.mil.* Alternatively, contact Ms. Jeanette Gallihugh, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–64966; and by email at *Jeanette.L.Gallihugh@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The EAB will advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems, and opportunities in an environmentally responsible manner. The EAB is interested in written and verbal comments from the public relevant to these purposes.

Proposed Agenda: At this meeting the agenda will include how the host USACE district is ''Living the Environmental Operating Principles''; discussions on ongoing EAB work efforts, such as regional strategic planning, invasive species management, inland regional sediment management, monitoring and adaptive management; and presentations and discussions about inland regional sediment management.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the August 10, 2019 meeting will be available at the meeting. The final version will be provided at the meeting. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:00 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Ms. Simmons, the committee DFO, or Ms. Gallihugh, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the EAB about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Ms. Simmons, the committee DFO, or Ms. Gallihugh, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the EAB for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the EAB until its next meeting. Please note that because the EAB operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the EAB's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Dated: June 19, 2019.

David B. Olson,

Federal Register Liaison Officer, U.S. Army Corps of Engineers.

[FR Doc. 2019–13378 Filed 6–21–19; 8:45 am]

BILLING CODE 3720–58–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.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee of the Food, Conservation, and Energy Act of 2008 amended by the Agricultural Act of 2014. The Federal Advisory Committee Act requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

DATES: June 26, 2019 8:00 a.m.–4:00 p.m.

ADDRESSES: Holiday Inn Missoula Downtown, 200 South Pattee, Missoula, MT 59802.

FOR FURTHER INFORMATION CONTACT: Dr. 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; at (202) 586–7720 or Email: *Ian.Rowe@EE.Doe.Gov*.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To develop advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Presentations from government and industry that provide insights on the intersection of forest health and bioenergy growth with a specific focus on Western U.S. lands

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Dr. Ian Rowe at (202) 586–7720 or Email: *Ian.Rowe@ee.doe.gov at least 5 business days* prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The summary of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html*.

Signed at Washington, DC, on June 17, 2019.

Antionette M. Watkins,

Acting, Committee Management Officer.

[FR Doc. 2019–13318 Filed 6–21–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes to its Petroleum Supply Reporting System (PSRS), OMB Control No. 1905–0165. The PSRS consists of six weekly surveys that make up the Weekly Petroleum Supply Reporting System (WPSRS), eight monthly surveys, and one annual survey. The weekly petroleum and biofuels supply surveys collect data on petroleum refinery operations, blending, biofuels production, inventory levels, imports of crude oil, petroleum products, and biofuels from samples of operating companies. The monthly and annual petroleum and biofuels supply surveys collect data on petroleum refinery operations, blending, biofuels production, natural gas plant liquids

production, inventory levels, imports, inter-regional movements, and storage capacity for crude oil, petroleum products, and biofuels.

DATES: Comments regarding this information collection must be received on or before July 24, 2019. If you anticipate any difficulties in submitting your comments by the deadline, contact the DOE Desk Officer at (202) 395–4718.

ADDRESSES: Written comments should be sent to

DOE Desk Officer: Brandon DeBruhl, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503, *Brandon_F_DeBruhl@omb.eop.gov*,

And send a copy to

Mr. Michael Conner, U.S. Department of Energy, U.S. Energy Information Administration EI–25, 1000 Independence Ave., SW, Washington, DC 20585, *PetroleumSupplyForms@eia.gov*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael Conner, 202–586–1795, *PetroleumSupplyForms@eia.gov, https://www.eia.gov/survey/.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB Control Number No:* 1902–0165;

(2) *Information Collection Request Title:* Petroleum Supply Reporting System;

The surveys included in this information collection request are:

- Form EIA–800 *Weekly Refinery and Fractionator Report*
- Form EIA–802 *Weekly Product Pipeline Report*
- *Form* EIA–803 *Weekly Crude Oil Stocks Report*
- *Form* EIA–804 *Weekly Imports Report*
- *Form* EIA–805 *Weekly Bulk Terminal Report*
- *Form* EIA–809 *Weekly Oxygenate Report*
- *Form* EIA–810 *Monthly Refinery Report*
- *Form* EIA–812 *Monthly Product Pipeline Report*
- *Form* EIA–813 *Monthly Crude Oil Report*
- *Form* EIA–814 *Monthly Imports Report*
- *Form* EIA–815 *Monthly Bulk Terminal Report*
- *Form* EIA–816 *Monthly Natural Gas Plant Liquids Report*
- *Form* EIA–817 *Monthly Tanker and Barge Movement Report*
- *Form* EIA–819 *Monthly Biofuels, Fuels from Non-Biogenic Wastes, Fuel Oxygenates, Isooctane, and Isooctene Report*
- *Form* EIA–820 *Annual Refinery Report*

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The purpose of the PSRS is to collect detailed petroleum industry data to assess the nation's petroleum supply and energy data users' needs for credible, reliable, and timely energy information on production, receipts, inputs, movements, and stocks of crude oil, petroleum products, natural gas plant liquids, and related biofuels in the United States. This information is used to evaluate supply conditions for crude oil and refined petroleum markets. Forms EIA–800, EIA–802, EIA–803, EIA–804, EIA–805 and EIA–809 are designed to provide an early, initial estimate of weekly petroleum refinery operations, inventory levels, and imports of selected petroleum products. The WPSRS is the only comprehensive weekly government source of data about the current status of petroleum supply and disposition in the upstream petroleum markets for the United States. Forms EIA–810, EIA–812, EIA–813, EIA–814, EIA–815, EIA–816, EIA–817, and EIA–819 are designed to provide statistically reliable and comprehensive monthly information on petroleum refining operations to EIA, federal agencies, and the private sector for use in forecasting, policy making, planning, and analysis. Form EIA–820 is an annual survey that provides data on refinery capacities, fuels consumed, natural gas consumed as hydrogen feedstock, and crude oil receipts by method of transportation for operating and idle petroleum refineries (including new refineries under construction), and refineries that shutdown during the previous year.

(4a) *Proposed Changes to Information Collection:*

Form EIA–800, Weekly Refinery and Fractionator Report

Add new rows, under the column headings for *Input; Production;* and *Ending Stocks,* to separately report unfinished oils. This change separates data on unfinished oils that was previously included in total input. This provides detailed product coverage and improves data accuracy.

Form EIA–819, Monthly Biofuels, Fuels From Non-Biogenic Wastes, Fuel Oxygenates, Isooctane, and Isooctene Report

EIA discontinued Form EIA–22M and combined the data elements collected on that form with Form EIA–819 to create a single survey instrument under Form EIA–819 to cover all biofuels (including renewable fuels not currently tracked on any EIA survey), fuel oxygenates (ETBE, MTBE), and non-refinery producers of isooctane. The new Form EIA–819 collects consistent volumetric balance data on petroleum and biofuel blending at biofuel production plants and feedstock inputs for all biofuels. Form EIA–819 will also expand the scope of EIA biofuel data collection to include producers of renewable diesel fuel and other renewable fuels that are currently not collected. All facilities will report production capacity as well as receipts, production, input, shipments, beginning and ending stocks, as well as stocks in transit to the facility at the end of the report month. Part 9 collects consumption of feedstocks for production of biofuel and renewable fuels and annual fuels consumed at the facility. Form EIA–819 improves accuracy and consistency of biofuel and oxygenate production and blending including blending with petroleum fuels. Form EIA–22M is discontinued since the same information that was reported on Form EIA–22M will be collected on the revised Form EIA–819.

Form EIA–810, EIA–813, EIA–815

- Discontinue collection of storage capacity for September, but continue to collect storage capacity once each year as of March 31. EIA determined that storage capacity data collected once each year (as of March 31) are adequate for policy analysis and assessing market supply conditions.
- Rename the column heading *idle* storage capacity to *temporarily out of service.* EIA has found the phrase *temporarily out of service* to be more consistent than the term *idle* when describing storage capacity that is not in use at the time of reporting.

Forms EIA–810, EIA–812, EIA–815

Discontinue collection of data for MTBE, ETBE, and other oxygenates. Stocks and other data for MTBE, ETBE, and other fuel oxygenates at refineries and terminals are no longer needed for EIA to assess U.S. and regional volumetric petroleum supply balances. Production of MTBE, ETBE, and other fuel oxygenates will continue to be collected on Form EIA–819.

Forms EIA–810, EIA–812, EIA–815

Rename *pentanes plus* to *natural gasoline. Pentanes plus* and *natural gasoline* are equivalent. Renaming will make the forms and instructions

consistent with the rest of the EIA website.

Form EIA–812, Monthly Product Pipeline Report

• In Parts 3 and 4, discontinue collection of residual fuel stocks and delete the row for residual fuel (product code 511). The data has shown that residual fuel oil is a product not typically moved by pipeline.

• In Parts 3 and 4, discontinue collection of renewable fuel movements, except ethanol. EIA has found that inter-regional pipeline movements of these renewable fuels seldom occur and these data have limited utility for assessing fuel supply conditions.

Forms EIA–802, EIA–805, EIA–812, EIA–815, EIA–817

Discontinue collection of stocks of refinery olefins. EIA determined that the collection of data on stocks of refinery olefins is no longer needed. Stocks of refinery olefins will continue to be collected on Forms EIA–800 and EIA–810 to maintain an overall refinery balance.

Form EIA–815, Monthly Bulk Terminal Report

Add collection of stocks of ethane, propane, normal butane, isobutene, and natural gasoline natural gas liquids (NGL) held at petrochemical plants. Petrochemical plant operators are a special class of end user storage because they are able to function in ways that are similar to the commercial terminals surveyed by EIA. Including petrochemical plant storage improves data accuracy and improves market assessments of NGL supply availability.

Forms EIA–810, EIA–812, EIA–814, EIA–815, EIA–817

Replace biofuel reporting categories identified on current surveys as *biomass-based diesel fuel, other renewable diesel fuel,* and *other renewable fuels* with the new categories *biodiesel, renewable diesel fuel,* and *other renewable fuels and intermediate products.* These changes clarify the products and improve the utility of U.S. and regional data.

(5) *Annual Estimated Number of Survey Respondents:* 4,490.

EIA–800 consists of 125 respondents
EIA–802 consists of 46 respondents
EIA–803 consists of 80 respondents
EIA–804 consists of 100 respondents
EIA–805 consists of 745 respondents
EIA–809 consists of 156 respondents
EIA–810 consists of 139 respondents
EIA–812 consists of 100 respondents
EIA–813 consists of 205 respondents
EIA–814 consists of 360 respondents
EIA–815 consists of 1,485 respondents
EIA–816 consists of 450 respondents
EIA–817 consists of 40 respondents
EIA–819 consists of 320 respondents
EIA–820 consists of 139 respondents

(6) *Annual Estimated Number of Total Responses:* 102,431 total responses.

(7) *Annual Estimated Number of Burden Hours:* 207,080 total hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours. The information collected on the forms is maintained by companies in their data systems during their normal course of business. The cost of burden hours to the respondents is estimated to $16,259,922 (207,080 burden hours times $78.52 per hour).

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on June 18, 2019.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2019–13295 Filed 6–21–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2804–035]

Goose River Hydro, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for license for the Goose River Hydroelectric Project, located on the Goose River, in Waldo County, Maine, and has prepared an Environmental Assessment (EA) for the project. The project does not occupy federal lands.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. 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–2804–035.

For further information, contact Julia Kolberg at (202) 502–8261.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13345 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10805–059]

Midwest Hydraulic Company, LLC; Notice of Drawdown, Temporary Variance and Soliciting Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Types of Application:* Temporary Variance from License Article 401.

b. *Project No.:* 10805–059.

c. *Date Filed:* June 11, 2019.

d. *Applicants:* Midwest Hydraulic Company, LLC.

e. *Name of Projects:* Hatfield Hydroelectric Project.

f. *Location:* The project is located on the Black River, in the Township of Hatfield, in Jackson and Clarke counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Dwight Bowler, Midwest Hydraulic Company, LLC, c/o Black River Partners, 813 Jefferson Hill Road, Nassau, New York (518) 766–2753.

i. *FERC Contact:* Mr. Mark Pawlowski, (202) 502–6052, *mark.pawlowski@ferc.gov.*

j. Deadline for filing comments, is 15 days from the issuance date of this notice by the Commission. All documents may be filed electronically via the internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. 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. Please include the project number (P–10805–059) on any comments, motions, or recommendations filed.

k. *Description of Request:* The licensee must lower the water surface elevation of the project's 2.4-mile-long power canal by approximately 13 feet from its normal water surface elevation to make repairs to the canal embankment. Article 401 of the project license requires the licensee to maintain the water surface elevation of the power canal at 879.0 ± 0.1 feet National Geodetic Vertical Datum (NGVD). The licensee proposes a drawdown rate of 0.5 feet per day and would be expected to take about 26 days. The refill of the power canal is estimated to occur in winter or spring of 2020.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. *Comments:* Anyone may submit comments in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. Any comments must be received on or before the specified comment date for the particular application.

n. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments should relate to project works which are the subject of this application. Agencies may obtain copies of the application directly from the applicant. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13347 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2618–030; 2618–031]

Woodland Pulp LLC; Notice Dismissing Request for Stay as Moot

On March 22, 2017, Woodland Pulp LLC (Woodland Pulp), licensee for the West Branch Storage Project No. 2618, filed with the Federal Energy Regulatory Commission (Commission) a Fishway Operation and Maintenance Plan (Operation Plan) and a Fishway Evaluation Plan (Evaluation Plan) under Articles 409 and 410 of the project license, respectively.[1] On April 26, 2019, Commission staff denied Woodland Pulp's Operation Plan and modified and approved its Evaluation Plan.[2] The April 26, 2019 Order requires Woodland Pulp to remove the hydraulic blockage at the West Grand Dam fishway within 45 days from the date of issuance to allow fish passage for all migratory species.

On May 24, 2019, the Maine Department of Inland Fisheries and Wildlife, Maine Department of Marine Resources, and the Maine Department of Environmental Protection filed a motion for stay of the April 26, 2019 Order. The motion requests a 60-day stay of the April 26, 2019 Order to allow additional time for the state agencies, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Passamaquoddy Tribe to consult regarding fish passage at West Grand Dam. On June 5, 2019, Woodland Pulp notified the Commission that it had removed the hydraulic blockage at the West Grand Dam. Accordingly, the relief sought by the Maine agencies is rendered moot and the request for stay is dismissed.

This notice constitutes final agency action. Requests for rehearing of this dismissal must be filed within 30 days, pursuant to section 313(a) of the Federal Power Act and section 385.713 of the Commission's regulations, 18 CFR 385.713 (2018).

Dated: June 17, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13319 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Woodland Pulp LLC,* 154 FERC ¶ 62,175 (2016) (Order Issuing New License).

[2] *Woodland Pulp LLC,* 167 FERC ¶ 62,065 (2019).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12635–002—New York]

Moriah Hydro LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Mineville Energy Storage Project and Intention To Hold Public Meetings

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for license for the proposed Mineville Energy Storage Project (FERC No. 12635) and has prepared a draft environmental impact statement (EIS) for the project. The proposed project would be located in a decommissioned

subterranean mine complex in the Town of Moriah, Essex County, New York. No federal lands would be occupied by project works or located within the project boundary.

The draft EIS contains staff's evaluations of the applicant's proposal and the alternatives for licensing the proposed Mineville Energy Storage Project. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the draft EIS is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's website at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by August 19, 2019.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. 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–12635–002.

Anyone may intervene in this proceeding based on this draft EIS (18 CFR 380.10). You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

In addition to or in lieu of sending written comments, you are invited to attend public meetings that will be held to receive comments on the draft EIS. The daytime meeting will focus on resource agency and non-governmental organization input, while the evening meeting is primarily for public input. All interested individuals and entities may attend one or both of the public meetings. The times and locations of the meetings are as follows:

Daytime Meeting

Date and Time: Tuesday, July 30, at 10:00 a.m. (Local Time).

Location: New York State Department of Environmental Conservation, Region 5 Sub-Office, Conference Room A, 232 Golf Course Road, Warrensburg, New York 12885.

Evening Meeting

Date and Time: Tuesday, July 30, at 7:00 p.m. (Local Time).

Location: Moriah Central School Auditorium, Moriah Central School, 39 Viking Lane, Port Henry, New York 12974.

At these meetings, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the draft EIS. The meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. These meetings are posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

For further information, please contact Christopher Millard at (202) 502–8256 or at *christopher.millard@ferc.gov*.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13342 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1235–000]

City of Radford; Notice of Authorization for Continued Project Operation

On May 30, 2017, the City of Radford, licensee for the Municipal Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Municipal Hydroelectric Project is located on the Little River near the City of Radford in Montgomery and Pulaski counties, Virginia.

The license for Project No. 1235 was issued for a period ending May 30, 2019. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1235 is issued to the licensee for a period effective June 1, 2019 through May 31, 2020, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before May 31, 2020, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, City of Radford, is authorized to continue operation of the Municipal Hydroelectric Project until such time as the Commission acts on its application for a subsequent license.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13341 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–81–000]

Nevada Hydro Company, Inc. v. California Independent System Operator Corporation; Notice of Complaint

Take notice that on June 17, 2019, pursuant to section 206 of the Federal Power Act 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Nevada Hydro Company, Inc. (Complainant), filed a formal complaint against California Independent System Operator Corporation (CAISO or Respondent) alleging that CAISO failed to follow its Tariff and otherwise failed to perform a just and reasonable, open, transparent, comparable and not unduly discriminatory study of Lake Elsinore Advanced Pumped Storage project and also order CAISO to correct its modeling errors and produce new results using the data it already has, all as more fully explained in the complaint.

Complainant certifies that copies of the Complaint were served on Respondent as listed on the Commission's list of Corporate Officials.

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 and 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 Respondents' answers and all interventions, or protests must be filed on or before the comment date. The Respondents' answers, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submissions of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 8, 2019.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13343 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2189–000]

Palmetto Plains Solar Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Palmetto Plains Solar Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 8, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13344 Filed 6–21–19; 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: EC19–99–000.

Applicants: Empire Generating Co, LLC.

Description: Amendment to June 4, 2019 Application for Authorization Under Section 203 of the Federal Power Act, et al. of Empire Generating Co, LLC.

Filed Date: 6/17/19.

Accession Number: 20190617–5207.

Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: EC19–102–000.

Applicants: Lyonsdale Biomass, LLC, ReEnergy Ashland LLC, ReEnergy Black River LLC, ReEnergy Fort Fairfield LLC, ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Lyonsdale Biomass, LLC, et al.

Filed Date: 6/17/19.

Accession Number: 20190617–5213.

Comments Due: 5 p.m. ET 7/8/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–133–000.

Applicants: Cubico Palmetto Lessee, LLC.

Description: Notice of Self Certification of Exempt Wholesale Generator Request of Cubico Palmetto Lessee, LLC.
Filed Date: 6/18/19.
Accession Number: 20190618–5042.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: EG19–134–000.
Applicants: Palmetto Plains Solar Project, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator of Palmetto Plains Solar Project, LLC.
Filed Date: 6/18/19.
Accession Number: 20190618–5045.
Comments Due: 5 p.m. ET 7/9/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2238–009; ER10–2239–009; ER10–2237–009; ER12–896–005; ER14–1818–019; ER19–1577–001.
Applicants: Indigo Generation LLC, Larkspur Energy LLC, Wildflower Energy LP, Mariposa Energy, LLC, Boston Energy Trading and Marketing LLC, Kearny Mesa Storage, LLC.
Description: Triennial Updated Market Power Analysis for the Southwest Region of the DGC Southwest Sellers.
Filed Date: 6/17/19.
Accession Number: 20190617–5218.
Comments Due: 5 p.m. ET 8/16/19.

Docket Numbers: ER10–2487–005; ER15–2380 003.
Applicants: Pacific Summit Energy LLC.
Description: Supplement to April 1, 2019 Notice of Change in Status of Pacific Summit Energy LLC, et al.
Filed Date: 6/17/19.
Accession Number: 20190617–5209.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2167–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–06–17_SA 3223 Richland Wind-MidAmerican 1st Rev GIA Supplement (J535) to be effective 6/3/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5096.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2173–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing of 4th A&R OGS Unit 1 Facilities and Operating Agreement to be effective 6/27/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5163.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2174–000.
Applicants: Sierra Pacific Power Company.
Description: Tariff Cancellation: Rate Schedule No. 66 SPPC & Liberty EPC Cancellation to be effective 8/17/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5165.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2175–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Second Revised ISA, SA No. 2178, Queue No. AC2–125/AC2–126 to be effective 5/17/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5172.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2176–000.
Applicants: Sierra Pacific Power Company.
Description: Tariff Cancellation: Rate Schedule No. 71—CalPeco & SPPC 609 Line Agreement Cancellation to be effective 8/17/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5174.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2177–000.
Applicants: Alta Wind I, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5176.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2178–000.
Applicants: Alta Wind II, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5177.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2179–000.
Applicants: Alta Wind III, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5178.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2180–000.
Applicants: Alta Wind IV, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5182.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2181–000.
Applicants: Alta Wind V, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5189.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2182–000.
Applicants: Alta Wind X, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5190.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2183–000.
Applicants: Alta Wind XI, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5191.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2184–000.
Applicants: Carlsbad Energy Center LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5192.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2185–000.
Applicants: El Segundo Energy Center LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5193.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2186–000.
Applicants: High Plains Ranch II, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5195.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2187–000.
Applicants: TransCanyon DCR, LLC.
Description: Compliance filing: Formula Rate Second Compliance Filing on ADIT to be effective 6/27/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5197.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2188–000.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Cancellation: Notice of Termination of Lathrop Irrigation District 60 kV IA (SA 298) to be effective 8/16/2019.
Filed Date: 6/17/19.

Accession Number: 20190617–5201.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2189–000.
Applicants: Palmetto Plains Solar Project, LLC.
Description: Baseline eTariff Filing: Application for MBR, Waivers, Blanket Authority, Confidential & Expedited Action to be effective 6/18/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5202.
Comments Due: 5 p.m. ET 7/8/19.

Docket Numbers: ER19–2190–000.
Applicants: Cubico Palmetto Lessee, LLC.
Description: Baseline eTariff Filing: Application for MBR, Waivers, Blanket Authority, Confidential & Expedited Action to be effective 6/19/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5001.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2191–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: Baseline eTariff Filing: Baseline Power Sales Tariffs and Name Change to be effective 8/16/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5003.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2192–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1891R8 Westar Energy, Inc.—Mulberry NITSA NOA to be effective 9/1/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5009.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2193–000.
Applicants: Wabash Valley Power Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Section 1.8—Optional Co-op Solar Energy Rider to be effective 8/18/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5010.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2194–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1892R8 Westar Energy, Inc.—Robinson NITSA NOA to be effective 9/1/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5011.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2195–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1893R9 Westar Energy, Inc.—Savonburg NITSA NOA to be effective 9/1/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5015.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2196–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1894R8 Westar Energy, Inc.—Vermillion NITSA NOA to be effective 9/1/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5053.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–2197–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits 3 ECSAs, Service Agreement Nos. 5273, 5280 and 5337 to be effective 8/20/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5056.
Comments Due: 5 p.m. ET 7/9/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13339 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2839–000]

Village of Lyndonville Electric Department; Notice of Authorization for Continued Project Operation

On May 26, 2017, the Village of Lyndonville Electric Department, licensee for the Great Falls Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Great Falls Hydroelectric Project is located on the Passumpsic River, in the Town of Lyndonville, Caledonia County, Vermont.

The license for Project No. 2839 was issued for a period ending May 31, 2019. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2839 is issued to the licensee for a period effective June 1, 2019 through May 31, 2020, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before May 31, 2020, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Village of Lyndonville Electric Department, is authorized to continue operation of the Great Falls Hydroelectric Project until such time as the Commission acts on its application for a subsequent license.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13346 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–56–000]

Hoosier Energy Rural Electric Cooperative, Inc.; Notice of Filing

Take notice that on May 14, 2019, Hoosier Energy Rural Electric Cooperative, Inc., filed an amendment to its March 20, 2019 filing of proposed revenue requirement for reactive supply and voltage control for the Lawrence Generating Station, Merom Generating Station, and Worthington Generating Station, under Midcontinent Independent System Operator Inc. Tariff Schedule 2.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 9, 2019.

Dated: June 18, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13340 Filed 6–21–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2018–0767; FRL–9995–53–OGC]

Proposed Settlement Agreement, Challenge to Clean Air Act SIP Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed settlement agreement to resolve a case filed by ArcelorMittal Burns Harbor, L.L.C. (''ArcelorMittal''), involving an EPA action on a State Implementation Plan (SIP) revision submitted by the State of Indiana. On February 25, 2014, ArcelorMittal filed a petition with the United States Court of Appeals for the Seventh Circuit challenging EPA's disapproval of Indiana's SIP revision which would have removed the emissions limit for SO_2 from the blast furnace gas flare at ArcelorMittal's steel mill in Porter County, Indiana. *ArcelorMittal Burns Harbor LLC* v. *EPA* (14–1412, 7th Cir.). Under the proposed settlement agreement, the parties agree to take certain specified actions.

DATES: Written comments on the proposed settlement agreement must be received by July 24, 2019.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2018–0767, online at *www.regulations.gov* (EPA's preferred method). For comments submitted at *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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mike Thrift, Air and Radiation Law Office, Office of General Counsel, c/o U.S. Environmental Protection Agency, San Diego Border Office, 610 West Ash Street, San Diego, CA 92101; telephone: (619) 321–1960; email address: *thrift.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

The proposed settlement agreement would resolve the case filed by ArcelorMittal challenging EPA Region 5's disapproval of the State of Indiana's SIP revision, submitted on December 10, 2009. EPA issued a final rule disapproving the SIP revision on December 27, 2013. On February 25, 2014, ArcelorMittal filed a petition for review of EPA's disapproval action in the United States Circuit Court of Appeals for the Seventh Circuit. *ArcelorMittal Burns Harbor LLC* v. *EPA* (No. 14–1412). The State of Indiana intervened in the case on petitioner's behalf and is also a party to the settlement agreement.

Under the terms of the proposed settlement agreement, Indiana agrees to submit to EPA a SIP revision which contains numeric emissions limits, a blast furnace gas testing protocol, and other specified provisions. EPA agrees to propose and take final action on the SIP submittal. If EPA approves a SIP submittal with numeric emissions limits and blast furnace gas testing protocol which are identical to those in the agreement, and otherwise contains terms substantially consistent with those in the agreement, ArcelorMittal agrees to dismiss its petition for review with prejudice. The proposed settlement agreement also provides that nothing in the settlement agreement limits the discretion of EPA to alter, amend, or revise its action under the agreement, nor does the agreement limit or modify any discretion afforded EPA by the Act or by general principles of administrative law. See the proposed settlement agreement for specific details.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who are not named as parties or intervenors to the litigation in question. EPA may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How can I get a copy of the settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2018–0767) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: June 11, 2019.

Gautam Srinivasan,

Acting Associate General Counsel.

[FR Doc. 2019–13400 Filed 6–21–19; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comment on its proposal to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements in its Energy Labeling Rule. That clearance expires on November 30, 2019.

DATES: Comments must be submitted on or before August 23, 2019.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Energy Labeling Rule PRA Comment, FTC File No. R611004'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the Energy Labeling Rule, 16 CFR part 305 (OMB Control Number 3084–0069).

The Energy Labeling Rule implements the Energy Policy and Conservation Act

of 1975 (''EPCA'').[1] The Rule establishes testing, reporting, recordkeeping, and labeling requirements for manufacturers of major household products (refrigerators, refrigerator-freezers, and freezers; dishwashers; clothes washers; water heaters; room air conditioners; furnaces; central air conditioners; heat pumps; pool heaters; fluorescent lamp ballasts; lamp products; plumbing fittings; plumbing fixtures; ceiling fans; consumer specialty lamps; and televisions). The requirements relate specifically to the disclosure of information relating to energy consumption and water usage. The Rule's testing and disclosure requirements enable consumers purchasing products to compare the efficiency or energy use of competing models. In addition, EPCA and the Rule require manufacturers to submit relevant data to the Commission regarding energy or water usage in connection with the products they manufacture. The Commission uses this data to compile ranges of comparability for covered appliances for publication in the **Federal Register**. These submissions, along with required records for testing data, may also be used in enforcement actions involving alleged misstatements on labels or in advertisements.

Burden Statement

Estimated annual hours burden: 478,000.

The estimated hours burden imposed by Section 324 of EPCA and the Commission's Rule include burdens for testing (354,802 hours); reporting (1,828 hours); recordkeeping (1,019 hours); labeling (108,864 hours); retail and online catalog disclosures (6,800 hours); and online label posting (4,533 hours). The total burden for these activities is 478,000 hours (rounded to the nearest thousand).

The following estimates of the time needed to comply with the requirements of the Rule are based on census data, Department of Energy figures and estimates, general knowledge of manufacturing practices, and industry input and figures. Because the compliance burden falls almost entirely on manufacturers and importers (with a *de minimis* burden for retailers), burden estimates are calculated on the basis of the number of domestic manufacturers and/or the number of units shipped domestically in the various product categories.

A. Testing

Under the Rule, manufacturers of covered products must test each basic model they produce to determine energy usage (or, in the case of plumbing fixtures, water consumption). The burden imposed by this requirement is determined by the number of basic models produced, the average number of units tested per model, and the time required to conduct the applicable test.

Manufacturers need not subject each basic model to testing annually; they must retest only if the product design changes in such a way as to affect energy consumption. The staff estimates that the frequency with which models are tested every year ranges roughly between 10% and 50% and that the actual percentage of basic models tested varies by appliance category. In addition, the majority of tests conducted are required by Department of Energy requirements; therefore, it is likely that only a small portion of the tests conducted is attributable to the Rule's requirements. Accordingly, the burden estimates are based on the assumption that 25% of all basic models are tested annually due to the Rule's requirements. Thus, the estimated testing burden for the various categories of products covered by the Rule is as follows:[2]

Category of manufacturer	Number of basic models	Percentage of models tested (FTC required) (%)	Average number of units tested per model	Labor hours per unit tested	Total annual testing burden hours
Refrigerators, Refrigerator-freezers, and Freezers	5,134	25	4	4	20,536
Dishwashers	875	25	4	1	875
Clothes washers	599	25	4	2	1,198
Water heaters	3,112	25	2	24	37,344
Room air conditioners	1,585	25	4	8	12,680
Furnaces	1,900	25	2	8	7,600
Central A/C	1,270	25	2	24	15,240
Heat pumps	903	25	2	72	32,508
Pool heaters	215	25	2	12	1,290
Fluorescent lamp ballasts	454	25	4	3	1,362
Lamp products	5,100	25	12	14	214,200
Plumbing fittings	1,700	25	2	2	1,700
Plumbing fixtures	22,000	25	1	.0833	458
Ceiling Fans	6,966	25	3	1	5,225
Televisions	2,586	25	2	2	2,586
	.....	.....	.....	.....	354,802

B. Reporting

The Rule requires that manufacturers of covered products ''shall submit annually a report for each model in current production containing the same information that must be submitted to the Department of Energy pursuant to 10 CFR part 429. In lieu of submitting the required information to the Commission as required by this section, manufacturers may submit such information to the Department of Energy via the CCMS at *https://regulations.doe.gov/ccms* as provided by 10 CFR 429.12.'' 16 CFR 305.8(a)(1). The Rule also requires manufacturers to furnish links to images of their EnergyGuide labels as part of these required annual reports. 16 CFR 305.8(a)(5). Manufacturers must submit data to the FTC both when they begin manufacturing new models and annually. 16 CFR 305.8; 42 U.S.C. 6296(b).

[1] 42 U.S.C. 6294.

[2] The following numbers reflect estimates of the basic models in the market. The actual numbers will vary from year to year.

Reporting burden estimates are based on information from industry representatives. Manufacturers of some products, such as appliances and HVAC equipment, indicate that, for them, the reporting burden is best measured by the estimated time required to report on each model manufactured, while others, such as makers of fluorescent lamp ballasts and lamp products, state that an estimated number of annual burden hours by manufacturer is a more meaningful way to measure. The figures below reflect these different methodologies as well as the varied burden hour estimates provided by manufacturers of the different product categories that use the latter methodology.

Appliances, HVAC Equipment, Pool Heaters, and Televisions

Staff estimates that the average reporting burden for these manufacturers is approximately two minutes per basic model. Based on this estimate, multiplied by a total of 14,633 basic models of these products, the annual reporting burden for the appliance, HVAC equipment, and pool heater industry is an estimated 838 hours (2 minutes × 25,145 models ÷ 60 minutes per hour).

Fluorescent Lamp Ballasts, Lamp Products, and Plumbing Products

The total annual reporting burden for manufacturers of fluorescent lamp ballasts, lamp products, and plumbing fixtures is based on the estimated average annual burden for each category of manufacturers, multiplied by the number of manufacturers in each respective category, as shown below:

Category of manufacturer	Annual burden hours per manufacturer	Number of manufacturers	Total annual reporting burden hours
Fluorescent lamp ballasts	6	20	120
Lamp products	15	50	750
Plumbing products	1	120	120

The total reporting burden for industries covered by the Rule is 1,828 hours annually (838 + 120 + 750 + 120).

C. Recordkeeping

The Rule requires manufacturers to keep records of the test data generated in performing the tests to derive information included on labels required by the Rule. EPCA and the Rule require manufacturers to keep records of the test data generated in performing the tests to derive information included on labels and required by the Rule. As with reporting, burden is calculated by number of models for appliances, HVAC equipment, pool heaters, and televisions, and by number of manufacturers for fluorescent lamp ballasts, lamp products, and plumbing products.

Appliances, HVAC Equipment, Pool Heaters, and Televisions

The recordkeeping burden for manufacturers of appliances, HVAC equipment, pool heaters, and televisions varies directly with the number of tests performed. Staff estimates total recordkeeping burden to be approximately 419 hours for these manufacturers, based on an estimated average of one minute per record stored (whether in electronic or paper format), multiplied by 25,145 tests performed annually (1 × 25,145 ÷ 60 minutes per hour).

Fluorescent Lamp Ballasts, Lamp Products, and Plumbing Products

The total annual recordkeeping burden for manufacturers of fluorescent lamp ballasts, lamp products, and plumbing fixtures is based on the estimated average annual burden for each category of manufacturers (derived from industry sources), multiplied by the number of manufacturers in each respective category, as shown below:

Category of manufacturer	Annual burden hours per manufacturer	Number of manufacturers	Total annual recordkeeping burden hours
Fluorescent lamp ballasts	2	20	40
Lamp products	10	50	500
Plumbing fixtures	0.5	120	60

The total recordkeeping burden for industries covered by the Rule is 1,019 hours annually (419 + 40 + 500 + 60).

D. Labeling

EPCA and the Rule require that manufacturers of covered products provide certain information to consumers through labels on covered products. The burden imposed by this requirement consists of (1) the time needed to prepare labels, and (2) the time needed to affix required labels.

EPCA and the Rule specify the content, format, and specifications for the required labels, so manufacturers need only add the energy consumption figures derived from testing. In addition, most companies use automation to generate labels, and the labels do not change from year to year.

Given these considerations, staff estimates that the time to prepare labels for covered products is no more than four minutes per basic model. Based on Department of Energy data, staff has estimated that manufacturers offer approximately 54,399 basic models of covered products. Based on these estimates, staff estimates that the the approximate annual drafting burden involved in labeling covered products is 3,627 hours per year [54,399 (all basic models) × four minutes (drafting time per basic model) ÷ 60 (minutes per hour)].

Based on input from industry representatives and trade associations, staff estimates that it takes approximately 4 second to affix labels to products for retail sales.[3] Based on an average of 4 seconds per unit, the annual burden for affixing labels to covered products is 105,237 hours [4 (seconds) × 94,713,098 (the estimated number of total products shipped for

[3] Estimates from trade association members for labeling costs ranged from 1 second to 8 seconds. Staff has chosen a middle-ground estimate of 4 seconds, although due to improvements in automation, staff believes this estimate likely overstates the time spent labeling most covered products.

sale annually) divided by 3,600 (seconds per hour)].

The total labeling burden for all industries covered by the Rule is 108,864 (105,237 hours for preparation plus 3,627 hours for affixing) annually.

E. Online and Retail Sales Catalog Disclosures

The Rule requires that sellers offering covered products online or through retail sales catalogs (*i.e.,* those publications from which a consumer can order merchandise) disclose online or in the catalog energy or water consumption for each covered product. Because this information is supplied by the product manufacturers, the burden on the retailer consists of incorporating the information into the online or catalog presentation.

In the past, staff has estimated that there are 100 sellers who offer covered products through paper retail catalogs. While the Rule initially imposed a burden on catalog sellers by requiring that they draft disclosures and incorporate them into the layouts of their catalogs, paper catalog sellers now have substantial experience with the Rule and its requirements. Energy and water consumption information has obvious relevance to consumers, so sellers are likely to disclose much of the required information with or without the Rule. Accordingly, given the small number of catalog sellers, their experience with incorporating energy and water consumption data into their catalogs, and the likelihood that many of the required disclosures would be made in the ordinary course of business, staff believes that any burden the Rule imposes on these paper catalog sellers would be minimal.

Staff estimates that there are approximately 400 online sellers of covered products who are subject to the Rule's catalog disclosure requirements. Staff estimates that these online sellers each require approximately 17 hours per year to incorporate the data into their online catalogs. This estimate is based on the assumption that entry of the required information takes 1 minute per covered product and an assumption that the average online catalog contains approximately 1,000 covered products (based on a sampling of websites of affected retailers). Given that there is a great variety among sellers in the volume of products they offer online, it is very difficult to estimate such volume with precision. In addition, this analysis assumes that information for all 1,000 products is entered into the catalog each year. This is assumption likely overstates the associated burden because the number of incremental additions to the catalog from year to year is likely to be much lower after initial start-up efforts have been completed. The total catalog disclosure burden for all industries covered by the Rule is 6,800 hours (400 sellers × 17 hours annually).

F. Online Label Posting

The Rule require manufacturers to post images of their EnergyGuide and Lighting Facts labels online. Given approximately 54,399 total models at an estimated five minutes per model, this requirement entails a burden of 4,533 hours.

Estimated annual cost burden: $12,063,968 in labor cost and $5,672,500 in other non-labor costs.

Labor costs: Staff derived labor costs by applying estimated hourly cost figures to the burden hours described above. In calculating the cost figures, staff assumes that test procedures are conducted by skilled technical personnel at an hourly rate of $28.37, and that recordkeeping and reporting, and labeling and marking, generally are performed by clerical personnel at an hourly rate of $16.24.

Based on the above estimates and assumptions, the total annual labor costs for the five different categories of burden under the Rule, applied to all the products covered by it, is $12,064,000 (rounded to the nearest thousand).[4]

Activity	Burden hours per year	Wage category/hourly rate	Total annual labor cost
Testing	354,802	Engineering technicians ($28.37)	$10,065,733
Reporting	1,828	Data Entry/Information Processing ($16.24)	29,687
Recordkeeping	1,019	Data Entry/Information Processing ($16.24)	16,549
Labeling	108,864	Data Entry/Information Processing ($16.24)	1,767,951
Online and Catalog disclosures	6,800	Data Entry/Information Processing ($16.24)	110,432
Online Label Posting	4,533	Data Entry/Information Processing ($16.24)	73,616
			12,063,968

Capital or Other Non-Estimated annual non-labor cost: $5,672,500.

Manufacturers must incur the cost of procuring labels used in compliance with the Rule. Based on estimates of 189,000,000 units shipped annually, at an average cost of three cents for each label, the total (rounded) labeling cost is $5,670,000.

The overwhelming majority of manufacturers submit required annual reports through the DOE online reporting system. However, a limited number of manufacturers submit required reports to the Commission directly (rather than through trade associations) and incur some nominal costs for paper and postage. Staff estimates that these costs do not exceed $2,500.

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure, recordkeeping, and reporting requirements are necessary, including whether the resulting information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before August 23, 2019. Write ''Energy Labeling Rule PRA Comment, FTC File No. ____'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by

[4] The labor cost estimates below are derived from the Bureau of Labor Statistics figures in ''Table 1. National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2018,'' *available at: https://www.bls.gov/news.release/ocwage.t01.htm.*

following the instructions on the web-based form provided. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the *regulations.gov* site.

If you file your comment on paper, write ''Energy Labeling Rule Comment, FTC File No. ____'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 23, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Heather Hippsley,

Deputy General Counsel.

[FR Doc. 2019–13383 Filed 6–21–19; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 82 FR 42555, dated September 8, 2017) is amended to reflect the Order of Succession for the Centers for Disease Control and Prevention.

Section C–C, Order of Succession, is hereby amended as follows:

Delete in its entirety Section C–C, Order of Succession, and insert the following:

During the absence or disability of the Director, Centers for Disease Control and Prevention (CDC), or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the Director may specify a different order of succession:

1. Principal Deputy Director
2. Chief Medical Officer
3. Deputy Director for Public Health Service and Implementation Science
4. Deputy Director for Infectious Diseases
5. Director, Center for Preparedness and Response
6. Director, National Institute for Occupational Safety and Health

herri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–13368 Filed 6–21–19; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2019–0016, NIOSH–325]

Mining Automation and Safety Research Prioritization; Reopening of Comment Period

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice and reopening of comment period.

SUMMARY: On March 18, 2019 the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) published a notice in the **Federal Register** announcing that NIOSH had recently established a research program to address the rapidly expanding area of automation and associated technologies in mining, and that NIOSH was requesting information to inform the prioritization of research to be undertaken by The Institute's Mining Program. NIOSH is seeking input on priority gaps in knowledge regarding the safety and health implications of humans working with automated equipment and associated technologies in mining, with an emphasis on worker safety and health research in which NIOSH has the comparative advantage, and is unlikely to be undertaken by other federal agencies, academia, or the private sector. Written comments were to be received by May 17, 2019. In response to a request from an interested party, NIOSH is announcing the reopening of the comment period.

DATES: Electronic or written comments must be received by August 23, 2019.

ADDRESSES: You may submit comments, identified by CDC–2019–0016 and NIOSH–325, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC–2019–0016; NIOSH–325]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Jeffrey H. Welsh, NIOSH Office of Mine Safety and Health Research, 315 E Montgomery Ave., Spokane, WA 99207. Phone: 412–386–4040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background: The mining industry has been undergoing significant changes as companies look to adopt automation technologies to decrease costs and increase efficiency and, according to some companies, improve safety. These new technologies include automated mobile equipment, robotics, teleoperation, wireless communications and sensing systems, wearable sensors and computers, virtual and augmented reality, and data analytics. Surface iron ore mines in Western Australia are moving rapidly to adopt automation technologies, and they appear to be the closest in achieving completely autonomous mining. In U.S. mines, the adoption of automation technology is gaining momentum, with some of the first automation having been applied to processing facilities, drilling equipment, underground coal mine longwalls, and now pilot projects with automated haulage trucks and loaders.

Information Needs: To prepare for expanded use of automation technologies, NIOSH seeks to both proactively address worker health and safety challenges that may be associated with automation, as well as leverage new technologies to improve miner health and safety. To understand the state of automation technologies, their implementation in the United States, and the health and safety concerns associated with the technology, NIOSH seeks public input on the following questions:

1. To what extent will automation and associated technologies be implemented in mining and in what timeframe?
2. What are the related health and safety concerns with automation and associated technologies in mining?
3. What gaps exist in occupational health and safety research related to automation and associated technologies?

While the above questions have priority, NIOSH also seeks public comment on the state of the technology and the health and safety concerns associated with the following specific topics related to automation:

4. What are the major safety concerns associated with humans working near or interacting with automated mining equipment? Have other organizations addressed the safety concerns associated with humans working near or interacting with automated mining equipment? If yes, please provide a description.
5. What research has been conducted, or approaches taken, to address the potential for human cognitive processing confusion, misunderstanding, and task or information overload associated with monitoring or controlling automated mining equipment or other monitoring systems (*e.g.,* fleet management, environmental monitoring, safety systems, health care systems)?
6. What is the state of the art for display methodologies and technologies to provide mine personnel and equipment operators with information on operational status, location, and sensory and environmental feedback from automated mining equipment or systems?
7. What sensor technology improvements are needed to ensure the safety of humans working on or near automated equipment?
8. How are existing methods of big data analytics applied to automated mining equipment or systems? Are there health and safety benefits to these applications? If yes, please describe.
9. Are there any needed improvements to guidelines or industry standards for automated mining system safe design and operation practices? If yes, please describe.
10. Are there any needed improvements to training materials, training protocols, and operating procedures for system safety design principles related to automated mining systems? If yes, please describe.

NIOSH is seeking feedback on the research areas identified above and on any additional knowledge gaps, ideas, innovations, or practice improvements not addressed by these research areas, as well as feedback on how the research areas should be prioritized. NIOSH is especially interested in any creative and new ideas as they relate to protecting the health and safety of miners today and in the future. When possible, NIOSH asks that commenters provide data and citations of relevant research to justify their comments. NIOSH is also seeking key scientific articles addressing worker safety and health related to mining automation that could inform our research activities.

References

DoD [2000]. Standard practice for system safety. U.S. Department of Defense, MIL–STD–882D.

Endsley MR [1995]. Toward a theory of situational awareness in dynamic systems. Hum Factors *37*(1):32–64.

USBM [1988]. Human factors in mining. By Sanders MS, Peay JM. Pittsburgh, PA: U.S. Department of the Interior, Bureau of Mines, IC 9182.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2019–13351 Filed 6–21–19; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4609]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that ZOLGENSMA (onasemnogene abeparvovec-xioi),

manufactured by AveXis, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Shruti Modi, 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: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria upon approval of those applications. FDA has determined that ZOLGENSMA (onasemnogene abeparvovec-xioi), manufactured by AveXis, Inc., meets the criteria for a priority review voucher. ZOLGENSMA (onasemnogene abeparvovec-xioi) is indicated for the treatment of pediatric patients less than 2 years of age with spinal muscular atrophy with biallelic mutations in the survival motor neuron 1 gene.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about ZOLGENSMA (onasemnogene abeparvovec-xioi), go to the Center for Biologics Evaluation and Research Cellular and Gene Therapy Products website at *https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products.*

Dated: June 18, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13356 Filed 6–21–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–2779]

Antimicrobial Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Antimicrobial Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this meeting.

DATES: The meeting will be held on August 7, 2019, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2019–N–2779. The docket will close on August 6, 2019. Submit either electronic or written comments on this public meeting by August 6, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 6, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 6, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before July 24, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments 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 FDA–2019–N–2779 for ''Antimicrobial Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see the **ADDRESSES** section), 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.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lauren Tesh Hotaki, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, *AMDAC@fda.hhs.gov;* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss supplemental new drug application (sNDA) 208215, supplement 12, DESCOVY (emtricitabine 200 milligrams (mg) and tenofovir alafenamide 25 mg tablets), submitted by Gilead Sciences, Inc., proposed for pre-exposure prophylaxis (PrEP) to reduce the risk of sexually acquired HIV–1 infection among individuals who are HIV-negative and at risk for HIV.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before July 24, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 16, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 17, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren Tesh Hotaki (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 18, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13355 Filed 6–21–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–1163]

Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs; 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 final guidance for industry entitled ''Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs.'' This guidance outlines the requirements and recommendations for various types of submissions of promotional materials for prescription drugs and biological products, including the specific formats needed for use in the electronic common technical document (eCTD) as well as non-eCTD and non-electronic formats. This guidance finalizes the draft guidance issued in April 2015.

DATES: The announcement of the guidance is published in the **Federal Register** on June 24, 2019.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such

as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–1163 for ''Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs.'' 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 this 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 to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), 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 guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding prescription human drugs: Kemi Asante, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3374, Silver Spring, MD 20993–0002, 301–796–1200.

Regarding prescription human biological products: 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 guidance for industry entitled ''Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs.'' Portions of this guidance are intended to be used in conjunction with the guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications'' (eCTD Guidance) and the specifications for module 1.[1] This guidance outlines the requirements and recommendations for manufacturers, packers, and distributors (firms) that may either be the applicant or acting on behalf of the applicant, to make submissions pertaining to promotional materials for human prescription drugs (drugs) to the Office of Prescription Drug Promotion in the Center for Drug Evaluation and Research (CDER) and the Advertising and Promotional Labeling Branch in the Center for Biologics Evaluation and Research (CBER). References to ''drugs'' in this guidance also include human biological products that fall within the definition of ''drug'' under section 201(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(g)).

This guidance describes various types of regulatory submissions of promotional materials that firms submit to CDER and CBER, along with general considerations and formats for such submissions. For example, the guidance describes the various types of voluntary submissions (*e.g.,* launch and non-launch voluntary submissions of draft promotional materials for comments) and required submissions of promotional labeling and advertising materials (*e.g.,* fulfillment of the regulatory requirements for postmarketing submissions of promotional materials and submission of promotional materials for accelerated approval products). In addition, this guidance discusses specific aspects of the content and format for submitting promotional materials in paper copy and electronic format, including how to submit promotional materials electronically in module 1 of the eCTD using version 3.3 or higher of *the us-regional-backbone* file. This guidance provides recommendations for what to include with each type of submission and the number of copies to include if it is a paper submission. This guidance provides recommendations for

[1] The eCTD Guidance is available on the FDA website at *https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM333969.pdf.* The current version of the specification for industry entitled *The eCTD Backbone Files Specification for Module 1* provides additional information and is available at *https://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/UCM163552.pdf.*

presentation considerations such as appearance, layout, format, and visible impression of promotional materials submitted for all promotional submission types.

This guidance also provides instructions on how to submit promotional labeling and advertising materials to FDA electronically in eCTD format. It explains that for submissions of promotional materials that fall within the scope of section 745A(a) of the FD&C Act (21 U.S.C. 379k–1), such submissions must be made in the electronic format specified by FDA in this guidance and the guidance for industry ''Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications'' (eCTD Guidance), beginning no earlier than 24 months after this guidance is issued. Specifically, (1) postmarketing submissions of promotional materials using Form FDA 2253 (required by 21 CFR 314.81(b)(3)(i) and 21 CFR 601.12(f)(4)), and (2) submissions of promotional materials for accelerated approval products (required by section 506(c)(2)(B) of the FD&C Act (21 U.S.C. 356(c)(2)(B)) and §§ 314.550 and 601.45) and other products where such submissions are required for approval, fall within the scope of section 745A(a) and are, therefore, subject to the mandatory electronic submission requirement. The implementation date for the mandatory electronic submission is June 24, 2021. When the implementation date for the mandatory electronic submission requirement takes effect for these types of submissions, they will only be accepted in eCTD format using version 3.3 or higher of the *us-regional-backbone* file. The guidance also provides that, while only promotional submissions that fall under section 745A(a) of the FD&C Act will be required to be submitted electronically no sooner than 24 months after this guidance is issued, firms may choose—and are strongly encouraged, but not required—to submit electronically the other types of promotional submissions discussed in this guidance.

In the **Federal Register** of April 22, 2015 (80 FR 22529), FDA announced the availability of the draft guidance of the same title. FDA received several comments regarding the need to provide clarity on submission expectations and technical aspects of electronic submissions, and those comments were considered as the guidance was finalized. A summary of changes made in this guidance include: (1) Changes to provide greater clarity on submission expectations, (2) changes to provide greater clarity around technical aspects related to electronic submissions, (3) changes to create consistency between terms used in the final guidance and the eCTD guidance, (4) changes to address unexpected technical issues that have been discovered since the eCTD software launched, and (5) changes to encourage the submission of a compact disc copy of paper submissions. In addition, editorial and formatting changes were made to improve clarity.

This guidance is being issued under section 745A(a) of the FD&C Act; wherein Congress granted FDA authorization to require that submissions under section 505(b), (i), or (j) of the FD&C Act (21 U.S.C. 355(b), 21 U.S.C. 355(i), or 21 U.S.C. 355(j), respectively) and submissions under section 351(a) or (k) of the Public Health Service Act (PHS Act); be submitted in an electronic format specified by FDA through guidance. Accordingly, insofar as this guidance requires that submissions under section 505(b), (i), or (j) of the FD&C Act and submissions under section 351(a) or (k) of the PHS Act be submitted in electronic format specified by FDA, this document is not subject to the usual restriction in FDA's good guidance practice regulations that guidances not establish legally enforceable responsibilities. (See 21 CFR 10.115(d).) Therefore, the portion of this guidance that establishes the requirement for electronic submissions under section 745A(a) of the FD&C Act has binding effect, as indicated by the use of the words *must, shall, or required*. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that 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 collection of information in this guidance was approved under OMB control number 0910–0870.

This guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR 202.1, including voluntary requests for advisory comments,[2] resubmissions, and amendments for advertisements, have been approved under OMB control number 0910–0686; the collections of information in 21 CFR 601.45 (presubmission of promotional materials for accelerated approval products under part 601) have been approved under OMB control number 0910–0338; the collections of information for Form FDA 2253 and the presubmission of promotional materials for accelerated approval products under part 314 have been approved under OMB control number 0910–0001.

[2] Reference in this guidance to the voluntary request for advisory comment(s) on proposed promotional materials by firms is distinct from and not to be confused with the process identified in 21 CFR 10.85.

III. Electronic Access

Persons with access to the internet may obtain the 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 18, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13350 Filed 6–21–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–2836]

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Allergenic Products Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues.

DATES: The meeting will be held on September 13, 2019, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/About AdvisoryCommittees/ucm408555.htm.*

For those unable to attend in person, the meeting will also be webcast and will be available at the following link: *https://collaboration.fda.gov/apac091319/.*

FOR FURTHER INFORMATION CONTACT: CAPT Serina Hunter-Thomas or Ms.

Monique Hill, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6338, Silver Spring, MD 20993–0002, 240–402–5771, *serina.hunter-thomas@fda.hhs.gov* or 301–796–4620, *monique.hill@fda.hhs.gov* respectively, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting. For those unable to attend in person, the meeting will also be available via Webcast. The Webcast will be available at the following link: *https://collaboration.fda.gov/apac091319/.*

SUPPLEMENTARY INFORMATION:

Agenda: On September 13, 2019, the Center for Biologics Evaluation and Research's (CBER) Vaccines and Related Biological Products Advisory Committee (VRBPAC) will meet in open session to discuss and make recommendations on the safety and efficacy of Peanut [*Arachis hypogaea*] Allergen Powder manufactured by Aimmune Therapeutics, Inc, indicated for treatment to reduce the risk of anaphylaxis after accidental exposure to peanut in patients aged 4 to 17 years with a confirmed diagnosis of peanut allergy.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On September 13, 2019, from 8:30 a.m. to 4:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 6, 2019. On September 13, 2019, oral presentations from the public will be scheduled between approximately 1 p.m. to 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 29, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 30, 2019.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Serina Hunter-Thomas at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 18, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13354 Filed 6–21–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0945–0002]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 24, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Health Information Privacy and Civil Rights/Conscience and Religious Freedom Discrimination Complaint.

Type of Collection: Revision.

OMB No. 0945–0002.

Abstract: The Office for Civil Rights is seeking a revision on an approval for a 3-year clearance on a previous collection. Individuals may file written or electronic complaints with the Office for Civil Rights when they believe they have been discriminated against by programs or entities that receive Federal financial assistance from the Health and Human Service or if they believe that their right to the privacy of protected health information freedom has been violated. Annual Number of Respondents frequency of submission is record keeping and reporting on occasion.

ESTIMATED ANNUALIZED BURDEN TABLE

Written forms/ electronic forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Civil Rights/Conscience Religious Freedom Discrimination Complaint.	Individuals or households, Not-for-profit institutions.	8433	1	45/60	6325
Health Information Privacy Complaint	Individuals or households, Not-for-profit institutions.	25,299	1	45/60	18,974
Total	.....	.....	.....	.....	25,299

Terry Clark,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2019–13323 Filed 6–21–19; 8:45 am]

BILLING CODE 4153–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0390]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 24, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Challenge and Prize Competition Solicitations.

Type of Collection: Reinstatement w/ chg.

OMB No. 0990–0390—Office of the Chief Technology Officer (CTO)

Abstract: The Office of the Secretary (OS), Department of Health & Human Services (HHS) requests that the Office of Management and Budget (OMB) approve a request for a generic clearance approval of the information collected for challenge and prize competition solicitations.

Challenges and prize competitions enable HHS to tap into the expertise and creativity of the public in new ways as well as extend awareness of HHS programs and priorities. Within HHS, the Office of the Chief Technology Officer (CTO) has taken lead responsibility in coordinating challenges and prize competitions and implementing policies regarding the use of these tools. HHS's goal is to engage a broader number of stakeholders who are inspired to work on some of our most pressing health issues, thus supporting a new ecosystem of scientists, developers, and entrepreneurs who can continue to innovate for public health.

The generic clearance is necessary for HHS to launch several challenges or prize competitions annually in a short turnaround. The information collected for these challenges and prize competitions will generally include the submitter's or other contact person's first and last name, organizational affiliation and role in the organization (for identification purposes); email address or other contact information (to follow up if the submitted solution is selected as finalist or winner); street address (to confirm that the submitter or affiliated organization is located in the United States, for eligibility purposes); information confirming whether the submitter's age is 13 years or older (to ensure compliance with the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501–6505) (COPPA) or 18 years or older (to ensure necessary consents are obtained); and a narrative description of the solution. HHS may also request information indicating the submitter's technical background, educational level, ethnicity, age range, gender, and race (to evaluate entrants' diversity and backgrounds), how the submitter learned about the challenge or prize competition and what the submitter currently understands about the HHS agency hosting the challenge or prize competition (to gauge the effect of the challenge or prize competition on increasing public awareness of HHS programs and priorities, and generally to enable HHS to improve its outreach strategies to ensure a diverse and broad innovator constituency is fostered through the use of challenges and prize competitions). Finally, HHS may ask for additional information tailored to the particular challenge or prize competition through structured questions. This information will enable HHS to more effectively create and administer challenges and prize competitions.

Upon entry or during the judging process, solvers under the age of 18 may be asked to confirm parental consent, thereby requiring solvers under 18 to have a parent or guardian signature in a format outlined in the specific criteria of each challenge or prize competition in order to qualify for the contest. To protect online privacy of minors, birthdate may be required by the website host to ensure the challenge platform meets the requirements of COPPA. Eligibility to win a cash prize will be outlined in the specific criteria of each contest and will only apply to U.S. citizens, permanent residents, or private entities incorporated in and maintaining a primary place of business in the U.S. To administer the cash prize, HHS will need to collect additional relevant payment information— such as Social Security Number and/or Taxpayer ID and information regarding the winners' financial institutions—in order to comply with financial accounting processes.

Likely Respondents: Likely respondents include individuals, businesses, and state and local

governments who choose to participate in a challenge or prize competition hosted or overseen (*i.e.,* via contract, etc.) by HHS.

ESTIMATED ANNUALIZED BURDEN TABLE

Respondent (if necessary)	Number of respondents	Number of responses per respondent	Average burden per Response (hours)	Total burden hours
Individuals or Households	1,000	1	10/60	166.7
Organizations	500	1	10/60	83.3
Businesses	440	1	10/60	73.3
State, territory, tribal or local governments	60	1	10/60	10.0
Total				333.3

Terry Clark,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2019–13316 Filed 6–21–19; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Hematology SEP.

Date: July 15–16, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Hematology SEP.

Date: July 15–16, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

Date: July 16–17, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Amy Kathleen Wernimont, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, Bethesda, MD 20892, 301–827–6427, *amy.wernimont@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: GI Physiology and Pathology.

Date: July 16, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Meenakshisundar Ananthanarayanan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, Bethesda, MD 20892, 301–827–6281, *meena.ananthanarayanan@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular and Molecular Immunology.

Date: July 17, 2019.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Patrick K. Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

Date: July 18–19, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Richard D. Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, Bethesda, MD 20817, 301–402–3995, *richard.schneiderman@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Secondary Analyses of Existing Datasets in Heart, Lung, and Blood Diseases and Sleep Disorders.

Date: July 18–19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Palomar Hotel, 2121 P Street NW, Washington, DC 20037.

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: July 18, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Drury Plaza Hotel by the Arch, 2nd and 4th Street, St. Louis, MO 63102.

Contact Person: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group; HIV Immunopathogenesis and Vaccine Development Study Section.

Date: July 18–19, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Denver, 1776 Grant Street, Denver, CO 80203.

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: July 18–19, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Urology and Urogynecology Application Review.

Date: July 18, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Julia Spencer Barthold, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–3073, *julia.barthold@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Gene regulatory networks, genetic evolution, and macromolecular evolution and interactome.

Date: July 18, 2019.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–AI–18–054 U.S.-Brazil Collaborative Biomedical Research Program.

Date: July 18, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207 MSC 7812, Bethesda, MD 20892, (301) 435–1238, *hodged@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Surgical Sciences, Biomedical Imaging, and Bioengineering.

Date: July 18, 2019.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, RKL II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.402.9607, *Jan.Li@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–340: Collaborative Program Grant for Multidisciplinary Teams (RM1).

Date: July 18, 2019.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Services Organization and Delivery.

Date: July 18, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, 301–827–4446, *bellingerjd@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 18, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13335 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH Clinical Center Research Hospital Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: NIH Clinical Center Research Hospital Board.

Date: July 19, 2019.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review program procedures and operations.

Place: National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: June 18, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13334 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Biobehavioral and Behavioral Sciences Subcommittee CHHD–H.

Date: September 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bradley Monroe Cooke, Scientific Review Officer, 6710B Rockledge Drive, Bethesda, MD 20892, 703–292–8460, *brad.cooke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 18, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13331 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft NTP Monograph on Systematic Review of Traffic-Related Air Pollution and Hypertensive Disorders of Pregnancy; Availability of Document; Request for Comments

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Toxicology Program (NTP) announces the availability of the Draft NTP Monograph on Systematic Review of Traffic-Related Air Pollution and Hypertensive Disorders of Pregnancy for public comment. The Office of Health Assessment and Translation (OHAT), Division of the National Toxicology Program (DNTP), National Institute of Environmental Health Sciences (NIEHS), prepared the monograph.

DATES:

Written Public Comment Submission: Deadline is August 7, 2019.

Document Availability: The draft monograph should be available by June 24, 2019, at *https://ntp.niehs.nih.gov/go/peer_trap.*

ADDRESSES: Written public comments should be submitted electronically at *https://ntp.niehs.nih.gov/go/peer_trap.*

FOR FURTHER INFORMATION CONTACT: Canden Byrd, 2635 Meridian Parkway, Suite 200, Durham, NC, USA 27713. Phone: (919) 293–1660, Fax: (919) 293–1645, Email: *NTP-Meetings@icf.com.*

SUPPLEMENTARY INFORMATION:

Background: Traffic-related air pollution and hypertensive disorders of pregnancy were selected for review following nomination in July 2012 to evaluate emerging children's health issues associated with ambient air pollution and review by the NTP Board of Scientific Counselors on April 18, 2014. After considering the literature on children's health outcomes, the scope was narrowed to focus on traffic-related air pollution and hypersensitive disorders of pregnancy due to: (1) The significant impact of hypertension in pregnancy on children's health, and (2) a number of recent studies assessing hypertensive outcomes in pregnant women exposed to traffic-related air pollution. Information on NTP's review of traffic-related air pollution and children's health is available at *https://ntp.niehs.nih.gov/go/trap.*

Request for Comments: NTP invites public comments on the draft monograph that address scientific or technical issues. Guidelines for public comments are available at *https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.* The deadline for submission of written comments is August 7, 2019. Written public comments should be submitted electronically at *https://ntp.niehs.nih.gov/go/peer_trap.* Persons submitting written comments should include their name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP website and the submitter will be identified by name, affiliation, and sponsoring organization (if any). Following the public comment period, the draft monograph will undergo external peer review by letter. Comments that address scientific/technical issues will be shared with external scientists for their consideration during the peer review.

Background Information on OHAT: NTP and NIEHS established OHAT to serve as an environmental health resource to the public and to regulatory and health agencies. The office conducts evaluations to assess the evidence that environmental chemicals, physical substances, or mixtures (collectively referred to as ''substances'') cause adverse health effects and provides opinions on whether these substances may be of concern given what is known about current human exposure levels.

The product of an evaluation may be a systematic review, scoping report, interactive evidence map, or workshop report, which may be published as a NTP monograph, NTP technical report, or peer-reviewed journal publication. Information about OHAT is available on the OHAT website (*https://ntp.niehs.nih.gov/go/ohat*).

Dated: June 13, 2019.

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2019–13338 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–MH20–200: Addressing the Role of Violence on HIV Care.

Date: July 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.
Contact Person: Shalanda A. Bynum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301–755–4355, *bynumsa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–102: Small Grants for New Investigators to Promote Diversity in Health-Related Research (R21 Clinical Trial Optional).
Date: July 19, 2019.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Mammalian Models for Translational Research.
Date: July 19, 2019.
Time: 11:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, RKL II, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Psychosocial Risks and Disease Prevention.
Date: July 19, 2019.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genomics and Animal/Biological Resource Facilities.
Date: July 19, 2019.
Time: 2:00 p.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: Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–451–1327, *dettinle@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 18, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13330 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) Strategic Plan for FY 2020–2024

AGENCY: National Institutes of Health, HHS.

ACTION: Request for comments.

SUMMARY: The National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) is updating its Strategic Plan for Fiscal Years (FY) 2020–2024 to help guide the research it supports over the next five years. The Institute issued a previous Request for Information (RFI) (NOT–AR–19–009) to solicit initial comments on how the previous plan for Fiscal Years 2015–2019 should be modified to reflect progress over the past five years. The Institute also gathered additional input through listening sessions with the community. Based on this feedback, along with input from the NIAMS Advisory Council and its Working Group for the Strategic Plan, the Institute has drafted the NIAMS Strategic Plan for FY 2020–2024. We are now seeking input on this draft.

Through this RFI, NIAMS invites feedback from researchers in academia and industry, health care professionals, patient advocates and health advocacy organizations, scientific or professional organizations, Federal agencies, and other interested members of the public on the draft NIAMS Strategic Plan for FY 2020–2024. Organizations are strongly encouraged to submit a single response that reflects the views of their organization and membership as a whole. The final draft of the Strategic Plan will be presented at the September 2019 meeting of the NIAMS Advisory Council and the final plan will be posted on the NIAMS website once it is approved.

DATES: Submit your comments through the Request for Information (RFI) electronically at *https://grants.nih.gov/grants/guide/notice-files/NOT-AR-19-010.html* on or before July 12, 2019, 11:59:59 p.m. EDT.

ADDRESSES: Comments are strongly encouraged to be submitted online at *https://grants.nih.gov/grants/guide/notice-files/NOT-AR-19-010.html.* They may also be submitted by email to *niamslrpfeedback@mail.nih.gov,* or by mail to: Scientific Planning, Policy, and Analysis Branch, NIAMS/NIH/HHS, Building 31, Room 4C13, 31 Center Drive, Bethesda, MD 20892.

FOR FURTHER INFORMATION CONTACT: Cindy Caughman, M.P.H., Chief, Scientific Planning, Policy, and Analysis Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases; email: *niamslrpfeedback@mail.nih.gov,* or call non-toll-free number 301–496–8271.

SUPPLEMENTARY INFORMATION:

Background

The mission of the NIAMS, a part of the U.S. Department of Health and Human Services' National Institutes of Health, is to support research into the causes, treatment and prevention of arthritis and musculoskeletal and skin diseases; the training of basic and clinical scientists to carry out this research; and the dissemination of information on research progress in these diseases. For more information about the NIAMS, call the information clearinghouse at (301) 495–4484 or (877) 22–NIAMS (free call) or visit the NIAMS website at *https://www.niams.nih.gov.*

Request for Comment on Draft NIAMS Strategic Plan FY 2020–2024

In September 2018, NIAMS solicited input on how the Long-Range Plan for FY 2015–2019 should be updated via a Request for Information (NOT–AR–19–009) and gathered additional input through listening sessions with the community. Respondents and listening session participants were asked to provide input on emerging research needs and opportunities that should be added to the Strategic Plan based on progress over the last five years, as well as cross-cutting scientific themes common to all, or most, of the disease and tissue-specific topics. The NIAMS Advisory Council and its Working Group for the Strategic Plan also provided their input to the planning process.

NIAMS seeks Comments from all interested parties on its draft ''NIAMS Strategic Plan FY 2020–2024.'' Input received in response to this request will

be collected from June 21 to July 12, 2019.

All comments should be submitted on or before July 12, 2019.

Dated: May 29, 2019.

Robert H. Carter,

Acting Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health.

[FR Doc. 2019–13462 Filed 6–21–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0248]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0027

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0027, Vessel Documentation; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before July 24, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0248] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0248], and must be received by July 24, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0027.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (84 FR 13940, April 8, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Vessel Documentation.

OMB Control Number: 1625–0027.

Summary: The information collected will be used to establish the eligibility of a vessel to: (a) Be documented as a ''vessel of the United States,'' (b) engage in a particular trade, and/or (c) become the object of a preferred ship's mortgage. The information collected concerns citizenship of owner/applicant and build, tonnage and markings of a vessel.

Need: Title 46 U.S.C. chapters 121, 123, 125 and 313 requires the documentation of vessels. A Certificate of Documentation is required for the operation of a vessel in certain trades, serves as evidence of vessel nationality and permits a vessel to be subject to preferred mortgages.

Forms

- CG–1258, Application for Initial, Exchange, or Replacement of Certificate of Documentation; Redocumentation with optional attachments

- CG–1261, Builder's Certification and First Transfer of Title
- CG–1270, Certificate of Documentation
- CG–1280, Vessel Renewal Notification Application for Renewal
- CG–1340, Bill of Sale
- CG–1356, Bill of Sale by Government Entity Pursuant to Court Order of Administrative Degree of Forfeiture
- CG–4593, Application, Consent, and Approval for Withdrawal of Application for Documentation or Exchange of Certificate of Documentation
- CG–5542, Optional Application for Filing
- CG–7042, Authorization for Credit Card Transaction
- CG–7043, Abstract of Title/Certified COD Request

Respondents: Owners/builders of yachts and commercial vessels of at least 5 net tons.

Frequency: Annually.

Hour Burden Estimate: The estimated burden has decreased from 77,619 hours to 50,844 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 18, 2019.

James D. Roppel,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2019–13303 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0252]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0009

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0009, Oil Record Book for Ships. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before July 24, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0252] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0252], and must be received by July 24, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0009.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (84 FR 13947, April 8, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Oil Record Book for Ships.

OMB Control Number: 1625–0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (CG–4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings of actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG–4602A, Oil Record Book for Ships.

Respondents: Operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 28,536 hours to 15,741 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 18, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–13313 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0247]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0041

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0041, Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before July 24, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0247] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR these ICRs should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0247], and must be received by July 24, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0041.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (84 FR 13941, April 8, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates.

OMB Control Number: 1625–0041.

Summary: Required by the adoption of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and other international treaties, these certificates and documents are evidence of compliance for U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

Need: Compliance with treaty requirements aids in the prevention of pollution from ships.

Forms

- CG–5352, International Oil Pollution Prevention Certificate
- CG–5352A, Form A Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)
- CG–5352B, Form B Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)
- CG–6047, International Sewage Pollution Prevention Equivalency Certificate
- CG–6047A, Statement of Voluntary Compliance for Sewage Pollution Prevention
- CG–6056, International Air Pollution Prevention Certificate
- CG–6056A, Supplement to International Air Pollution Prevention Certificate
- CG–6056B, Statement of Voluntary Compliance for Annex VI of MARPOL 73/78
- CG–6056C, Supplement to Statement of Voluntary Compliance for Annex VI of MARPOL 73/78
- CG–6057, Statement of Voluntary Compliance
- CG–6059, International Anti-Fouling Systems Certificate
- CG–6059A, Record of Anti-Fouling Systems
- CG–6060, International Energy Efficiency (IEE) Certificate
- CG–6060A, Supplement to the International Energy Efficiency Certificate (IEE Certificate)
- CG–9191, International Ballast Water Management Certificate (Statement of Voluntary Compliance)

Respondents: Owners, operators, or masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 73,900 hours to 2,993 hours a year, primarily due to a decrease in the estimated annual number of responses. This ICR also account for the new Ballast Water Management Statement of Voluntary Compliance (form CG–9191).

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 18, 2019.

James D. Roppel,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2019–13302 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0250]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0023

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0023, Barge Fleeting Facility Records; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before July 24, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0250] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2019–0250], and must be received by July 24, 2019.

Submitting Comments

We encourage you to submit comments through the Federal

eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0023.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (84 FR 13944, April 8, 2019) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Barge Fleeting Facility Records.

OMB Control Number: 1625–0023.

Summary: The regulations require the person in charge of certain barge fleeting facilities to keep records of twice daily inspections of barge moorings and movements of barges and hazardous cargo in and out of a facility.

Need: Title 33 CFR 165.803 requirements are intended to prevent barges from breaking away from a fleeting facility and drifting downstream out of control in the congested Lower Mississippi River waterway system.

Forms: None.

Respondents: Operators of barge fleeting facilities.

Frequency: Daily.

Hour Burden Estimate: The estimated burden has decreased from 11,076 hours to 7,542 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 18, 2019.

James D. Roppel,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2019–13311 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2009–0024]

Enforcement Actions Summary

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice of availability.

SUMMARY: The Transportation Security Administration (TSA) is providing notice that it has issued an annual summary of all enforcement actions taken by TSA under the authority granted in the Implementing Recommendations of the 9/11 Commission Act of 2007.

FOR FURTHER INFORMATION CONTACT: Nikki Harding, Assistant Chief Counsel, Civil Enforcement, Office of the Chief Counsel, TSA–2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6002; telephone (571) 227–4777; facsimile (571) 227–1378; email *nikki.harding@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2007, section 1302(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the 9/11 Act), Public Law 110–53, 121 Stat. 392, gave TSA new authority to assess civil penalties for violations of any surface transportation requirements under title 49 of the U.S. Code (U.S.C.) and for any violations of chapter 701 of title 46 of the U.S.C., which governs transportation worker identification credentials (TWICs).

Section 1302(a) of the 9/11 Act, codified at 49 U.S.C. 114(u),[1] authorizes the Secretary of the Department of Homeland Security (DHS) to impose civil penalties of up to $10,000 per violation of any surface transportation requirement under 49 U.S.C. or any requirement related to TWICs under 46 U.S.C. chapter 701. TSA exercises this function under delegated authority from the Secretary. *See* DHS Delegation No. 7060–2.

Under 49 U.S.C. 114(u)(7)(A), TSA is required to provide the public with an annual summary of all enforcement actions taken by TSA under this subsection; and include in each such summary the identifying information of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty. This summary is for calendar year 2018. TSA will publish a summary of all enforcement actions taken under the statute in the beginning of the new calendar year to cover the previous calendar year.

Document Availability

You can get an electronic copy of both this notice and the enforcement actions summary on the internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) web page at *http://www.regulations.gov,* Docket No. TSA–2009–0024; or

(2) Accessing the Government Printing Office's web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this action.

Dated: June 19, 2019.

Kelly D. Wheaton,

Deputy Chief Counsel, Enforcement and Incident Management.

June 19, 2019

Annual Summary of Enforcement Actions Taken Under 49 U.S.C. 114(u)

Annual Report

Pursuant to 49 U.S.C. 114(u)(7)(A), TSA provides the following summary of enforcement actions taken by TSA in calendar year 2018 under section 114(u).[2]

[1] Pursuant to division K, title I, sec. 1904(b)(1)(I), of Public Law 115–254, (132 Stat. 3186, 3545; October 5, 2018), the TSA Modernization Act—part of the FAA Reauthorization Act of 2018, former 49 U.S.C. 114(v) was redesignated as 49 U.S.C. 114(u).

[2] 49 U.S.C. 114(u)(7)(A) states: In general.—the Secretary of Homeland Security shall—(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and (ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties

Continued

Background

Section 114(u) of 49 U.S.C. gives the Transportation Security Administration (TSA) authority to assess civil penalties for violations of any surface transportation requirements under 49 U.S.C. and for any violations of chapter 701 of 46 U.S.C., which governs TWICs. Specifically, section 114(u) authorizes the Secretary of the Department of Homeland Security (DHS) to impose civil penalties of up to $10,000 per violation [3] for violations of any surface transportation requirement under 49 U.S.C. or any requirement related to TWIC under 46 U.S.C. chapter 701.[4]

ENFORCEMENT ACTIONS TAKEN BY TSA IN CALENDAR YEAR 2018

TSA Case No.	Type of violation	Penalty proposed/assessed
2018HOU0150	TWIC Fraudulent Use (49 CFR 1570.5(b))	$3,350/$3,350.
2018JAX0041	TWIC Fraudulent Use (49 CFR 1570.5(b))	$1,120/$700.
2018JAX0067	TWIC Fraudulent Use (49 CFR 1570.7(a))	None (Warning Notice).
2018SEA0029	TWIC Fraudulent Use (49 CFR 1570.7(a) and (c))	None (Warning Notice).
2016MSY0094	TWIC Fraudulent Use (49 CFR 1570.7(a))	None (Warning Notice).
2016OAK0128	TWIC Fraudulent Use (49 CFR 1570.7(a))	$4,000/Pending.
2017PHL0022	TWIC Fraudulent Use (49 CFR 1570.7(a))	$1,000/$500.
2017SEA0449	TWIC Fraudulent Use (49 CFR 1570.7(a))	$2,000/$1,500.
2018BWI0089	TWIC Fraudulent Use (49 CFR 1570.7(a))	None (Warning Notice).
2018HOU0116	TWIC Fraudulent Use (49 CFR 1570.7(a))	$1,120/$1,120.
2018HOU0194	TWIC Fraudulent Use (49 CFR 1570.7(a))	$3,350/$1,675.
2018JAX0045	TWIC Fraudulent Use (49 CFR 1570.7(a))	None (Warning Notice).
2018RIC0021	TWIC Fraudulent Use (49 CFR 1570.7(a))	$3,120/$2,000.
2018RIC0056	TWIC Fraudulent Use (49 CFR 1570.7(a))	$3,350/$500.
2018RIC0067	TWIC Fraudulent Use (49 CFR 1570.7(a))	$2,240/$560.
2018SAN0018	TWIC Fraudulent Use (49 CFR 1570.7(a))	$3,000/Pending.
2018SAN0129	TWIC Fraudulent Use (49 CFR 1570.7(a))	$2,500/$1,120.
2018SEA0179	TWIC Fraudulent Use (49 CFR 1570.7(a))	$5,000/Pending.
2018SEA0196	TWIC Fraudulent Use (49 CFR 1570.7(a))	$1,120/Pending.
2018SEA0247	TWIC Fraudulent Use (49 CFR 1570.7(a))	$560/Pending.
2018SEA0248	TWIC Fraudulent Use (49 CFR 1570.7(a))	$1,120/$1,120.
2019RIC0006	TWIC Fraudulent Use (49 CFR 1570.7(a))	$1,140/Pending.
2017HOU0390	TWIC Fraudulent Use (49 CFR 1570.7(b))	$2,000/$2,000.
2018EWR0096	TWIC Fraudulent Use (49 CFR 1570.7(b))	None (Warning Notice).
2018PIT0056	TWIC Fraudulent Use (49 CFR 1570.7(b))	None (Warning Notice).
2018OAK0033	TWIC Fraudulent Use (49 CFR 1570.7(c))	None (Warning Notice).
2018SEA0360	TWIC Fraudulent Use (49 CFR 1570.7(c))	None (Warning Notice).
2017SEA0860	TWIC Access Control (49 CFR 1570.7(c))	$1,250/$1,500.
2018HOU0181	TWIC Access Control (49 CFR 1570.7(c))	$1,120/None (Warning Notice).
2018SAN0063	TWIC Access Control (49 CFR 1570.7(c))	$1,120/None (Consent Order).
2016OAK0152	TWIC Access Control (49 CFR 1570.7(c))	$2,000/None (Warning Notice).
2016SEA0687	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2017OAK0359	TWIC Access Control (49 CFR 1570.7(c))	$6,000/Pending.
2017PHL0131	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2017RIC0087	TWIC Access Control (49 CFR 1570.7(c))	$1,000/$500.
2017RIC0124	TWIC Access Control (49 CFR 1570.7(c))	$2,000/$50.
2017RIC0146	TWIC Access Control (49 CFR 1570.7(c))	$1,500/$750.
2017SEA0946	TWIC Access Control (49 CFR 1570.7(c))	$2,500/$1,500.
2018BOS0093	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BOS0122	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BOS0139	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BOS0219	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BWI0073	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BWI0095	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018BWI0126	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLE0169	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLE0268	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLE0269	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLE0272	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLE0279	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLT0107	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLT0126	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018CLT0180	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018EWR0116	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018EWR0167	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018EWR0185	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018HOU0089	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$1,120.
2018HOU0109	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$1,120.
2018HOU0147	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).

proposed, and the final assessment amount of each penalty.

[3] Pursuant to title VII, sec. 701 of Public Law 114–74 (129 Stat. 583, 599; Nov. 2, 2015), the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015–part of the Bipartisan Budget Act of 2015, this $10,000 civil penalty maximum is adjusted for inflation annually. *See* 49 CFR 1503.401(b).

[4] TSA exercises this function under delegated authority from the Secretary. *See* DHS Delegation No. 7060–2.

ENFORCEMENT ACTIONS TAKEN BY TSA IN CALENDAR YEAR 2018—Continued

TSA Case No.	Type of violation	Penalty proposed/assessed
2018HOU0148	TWIC Access Control (49 CFR 1570.7(c))	$3,350/$3,350.
2018HOU0154	TWIC Access Control (49 CFR 1570.7(c))	$1,120/Pending.
2018HOU0180	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$250.
2018HOU0193	TWIC Access Control (49 CFR 1570.7(c))	$3,350/$1,675.
2018JAX0039	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0059	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0060	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0063	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0068	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0073	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0074	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0076	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0077	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0078	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0085	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0086	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0087	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0091	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0100	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0101	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0102	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0103	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0111	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0115	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0116	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0119	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0120	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0122	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0146	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0147	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0154	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0160	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0161	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0162	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JAX0163	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0060	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0148	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0151	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0153	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0212	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018JFK0336	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018LAX0203	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018LAX0270	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018LAX0341	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018MCO0098	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018MCO0152	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018MSY0087	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018MSY0090	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018MSY0091	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0060	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0061	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0076	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0078	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0090	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0102	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0123	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0130	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0132	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0164	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018OAK0170	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018PDX0108	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018PDX0160	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018PDX0213	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018PHL0023	TWIC Access Control (49 CFR 1570.7(c))	$750/$200.
2018RIC0030	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$560.
2018RIC0031	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018RIC0063	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$250.
2018RIC0066	TWIC Access Control (49 CFR 1570.7(c))	$1,120/None (Warning Notice).
2018RIC0083	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018RIC0087	TWIC Access Control (49 CFR 1570.7(c))	$2,240/$1,120.
2018RIC0088	TWIC Access Control (49 CFR 1570.7(c))	$1,120/Pending.
2018RIC0089	TWIC Access Control (49 CFR 1570.7(c))	$2,240/$560.

ENFORCEMENT ACTIONS TAKEN BY TSA IN CALENDAR YEAR 2018—Continued

TSA Case No.	Type of violation	Penalty proposed/assessed
2018RIC0090	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018RIC0091	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018SAN0067	TWIC Access Control (49 CFR 1570.7(c))	$1,500/Pending.
2018SAN0099	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018SAN0138	TWIC Access Control (49 CFR 1570.7(c))	$1,120/Pending.
2018SAT0011	TWIC Access Control (49 CFR 1570.7(c))	$1,120/$1,120.
2018SEA0023	TWIC Access Control (49 CFR 1570.7(c))	$1,000/$1,000.
2018SEA0217	TWIC Access Control (49 CFR 1570.7(c))	$1,120/Pending.
2018SEA0357	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018SEA0387	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2018TPA0150	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019CLT0009	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019HOU0015	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019HOU0016	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019JAX0004	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019JAX0015	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019JAX0036	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019JAX0037	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2019PDX0001	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
201JAX0044	TWIC Access Control (49 CFR 1570.7(c))	None (Warning Notice).
2017HOU0393	TWIC Access Control (49 CFR 1570.7(d))	$3,000/None (Warning Notice).
2017HOU0433	TWIC Access Control (49 CFR 1570.7(d))	$1,000/None (Warning Notice).
2017SEA0668	TWIC Access Control (49 CFR 1570.7(d))	$1,000/None (Warning Notice).
2018BWI0072	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018BWI0123	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018HOU0015	TWIC Access Control (49 CFR 1570.7(d))	$1,120/$1,120.
2018HOU115	TWIC Access Control (49 CFR 1570.7(d))	$1,120/$1,120.
2018JAX0056	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018MCO0175	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018MCO0176	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018OAK0077	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018RIC0004	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018RIC0005	TWIC Access Control (49 CFR 1570.7(d))	$2,240/None (Warning Notice).
2018RIC0006	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018SAN0049	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2018SEA0310	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2019BOS0005	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2019JAX0030	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2019JAX0040	TWIC Access Control (49 CFR 1570.7(d))	None (Warning Notice).
2017SEA0527	TWIC Inspection of Credential (49 CFR 1570.9(a))	$1,250/$800.
2018OAK0059	TWIC Inspection of Credential (49 CFR 1570.9(a))	None (Warning Notice).
2018OAK0122	TWIC Inspection of Credential (49 CFR 1570.9(a))	None (Warning Notice).
2018OAK0032	TWIC Inspection of Credential (49 CFR 1570.9(a))	$1,680/Pending.
2018HOU0128	Reporting Railcar Location (49 CFR 1580.103(c)	$1,100/$1,100.
2018CLE0153	Reporting Railcar Location (49 CFR 1580.103(c))	None (Letter of Correction).
2018OAK0084	Reporting Railcar Location (49 CFR 1580.103(c))	None (Letter of Correction).
2018OAK0116	Reporting Railcar Location (49 CFR 1580.103(c))	None (Letter of Correction).
2018PIT0057	Reporting Railcar Location (49 CFR 1580.103(c))	None (Warning Notice).
2018JAX0015	Railcar Transfer of Custody (49 CFR 1580.107(c))	$7,241/$7,241.
2018MDW0029	Railcar Transfer of Custody (49 CFR 1580.107(c))	None (Letter of Correction).
2018MCO0103	Reporting Security Concerns (49 CFR 1580.203)	None (Warning Notice).
2018STL0042	Reporting Security Concerns (49 CFR 1580.203)	None (Warning Notice).
2018STL0046	Reporting Security Concerns (49 CFR 1580.203)	None (Warning Notice).
2018STL0065	Reporting Security Concerns (49 CFR 1580.203)	None (Notice of Non-Compliance).
2018STL0066	Reporting Security Concerns (49 CFR 1580.203)	None (Notice of Non-Compliance).
2018STL0067	Reporting Security Concerns (49 CFR 1580.203)	None (Notice of Non-Compliance).

[FR Doc. 2019–13401 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0015]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Immigrant Petition for Alien Workers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until August 23, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0015 in the body of the letter, the agency name and Docket ID USCIS–2007–0018. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0018;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0018 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Immigrant Petition for Alien Workers.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–140; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit; Not-for-profit institutions. The information collected on this form will be used by USCIS to determine eligibility for the requested immigration benefits under section 203(b)(1), 203(b)(2), or 203(b)(3) of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–140 is 143,000 and the estimated hour burden per response is 1.083 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 154,917 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $62,598,250.

Dated: June 17, 2019.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–13349 Filed 6–21–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6141–N–04]

Notice of a Federal Advisory Committee Meeting; Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of a Federal Advisory Committee Meeting: Manufactured Housing Consensus Committee (MHCC).

SUMMARY: This notice sets forth the schedule and proposed agenda for two teleconference meetings of the MHCC

General Subcommittee. The meetings are open to the public. The agenda for each meeting provides an opportunity for citizens to comment on the business before the MHCC.

DATES: The meetings will be held on July 24, 2019, 10:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT) and July 30, 2019, 10:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT). The teleconference number for each teleconference is U.S. toll-free: 866–628–5137 and Participant Code: 4325435. To access the webinar, use the following link: *https://zoom.us/j/823980538.*

FOR FURTHER INFORMATION CONTACT: Teresa B. Payne, Acting Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 9164, Washington, DC 20410, telephone 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2) through implementing regulations at 41 CFR 102–3.150. The MHCC was established by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403(a)(3), as amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569). According to 42 U.S.C. 5403, as amended, the purposes of the MHCC are to:

- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;
- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);
- Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment: Citizens wishing to make comments on the business of the MHCC must register by contacting Home Innovation Research Labs; Attention: Kevin Kauffman, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, or email to *mhcc@homeinnovation.com* or call 1–888–602–4663. With advance registration, members of the public will have an opportunity to provide oral or written comments relative to agenda topics for the Subcommittee's consideration. For the July 24, 2019 teleconference, the written comments must be provided no later than July 18, 2019 and for the July 30, 2019 teleconference, the written comments must be provided by July 26, 2019 to *mhcc@homeinnovation.com.* Please note, written statements submitted will not be read during the meeting but will be provided to the Subcommittee members prior to the meeting.

The MHCC will also provide an opportunity for oral public comments on specific matters before the General Subcommittee. The total amount of time for oral comments will be 15 minutes with each commenter limited to two minutes to ensure pertinent Subcommittee business is completed. The Subcommittee will not respond to individual written or oral statements; however, it will take all public comments into account in its deliberations. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda.

Tentative Agenda

Wednesday, July 24, 2019—10 a.m. to 4 p.m. ET

I. Call to Order and Roll Call
II. Opening Remarks—Subcommittee Chair & Designated Federal Officer (DFO)
III. Approval of minutes from May 5, 2015 General Subcommittee meeting
IV. Public Comment Period—15 minutes
V. Assigned Deregulation Comments Review
Deregulation Comments by Categories:
- Financing Issues—DRC 229, DRC 230, DRC 231, DRC 232, DRC 233, DRC 234, DRC 235, DRC 236, DRC 237, DRC 238, DRC 239, DRC 240, DRC 241, DRC 242, DRC 243, DRC 244, DRC 245, DRC 246
- General Comments about Manufactured Housing Construction and Safety Standards—DRC 25, DRC 30, DRC 32, DRC 33, DRC 34, DRC 35, DRC 36, DRC 37, DRC 38, DRC 39, DRC 41, DRC 42, DRC 43, DRC 44, DRC 45, DRC 46, DRC 47, DRC 49, DRC 50, DRC 51, DRC 52, DRC 53, DRC 54, DRC 55, DRC 56, DRC 57, DRC 60, DRC 61, DRC 62, DRC 64, DRC 65, DRC 66, DRC 67, DRC 68, DRC 69, DRC 70, DRC 71, DRC 72, DRC 73, DRC 74, DRC 75, DRC 76, DRC 77, DRC 78, DRC 79, DRC 82, DRC 83, DRC 84, DRC 85
- Land Issues—DRC 287, DRC 288, DRC 289, DRC 290, DRC 291, DRC 292, DRC 293
- MHCC Issues—DRC 281, DRC 282, DRC 283, DRC 284, DRC 285, DRC 286
- OMHP Administration—DRC 254, DRC 255, DRC 256, DRC 257, DRC 258, DRC 259
- Regulatory Benefits—DRC 266, DRC 267, DRC 268, DRC 269, DRC 271, DRC 273, DRC 274, DRC 275, DRC 276, DRC 277, DRC 278, DRC 279, DRC 280
- Regulatory Burden and Overreach—DRC 3, DRC 7, DRC 15, DRC 20, DRC 21, DRC 23, DRC 198, DRC 199, DRC 200, DRC 201, DRC 202, DRC 203, DRC 204, DRC 205, DRC 206, DRC 207, DRC 208, DRC 209, DRC 210, DRC 211, DRC 212, DRC 213, DRC 214, DRC 215, DRC 216, DRC 217, DRC 218, DRC 219
- State Issue—DRC 29, DRC 228, DRC 260, DRC 261, DRC 262, DRC 263, DRC 264, DRC 265
- Miscellaneous—DRC 294, DRC 295, DRC 296, DRC 297, DRC 298, DRC 299

VI. Lunch from 12 p.m. to 1 p.m.
VII. Assigned Deregulation Comments Review Continued
VIII. Public Comment Period—15 minutes
IX. Wrap Up—DFO & AO
X. Adjourn

Tuesday, July 30, 2019—10 a.m. to 4 p.m. ET

I. Call to Order and Roll Call
II. Opening Remarks—Subcommittee Chair & Designated Federal Officer (DFO)
III. Public Comment Period—15 minutes
IV. Assigned Deregulation Comments Review Continued
V. Lunch from 12 p.m. to 1 p.m.
VI. Assigned Deregulation Comments Review Continued
VII. Public Comment Period—15 minutes
VIII. Wrap Up—DFO & AO
IX. Adjourn

Dated: June 17, 2019.

John L. Garvin,

General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2019–13367 Filed 6–21–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6141–N–05]

Notice of a Federal Advisory Committee Meeting; Manufactured Housing Consensus Committee: Regulatory Enforcement Subcommittee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of a Federal Advisory Committee Meeting: Manufactured Housing Consensus Committee (MHCC).

SUMMARY: This notice sets forth the schedule and proposed agenda for two teleconference meetings of the MHCC Regulatory Enforcement Subcommittee. The meetings are open to the public. The agenda for each meeting provides an opportunity for citizens to comment on the business before the MHCC.

DATES: The meetings will be held on August 6, 2019, 10:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT) and August 14, 2019, 10:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT). The teleconference number for each teleconference is U.S. toll-free: 866–628–5137 and Participant Code: 4325435. To access the webinar, use the following link: *https://zoom.us/j/726442049.*

FOR FURTHER INFORMATION CONTACT: Teresa B. Payne, Acting Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 9166, Washington, DC 20410, telephone 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2) through implementing regulations at 41 CFR 102–3.150. The MHCC was established by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403(a)(3), as amended by the Manufactured Housing Improvement Act of 2000, (Pub. L. 106–569). According to 42 U.S.C. 5403, as amended, the purposes of the MHCC are to:

- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;
- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);
- Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment: Citizens wishing to make comments on the business of the MHCC must register by contacting Home Innovation Research Labs; Attention: Kevin Kauffman, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, or email to *mhcc@homeinnovation.com* or call 1–888–602–4663. With advance registration, members of the public will have an opportunity to provide oral or written comments relative to agenda topics for the Subcommittee's consideration. For the August 6, 2019 teleconference, the written comments must be provided no later than August 2, 2019 and for the August 14, 2019 teleconference, the written comments must be provided by August 12, 2019 to *mhcc@homeinnovation.com.* Please note, written statements submitted will not be read during the meeting but will be provided to the Subcommittee members prior to the meeting.

The MHCC will also provide an opportunity for oral public comments on specific matters before the Regulatory Enforcement Subcommittee. The total amount of time for oral comments will be 15 minutes with each commenter limited to two minutes to ensure pertinent Subcommittee business is completed. The Subcommittee will not respond to individual written or oral statements; however, it will take all public comments into account in its deliberations. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda.

Tentative Agenda

Tuesday, August 6, 2019—10 a.m. to 4 p.m. ET

I. Call to Order and Roll Call
II. Opening Remarks—Subcommittee Chair & Designated Federal Officer (DFO)
III. Approval of minutes from April 2, 2019 Regulatory Enforcement Subcommittee meeting
IV. Public Comment Period—15 minutes
V. Assigned Deregulation Comments and Proposed Change Review
Deregulation Comment Categories:
- Carports—DRC 16, DRC 126
- Alternative Construction Requirements—DRC 63, DRC 80, DRC 81, DRC 123, DRC 124, DRC 127, DRC 128, DRC 129
- Consumer Complaint Handling and Remedial Actions—DRC 26, DRC 27, DRC 139, DRC 140, DRC 141, DRC 142, DRC 143, DRC 144, DRC 145, DRC 146, DRC 147, DRC 148, DRC 149
- Dispute Resolution—DRC 6. DRC 249, DRC 250, DRC 251, DRC 252, DRC 253
- HUD Regulation—DRC 1, DRC 184, DRC 185, DRC 186, DRC 187, DRC 188, DRC 189, DRC 190, DRC 191, DRC 192, DRC 193, DRC 194, DRC 195, DRC 196, DRC 197
- On-Site Completion—DRC 2, DRC 4, DRC 17, DRC 18, DRC 28, DRC 86, DRC 87, DRC 88, DRC 89, DRC 90, DRC 91, DRC 92, DRC 97, DRC 98, DRC 100, DRC 101, DRC 108, DRC 109, DRC 110, DRC 111, DRC 112, DRC 113, DRC 114, DRC 115, DRC 116, DRC 117, DRC 118
- Preemption—DRC 130, DRC 131, DRC 132, DRC 133, DRC 134, DRC 135, DRC 136, DRC 137, DRC 138
- RV Rule—DRC 219, DRC 220, DRC 221, DRC 222, DRC 223, DRC 224, DRC 225, DRC 226, DRC 227, DRC 228

Proposed Changes Log:
- LOG 163, LOG 182, LOG 192, LOG 194, LOG 195, LOG 198

VI. Lunch from 12 p.m. to 1 p.m.
VII. Assigned Deregulation Comments and Proposed Change Review Continued
VIII. Public Comment Period—15 minutes
IX. Wrap Up—DFO & AO
X. Adjourn

Wednesday, August 14, 2019—10 a.m. to 4 p.m. ET

I. Call to Order and Roll Call
II. Opening Remarks—Subcommittee Chair & Designated Federal Officer (DFO)
III. Public Comment Period—15 minutes
IV. Assigned Deregulation Comments and Proposed Change Review Continued
V. Lunch from 12 p.m. to 1 p.m.
VI. Assigned Deregulation Comments and Proposed Change Review Continued
VII. Public Comment Period—15 minutes
VIII. Wrap Up—DFO & AO
IX. Adjourn

Dated: June 17, 2019.

John L. Garvin,

General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2019–13366 Filed 6–21–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX19BD009AV0100; OMB Control Number 1028–NEW]

Agency Information Collection Activities; Cooperative Research Units (CRU)

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before August 23, 2019.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the U.S. Geological Survey, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Melissa Thode, by email at *mthode@usgs.gov,* or by telephone at (703) 648–4265.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: CRU Cooperating Universities submit applications for research work orders via *Grants.gov*. The Statutory Authority used is the Cooperative Research and Training Units Act (16 U.S.C. 753a–753b), Public Law 86–686, Sec. 1, Sept. 2, 1960, 74 Stat. 733, as amended by the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742a) Public Law 95–616, Sec. 2, Nov. 8, 1978, 92 Stat. 3110. Applications consist of project proposals, budgets and SF–424 forms. Information submitted includes project titles, schedules, scope of work, contact information (names, emails, addresses, position titles, telephone), and detailed budget breakdowns (salaries includes names, positions, rate of compensation) per Office of Acquisition requirements.

Title of Collection: Cooperative Research Units

OMB Control Number: 1028–New.

Form Number: NA.

Type of Review: New.

Respondents/Affected Public: CRU Cooperating Universities.

Total Estimated Number of Annual Respondents: 40.

Total Estimated Number of Annual Responses: 190.

Estimated Completion Time per Response: 40 hours.

Total Estimated Number of Annual Burden Hours: 7,600 hours.

Respondent's Obligation: Required to submit progress reports to retain benefit.

Frequency of Collection: Varies with research work order but at a minimum is responsible for initial application, progress report and final report.

Total Estimated Annual Non-hour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

John Thompson,

Deputy Chief, CRU.

[FR Doc. 2019–13296 Filed 6–21–19; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC09000/L16100000.DU0000/18XL1109AF/LXSSB0060000; (MO#4500132920)]

Notice of Intent To Prepare a Resource Management Plan Amendment for the Cotoni-Coast Dairies Unit of the California Coastal National Monument, and To Prepare an Associated Environmental Assessment, Santa Cruz County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM), Central Coast Field Office, Marina, California, intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Assessment (EA) for the California Coastal National Monument RMP. This RMP amendment will provide management direction for the Cotoni-Coast Dairies Unit of the California Coastal National Monument. In particular, management direction is needed to provide opportunities for public access and recreation on the public lands. This notice announces the beginning of the scoping process to solicit public comments and help identify issues and planning criteria.

DATES: Comments on issues may be submitted in writing until July 24, 2019, or 15 days after the last public meeting, whichever is later. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance via the BLM California website at *https://go.usa.gov/xEJAw.* In order to be included in the analysis, the BLM must receive all comments prior to the close of the 30-day scoping period, or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to the Cotoni-Coast Dairies RMP amendment and EA by any of the following methods:

- *Website: https://go.usa.gov/xEJAw.*
- *Email: blm_ca_cotoni_coast_dairies@blm.gov.*
- *Fax:* (831) 582–2266.
- Mail: Bureau of Land Management, Central Coast Field Office, Attn: Cotoni-Coast Dairies RMPA/EA, 940 2nd Ave., Marina, CA 93933–6009.

Documents pertinent to this proposal may be examined at the BLM's Central Coast Field Office, 940 2nd Ave., Marina, CA 93933–6009.

FOR FURTHER INFORMATION CONTACT: Sky Murphy, Planning and Environmental Coordinator, Central Coast Field Office, telephone, (831) 582–2200; address, 940 2nd Ave., Marina, CA 93933–6009; or by email *ccnm@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The planning area is in Santa Cruz County, California, and encompasses approximately 5,840 acres of public land, donated to the BLM by the Trust for Public Land in 2014. Since 2014, the property has been accessible to the public for guided tours only. On January 12, 2017, Presidential Proclamation 9563 added the public lands to the California Coastal National Monument. This proclamation called for the Cotoni-Coast Dairies Unit to be available for public access upon the BLM's completion of a management plan.

The current RMP for the California Coastal National Monument, completed in 2005, provides management direction for thousands of rocks and islands off the coast of California. The purpose of the RMP amendment and associated EA is to establish land use decisions, management actions, and allowable uses for the Cotoni-Coast Dairies Unit of the California Coastal National Monument. The need for the RMP amendment and associated EA is to provide opportunities for public access and recreation at the Cotoni-Coast Dairies Unit, while ensuring care for the objects and values identified in Presidential Proclamation 9563.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Federal, State and local agencies, BLM personnel, and other stakeholders have identified preliminary issues for the RMP mendment. These issues include public access and recreation opportunities, management of threatened and endangered species and their associated habitats, water quality, livestock grazing, cultural and historic resources, fire and fuels management, and public safety.

Preliminary planning criteria include:

1. Recognize valid existing rights, including deed restrictions, rights-of-way, and water rights;
2. Comply with existing law, executive orders, regulations, and BLM policy and program guidance;
3. Ensure consistency with the January 12, 2017, Presidential Proclamation that designated the property as the Cotoni-Coast Dairies Unit of the California Coastal National Monument;
4. Comply with BLM Rangeland Health Standards and Livestock Grazing Guidelines for Central California;
5. Consider adjoining non-public lands when making management decisions to minimize land use conflicts; and
6. Consider cost effectiveness and feasibility of proposed actions and alternatives.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section earlier.

The BLM will use the NEPA scoping process to help fulfill the public involvement process under section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in, or affected by, the proposed action under BLM evaluation, are invited to participate in the scoping process and, if eligible, may request or be asked by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the draft RMP amendment as to why an issue was placed in category two or three. The public is also encouraged to help identify management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan amendment to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Rangeland management, outdoor recreation, archaeology, biology (plants and wildlife), soils, geology and hydrology, fire and fuels, and lands and realty.

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—could be made publicly available at any time. While you can ask us in your comment that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.7 and 43 CFR 1610.2)

Danielle Chi,

Deputy State Director, Resources and Fire.

[FR Doc. 2019–13387 Filed 6–21–19; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF07000.L14400000.FR0000–18X; COC–15671]

Notice of Realty Action: Recreation and Public Purposes Act Classification and Conveyance of Public Land, Hinsdale County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined

certain public lands in Hinsdale County, Colorado totaling 43.09 acres, and found them suitable for classification for conveyance to the Town of Lake City (Lake City) under the provisions of the Recreation and Public Purposes Act (R&PP), as amended.

DATES: The BLM must receive written comments on or before August 8, 2019. Comments may be mailed or hand delivered to the BLM office address below, faxed to 970–642–4990 or emailed to *blm_co_gfo_nepa_comments@blm.gov*. The BLM will not consider comments received via telephone calls.

ADDRESSES: Mail written comments to Stuart Schneider, Associate Field Manager, BLM Gunnison Field Office, 210 W Spencer Ave., Suite A, Gunnison, CO 81230. Detailed information including, but not limited to, a proposed development and management plan, and documentation relating to compliance with applicable environmental and cultural resource laws, is available for review during business hours, 8:00 a.m. to 4:30 p.m. (Mountain Time), Monday through Friday, except during Federal holidays, at the BLM Gunnison Field Office.

FOR FURTHER INFORMATION CONTACT: Marnie Medina, Realty Specialist, BLM Gunnison Field Office, at 970–642–4954 or by email at *mmedina@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 leave a message or question with the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands examined and identified as suitable for lease or conveyance under the R&PP Act (43 U.S.C. 869 *et seq.*); Sec. 7 of the Taylor Grazing Act (43 U.S.C. 315(f)); and Executive Order No. 6910 are legally described as:

New Mexico Principal Meridian, Colorado

T. 43 N, R. 4 W,
Sec. 4, lots 40, 42, 45, and 46.
The area described contains 43.09 acres.

The Lake City Ski Hill is located on public lands approximately one mile south of Lake City. Lake City has developed recreational resources in the area under various BLM authorizations since 1966. The BLM classified and withdrew approximately 25 acres of public lands under the R&PP Act in October 1972. The BLM did not include all of the ski area and associated developments such as the parking lot, access roads and some of the ski runs.

The proposed action is to convey an additional 18.24 acres for an approximate 43.09 acres of public lands to Lake City. Also in October 1972, the BLM further segregated those lands from location and entry under the United States mining laws, but the lands remained open to the operation of the mineral leasing. The BLM most recently reauthorized the lease in 2014.

Lake City proposes to use the land for the continued use and operation of the Lake City Ski Hill and for other recreation purposes, such as mountain biking, hiking and other compatible summer recreational activities. This proposal aligns with the Administration's priority to restore trust and be a good neighbor. In this case, the BLM would collaborate with local government to provide increased recreation access and opportunities. Lake City would continue to use the lands proposed for conveyance for established and further defined proposed uses. The acreage of the proposed conveyance is no more than is reasonably necessary for the established and proposed uses. The proposed conveyance is consistent with the 1993 BLM Gunnison Resource Area Record of Decision and Approved Resource Management Plan. The Federal government does not need the lands for any Federal purposes, and the conveyance would be in the public interest.

The Town of Lake City has applied for not more than the 6,400-acre limitation for recreation uses in a year (or 640 acres for nonprofit corporations and associations), nor more than 640 acres for each of the programs involving public resources other than recreation. The Town of Lake City submitted a statement in compliance with the regulations at 43 CFR 2741.4(b).

In conformance with the National Environmental Policy Act, the BLM prepared a parcel-specific Environmental Assessment (EA) document (DOI–BLM–CO–S060–2016–0005–EA) for this Notice of Realty Action. A copy of the EA is available online at *https://go.usa.gov/xn6H7*. Based on the EA, the BLM approved a Finding of No Significant Impact and a Decision Record to implement the classification and conveyance of the lands described above on March 21, 2017.

All interested parties will receive a copy of this Notice after publication in the **Federal Register**. The BLM will submit for publication a copy of the **Federal Register** Notice with information about the proposal in the newspaper with local circulation once a week for three consecutive weeks. The regulations at 43 CFR Subpart 2741 addressing requirements and procedures for conveyances under the R&PP Act do not require a public meeting.

Publication of this Notice in the **Federal Register** segregates the lands from all other forms of appropriation under the public land laws, including locations under the mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws.

The conveyance of the land, when issued, will be subject to the following terms, conditions and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights.

4. June 10, 1920 (16 U.S.C. 791a) Federal Power Act. The right to itself, its permittees or licensees, to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the Federal Energy Regulatory Commission, for the purposes of Part 1 of the Federal Power Act of August 26, 1935, as amended (16 U.S.C. 818); and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of Part 1 of the Federal Power Act upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Federal Energy Regulatory Commission.

5. Valid existing rights.

6. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or occupations on the leased/patented lands.

6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

7. A right-of-way across the above-described lands for a road granted to Lake City Family Trust, its successors or assigns, by right-of-way COC–65717 pursuant to the Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761).

8. A right-of-way across the above-described lands for a road granted to Vickers Enterprises, its successors or assigns, by right-of-way COC–66348 pursuant to the Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761).

9. Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), a notice that states that the above-described parcel was examined and no evidence was found to indicate that any hazardous substances were stored for 1 year or more, nor had any hazardous substances been disposed of or released on the subject property.

Interested persons may submit comments involving the suitability of the land for the continued use and operation of the Lake City Ski Hill and for other recreation purposes. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested persons may submit comments regarding the specific use proposed in the application and plan of development and management, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for the continued use and operation of the Lake City Ski Hill and for other recreation purposes.

The BLM State Director or other authorized official of the Department of the Interior who may sustain, vacate, or modify this realty action will review any adverse comments. In the absence of any adverse comments, the classification will become effective on August 23, 2019. The lands will not be available for conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personally-identifying information in any comment, be aware that your entire comment including your personally-identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personally-identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2741.5)

Jamie Connell,

BLM Colorado State Director.

[FR Doc. 2019–13385 Filed 6–21–19; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1162]

Certain Touch-Controlled Mobile Devices, Computers, 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 22, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Neodron Ltd. of Dublin, Ireland. The complaint was amended on May 23, 2019. The complaint, as amended, 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 touch-controlled mobile devices, computers, and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,432,173 (''the '173 patent''); U.S. Patent No. 8,791,910 (''the '910 patent''); U.S. Patent No. 9,024,790 (''the '790 patent''); and U.S. Patent No. 9,372,580 (''the '580 patent''). The amended complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended 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 amended complaint, the U.S. International Trade Commission, on June 18, 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)(B) 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 claims 1–19 of the '173 patent; claims 1–37 of the '910 patent; claims 1, 4–8, 10–14, and 16–24 of the '790 patent; and claims 1–12 of the '580 patent, 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 ''touch-controlled mobile devices, including smartphone and tablet devices, computers, including notebook and laptop computers, and associated components thereof'';

(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 complainant is: Neodron Ltd., Unit 4–5, Burton Hall Road, Sandyford, Dublin 18, D18A094 Ireland.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Amazon.com, Inc., 410 Terry Avenue North, Seattle, WA 98109.
Dell Technologies Inc., One Dell Way, Round Rock, TX 78682.
HP Inc., 1501 Page Mill Road, Palo Alto, CA 94304.
Lenovo Group Ltd., 6 Chuang ye Road, Haidian District, Beijing 100085 China.
Levono (United States) Inc., 1009 Think Place, Building One, Morrisville, NC 27560.
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052.
Motorola Mobility LLC, 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654.
Samsung Electronics Co., Ltd., 129 Samsung-Ro, Maetab-3dong, Yeongtong-gu, Suwon, 443–742 South Korea.
Samsung Electronics America, Inc., 85 Challenger Rd., Ridgefield Park, NJ 07660.

(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 amended 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 amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended 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 amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended 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 amended 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 19, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–13379 Filed 6–21–19; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) at the Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, on July 11 and 12, 2019.

DATES: Thursday, July 11, 2019, from 9:00 a.m. to 5:00 p.m., and Friday, July 12, 2019, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service; 1111 Constitution Avenue NW; Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, (202) 317–3648.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Internal Revenue Service; 1111 Constitution Avenue NW; Washington, DC 20224, on Thursday, July 11, 2019, from 9:00 a.m. to 5:00 p.m., and Friday, July 12, 2019, from 8:30 a.m. to 5:00 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2019 Pension (EA–2L) and Basic (EA–1) Examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2019 Pension (EA–2F) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the May 2019 EA–2L and EA–1 Examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1:00 p.m. on July 11, 2019, and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should notify the Joint Board in writing prior to the meeting in order to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All persons planning to attend the public session should notify the Joint Board in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be sent electronically, by no later than July 3, 2019, to *NHQJBEA@irs.gov.* In addition, any interested person may file a written statement for consideration by the Joint Board and the Committee by sending it to: Ms. Elizabeth Van Osten; Joint Board for the Enrollment of Actuaries; SE:RPO, Room 3422; 1111 Constitution Avenue NW, Washington, DC 20224.

Dated: June 18, 2019.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2019–13365 Filed 6–21–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: VHG Labs DBA LGC Standards

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 24, 2019. Such persons may also file a written request for a hearing on the application on or before July 24, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 6, 2019, VHG Labs DBA LGC Standards, 3 Perimeter Road, Manchester, New Hampshire 03103 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	7008	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl)indole)	7081	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl]indole	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	7203	I
Ibogaine	7260	I
Lysergic acid diethylamide	7315	I
Marihuana	7360	I
Mescaline	7381	I
3,4-Methylenedioxymethamphetamine	7405	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Psilocyn	7438	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Dihydromorphine	9145	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Tilidine	9750	I
Alpha-methylfentanyl	9814	I
Methamphetamine	1105	II
Phenmetrazine	1631	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Phencyclidine	7471	II
Phenylacetone	8501	II
Dihydrocodeine	9120	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Levorphanol	9220	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
14-Hydroxmorphone	9665	II
Noroxymorphone	9668	II
Sufentanil	9740	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non- approved finished dosage forms for commercial sale.

Dated: June 6, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–13377 Filed 6–21–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Extension of Comment Period of Proposed Consent Decree Under the Clean Water Act

On May 17, 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 v. *Manke Lumber Company, Inc.,* Civil Action No. 3:17-cv-05257–RJB. The United States is hereby extending the public comment on this consent decree until July 5, 2019.

The United States, on behalf of the United States Environmental Protection Agency filed a Complaint against Manke Lumber Company, Inc. (Manke) alleging violations of the under the Clean Water Act (CWA). The Complaint alleges that Manke violated Section 301 of the Clean Water Act (''CWA''), 33 U.S.C. 1311; the conditions and limitations of the Industrial Stormwater General Permit (''General Permit'') issued to Manke by the Washington Department of Ecology (''Ecology'') under Section 402(a) of the CWA, 33 U.S.C. 1342(a); and the Spill Prevention, Control, and Countermeasure (''SPCC'') regulations promulgated by EPA pursuant to Section 311(j) of the CWA, 33 U.S.C. 1321(j) at its wood products facility in Tacoma, Washington.

The proposed Consent Decree provides for Manke to perform injunctive relief consisting of installation and implementation of stormwater treatment systems, as well as new environmental management system, training, and audits. The proposed Decree also requires that Manke pay a $320,000 penalty and perform a Supplemental Environmental Project (''SEP'').

The period for public comment on the consent decree began on May 23, 2019. With this notice the public comment period is being extended to July 5, 2019. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to entitled *United States* v. *Manke Lumber Company, Inc.,* D.J. Ref. No. 90–5–1–1–11580. All comments must be submitted no later than July 5, 2019. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $36.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $14.75.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–13329 Filed 6–21–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) Under the National Instant Criminal Background Check System (NICS) Form

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until July 24, 2019.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ms. Natalie N. Goff, Management and Program Analyst, Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; phone: (304) 625–7468 or email *NICS@fbi.gov* Attention: OMB PRA 1110–0026. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) under the National Instant Criminal Background Check System (NICS) Form.

(3) *Agency form number:* 1110–0026.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Any Federal Firearms Licensee (FFL) or State Point of Contact (POC) requesting access to conduct

National Instant Criminal Background Check System (NICS) checks telephonically or by the internet through the NICS E-Check.

Brief Abstract: The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a National Instant Criminal Background Check System (NICS) that any FFL may contact, by telephone or by other electronic means, for information to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate state or federal law. Information pertaining to licensees who may contact the NICS is collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and to ensure the privacy and security of NICS information. For more information regarding the NICS, please visit *https://www.fbi.gov/services/cjis/nics.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 250 FFLs enroll with the NICS per month for a total of 3,000 enrollments per year. The average response time for reading the directions for the National Instant Criminal Background Check System (NICS) Federal Firearms Licensee (FFL) Enrollment/NICS E-Check Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble, mail, or fax the form to the FBI is estimated to be three minutes, for a total of eight minutes. The average hour burden for this specific form is 3,000 × 8 minutes/60 = 400 hours.

The FFL Officer/Employee Acknowledgment of Responsibilities Form under the NICS takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is 3,000 × 5 minutes/60 = 250 hours.

The Responsibilities of an FFL under the NICS Form takes an additional two minutes to read which would be 3,000 × 2 minutes/60 = 100 hours.

The entire process of reading the material and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the material would be 3,000 × 15/60 = 750 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The entire process of reading the material and completing both forms would take 15 minutes per respondent. The average hour burden would be 3,000 × 15/60 = 750 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: June 18, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–13189 Filed 6–21–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1761]

Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention has scheduled a meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES: Thursday July 18th, 2019 at 11:00 a.m.–Noon EDT.

ADDRESSES: The meeting will take place remotely via webinar.

FOR FURTHER INFORMATION CONTACT: Visit the website for the FACJJ at *www.facjj.ojp.gov* or contact Elizabeth Wolfe, Designated Federal Official (DFO), OJJDP, by telephone at (202) 598–9310, email at *elizabeth.wolfe@ojp.usdoj.gov;* or Maegen Currie, Senior Program Manager/Federal Contractor, by telephone (732) 948–8862, email at *maegen.currie@bixal.com,* or fax at (866) 854–6619. Please note that the above phone/fax numbers are not toll free.

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App.2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.ojp.gov.*

FACJJ meeting agendas are available on *www.facjj.ojp.gov.* Agendas will generally include: (a) Opening remarks and introductions; (b) Presentations and discussion; and (c) member announcements.

The meeting will be available online via Adobe Connect, a video conferencing platform. Members of the public who wish to participate must register in advance of the meeting online at FACJJ Meeting Registration, no later than Friday July 12, 2019. Should issues arise with online registration, or to register by fax or email, the public should contact Maegen Currie, Senior Program Manager/Federal Contractor (see above for contact information).

Interested parties may submit written comments and questions in advance to Elizabeth Wolfe (DFO) for the FACJJ, at the contact information above. If faxing, please follow up with Maegen Currie, Senior Program Manager/Federal Contractor (see above for contact information) in order to assure receipt of submissions. All comments and questions should be submitted no later than 5:00 p.m. EDT on Friday July 12th, 2019.

The FACJJ will limit public statements if they are found to be duplicative. Written questions submitted by the public while in attendance will also be considered by the FACJJ.

Elizabeth Wolfe,

Training and Outreach Coordinator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2019–13300 Filed 6–21–19; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2019–030]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC); Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: We are announcing an upcoming meeting of the State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC).

DATES: The meeting will be on July 24, 2019, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW, Jefferson Room, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, Senior Program Analyst, ISOO, by mail at National Archives Building, 700 Pennsylvania Avenue NW, Washington, DC 20408, by telephone at (202) 357–5398, or by email at *robert.skwirot@nara.gov*. Contact ISOO at *ISOO@nara.gov*.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public, in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations. However, due to space limitations and access procedures, you must submit the name and telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Wednesday, July 17, 2019. ISOO will provide additional instructions for accessing the meeting's location.

Miranda J. Andreacchio,

Committee Management Officer.

[FR Doc. 2019–13321 Filed 6–21–19; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on National Science and Engineering Policy (SEP), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME & DATE: Tuesday, July 2, 2019 at 3:00 p.m.–4:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED: Chair's opening remarks; presentation on the outline and plans for the new statutory deliverable for *Science and Engineering Indicators 2020,* ''The State of U.S. Science & Engineering''; discussion on plans for this new ''summary report.''

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Reba Bandyopadhyay (*rbandyop@nsf.gov*), 703/292–7000.

Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for additional information.

Christopher Blair,

Executive Assistant, National Science Board Office.

[FR Doc. 2019–13463 Filed 6–20–19; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 24, July 1, 8, 15, 22, 29, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 24, 2019

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.

Week of July 22, 2019—Tentative

There are no meetings scheduled for the week of July 22, 2019.

Week of July 29, 2019—Tentative

There are no meetings scheduled for the week of July 29, 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.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 19th day of June 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–13424 Filed 6–20–19; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on June 18, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 94 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–154, CP2019–172.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–13328 Filed 6–21–19; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 24, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 18, 2019, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 535 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–155, CP2019–173.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–13327 Filed 6–21–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86132; File No. SR–MRX–2019–11]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Non-Substantive, Clarifying Changes to Options 7

June 18, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 5, 2019, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make non-substantive, clarifying changes to Options 7, as described further below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to make non-substantive clarifications to the Exchange's Pricing Schedule in Options 7 to avoid potential confusion in the Exchange's rules.

First, the Exchange proposes to remove an obsolete reference to its old website in its Options 7, Section 1. The definition of ''Penny Symbols'' presently states that the current list of Nasdaq MRX-listed Penny Pilot Program symbols is available at *http://www.ise.com/assets/files/products/productstraded/options_product_equityDownload.csv.* Now that the legacy website is no longer available, the Exchange proposes to delete this sentence from the definition of Penny Symbols.

Second, the Exchange proposes to add references to average daily volume (''ADV'') to certain pricing for Price Improvement Mechanism (''PIM'') orders set forth in Options 7, Section 3, Table 2. Specifically, the Exchange proposes to clarify that the current volume threshold requirements for the reduced contra-side Fee for Crossing Orders[3] of $0.02 per contract in all symbols and the rebate for originating Priority Customer[4] PIM orders of $1.05 in Non-Penny Symbols are each ADV calculations. Although the Exchange has always calculated these volume thresholds based on executed ADV of PIM originating contracts, the Exchange believes that explicitly adding the word ''ADV'' to this rule will avoid any possible confusion among members.[5] The Exchange also proposes to delete the words ''per day'' in each place it proposes to add ''ADV'' to avoid redundancy.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed 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.

As discussed above, the Exchange seeks to make non-substantive changes to Options 7 by removing obsolete references to its legacy website and specifying that certain PIM pricing is based on ADV calculations. The Exchange believes that the proposed changes herein will add further clarification to its Pricing Schedule, and will also alleviate potential confusion as to the applicability of the Exchange's rules, all of which will protect investors and the public interest. Furthermore, as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Crossing Order'' is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, PIM or submitted as a Qualified Contingent Cross order. For purposes of this Pricing Schedule, orders executed in the Block Order Mechanism are also considered Crossing Orders.

[4] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq MRX Rule 100(a)(37A).

[5] In the filing to adopt the PIM pricing and related volume thresholds, the Exchange stated that the reduced PIM fee is calculated by averaging volume across the month per business day. *See* Securities Exchange Act Release No. 85313 (March 14, 2019), 84 FR 10357 (March 20, 2019) (SR–MRX–2019–05). The Exchange notes that the higher PIM rebate, which is based on the same volume threshold as reduced the PIM fee, is calculated in the same manner.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

it relates to the clarifications proposed above for PIM pricing in Options 7, Section 3, Table 2, to add ''ADV'' and relatedly, delete ''per day,'' the Exchange notes that this is not a change to its current practice, but is a simple clean up change to make the Pricing Schedule easier for members to understand.[8] For the foregoing reasons, the Exchange believes that its proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the proposed changes are non-substantive changes, and are merely intended add further clarification to the Exchange's Pricing Schedule and alleviate potential confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[8] *See supra* note 5.

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2019–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2019–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2019–11 and should be submitted on or before July 15, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13308 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86130; File No. SR–CboeBZX–2019–049]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related To Updating Its Rule 21.1(h) To Allow for a User To Elect That a Bulk Message Opt-Out of the Display-Price Sliding Process, as Well as be Subject to the Lock-Only Display-Price Sliding Process

June 18, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 4, 2019, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to update its Rule 21.1(h) to allow for a User to elect that a bulk message opt-out of the display-price sliding process, as well as be subject to the lock-only display-price sliding process. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to allow for a User to elect that a bulk message be subject to the lock-only display-price sliding process under Rule 21.1(h), as well as instruct a bulk message not be subject to the display-price sliding process. The Exchange is proposing this change in order to provide Users that submit bulk messages with functionality that is currently available to them for orders.

In December 2018, the Exchange adopted bulk messaging functionality, in which a User may enter, modify or cancel up to an Exchange-specified number of bids and offers in a single message. A User may submit a bulk message through a bulk port.[5] The System[6] handles bulk message bids and offers in the same manner as it handles an order, or quote if submitted by a Market Maker, unless the Rules specify otherwise. Bulk message functionality was implemented by the Exchange as a way for Users to efficiently update (*e.g.,* modify, cancel, etc.) and designate order types for multiple bids and offers within a single message. Currently, Rule 21.1(h)(1) provides that an order (including a bulk message)[7] that, at the time of entry, would lock or cross a Protected Quotation of another options exchange will be ranked at the locking price in the BZX Options Book and displayed by the System at one minimum price variation below the current NBO (for bids) or to one minimum price variation above the current NBB (for offers).[8] Under current Rule 21.1(h)(1) a User may elect to have the System only apply display-price sliding to the extent an order at the time of entry would lock a Protected Quotation of another options exchange (''lock-only''). Orders under the lock-only option will be cancelled if, upon entry, such order would cross a Protected Quotation of another options exchange. The lock-only display-price sliding option is a variation of display-price sliding that is intended to allow Users to re-evaluate their orders and/or strategies in the event they are submitting orders to the Exchange that are crossing the market.[9] Furthermore, Rule 21.1(h) does not currently state that a User may designate orders or bulk messages to not be subject to the display-price sliding process. However, the ability for Users to opt-out of the display-price sliding process currently exists for a User's orders and is provided for under various other Exchange Rules.[10] Current Rule 21.1(h)(1) states that display-price sliding applies to all bulk messages, and, as such, a User is currently unable to elect the lock-only or opt-out process (as currently provided for in other Exchange Rules) for bulk messages.

The Exchange now proposes to amend Rule 21.1(h)(1) to remove the language that applies display-price sliding to all bulk messages, therefore, subjecting bulk messages, like orders, to a User's election to have the System only apply the lock-only display-price sliding option or to opt-out of the display-price sliding process, pursuant to other Exchange Rules and as proposed (as described below). The Exchange notes that the lock-only and opt-out designations, as applicable, for bulk messages will apply to all bulk message bids and offers within a single message.

Additionally, the Exchange proposes to explicitly state under Rule 21.1(h)(1) that a User may enter instructions for an order (including bulk messages) not to be subject to the display-price sliding process. As stated, the ability for Users to opt-out of the display-price sliding process currently exists for a User's orders under other Exchange Rules.[11] The Exchange is now proposing to make this existing instruction explicit under the display-price sliding provision and applicable to a User's orders and bulk messages. The proposed opt-out instruction is based on a similar re-pricing opt-out instruction under Rule 6.12(b) of the Exchange's affiliated exchange, Cboe C2 Exchange, Inc. (''C2'').[12]

The Exchange believes that as bulk messages have become more widely-used, Users would benefit from the expansion of the lock-only functionality and functionality to opt-out of the display-price sliding process for bulk messages, both of which are currently available for Users' orders. The Exchange believes that this proposed change provides Users with the flexibility to apply functionality currently available for their orders to their bulk messages. As proposed, Users will be able to instruct bulk message bids and offers not to be subject to display-price sliding and able to elect the lock-only option for bulk message bids and offers.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change allowing Users to elect that lock-only display-price sliding apply to bulk messages, and that the System cancel any such

[5] The ''System'' is the automated trading system used by BZX Options for the trading of options contracts. *See* Rule 21.1(1)(3).

[6] *See* Rule 16.1(a)(60).

[7] The Exchange notes that the display-price sliding designation, as well as the proposed opt-out and lock-only designations for a bulk message applies to all bulk message bids and offers within a single message.

[8] In accordance with the linkage rules. *See* Chapter XXVII of the Rules. *See also* Options Order Protection and Locked/Crossed Market Plan (the ''Linkage Plan'').

[9] *See* Securities Exchange Act No. 67657 (August 14, 2012), 77 FR 50199 (August 20, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by BATS Exchange, Inc. To Amend BATS Rules Related to Price Sliding Functionality) (SR–BATS–2012–035).

[10] *See* Rules 21.1(d)(6)–(9).

[11] *Id.*

[12] The Exchange notes that C2 is simultaneously proposing to include bulk messages in its re-pricing process.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

bulk message that would cross another options exchange, will remove impediments to and perfect the mechanism of a free and open market because it provides Users with the flexibility to apply to bulk messages the same order handling functionality as they may apply to their orders. The Exchange also believes that the proposed change is consistent with the requirement that the rules facilitate transactions in securities, as well as remove impediments to and perfect the mechanism of a free and open market, because it will allow Users an additional opportunity to respond to continuously changing market conditions. The lock-only option provides Users an opportunity to re-evaluate the price and/or strategy for bulk messages submitted that have been rejected for crossing another exchange. The Exchange believes that the ability to elect the lock-only option for bulk messages will give Users greater flexibility and control over the circumstances under which their orders are able to interact with contra side-interest. The Exchange notes that the lock-only option for bulk messages will also serve to protect investors because it is an additional protection mechanism that mitigates potential risk associated with Users submitting bulk messages at prices that are too aggressive or potentially erroneous. Furthermore, the proposed application of the lock-only option to bulk messages prevents the display of a locked or crossed market which is consistent with the Linkage Plan,[16] thus, perfecting the mechanism of a free and open market and national market system and protecting investors.

The Exchange also believes that codifying the opt-out instruction within Rule 21.1(h) will protect investors by making this instruction, which exists under other Exchange Rules,[17] explicit within the display-price sliding process provision, thereby making the rules easier to understand for investors. Furthermore, by allowing for a User to enter instructions for a bulk message not to be subject to the display-price sliding process under Rule 21.1(h)(1) this proposed change will serve to remove impediments to and perfect the mechanism of a free and open market and a national market system as it provides Users with additional flexibility regarding how they want the System to handle their orders and bulk messages. The Exchange notes that this is an additional way to ensure compliance with the linkage rules for both orders and bulk messages,[18] thereby protecting investors and the public interest. Additionally, this change is consistent with the re-pricing process under Rule 6.12(b) of the Exchange's affiliated exchange, C2. The Exchange believes that mirroring the corresponding C2 opt-out instruction language will provide for better understanding for Users participating across the affiliated exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed application of the lock-only display-price sliding election and opt-out instructions to bulk messages will be available to all Users. The Exchange also notes that the opt-out and lock-only options are already available to all Users for their orders, and will apply to bulk messages in the same manner as they apply to orders.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because it will provide Users with an opt-out instruction option and a lock-only price sliding option for bulk messages that is similar to other opt-out and lock-only price sliding options available on other exchanges.[19] The Exchange believes the proposed functionality will permit the Exchange to operate on an even playing field relative to other exchanges that have similar functionality.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBZX–2019–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2019–049. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

[16] *See supra* note 8.

[17] *See supra* note 10.

[18] *See supra* note 8.

[19] *See* C2 Rule 6.12(b) and NYSE Chicago Article 1, Rule 2(b)(1)(C)(iii).

[20] 15 U.S.C. 78s(b)(3)(A)(iii).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2019–049 and should be submitted on or before July 15, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13310 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86136; File No. SR–NYSEArca–2019–12]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the iShares Commodity Curve Carry Strategy ETF

June 18, 2019.

I. Introduction

On March 1, 2019, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade the shares of the iShares Commodity Curve Carry Strategy ETF, a series of the iShares U.S. ETF Trust. The proposed rule change was published for comment in the **Federal Register** on March 20, 2019.[4] On April 18, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[5] The Commission received no comments on the proposed rule change. On May 1, 2019, pursuant to Section 19(b)(2) of the Act,[6] 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 approve or disapprove the proposed rule change.[7] The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings under Section 19(b)(2)(B) of the Act[8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 85312 (March 14, 2019), 84 FR 10369.

[5] Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nysearca-2019-12/srnysearca201912-5393880-184151.pdf.*

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 85758, 84 FR 19978 (May 7, 2019). The Commission designated June 18, 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 approve or disapprove the proposed rule change.

[8] 15 U.S.C. 78s(b)(2)(B).

II. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to list and trade shares (''Shares'') of the iShares Commodity Curve Carry Strategy ETF (''Fund'') under NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares[9] on the Exchange.

The Shares will be offered by iShares U.S. ETF Trust (the ''Trust''), which is registered with the Commission as an open-end management investment company.[10] The Fund is a series of the Trust.

BlackRock Fund Advisors (''BFA'' or ''Adviser'') will be the investment adviser for the Fund. BlackRock Investments, LLC will be the distributor (''Distributor'') for the Fund's Shares. State Street Bank and Trust Company will serve as the administrator, custodian and transfer agent (''Custodian'' or ''Transfer Agent'') for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[11] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed

[9] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[10] The Trust is registered under the 1940 Act. On December 3, 2018, the Trust filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–179904 and 811–22649) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 29571(January 24, 2011) (File No. 812–13601).

[11] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

iShares Commodity Curve Carry Strategy ETF

Fund Investments

According to the Registration Statement, the investment objective of the Fund will be to seek to provide exposure, on a total return basis, to a group of commodities with higher carry than a broad universe of commodities.

The Fund is actively managed and seeks to achieve its investment objective in part,[12] under normal market conditions,[13] by investing in listed and over-the-counter (''OTC'') swaps, including total return swaps, referencing the—ICE BofAML Commodity Carry Total Return Index (the ''Reference Benchmark'').[14] The Fund is expected to establish new swaps contracts on an ongoing basis and replace expiring contracts.[15] Swaps subsequently entered into by the Fund may have terms that differ from the swaps the Fund previously held. The Fund expects generally to pay a fixed payment rate and certain swap-related fees to the swap counterparty and receive the total return of the Reference Benchmark, including, in the event of negative performance by the Reference Benchmark, negative return (*i.e.,* a payment from the Fund to the swap counterparty). In seeking total return, the Fund additionally aims to generate interest income and capital appreciation through a cash management strategy consisting primarily of cash, cash equivalents,[16] and fixed income securities other than cash equivalents, as described below.

The Reference Benchmark is composed of 20 futures contracts on physical agricultural, energy, precious metals, and industrial metals commodities. The Fund expects to obtain a substantial amount of its exposure to the carry strategy by entering into total return swaps that pay the returns of the commodity futures contracts referenced in the Reference Benchmark. The Reference Benchmark includes the 10 traded futures contracts on commodities having the highest degree of backwardation or lowest degree of contango among the 20 futures contracts on physical agricultural, energy, precious metals, and industrial metals listed on the U.S. regulated futures exchanges.

In order to maintain exposure to a futures contract on a particular commodity, an investor must sell the position in the expiring contract and buy a new position in a contract with a later delivery month, which is referred to as ''rolling.'' If the price for the new futures contract is less than the price of the expiring contract, then the market for the commodity is said to be in ''backwardation.'' In these markets, roll returns are positive, which is referred to as ''positive carry.'' The term ''contango'' is used to describe a market in which the price for a new futures contract is more than the price of the expiring contract. In these markets, roll returns are negative, which is referred to as ''negative carry.'' The Reference Benchmark seeks to employ a positive carry strategy that emphasizes commodities and futures contract months with the greatest degree of backwardation and lowest degree of contango, resulting in net gains through positive roll returns. The Fund will invest in financial instruments described below that provide exposure to commodities and not in physical commodities themselves.

The Fund (through its Subsidiary (as defined below)) may hold the following listed derivative instruments: Futures, options, and swaps on commodities (which commodities are from the same sectors as those included in the Reference Benchmark); currencies; U.S. and non-U.S. equity securities; fixed income securities as defined in Commentary .01(b) to Rule 8.600–E, but excluding Short-Term Fixed Income Securities (as defined below); interest rates; U.S. Treasuries, or a basket or index of any of the foregoing (collectively, ''Listed Derivatives'').[17] Listed Derivatives will comply with the criteria in Commentary .01(d) of NYSE Arca Rule 8.600–E.

The Fund (through its Subsidiary (as defined below)) may hold the following over-the-counter (''OTC'') derivative instruments: Forwards, options, and swaps on commodities (which commodities are from the same sectors as those included in the Reference Benchmark); currencies; U.S. and non-U.S. equity securities; fixed income securities as defined in Commentary .01(b) to Rule 8.600–E, but excluding Short-Term Fixed Income Securities (as defined below); interest rates, or a basket or index of any of the foregoing (collectively, ''OTC Derivatives'',[18] and together with Listed Derivatives, ''Commodity Investments'').[19]

The Fund's exposure to Commodity Investments is obtained by investing through a wholly-owned subsidiary organized in the Cayman Islands (the ''Subsidiary'').[20] The Subsidiary is advised by BFA and has the same investment objective as the Fund.

In compliance with the requirements of Sub-Chapter M of the Internal Revenue Code of 1986, the Fund may invest up to 25% of its total assets in the Subsidiary. The Fund's Commodity Investments held in the Subsidiary are intended to provide the Fund with exposure to broad commodities.

[12] The Fund's investment objective is also achieved by investing in cash, cash equivalents, Commodity Investments, Fixed Income Securities and Short-Term Fixed Income Securities (each as defined or described below).

[13] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[14] Although the Fund may hold swaps on the Reference Benchmark, or direct investments in, the same futures contracts as those included in the Reference Benchmark, the Fund is not obligated to invest in any futures contracts included in, and does not seek to replicate the performance of, the Reference Benchmark.

[15] Swaps on the Reference Benchmark are included in ''Commodity Investments'' as defined below.

[16] For purposes of this filing, cash equivalents are the short-term instruments enumerated in Commentary .01(c) to Rule 8.600–E.

[17] Examples of Listed Derivatives the Fund may invest in include exchange traded futures contracts similar to those found in the Reference Benchmark, exchange traded futures contracts on the Reference Benchmark, swaps on commodity futures contracts similar to those found in the Reference Benchmark, futures and options that correlate to the investment returns of commodities without investing directly in physical commodities.

[18] Examples of OTC Derivatives the Fund may invest in include swaps on commodity futures contracts similar to those found in the Reference Benchmark, options that correlate to the investment returns of commodities without investing directly in physical commodities.

[19] As discussed below under ''Application of Generic Listing Requirements'' below, the Fund's and the Subsidiary's holdings in OTC derivatives will not comply with the criteria in Commentary .01(e) of NYSE Arca Rule 8.600–E.

[20] All statements included in this filing related to the Fund's investments and restrictions are applicable to the Fund and Subsidiary collectively.

The Fund may hold cash, cash equivalents and fixed income securities other than cash equivalents, as described further below.

Specifically, the Fund may invest in Short-Term Fixed Income Securities (as defined below) other than cash equivalents on an ongoing basis to provide liquidity or for other reasons.[21] Short-Term Fixed Income Securities will have a maturity of no longer than 397 days and include only the following: (i) Money market instruments; (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit, bankers' acceptances, fixed-time deposits and other obligations of U.S. and non-U.S. banks (including non-U.S. branches) and similar institutions; (iv) commercial paper; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures); (vi) repurchase agreements; (vii) short-term U.S. dollar-denominated obligations of non-U.S. banks (including U.S. branches) that, in the opinion of BFA, are of comparable quality to obligations of U.S. banks that may be purchased by the Fund; (viii) and sovereign obligations (collectively, ''Short-Term Fixed Income Securities''). Any of these securities may be purchased on a current or forward-settled basis.[22]

The Fund also may invest in fixed income securities as defined in Commentary .01(b) to NYSE Arca Rule 8.600–E, other than cash equivalents and Short-Term Fixed Income Securities, with remaining maturities longer than 397 days (''Fixed Income Securities''). Such Fixed Income Securities will comply with requirements of Commentary .01(b) to NYSE Arca Rule 8.600–E.[23]

The Subsidiary may hold cash and cash equivalents.

The Fund may hold exchange-traded notes (''ETNs'')[24] and exchange-traded funds (''ETFs'').[25]

The Fund will seek to gain exposure to Commodity Investments by investing in its Subsidiary. The Fund wholly owns and controls the Subsidiary, and the Fund and the Subsidiary are managed by BFA. The Subsidiary is not an investment company registered under the 1940 Act and is a company organized under the laws of the Cayman Islands.

The Trust's Board of Trustees has oversight responsibility for the investment activities of the Fund, including its investment in the Subsidiary, and the Fund's role as sole shareholder of the Subsidiary.

The Fund and the Subsidiary will not invest in securities or other financial instruments that have not been described in this proposed rule change.

Other Restrictions

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or –3X) of the Reference Benchmark.

Use of Derivatives by the Fund

Investments in derivative instruments will be made in accordance with the Fund's investment objective and policies.

To limit the potential risk associated with such transactions, the Fund will enter into offsetting transactions or segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board''). In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the Fund's use of derivatives. The Adviser understands that market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares of the Fund trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares of the Fund at their net asset value (''NAV''), which should ensure that Shares of the Fund will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor or its agent at a price based on the Fund's NAV next determined after receipt, on any business day of an order received by the Distributor or its agent in proper form. The size of a Creation Unit is 50,000 Shares. The Adviser may increase or decrease the number of the Fund's Shares that constitute a Creation Unit.

The consideration for purchase of Creation Units of the Fund is generally cash. However, in some cases the consideration consists of an in-kind deposit of a designated portfolio of securities (''Deposit Securities'') and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit.'' The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount.

The Fund's current policy is to accept cash in substitution for the Deposit Securities it might otherwise accept as in-kind consideration for the purchase of Creation Units. The Fund may, at

[21] As discussed under ''Application of Generic Listing Requirements'', below, the Exchange proposes that such Short-Term Fixed Income Securities be excluded from the requirements of Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E.

[22] To the extent that the Fund and the Subsidiary invest in cash and Short-Term Fixed Income Securities that are cash equivalents (*i.e.,* that have maturities of less than 3 months) as specified in Commentary .01(c) to NYSE Arca Rule 8.600–E, such investments will comply with Commentary .01(c) and may be held without limitation. Non-convertible corporate debt securities and sovereign obligations are not included as cash equivalents in Commentary .01(c).

[23] Among the Fixed Income Securities in which the Fund may invest are commodity-linked notes.

[24] ETNs are securities as described in NYSE Arca Rule 5.2–E(j)(6) (Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Index-Linked Securities). All ETNs will be listed and traded in the U.S. on a national securities exchange. The Fund will not invest in inverse or leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETNs.

[25] For purposes of this filing, the term ''ETFs'' includes Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. The Fund will not invest in inverse or leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs.

times, elect to receive Deposit Securities (*i.e.,* the in-kind deposit of a designated portfolio of securities) and a Cash Component as consideration for the purchase of Creation Units. If the Fund elects to accept Deposit Securities, a purchaser's delivery of the Deposit Securities together with the Cash Component will constitute the ''Fund Deposit,'' which will represent the consideration for a Creation Unit of the Fund.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'') or the clearing process (as discussed below) or that the ''Authorized Participant'' as defined below, is not able to trade due to a trading restriction, during times the Fund has elected to receive Deposit Securities. The Fund also reserves the right to permit or require a ''cash in lieu'' amount in certain circumstances.

To be eligible to place orders with the Distributor and to create a Creation Unit of the Fund, an entity must be: (i) A ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') (the ''Clearing Process''), a clearing agency that is registered with the SEC, or (ii) a DTC Participant, and must have executed an agreement with the Distributor, with respect to creations and redemptions of Creation Units (''Authorized Participant Agreement'') (discussed below). A Participating Party or DTC Participant who has executed an Authorized Participant Agreement is referred to as an ''Authorized Participant.

To initiate an order for a Creation Unit, an Authorized Participant must submit to the Distributor or its agent an irrevocable order to purchase Shares of the Fund, in proper form, generally before 4:00 p.m., Eastern time on any business day to receive that day's NAV.

Shares of the Fund may be redeemed by only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent and only on a business day. The Fund generally redeems Creation Units solely for cash.[26]

BFA makes available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form (as defined below) on that day (''Fund Securities''), and an amount of cash (the ''Cash Amount,'' as described below). Such Fund Securities and the corresponding Cash Amount (each subject to possible amendment or correction) are applicable, in order to effect redemptions of Creation Units of the Fund until such time as the next announced composition of the Fund Securities and Cash Amount is made available. Where redemptions are permitted in-kind, Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units. Procedures and requirements governing redemption transactions are set forth in the handbook for Authorized Participants and may change from time to time.

The Trust may, in its sole discretion, substitute a ''cash in lieu'' amount to replace any Fund Security. The Trust also reserves the right to permit or require a ''cash in lieu'' amount in certain circumstances. The amount of cash paid out in such cases will be equivalent to the value of the substituted security listed as a Fund Security. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the difference is required to be made by or through an Authorized Participant by the redeeming shareholder. The Fund generally redeems Creation Units for cash.

Redemption requests for Creation Units of the Fund must be submitted to the Distributor or its agent by or through an Authorized Participant. An Authorized Participant must submit an irrevocable request to redeem Shares of the Fund generally before 4:00 p.m., Eastern time on any business day in order to receive that day's NAV.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio will meet all such requirements except for those set forth in Commentary .01 (b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and (e) (with respect to OTC Derivatives), as described below.

The Fund's Short-Term Fixed Income Securities will not comply with the requirements set forth in Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E.[27] While the requirements set forth in Commentary .01(b)(1)–(4) include rules intended to ensure that the fixed income securities included in a fund's portfolio are sufficiently large and diverse, and have sufficient publicly available information regarding the issuances, the Exchange believes that any concerns related to non-compliance are mitigated by the types of instruments that the Fund would hold. The Fund's Short-Term Fixed Income Securities primarily will include those instruments that are

[26] The Adviser represents that, to the extent the Trust effects the creation or redemption of Shares wholly or partially in cash, such transactions will be effected in the same manner for all Authorized Participants.

[27] Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E provides as follows:

(b) Fixed Income—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 (''Treasury Securities''), government-sponsored entity securities (''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. To the extent that a portfolio includes convertible securities, the fixed income security into which such security is converted shall meet the criteria of this Commentary .01(b) after converting. The components of the fixed income portion of a portfolio shall meet the following criteria initially and on a continuing basis:

(1) Components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more;

(2) No component fixed-income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the fixed income weight of the portfolio, and the five most heavily weighted component fixed income securities in the portfolio (excluding Treasury Securities and GSE Securities) shall not in the aggregate account for more than 65% of the fixed income weight of the portfolio;

(3) An underlying portfolio (excluding exempted securities) that includes fixed income securities shall include a minimum of 13 non-affiliated issuers, provided, however, that there shall be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities as described in Commentary .01(a) above;

(4) Component securities that in aggregate account for at least 90% of the fixed income weight of the portfolio must be either (a) from issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least $1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Securities Exchange Act of 1934; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country''.

included in the definition of cash and cash equivalents, but are not considered cash and cash equivalents because they have maturities of three months or longer. The Exchange believes, however, that, because all Short-Term Fixed Income Securities, including non-convertible corporate debt securities and sovereign obligations (which are not cash equivalents as enumerated in Commentary .01(c) to Rule 8.600–E), are highly liquid they are less susceptible than other types of fixed income instruments both to price manipulation and volatility and that the holdings as proposed are generally consistent with the policy concerns which Commentary .01(b)(1)–(4) is intended to address. Because the Short-Term Fixed Income Securities will consist of high-quality fixed income securities described above, the Exchange believes that the policy concerns that Commentary .01(b)(1)–(4) is intended to address are otherwise mitigated and that the Fund should be permitted to hold these securities in a manner that may not comply with Commentary .01(b)(1)–(4).

The Fund's portfolio also will not comply with the requirements set forth in Commentary .01(e) (with respect to OTC Derivatives) to NYSE Arca Rule 8.600–E.[28] Specifically, the Fund's investments in OTC Derivatives may exceed 20% of Fund assets, calculated as the aggregate gross notional value of such OTC Derivatives. The Exchange proposes that up to 60% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC Derivatives. The Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC Derivatives to efficiently gain exposure to the multiple commodities markets that underlie the Reference Benchmark as well as commodity futures contracts similar to those found in the Reference Benchmark.

OTC Derivatives can be tailored to provide specific exposure to the Fund's Reference Benchmark, as well as commodity futures contracts similar to those found in the Reference Benchmark, allowing the Fund to more efficiently meet its investment objective. For example, the Reference Benchmark is composed of 20 futures contracts across 20 physical commodities, which may not be sufficiently liquid and would not provide the commodity exposure the Fund requires to meet its investment objective if the Fund were to invest in the futures directly. A total return swap can be structured to provide exposure to the same futures contracts as exist in the Reference Benchmark, as well as commodity futures contracts similar to those found in the Reference Benchmark, while providing sufficient efficiency to allow the Fund to more easily meet its investment objective.

In addition, if the Fund were to gain commodity exposure exclusively through the use of listed futures, the Fund's holdings in Listed Derivatives would be subject to position limits and accountability levels established by an exchange. Such limitations would restrict the Fund's ability to gain efficient exposure to the commodities in the Reference Benchmark, or futures contracts similar to those found in the Reference Benchmark, thereby impeding the Fund's ability to satisfy its investment objective.

The Adviser represents that the basket or index on which much of the Fund's OTC Derivatives will be based will satisfy the criteria applicable to holdings in Listed Derivatives in Commentary .01(d)(2) on an initial and continued listing basis.[29] With respect to the Fund's holdings in OTC Derivatives, the aggregate gross notional value of OTC Derivatives based on any five or fewer underlying reference assets will not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of OTC Derivatives based on any single underlying reference asset will not exceed 30% of the weight of the portfolio (including gross notional exposures). In addition, the Adviser represents that futures on all commodities in the Reference Benchmark are traded on futures exchanges that are members of the Intermarket Surveillance Group (''ISG'').

The Exchange notes that, other than Commentary .01(b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and .01(e) (with respect to OTC Derivatives) to Rule 8.600–E, as described above, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

Availability of Information

The Fund's website (*www.iShares.com*) will include the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis including, for the Fund, (1) daily trading volume, the prior business day's reported closing price, NAV and midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[30] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its website the Disclosed Portfolio as defined in NYSE Arca Rule 8.600–E(c)(2) that forms the basis for the Fund's calculation of NAV at the end of the business day.[31]

On a daily basis, the Fund will disclose the information required under NYSE Arca Rule 8.600–E(c)(2) to the extent applicable. The website information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the NSCC. The basket represents one Creation Unit of the Fund. Authorized Participants may refer to the basket composition file for information regarding financial instruments that may comprise the Fund's basket on a given day.

[28] Commentary .01(e) of NYSE Arca Rule 8.600–E provides: ''The portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.''

[29] Commentary .01(d)(2) to Rule 8.600–E provides that, with respect to a fund's portfolio, the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[30] The Bid/Ask Price of the Fund's Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[31] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Fund's Forms N–CSR and Forms N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR, Form N–PX and Form N–SAR may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov*.

Intra-day and closing price information regarding futures and other Listed Derivatives will be available from the exchange on which such instruments are traded and from major market data vendors. Price information regarding cash equivalents, OTC Derivatives, Short-Term Fixed Income Securities, and Fixed Income Securities also will be available from major market data vendors. Additionally, the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'') will be a source of price information for certain fixed income securities to the extent transactions in such securities are reported to TRACE.[32] Price information regarding U.S. government securities and other cash equivalents generally may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements. The index price is available via Bloomberg. The index methodology and constituent list of the Reference Benchmark is available via ICE Data Services.[33]

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares, ETFs and ETNs will be available via the Consolidated Tape Association (''CTA'') high-speed line. Exchange-traded options quotation and last sale information for options cleared via the Options Clearing Corporation are available via the Options Price Reporting Authority. In addition, the Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[34] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Fund's Shares also will be subject to Rule 8.600–E(d)(2)(D) (''Trading Halts'').

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m., E.T. in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

With the exception of the requirements of Commentary .01(b)(1)–(4)) (with respect to Short-Term Fixed Income Securities) and (e) (with respect to OTC Derivatives) to Rule 8.600–E as described above in ''Application of Generic Listing Requirements,'' the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. Consistent with NYSE Arca Rule 8.600–E(d)(2)(B)(ii), the Adviser will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and continued listing, the Fund will be in compliance with Rule 10A–3 [35] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. The Fund's investments will be consistent with its investment goal and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[36]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, ETFs, ETNs, futures, and certain listed options with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities.[37] In addition, the Exchange may obtain information regarding trading in such securities and

[32] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from feeds from market data vendors, published or other public sources, or online information services, as described above.

[33] ICE Data Services is part of the Intercontinental Exchange, Inc.

[34] *See* NYSE Arca Rule 7.12–E.

[35] 17 CFR 240.10A–3.

[36] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[37] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Fund on the Exchange.

The issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E (m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., Eastern time each trading day.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2019–12, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [38] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[39] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 6(b)(5) of the Act, 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,'' and ''to protect investors and the public interest.'' [40]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[41] any request for an opportunity to make an oral presentation.[42]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal, as modified by Amendment No. 1, should be approved or disapproved by July 15, 2019. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 29, 2019. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 1,[43] in addition to any other comments that they may wish to submit about the proposed rule change.

In this regard, the Commission seeks comment on the Exchange's statement that the Fund will not comply with the requirement in Commentary .01(e) to NYSE Arca Rule 8.600–E that investments in OTC Derivatives be limited to 20% of the assets of the Fund's portfolio; instead, the Fund's investments in OTC Derivatives would be limited to 60% of the Fund's assets. Such OTC Derivatives may be forwards, options, and swaps on commodities (which commodities are from the same sectors as those included in the Reference Benchmark); currencies; U.S. and non-U.S. equity securities; fixed income securities as defined in Commentary .01(b) to Rule 8.600–E, but excluding Short-Term Fixed Income Securities; interest rates, or a basket or index of any of the foregoing. The Commission specifically seeks comment on whether the Fund's proposed investments in OTC Derivatives are consistent with the requirement 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,'' and ''to protect investors and the public interest.'' Has the Exchange provided sufficient information relating to OTC Derivatives, including the underlying reference assets of such OTC Derivatives, for the Commission to determine that trading of the Fund's

[38] 15 U.S.C. 78s(b)(2)(B).

[39] *Id.*

[40] 15 U.S.C. 78f(b)(5).

[41] 17 CFR 240.19b–4.

[42] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[43] *See supra* note 5.

Shares would be consistent with the Act?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2019–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2019–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–12 and should be submitted on or before July 15, 2019. Rebuttal comments should be submitted by July 29, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13307 Filed 6–21–19; 8:45 am]

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[44] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–549, OMB Control No. 3235–0610]

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 248.30

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 248.30 (17 CFR 248.30) under Regulation S–P is titled ''Procedures to Safeguard Customer Records and Information; Disposal of Consumer Report Information.'' Rule 248.30 (the ''safeguard rule'') requires brokers, dealers, investment companies, and investment advisers registered with the Commission (''registered investment advisers'') (collectively ''covered institutions'') to adopt written policies and procedures for administrative, technical, and physical safeguards to protect customer records and information. The safeguards must be reasonably designed to ''insure the security and confidentiality of customer records and information,'' ''protect against any anticipated threats or hazards to the security and integrity'' of those records, and protect against unauthorized access to or use of those records or information, which ''could result in substantial harm or inconvenience to any customer.'' The safeguard rule's requirement that covered institutions' policies and procedures be documented in writing constitutes a collection of information and must be maintained on an ongoing basis. This requirement eliminates uncertainty as to required employee actions to protect customer records and information and promotes more systematic and organized reviews of safeguard policies and procedures by institutions. The information collection also assists the Commission's examination staff in assessing the existence and adequacy of covered institutions' safeguard policies and procedures.

We estimate that as of the end of 2018, there are 3,926 broker-dealers, 4,095 investment companies, and 13,230 investment advisers registered with the Commission, for a total of 21,251 covered institutions. We believe that all of these covered institutions have already documented their safeguard policies and procedures in writing and therefore will incur no hourly burdens related to the initial documentation of policies and procedures.

Although existing covered institutions would not incur any initial hourly burden in complying with the safeguards rule, we expect that newly registered institutions would incur some hourly burdens associated with documenting their safeguard policies and procedures. We estimate that approximately 1,350 broker-dealers, investment companies, or investment advisers register with the Commission annually. However, we also expect that approximately 55% of these newly registered covered institutions, or 743 institutions, are affiliated with an existing covered institution, and will rely on an organization-wide set of previously documented safeguard policies and procedures created by their affiliates. We estimate that these affiliated newly registered covered institutions will incur a significantly reduced hourly burden in complying with the safeguards rule, as they will need only to review their affiliate's existing policies and procedures, and identify and adopt the relevant policies for their business. Therefore, we expect that newly registered covered institutions with existing affiliates will incur an hourly burden of approximately 15 hours in identifying and adopting safeguard policies and procedures for their business, for a total hourly burden for all affiliated new institutions of 11,145 hours. We expect that half of this time would be incurred by inside counsel at an hourly rate of $401, and half would be by a compliance officer at an hourly rate of $352, for a total cost of $4,196,093.

Finally, we expect that the 607 newly registered entities that are not affiliated with an existing institution will incur a significantly higher hourly burden in reviewing and documenting their safeguard policies and procedures. We expect that virtually all of the newly registered covered entities that do not

have an affiliate are likely to be small entities and are likely to have smaller and less complex operations, with a correspondingly smaller set of safeguard policies and procedures to document, compared to other larger existing institutions with multiple affiliates. We estimate that it will take a typical newly registered unaffiliated institution approximately 60 hours to review, identify, and document their safeguard policies and procedures, for a total of 36,420 hours for all newly registered unaffiliated entities. We expect that half of this time would be incurred by inside counsel at an hourly rate of $401, and half would be by a compliance officer at an hourly rate of $352, for a total cost of $13,712,130.

Therefore, we estimate that the total annual hourly burden associated with the safeguards rule is 47,565 hours at a total hourly cost of $17,908,223. We also estimate that all covered institutions will be respondents each year, for a total of 21,251 respondents.

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number. The safeguard rule does not require the reporting of any information or the filing of any documents with the Commission. The collection of information required by the safeguard rule is mandatory.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to *Lindsay.M. Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to *PRA_ Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 18, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13298 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86137; File No. SR–BX–2019–020]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter VI, Section 5 (Minimum Increments), To Extend Through December 31, 2019

June 18, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 14, 2019, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter VI, Section 5 (Minimum Increments),[3] to extend through December 31, 2019 or the date of permanent approval, if earlier, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''). The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References herein to Chapter and Series refer to rules of the BX Options Market (''BX Options''), unless otherwise noted.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Chapter VI, Section 5, to extend the Penny Pilot through December 31, 2019 or the date of permanent approval, if earlier.[4] The Exchange believes that extending the Penny Pilot will allow for further analysis of the Penny Pilot and a determination of how the program should be structured in the future.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2019.[5] The Exchange now proposes to extend the time period of the Penny Pilot through December 31, 2019 or the date of permanent approval, if earlier.

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove

[4] The options exchanges in the U.S. that have pilot programs similar to the Penny Pilot (together ''pilot programs'') are currently working on a proposal for permanent approval of the respective pilot programs.

[5] *See* Securities Exchange Act Release No. 84952 (December 26, 2018), 84 FR 871 (January 31, 2019) (SR–BX–2018–067).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

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.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2019 or the date of permanent approval, if earlier, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange.

Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

The Pilot is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) [12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program.[14] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2019–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2019–020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–BX–2019–020 and should be submitted on or before July 15, 2019.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *See* Securities Exchange Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEARCA–2009–44).

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13306 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86131; File No. SR–NYSE–2019–25]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Change of Amendments To Define "Net Position Information in DMM Securities" in NYSE Rule 98(c)(5) and the "the Position of the DMM Unit" in NYSE Rule 104(g)(1)(B)

June 18, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 7, 2019, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to define ''net position information in DMM securities'' in Rule 98(c)(5) and the ''the position of the DMM unit'' in Rule 104(g)(1)(B). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes amendments to define ''net position information in DMM securities'' in Rule 98(c)(5) and ''the position of the DMM unit'' in Rule 104(g)(1)(B).

Background

The Exchange recently amended Rules 98(c)(5) and 104(g),[4] and the amended rules will be implemented when the Exchange transitions trading in NYSE-listed securities to its Pillar trading platform.[5] As amended, Rule 104(g) provides that transactions on the Exchange by a DMM for the DMM's account must be effected in a reasonable and orderly manner in relation to the condition of the general market and the market in the particular stock. More particularly, amended Rule 104(g)(1)(B) prohibits DMM transactions in the last ten minutes of trading if the transaction is an ''Aggressing Transaction,'' *i.e.,* the DMM reaches across the market, and, as a result, creates a new high/low price for the security on the Exchange for the day at the time of the DMM's transaction, unless the DMM's Aggressing Transaction:

- Matches another market's better bid or offer price;
- brings the price of a security into parity with an underlying or related security or asset; or
- liquidates or decreases the position of the DMM unit.

As amended, Rule 98(c)(5) provides that a member organization operating a DMM unit must daily provide the Exchange with ''net position information in DMM securities by the DMM unit and any independent trading unit of which it is part at such times and in the manner prescribed by the Exchange.'' This requirement enables the Exchange to effectively monitor for compliance with the third exception in Rule 104(g)(1)(B) by utilizing DMM position information provided on a same-day basis for its automated surveillances.

The phrase ''net position information in DMM securities'' in Rule 98(c)(5) and ''the position of the DMM unit'' in Rule 104(g)(1)(B) are not defined in the Exchange's rules.

Proposed Rule Change

The Exchange proposes to define references to DMM position information in the amended versions of Rules 98(c)(5) and 104(g) that would be implemented concurrent with the implementation of these amended rules.

First, the Exchange proposes to add a new subsection (A) to Rule 98(c)(5) that would provide that the phrase ''net position information in DMM securities'' in Rule 98(c)(5) means the DMM unit's inventory of securities exclusive of pending, unexecuted orders. The proposed subsection would also make clear that, as used in Rule 98(c)(5), the phrase ''net position information in DMM securities'' is independent of any reference to position information in connection with an interpretation of Rule 7.16 (Short Sales) or Regulation SHO.[6] Finally, the proposed subsection would state that, consistent with Rule 7.16(c), a member organization must mark all sell orders as ''long,'' ''short'' or ''short exempt'' in accordance with the provisions of Rule 200 of Regulation SHO and related SEC FAQs 2.5, 2.5A, 2.5B, 2.5C and 2.6.

Second, the Exchange proposes a new subsection (i) to Rule 104(g)(1)(B) that would state that the phrase ''the position of the DMM unit'' in Rule 104(g)(1)(B) means the DMM unit's inventory of securities exclusive of pending, unexecuted orders and has the same meaning as ''net position information in DMM securities'' in Rule 98(c)(5).

As noted, under the amended rules, the sole reason DMM position information will be relevant is for when a DMM would seek to avail itself of the third exception under amended Rule 104(g)(1)(B) for Aggressing Transactions in the last ten minutes of trading that would liquidate or decrease the DMM unit's position. The primary purpose of amended Rule 98(c)(5) is for DMMs to provide net position information to the Exchange to facilitate the Exchange's automated surveillance of amended Rule 104(g)(1)(B).[7] In order to assess whether a transaction is liquidating or decreasing a position for purposes of

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 85637 (April 12, 2019), 84 FR 16079, 16083 (April 17, 2019) (SR–NYSE–2018–34).

[5] The transition of Exchange-listed securities to the Pillar trading system is currently anticipated to begin in the third quarter of 2019. *See* Securities Exchange Act Release No. 85637 (April 12, 2019), 84 FR 16079, 16083 (April 17, 2019) (SR–NYSE–2018–34) (Approval Order).

[6] 17 CFR 242.200.

[7] In connection with the implementation of these rules, the Exchange will publish regulatory guidance setting forth the requirement that DMMs provide net position on a daily basis but in no event later than trading day plus one (T+1).

amended Rule 104(g)(1)(B), the Exchange must know the actual number of shares in the DMM unit's inventory at the point in time the Aggressing Transactions was effectuated, which would necessarily exclude pending, unexecuted shares.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices by facilitating the Exchange's ability to appropriately and efficiently surveil for Prohibited Transactions by DMM units in the final ten minutes of trading. Similarly, the proposed rule change promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market by ensuring and continuing to require that DMM units provide detailed and accurate data to the Exchange pursuant to Rule 98. The proposed stated interpretation also promotes transparency and clarity so that the Exchange, DMMs, the public, and the Commission have a common understanding of the circumstances of when a DMM may avail itself of an exception to Prohibited Transactions and how DMMs will be reporting position information pursuant to Rule 98(c)(5). For the same reasons, the proposal is also designed to protect investors as well as the public interest because investors will not be harmed and in fact would benefit from this increased transparency, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended to define a phrase in the Exchange's rules in order to promote clarity and greater transparency in order to avoid confusion with respect to the meaning of a DMM unit's position, and therefore would not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2019–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2019–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2019–25 and should be submitted on or before July 15, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13309 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86138; File No. SR–ISE–2019–17]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate ISE's Rules From Their Current Place in the Rulebook Into the New Rulebook Shell

June 18, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 6, 2019, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate rules from its current Rulebook into its new Rulebook shell.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to relocate ISE rules into the new Rulebook shell with some amendments to the shell.[3] The Exchange is relocating the ISE Rules first and plans on relocating the Rulebooks of its Affiliated Exchanges so that it may harmonize its rules, where applicable, across Nasdaq markets. The relocation and harmonization of the ISE Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges. The Exchange believes that the placement of the ISE Rules into their new location in the shell will facilitate the use of the Rulebook by Members.

Universal Changes

The Exchange proposes to amend the defined term ''System''[4] and replace ''trading system'' or ''system'' with the defined term throughout the new rules. The Exchange proposes to capitalize the defined term ''market maker'' within proposed Options 1, Section 1(a)(21) and also capitalize the term throughout the Rulebook. The Exchange proposes to capitalize the defined term ''Member''[5] throughout the new rules where it is not already capitalized. The Exchange proposes to correct references to the non-defined term ''member organization'' to the defined term ''Member.'' The Exchange proposes to capitalize the ''t'' in the defined term ''Exchange Transactions''[6] where the term is not properly capitalized within the Rules. The Exchange proposes to change references to ''Commentary'' to ''Supplementary Material'' to conform the term throughout the Rulebook. References to the term ''Regulatory Information Circular'' are being amended to the updated term ''Options Regulatory Alert.''

The Exchange proposes to update all cross-references within the Rule to the new relocated rule cites. The Exchange proposes to replace internal rule references to simply state ''this Rule'' where the rule is citing itself without a more specific cite included in the Rule. For example, if ISE Rule 715 refers currently to ''Rule 715'' or ''this Rule 715'' the Exchange will amend the phrase to simply ''this Rule.'' The Exchange proposes to conform numbering and lettering in certain rules to the remainder of the Rulebook. Finally, the Exchange proposes to delete any current Rules that are reserved in the Rulebook.

General 1

The Exchange proposes to relocate certain definitions from Rule 100 into proposed General 1, Section 1 and the remainder of the rules into Options 1, Section 1. The Exchange proposes to relocate definitions that are specific to the options product into Options 1, Section 1 and the more general definitions will be relocated into the General provisions.[7]

General 2

The Exchange will not relocate ISE Rules 200–203 into General 2 Organization and Administration. The Exchange will separately file a proposed rule change to delete these rules. General 2 would be comprised of the following rules:

Proposed new rule No.	Current rule No.
Section 1	Rule 204. Divisions of the Exchange.
Section 2 (all 4 rules combined)	Rule 205. Access Fees.
	Rule 206. Transaction Fees.
	Rule 207. Communication Fees.
	Rule 208. Regulatory Fees or Charges.
Section 3	Rule 211. Exchange's Costs of Defending Legal Proceedings.
Section 4	Rule 312. Limitation on Affiliation between the Exchange and Members.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Previously, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, Nasdaq BX, Inc.; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). The shell structure currently contains eight (8) Chapters which, once complete, will apply a common set of rules to the Affiliated Exchanges. *See* Securities Exchange Act Release No. 82175 (November 29, 2017), 82 FR 57494 (December 5, 2017) (SR–NASDAQ–2017–125).

[4] The term ''System'' is defined at Rule 100(a)(63).

[5] The term ''Member'' is defined at Rule 100(a)(30).

[6] The term ''Exchange Transactions'' is defined at Rule 100(a)(22).

[7] These rules are being relocated into Section 1 of the General Provisions: Chapter I(a)(4), (9), (10), (13A), (17), (18), (20), (20A), (22), (25), (26), (27), (30), (31), (48), (57), (58), (62) and (66).

The Exchange is combining Rules 205–208 into a single rule to conform the content to that of other Affiliated Exchanges.[8] Rule 212, Sales Value Fee, will be relocated into Options 7. The Exchange intends to locate similar rules within other Nasdaq Rulebooks in similar locations when it files to relocate other Affiliate Exchange Rulebooks in separate rule changes. The Exchange proposes to reserve Sections 5 and 6 within General 2.

General 3

The Exchange proposes to relocate the following rules into General 3, ''Membership and Access.''

Proposed new rule No.	Current rule No.
Section 1	Rule 301. Qualification of Members.
Section 2	Rule 302. Denial of and Conditions to Becoming a Member.
Section 3	Rule 304. Persons Associated with Members.
Section 4	Rule 305. Documents Required of Applicants and Members.
Section 5	Rule 306. Member Application Procedures.
Section 6	Rule 310. Dissolution and Liquidation of Members.

General 5

The Exchange proposes to relocate the following rules into General 5 Discipline:

Proposed new rule No.	Current rule No.
Section 1	Rule 1600. Disciplinary Jurisdiction.
Section 2	80. Investigations and Sanctions.
Section 3	90. Code of Procedure.

Options 1

The Exchange proposes to rename current Options 1 from ''Options Definitions'' to ''General Provisions.'' The Exchange proposes to relocate certain definitions from Rule 100 into proposed General 1, Section 1 and the remainder of the rules into Options 1, Section 1. The Exchange proposes to relocate definitions that are specific to the options product into Options 1, Section 1. Section 2 of Options 1 is being reserved.

Options 2

The Exchange proposes to rename Options 2 from ''Options Trading Rules'' to ''Options Market Participants'' and relocate the following rules into this chapter:

Proposed new rule No.	Current rule No.
Section 1	Rule 800. Registration of Market Makers.
Section 2	Rule 801. Designated Trading Representatives.
Section 3	Rule 802. Appointment of Market Makers.
Section 4	Rule 803. Obligations of Market Makers.
Section 5	Rule 804. Market Maker Quotations except 804(h) which will be relocated into Options 3.
Section 6	Rule 805. Market Maker Orders.
Section 7	Rule 807. Securities Accounts and Orders of Market Makers.
Section 8	Rule 809. Financial Requirements for Market Makers.

Sections 9 and 10 will be reserved.

Options 2A

The Exchange proposes a new Options Section 2A titled ''ISE Market Maker Rights'' and proposes to relocate the following rules into this chapter:

Proposed new rule No.	Current rule No.
Section 1	Rule 300. Market Maker Rights.
Section 2	Rule 303. Approval to Operate Multiple Memberships.
Section 3	Rule 307. Sale and Transfer of Market Maker Rights.
Section 4	Rule 308. Leasing Memberships.
Section 5	Rule 309. Registration of Memberships by Individuals for Members.
Section 6	Rule 311. Obligations of Terminating Members and Transferors of Market Maker Rights and Memberships.
Section 7	Rule 209. Transfer Fees.

[8] The Exchange is not proposing any substantive changes in consolidating these rules.

Options 3

The Exchange proposes to rename Options 3 from ''Options Market Participants'' to ''Options Trading Rules'' and relocate the following rules into this chapter:

Proposed new rule No.	Current rule No.
Section 1	Rule 700. Days and Hours of Business.
Section 2	Rule 708. Units of Trading/Rule 709. Meaning of Premium Quotes and Orders (combined into one rule).
Section 3	Rule 710. Minimum Trading Increments.
Section 4	Rule 711. Acceptance of Quotes and Orders, except (c) and (d).
Section 5	Reserved.
Section 6	Rule 704. Collection and Dissemination of Quotations.
Section 7	Rule 715. Types of Orders.
Section 8	Rule 701. Opening.
Section 9	Rule 702. Trading Halts/Rule 703. Trading Halts Due To Extraordinary Market Volatility.
Section 10	Rule 713. Priority of Quotes and Orders.
Section 11	Rule 716. Auction Mechanisms.
Section 12	Rule 721. Crossing Orders.
Section 13	Rule 723. Price Improvement Mechanism for Crossing Transactions.
Section 14	Rule 722. Complex Orders.
Section 15	Rule 714. Automatic Execution of Orders.
Section 16	Rule 724. Complex Order Risk Protections.
Section 17	Kill Switch (relocating 711(c)).
Section 18	Detection of Loss of Communication (relocating 711(d)).
Section 19	Reserved.
Section 20	Rule 720. Nullification and Adjustment of Options Transactions including Obvious Errors/Rule 720A. Erroneous Trades due to System Disruptions and Malfunctions (combined into one rule).
Section 21	Rule 706. Access to and Conduct on the Exchange.
Section 22	Rule 717. Limitations on Orders.
Section 23	Rule 718. Data Feeds and Trade Information.
Section 24	Rule 719. Transaction Price Binding.
Section 25	Reserved.
Section 26	Message Traffic Mitigation (relocating Rule 804(h)).
Section 27	Rule 705. Limitation of Liability.

The Exchange proposes to combine ISE Rules 708 and 709 within Section 2.[9] ISE Rule 714 is being relocated into Options 3, Section 15 and is being renamed from ''Automatic Execution of Orders'' to ''Simple Order Risk Protections.'' ISE Rules 702 and 703 are being combined into Section 9. The Exchange proposes to combine ISE Rules 720 and 720A into Section 20.[10] The Exchange proposes to relocate ISE Rule 711(c) and (d) into new separate Rules at Sections 17 and 18. The Exchange proposes to create a separate rule in Section 26 relocated from Rule 804(h) and title the rule ''Message Traffic Mitigation.''

Options 4

The Exchange proposes to relocate rules within Options 4 Options Listing Rules as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 500. Designation of Securities.
Section 2	Rule 501. Rights and Obligations of Holders and Writers.
Section 3	Rule 502. Criteria for Underlying Securities.
Section 4	Rule 503. Withdrawal of Approval of Underlying Securities.
Section 5	Rule 504. Series of Options Contracts Open for Trading.
Section 6	Rule 504A. Select Provisions of Options Listing Procedures Plan.
Section 7	Rule 505. Adjustments.
Section 8	Rule 506. Long-Term Options Contracts.
Section 9	Rule 507. Limitation on the Liability of Index Licensors for Options on Fund Shares.
Section 10	Rule 508. Back-Up Trading Arrangements.

Rule 509, ''Authority to Take Action Under Emergency Conditions'' is not being relocated as this rule will be deleted.

Options 4A

The Exchange proposes to relocate rules within new proposed Options 4A, which is proposed to be titled ''Options Index Rules'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 2000. Application of Index Rules.
Section 2	Rule 2001. Definitions.

[9] The Exchange is not proposing any substantive changes in consolidating these rules.

[10] *Id.*

Proposed new rule No.	Current rule No.
Section 3	Rule 2002. Designation of an Index.
Section 4	Reserved.
Section 5	Rule 2003. Dissemination of Information.
Section 6	Rule 2004. Position Limits for Broad-Based Index Options.
Section 7	Rule 2005. Position Limits for Industry Index Options.
Section 8	Rule 2005A. Position Limits for Foreign Currency Index Options.
Section 9	Rule 2006. Exemptions from Position Limits.
Section 10	Rule 2007. Exercise Limits.
Section 11	Rule 2008. Trading Sessions.
Section 12	Rule 2009. Terms of Index Options Contracts.
Section 13	Rule 2010. Debit Put Spread Cash Account Transactions.
Section 14	Rule 2011. Disclaimers.
Section 15	Rule 2012. Exercise of American-Style Index Options.
Section 16	Rule 2013. Market Maker Trading License.

Options 5

The Exchange proposes to rename Options 5 from ''Options Trade Administration'' to ''Order Protection and Locked and Crossed Markets'' and relocate rules within Options 5 as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1900. Definitions.
Section 2	Rule 1901. Order Protection.
Section 3	Rule 1902. Locked and Crossed Markets.
Section 4	Rule 1903. Order Routing to Other Exchanges.
Section 5	Rule 1904. Cancellation of Orders and Error Account.

Options 6

The Exchange proposes rename Options 6 from ''Order Protection and Locked and Cross Markets'' to ''Options Trade Administration'' and relocate rules within Options 6 as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 707. Clearing Member Give Up.
Section 2	Rule 712. Submission of Orders and Clearance of Transactions.
Section 3	Rule 806. Trade Reporting and Comparison.
Section 4	Rule 808. Letters of Guarantee.

Options 6A

The Exchange proposes to relocate rules within new proposed Options 6A titled ''Closing Transactions'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1000. Contracts of Suspended Members.
Section 2	Rule 1001. Failure to Pay Premium.

Options 6B

The Exchange proposes to relocate rules within new proposed Options 6B titled ''Exercises and Deliveries'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1100. Exercise of Options Contracts.
Section 2	Rule 1101. Allocation of Exercise Notices.
Section 3	Rule 1102. Delivery and Payment.

Options 6C

The Exchange proposes to relocate rules within new proposed Options 6C titled ''Margins'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1200. General Rule.
Section 2	Rule 1201. Time Margin Must Be Obtained.
Section 3	Rule 1202. Margin Requirements.
Section 4	Rule 1203. Meeting Margin Calls by Liquidation Prohibited.
Section 5	Rule 1204. Margin Required Is Minimum.
Section 6	Rule 1205. Margin Requirements Exception.

Options 6D

The Exchange proposes to relocate rules within new proposed Options 6D titled ''Net Capital Requirements'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1300. Minimum Requirements.
Section 2	Rule 1301. "Early Warning" Notification Requirements.
Section 3	Rule 1302. Power of President to Impose Restrictions.
Section 4	Rule 1303. Joint Back Office Arrangements.

Options 6E

The Exchange proposes to relocate rules within new proposed Options 6E titled ''Records, Reports and Audits'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 1400. Maintenance, Retention and Furnishing of Books, Records and Other Information.
Section 2	Rule 1401. Reports of Uncovered Short Positions.
Section 3	Rule 1402. Financial Reports.
Section 4	Rule 1403. Audits.
Section 5	Rule 1404. Automated Submission of Trade Data.
Section 6	Rule 1405. Risk Analysis of Market Maker Accounts.
Section 7	Rule 1406. Regulatory Cooperation.
Section 8	Rule 1408. Fingerprint-Based Background Checks of Exchange Employees and Independent Contractors and Other Service Providers.

Options 7

The Exchange proposes to relocate Rule 212 titled ''Sales Value Fee'' to Options 7, Options Pricing at new proposed Section 12.

The Exchange is updating various cross-references within Options 7 to reflect the new rule locations. Within the definition of Options 7, Section 1, the Exchange is also deleting rule references to ''SSF-Option Orders'' which terminology no longer exists within current Rule 722.[11]

Options 9

The Exchange proposes to relocate rules within new proposed Options 9 titled ''Business Conduct'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 400. Just and Equitable Principles of Trade.
Section 2	Rule 401. Adherence to Law.
Section 3	Rule 402. Sharing of Offices and Wire Connections.
Section 4	Rule 403. Disruptive Quoting and Trading Activity Prohibited.
Section 5	Rule 404. False Statements.
Section 6	Rule 405. Manipulation.
Section 7	Rule 406. Gratuities.
Section 8	Rule 407. Rumors.
Section 9	Rule 408. Prevention of the Misuse of Material Nonpublic Information.
Section 10	Rule 409. Disciplinary Action by Other Organizations.
Section 11	Rule 410. Other Restrictions on Members.
Section 12	Rule 411. Significant Business Transactions.
Section 13	Rule 412. Position Limits.
Section 14	Rule 413. Exemptions from Position Limits.
Section 15	Rule 414. Exercise Limits.
Section 16	Rule 415. Reports Related to Position Limits.

[11] *See* Securities Exchange Act Release No. 82999 (April 5, 2018), 83 FR 15662 (April 11, 2018) (SR–ISE–2018–28).

Proposed new rule No.	Current rule No.
Section 17	Rule 416. Liquidation Positions.
Section 18	Rule 417. Limit on Outstanding Uncovered Short Positions.
Section 19	Rule 418. Other Restrictions on Options Transactions and Exercises.
Section 20	Rule 419. Mandatory Systems Testing.
Section 21	Rule 420. Anti-Money Laundering Compliance Program.
Section 22	Rule 421. Proxy Voting.
Section 23	Reserved.

Options 10

The Exchange proposes to relocate rules within new proposed Options 10 titled ''Doing Business with the Public'' as follows:

Proposed new rule No.	Current rule No.
Section 1	Rule 600. Exchange Approval.
Section 2	Rule 601. Registration of Options Principals.
Section 3	Rule 602. Registration of Representatives.
Section 4	Rule 606. Discipline, Suspension, Expulsion of Registered Persons.
Section 5	Rule 607. Branch Offices.
Section 6	Rule 608. Opening of Accounts.
Section 7	Rule 609. Supervision of Accounts.
Section 8	Rule 610. Suitability of Recommendations.
Section 9	Rule 611. Discretionary Accounts.
Section 10	Rule 612. Confirmation to Customers.
Section 11	Rule 613. Statement of Accounts to Customers.
Section 12	Rule 614. Statements of Financial Condition to Customers.
Section 13	Rule 616. Delivery of Current Options Disclosure Documents and Prospectus.
Section 14	Rule 617. Restrictions on Pledge and Lending of Customers' Securities.
Section 15	Rule 618. Transactions of Certain Customers.
Section 16	Rule 619. Guarantees.
Section 17	Rule 620. Profit Sharing.
Section 18	Rule 621. Assuming Losses.
Section 19	Rule 622. Transfer of Accounts.
Section 20	Rule 623. Options Communications.
Section 21	Rule 624. Brokers' Blanket Bonds.
Section 22	Rule 625. Customer Complaints.
Section 23	Rule 626. Telemarketing.

The Exchange proposes to reserve Options 10, Sections 24 and 25.

Options 11

Finally, the Exchange proposes to relocate Rule 1614, titled ''Imposition of Fines for Minor Rule Violations'' to Options 11 titled ''Minor Rule Plan Violations'' at Section 1.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by bringing greater transparency to its rules by relocating its Rules into the new Rulebook shell together with other rules which have already been relocated. The Exchange's proposal is consistent with the Act and will protect investors and the public interest by harmonizing its rules, where applicable, across Nasdaq markets so that Members can readily locate rules which cover similar topics. The relocation and harmonization of the ISE Rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its Affiliated Exchanges. The Exchange believes that the placement of the ISE Rules into their new location in the shell will facilitate the use of the Rulebook by Members. Specifically, the Exchange believes that market participants that are members of more than one Nasdaq market will benefit from the ability to compare Rulebooks.

The Exchange is not substantively amending rule text unless noted otherwise within this rule change. The renumbering, re-lettering, deleting reserved rules, amending cross-references and other minor technical changes will bring greater transparency to ISE's Rules. The Exchange intends to file other rule change to relocate Affiliated Exchange Rulebooks to relocate corresponding rules into the same location in each Rulebook for ease of reference. The Exchange believes its proposal will benefit investors and the general public by increasing the transparency of its Rulebook and promoting easy comparisons among the various Nasdaq Rulebooks.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed amendments do not impose an undue burden on competition because the amendments to relocate the Rules are non-substantive. This rule change is intended to bring greater clarity to the Exchange's Rules. Renumbering, re-lettering, deleting reserved rules and amending cross-references will bring greater transparency to ISE's Rules.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. As the proposed rule change raises no novel issues and is largely organizational, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2019–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2019–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2019–17 and should be submitted on or before July 15, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13305 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–132, OMB Control No. 3235–0158]

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 20a–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 20a–1 (17 CFR 270.20a–1) was adopted under Section 20(a) of the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–20(a)) and concerns the solicitation of proxies, consents, and authorizations with respect to securities issued by registered investment companies (''Funds''). More specifically, rule 20a–1 under the 1940 Act (15 U.S.C. 80a–1 *et seq.*) requires that the solicitation of a proxy, consent, or authorization with respect to a security issued by a Fund be in compliance with Regulation 14A (17 CFR 240.14a–1 *et seq.*), Schedule 14A (17 CFR 240.14a–101), and all other rules and regulations adopted pursuant to section 14(a) of the Securities Exchange Act of 1934 (''1934 Act'') (15 U.S.C. 78n(a)). It also requires, in certain circumstances, a Fund's investment adviser or a prospective adviser, and certain affiliates of the adviser or prospective adviser, to transmit to the person making the solicitation the information necessary to enable that person to comply with the rules and regulations applicable to the solicitation. In addition, rule 20a–1 instructs Funds that have made a public offering of securities and that hold security holder votes for which proxies, consents, or authorizations are not being solicited, to refer to section 14(c) of the

1934 Act (15 U.S.C. 78n(c)) and the information statement requirements set forth in the rules thereunder.

The types of proposals voted upon by Fund shareholders include not only the typical matters considered in proxy solicitations made by operating companies, such as the election of directors, but also include issues that are unique to Funds, such as the approval of an investment advisory contract and the approval of changes in fundamental investment policies of the Fund. Through rule 20a–1, any person making a solicitation with respect to a security issued by a Fund must, similar to operating company solicitations, comply with the rules and regulations adopted pursuant to Section 14(a) of the 1934 Act. Some of those Section 14(a) rules and regulations, however, include provisions specifically related to Funds, including certain particularized disclosure requirements set forth in Item 22 of Schedule 14A under the 1934 Act.

Rule 20a–1 is intended to ensure that investors in Fund securities are provided with appropriate information upon which to base informed decisions regarding the actions for which Funds solicit proxies. Without rule 20a–1, Fund issuers would not be required to comply with the rules and regulations adopted under Section 14(a) of the 1934 Act, which are applicable to non-Fund issuers, including the provisions relating to the form of proxy and disclosure in proxy statements.

The staff currently estimates that approximately 1,333 proxy statements are filed by Funds annually. Based on staff estimates and information from the industry, the staff estimates that the average annual burden associated with the preparation and submission of proxy statements is 85 hours per response, for a total annual burden of 113,305 hours (1,333 responses × 85 hours per response = 101,660). In addition, the staff estimates the costs for purchased services, such as outside legal counsel, proxy statement mailing, and proxy tabulation services, to be approximately $30,000 per proxy solicitation.

Rule 20a–1 does not involve any recordkeeping requirements. Providing the information required by the rule is mandatory and information provided under the rule will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 18, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13299 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86140; File No. SR–Phlx–2019–24]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Rule 1034 To Extend Through December 31, 2019 or the Date of Permanent Approval, if Earlier, the Penny Pilot Program in Options Classes in Certain Issues

June 18, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 14, 2019, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1034 (Minimum Increments) [3] to extend through December 31, 2019 or the date of permanent approval, if earlier, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot'').

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Phlx Rule 1034 to extend the Penny Pilot through December 31, 2019 or the date of permanent approval, if earlier.[4] The Exchange believes that extending the Penny Pilot will allow for further analysis of the Penny Pilot and a determination of how the program should be structured in the future.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2019.[5] The Exchange now proposes to extend the time period of the Penny Pilot through December 31, 2019 or the date of permanent approval, if earlier.

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] References herein to rules refer to rules of Phlx, unless otherwise noted.

[4] The options exchanges in the U.S. that have pilot programs similar to the Penny Pilot (together ''pilot programs'') are currently working on a proposal for permanent approval of the respective pilot programs.

[5] *See* Securities Exchange Act Release No. 84961 (December 26, 2018), 84 FR 838 (January 31, 2019) (SR–Phlx–2018–84).

remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2019 or the date of permanent approval, if earlier, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange.

Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

The Pilot is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program.[14] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2019–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2019–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *See* Securities Exchange Release No. 61061 (November 24, 2009), 74 FR 62857) (December 1, 2009) (SR–NYSEARCA–2009–44).

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2019–24 and should be submitted on or before July 15, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–13304 Filed 6–21–19; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2019–0005]

Procedures for Requests To Exclude Particular Products From the September 2018 Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: In a notice published on May 9, 2019, the United States Trade Representative (Trade Representative) announced that the Office of the U.S. Trade Representative (USTR) would establish a process by which U.S. stakeholders may request exclusion of particular products classified within a tariff subheading covered by the September 2018 action in this investigation from the additional duties. This notice announces that USTR will open an electronic portal for submission of exclusion requests on June 30, 2019, and sets out the specific procedures for submitting requests.

DATES:

June 30, 2019 at noon EDT: The web portal for submitting exclusion requests—*http://exclusions.USTR.gov*—will open.

September 30, 2019: Deadline for submitting exclusion requests.

Responses to individual exclusion requests are due 14 days after the request is posted on USTR's online portal. Any replies to responses to an exclusion request are due the later of 7 days after the close of the 14-day response period, or 7 days after the posting of a response.

ADDRESSES: You must submit all requests, responses to requests, and replies to responses through the online portal: *http://exclusions.USTR.gov*.

FOR FURTHER INFORMATION CONTACT: For questions about the product exclusion process, contact USTR Assistant General Counsels Philip Butler or Megan Grimball at (202) 395–5725. For questions on customs classification or implementation of additional duties, contact *traderemedy@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

A. September 2018 Action

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), as modified by 83 FR 49153 (September 28, 2018), and 84 FR 20549 (May 9, 2019), as modified by 84 FR 21892 (May 15, 2019) and 84 FR 26930 (June 10, 2019).

In a notice published on September 21, 2018 (83 FR 47974), the Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the Section 301 investigation by imposing 10 percent additional duties on products of China with an annual trade value of approximately $200 billion. On September 28, 2018 (83 FR 65198), the Trade Representative issued a conforming amendment and modification of the September 21 action. The current notice refers to the September 21 action, as modified by September 28 notice, as the ''September 2018 action.'' In a notice published on May 9, 2019 (84 FR 20459), the Trade Representative, at the direction of the President, increased the rate of additional duty for the September 2018 action to 25 percent.

B. Procedures To Request the Exclusion of Particular Products

USTR invites interested persons, including trade associations, to submit requests for exclusion from the additional duties under the September 2018 action. The September 2018 action covers the products classified within the Harmonized Tariff Schedule of the United States (HTSUS) subheadings set out in Annex A of the notice published at 83 FR 47974 (September 21, 2018) as amended and modified by 83 FR 49153 (September 28, 2018). As explained in more detail below, each request must specifically identify a particular product, and provide supporting data and the rationale for the requested exclusion. USTR will evaluate each request on a case-by-case basis, taking into account the asserted rationale for the exclusion, whether the exclusion would undermine the objective of the Section 301 investigation, and whether the request defines the product with sufficient precision. Any exclusion will be effective starting from the September 24, 2018 effective date of the September 2018 action, and extending for one year after the publication of the exclusion determination in the **Federal Register**. USTR will periodically announce decisions on pending requests.

To submit an exclusion request, requesters must first register on the portal at *http://exclusions.USTR.gov*. As noted above, the portal will open at noon EDT on June 30, 2019. After registration, the requester can fill out and submit one or more exclusion request forms.

Fields on the exclusion request form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for Business Confidential Information and the information entered will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, parties will be able to upload documents and indicate whether the documents are BCI or public. Requesters will be able to review the public version of their submission before the submission is posted.

In order to facilitate preparation of requests prior to the June 30 opening of the web portal, a facsimile of the exclusion request form to be used on the portal is attached as an annex to this notice. Please note that the color-coding of public fields and BCI fields is not visible on the attached facsimile, but will be apparent on the actual form used on the portal.

Set out below is a summary of the information to be entered on the exclusion request form.

Each requester has to provide contact information, including the full legal name of the organization making the request, whether the requester is a third party (law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the primary point of contact (requester and/or third party submitter). The requester may report whether the requester's business satisfies the Small Business

Administration's size standard for a small business, which are identified by North American Industry Classification Systems Codes and are found in 13 CFR 121.201.

With regard to product identification, any request for exclusion must include the following information:

• The 10-digit subheading of the HTSUS applicable to the particular product requested for exclusion. If no 10-digit subheading is available (*i.e.,* the 8-digit subheading does not contain breakouts at the 10-digit level), requesters should use the 8-digit subheading and add ''00''. Different models classified under different 8-digit or 10-digit subheadings are considered different products and require separate exclusion requests.

• Product name and a detailed description of the product. A detailed description of the product includes, but is not limited to, its physical characteristics (*e.g.,* dimensions, weight, material composition, etc.). Requesters may submit a range of comparable goods within the product definition set out in an exclusion request. Thus, a product request may include two or more goods with similar product characteristics or attributes. Goods with different SKUs, model numbers, or sizes are not necessarily different products.

• The products function, application (whether the product is designed to function in or with a particular machine or other device), principal use, and any unique physical features that distinguish it from other products within the covered 8-digit HTSUS subheading. Requesters may submit attachments that help distinguish the product (*e.g.,* CBP rulings, photos and specification sheets, and previous import documentation). Documents submitted to support a requester's product description must be made available for public inspection and contain no BCI. USTR will not consider requests that identify the product using criteria that cannot be made available for public inspection.

Requesters must provide their relationship to the product (Importer, U.S. Producer, Purchaser, Industry Association, Other) and provide specific data on the annual quantity and value of the Chinese-origin product, domestic product, and third-country product the requester purchased, in 2017, 2018, and the first quarter of 2019.

Requesters must provide information regarding their company's gross revenues for 2018, the first quarter of 2018, and the first quarter of 2019.

For imports sold as final products, requesters must provide the percentage of their total gross sales in 2018 that sales of the Chinese-origin product accounted for.

For imports used in the production of final products, requesters must provide the percentage of the total cost of producing the final product(s) the Chinese-origin input accounts for and the percentage of their total gross sales in 2018 that sales of the final product(s) accounted for.

As noted in the attached facsimile, required information regarding the requester's purchases and gross sales and revenue is BCI and the information entered will not be publicly available.

With regard to the rationale for the requested exclusion, each requester will be asked to address the following:

• Whether the particular product is available only from China and whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries. The requester must provide an explanation if the product is not available outside of China or the requester is not sure of the product availability.

• Whether the requester has attempted to source the product from the United States or third countries.

• Whether the imposition of additional duties (since September 2018) on the particular product has or will cause severe economic harm to the requester or other U.S. interests.

• Whether the particular product is strategically important or related to ''Made in China 2025'' or other Chinese industrial programs.

In addressing each factor, the requester should provide support for their assertions. To provide information about the possible cumulative effects of the Section 301 tariff actions, requesters also may submit information about any exclusion requests submitted by the requester under the initial $34 billion tariff action (Docket ID: USTR–2018–0025) or the additional $16 billion tariff action (Docket ID: USTR–2018–0032) and the value of the requester's imports applicable to the previous tariff actions. Requesters also may provide any other information or data that they consider relevant to an evaluation of the request.

C. Responses to Requests for Exclusions

After a request for exclusion of a particular product is posted on USTR's online portal, interested persons will have *14 days* to respond to the request, indicating support or opposition and providing reasons for their view. A response to a product exclusion request must be submitted using USTR's online portal at *http://exclusions.USTR.gov.* To file a response, an interested party does not have to register. Responses will be publicly available.

D. Replies to Responses to Requests for Exclusions

After a response is posted on USTR's online portal, the requester will have the opportunity to reply to the response using the same portal. Any reply must be submitted within the later of *7 days* after the close of the 14 day response period, or 7 days after the posting of a response. A reply to a response must be submitted using USTR's online portal at *http://exclusions.USTR.gov.* Replies to responses will be publicly available.

E. Submission Instructions

As noted above, interested persons must submit requests for exclusions in the period between the opening of the portal on June 30, 2019, and the September 30, 2019 submission deadline. Any responses to those requests must be submitted within 14 days after the requests are posted. Any reply to a response must be submitted within the later of 7 days after the close of the 14 day response period, or 7 days after the posting of a response. Interested persons seeking to exclude two or more products must submit a separate request for each product, *i.e.,* one product per request. As noted above, a single product may include two or more goods with similar product characteristics or attributes.

By submitting an exclusion request, a response, or a reply, the submitter certifies that the information provided is complete and correct to the best of his or her knowledge.

F. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, USTR submitted a request to the Office of Management and Budget (OMB) for emergency review and clearance of this information collection request (ICR) titled *301 Exclusion Requests.* OMB assigned control number 0350–0015, which is due to expire on December 31, 2019. USTR intends to submit the information collection to OMB for review and approval of a three-year extension of the control number.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

BILLING CODE 3290–F9–P

Exclusion Request Form

1. Submitter Information

Full Organization Legal Name * **(Public)**

Requestor First Name * **(BCI)**

Requestor Last Name * **(BCI)**

Requestor Mailing Address

Street Address Line 1 * **(BCI)**

Street Address Line 2 **(BCI)**

City * **(BCI)**

State * **(BCI)**

Zip Code * **(BCI)**

Country * **(BCI)**

Requestor E-mail Address * **(BCI)**

Requestor Phone Number * **(BCI)**

Does your business meet the size standards for a small business as established by the Small Business Administration? * **(Public)** YES/NO

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? * **(Public)** YES/NO

*Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name **(Public)**

Third Party First Name **(BCI)**

Third Party Last Name **(BCI)**

Third Party Mailing Address

Street Address Line 1 **(BCI)**

Street Address Line 2 **(BCI)**

City **(BCI)**

State **(BCI)**

Zip Code (BCI)

Country (BCI)

Third Party E-mail Address (BCI)

Third Party Phone Number (BCI)

Who is your importer of record? (BCI)

Who will be the primary point of contact? (Select One) * (BCI)

- o Requestor
- o Third Party Submitter
- o Requestor and Third Party Submitter

2. **Please provide the 10-digit HTSUS item number* for the product you wish to address in this product exclusion request.** ***A 10-digit HTSUS number is required.*** * (Public)
*Use numerical characters only with no special characters (Example: 1023456789). For help with finding the HTSUS item number associated with your product, see *https://hts.usitc.gov/*.

3. **Please provide a complete and detailed description of the particular product of concern.*** (A detailed description of the product includes, but is not limited to, its physical characteristics (e.g., dimensions, weight, material composition, etc.), whether product is designed to function in or with a particular machine (application), and any unique physical features that distinguish it from other products within the covered 8-digit HTSUS subheading. If needed, please attach images and specification sheets, CBP rulings, court decisions, and previous import documentation below.) **Please also describe the product's principal use.**

*USTR will not consider requests that identify the product using criteria that cannot be made available to the public. USTR will not consider requests in which more than one unique product is identified.

Product Name * (Public)

Product Description (e.g. dimensions, weight, material composition, etc.) * (Public)

Product Function, Application, and Principal Use (Public)

Please upload any relevant attachments that will help identify and distinguish your product (e.g. CBP rulings, photos and specification sheets, and previous import

documentation) (Public)

4. **Requestor's relationship to the product (select all that apply)** * (Public)

   - Importer
   - U.S. Producer
   - Purchaser
   - Industry Association
   - Other

5. **Is this product, or a comparable product, available from sources in the United States? (If you indicate "NO" or "NOT SURE," in the box below, you must explain why the product is unavailable or why you are unsure of the product's availability.)** * (Public)

   - YES
   - NO
   - NOT SURE

   Please explain why the product is unavailable or why you are unsure of the product's availability. (Submitter Determines BCI or Public)

6. **Is this product, or a comparable product, available from sources in third countries? (If you indicate "NO" or "NOT SURE," in the box below, you must explain why the product is unavailable or why you are unsure of the product's availability.)** * (Public)

   - YES
   - NO
   - NOT SURE

   Please explain why the product is unavailable or why you are unsure of the product's availability. (Submitter Determines BCI or Public)

7. **Please discuss any attempts to source this product from United States or third countries.** * (Public)

8. **Please provide the value in USD and quantity (with units) of the Chinese-origin product of concern that you purchased in 2017, 2018, and the first quarter of 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable.** * (BCI)

   2017 Value: 2017 Quantity:

   2018 Value: 2018 Quantity:

2019 Q1 Value: 2019 Q1 Quantity:

Are the provided figures estimates?: * (BCI) YES/NO

Are any of these purchases from a related company? * (BCI) YES/NO

Please list the name and relationship of the related company. (BCI)

9. **Please provide the value in USD and quantity (with units) of the product of concern that you purchased from any third-country source in 2017, 2018, and the first quarter of 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable.** * (BCI)

2017 Value: 2017 Quantity:

2018 Value: 2018 Quantity:

2019 Q1 Value: 2019 Q1 Quantity:

Are the provided figures estimates?: * (BCI) YES/NO

10. **Please provide the value in USD and quantity (with units) of the product of concern that you purchased from domestic sources in 2017, 2018, and the first quarter of 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable.** * (BCI)

2017 Value: 2017 Quantity:

2018 Value: 2018 Quantity:

2019 Q1 Value: 2019 Q1 Quantity:

Are the provided figures estimates?: * (BCI) YES/NO

11. **Please provide information regarding your company's gross revenue in USD for 2018, the first quarter of 2018, and the first quarter of 2019.** * (BCI)

Fiscal Year 2018:

First Quarter 2018:

First Quarter 2019:

Are the provided figures estimates?: * (BCI) YES/NO

12. **Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products?** * (Public)

a) **For imports sold as final products, please provide:** (BCI)

% of your company's total, U.S. gross sales in 2018 that the Chinese-origin product accounted for.

b) **For imports of inputs used in the production of final products, please provide:** (BCI)

% of the total cost of producing the final product(s) the Chinese-origin input accounts for.

% of your company's total, U.S. gross sales in 2018 that sales of the final product(s) incorporating the input accounts for.

13. **Please comment on whether the imposition of additional duties (since September 2018) on the product you are seeking to exclude has resulted in severe economic harm to your company or other U.S. interests.** * (BCI)

14. **Please provide any additional information in support of your request, taking account of the instructions provided in Section [B] of the Federal Register notice.** (Submitter Determines BCI or Public)

15. **Did you submit exclusion requests for the Section 301 $34 billion** (Docket ID: USTR-2018-0025) **and/or the $16 billion** (Docket ID: USTR-2018-0032) **tariff actions?** * (Public) YES/NO

Please enter the total value of your company's imports applicable to the tariff action for which you submitted one or more exclusion request: (BCI)

Initial $34 Billion Tariff Action:

Additional $16 Billion Tariff Action:

16. **Please comment on whether the particular product of concern is strategically important or related to "Made in China 2025" or other Chinese industrial programs. You must explain in the box below why you believe the product of concern is or is not strategically important or related to "Made in China 2025" or other Chinese industrial programs.** * (Public)

17. **Include any additional attachments that should be considered along with this exclusion request (e.g., customs rulings, court decisions, previous import documentation, etc.). Please do not include attachments that contain your written argument.** (Submitter Determines BCI or Public)

[FR Doc. 2019–13376 Filed 6–21–19; 8:45 am]
BILLING CODE 3290–F9–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–27]

Petition for Exemption; Summary of Petition Received; Bell Helicopter Textron, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 15, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0270 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 13, 2019.

Brandon Roberts,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0270.

Petitioner: Bell Helicopter Textron Inc.

Section(s) of 14 CFR Affected: §§ 61.113(a); 91.119(c); 91.121; and 91.151(a).

Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate the APT70 tailsitter vertical takeoff and landing unmanned aircraft system (UAS), that can be configured for a maximum takeoff weight of 320 pounds, and other Bell owned and operated UAS of equal or smaller size and kinetic energy for research and development purposes. All proposed operations will be restricted to Class G airspace above remote areas with restricted access and in conjunction with a Certificate of Waiver or Authorization within visual line of sight of the remote pilot.

[FR Doc. 2019–13388 Filed 6–21–19; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. FAA–2019–30]

Petition for Exemption; Summary of Petition Received; Innova Flight, LLC

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 15, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0243 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 13, 2019.

Brandon Roberts,

Acting Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0243.

Petitioner: Innova Flight, LLC.

Sections of 14 CFR Affected: part 21, Subpart H; part 61; §§ 61.3; 61.113; 91.109(a); 91.119; 91.121; & 91.151(a).

Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate its Sandstorm unmanned aircraft systems (UAS), weighing less than 85 pounds, in commercial operations involving surveillance, training for air traffic control personnel for UAS operations, and help develop standards for UAS simulation and testing standards utilizing Sandstorm Longshot Technology. Operations will be conducted within visual line of sight, under 400 feet AGL, and only in airspace approved by the FAA through a Certificate of Authorization or Waiver.

[FR Doc. 2019–13389 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0043]

Motorcyclist Advisory Council; Notice of Public Meeting

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice of public meeting; Correction.

SUMMARY: This notice corrects information contained in the announcement of the second meeting of Fiscal Year 2019 of the Motorcyclist Advisory Council (MAC) published on June 17, 2019. The correct meeting date and public participation request dates are contained herein.

DATES: The meeting will be held from 9:00 a.m. to 1:00 p.m. ET on Thursday, August 15, 2019.

ADDRESSES: The MAC will convene virtually, via Web conference connection. There is no physical address for the meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Griffith, the Designated Federal Official, Office of Safety, 202–366–9469, (*mike.griffith@dot.gov*), or Ms. Guan Xu, 202–366–5892, (*guan.xu@dot.gov*), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov*; the Government Publishing Office's database at: *https://www.gpo.gov/fdsys/*; or the specific docket page at: *www.regulations.gov*.

Background

The FHWA published a Notice of Public Meeting for the MAC on June 19, 2019, at 84 FR 28126, which incorrectly listed the date of the meeting and other information. This notice corrects those errors.

Purpose of the Committee: Section 1426 of the Fixing America's Surface Transportation Act, Public Law 114–94 required the FHWA Administrator, on behalf of the Secretary, to establish a MAC. The MAC is responsible for providing advice and making recommendations concerning infrastructure issues related to motorcyclist safety, including barrier design; road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies. On July 28, 2017, the Secretary of Transportation appointed 10 members to MAC, and 3 meetings have been held to date.

Tentative Agenda: The agenda will include a topical discussion of the infrastructure issues described above, namely: Barrier design; road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies.

Public Participation: This meeting will be open to the public. Members of the public who wish to attend are asked to send an email to *MAC–FHWA@dot.gov* no later than August 1, 2019, in order to receive access information for the Web conference room. The Designated Federal Official and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting by submitting an electronic copy of that statement to *MAC–FHWA@dot.gov* or the specific docket page at: *www.regulations.gov*. If you would like to make oral statements regarding any of the items on the agenda, you should contact Mr. Michael Griffith at the phone number listed above or email your request to *MAC–FHWA@dot.gov*. You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provisions will be made to include any such presentation on the agenda. Public comment will be limited to 3 minutes per speaker, per topic.

Services for Individuals with Disabilities: The Federal Highway Administration is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please send an email to *MAC–FHWA@dot.gov* or contact Michael Griffith at 202–366–9469 by August 1, 2019.

Minutes: An electronic copy of the minutes from all meetings will be available for download within 60 days of the conclusion of the meeting at: *https://safety.fhwa.dot.gov/motorcycles/*.

Authority: Section 1426 of Pub. L. 114–94.

Nicole R. Nason,

Administrator, Federal Highway Administration.

[FR Doc. 2019–13369 Filed 6–21–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Settlement Funds.

DATES: Written comments should be received on or before August 23, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or

through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Settlement Funds.

OMB Number: 1545–1299.

Form Number: TD 8459.

Abstract: This final regulation prescribes reporting requirements for settlement funds, which are funds established or approved by a governmental authority to resolve or satisfy certain liabilities, such as those involving tort or breach of contract. The final regulation relates to the tax treatment of transfers to these funds, the taxation of income earned by the funds, and the tax treatment of distributions made by the funds.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not for-profit institutions, farms and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,500.

Estimated Time per Respondent: 2 hrs., 22 min.

Estimated Total Annual Burden Hours: 3,542.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–13358 Filed 6–21–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information returns of U.S. persons with respect to foreign disregarded entities, and transactions between foreign disregarded entity of a foreign tax owner and the filer on other related entities.

DATES: Written comments should be received on or before August 23, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return of U.S. Persons With Respect To Foreign Disregarded Entities; and Transactions Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer.

OMB Number: 1545–1910.

Form Number: Form 8858 and Sch M (Form 8858).

Abstract: Form 8858 and Schedule M are used by certain U.S. persons that own a foreign disregarded entity (FDE) directly or, in certain circumstances, indirectly or constructively.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Form 8858:

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 35.99 hours.

Estimated Total Annual Burden Hours: 719,800 hours.

Form 8858 (Sch M):

Estimated Number of Respondents: 8,000.

Estimated Time per Respondent: 24.75 hours.

Estimated Total Annual Burden Hours: 198,000 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 18, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–13322 Filed 6–21–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8275 and 8275–R

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8275, Disclosure Statement, and Form 8275–R, Regulation Disclosure Statement.

DATES: Written comments should be received on or before August 23, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure Statement (Form 8275) and Regulation Disclosure Statement (Form 8275–R).

OMB Number: 1545–0889.

Form Number: Forms 8275 and 8275–R.

Abstract: Internal Revenue Code section 6662 imposes accuracy-related penalties on taxpayers for substantial understatement of tax liability or negligence or disregard of rules and regulations. Code section 6694 imposes similar penalties on return preparers. Regulations sections 1.662–4(e) and (f) provide for reduction of these penalties if adequate disclosure of the tax treatment is made on Form 8275 or, if the position is contrary to regulation on Form 8275–R.

Current Actions: There are no changes to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals, not-for-profit institutions, and farms.

Estimated Number of Responses: 666,666.

Estimated Time per Response: 5 hours, 34 minutes.

Estimated Total Annual Burden Hours: 3,716,664.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–13359 Filed 6–21–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before July 24, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Form 1099 MISC—Miscellaneous Income.

OMB Control Number: 1545–0115.

Type of Review: Revision of a currently approved collection.

Description: Form 1099–MISC is used by payers to report payments of $600 or more of rent, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, $10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of $5,000 or more.

Form: 1099–MISC.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 99,447,800.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 99,447,800.

Estimated Time per Response: .31 hours per response.

Estimated Total Annual Burden Hours: 30,828,818.

Title: Taxable Distributions Received From Cooperatives.

OMB Control Number: 1545–0118.

Type of Review: Revision of a currently approved collection.

Description: Form 1099–PATR is used to report patronage dividends paid by cooperatives (IRC sec. 6044). The information is used by IRS to verify reporting compliance on the part of the recipient.

Form: 1099–PATR.
Affected Public: Businesses or other for profits.
Estimated Number of Respondents: 1,820,000.
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 1,820,000.
Estimated Time per Response: .26 hours per response.
Estimated Total Annual Burden Hours: 473,201.

Title: Form 4136—Credit for Federal Tax Paid on Fuels.
OMB Control Number: 1545–0162.
Type of Review: Extension without change of a currently approved collection.
Description: Internal Revenue Code section 34 allows a credit for Federal excise tax for certain fuel uses. This form is used to figure the amount of the income tax credit. The data is used to verify the validity of the claim for the type of nontaxable or exempt use.
Form: 4136.
Affected Public: Businesses or other for-profits.
Estimated Number of Respondents: 2,441,858.
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 2,441,858.
Estimated Time per Response: 1.69 hours per response.
Estimated Total Annual Burden Hours: 4,122,076.

Title: Form 4972—Tax on Lump-Sum Distributions (From Qualified Retirement Plans of Plan Participants Born Before 1936).
OMB Control Number: 1545–0193.
Type of Review: Extension without change of a currently approved collection.
Description: IRC Section 402(e) allows taxpayers to compute a separate tax on a lump sum distribution from a qualified retirement plan. Form 4972 is used to correctly figure that tax. The data is used to verify the correctness of the separate tax. Form 4972 is also used to make the special 20% capital gain election attributable to pre-1974 participation from the lump-sum distribution.
Form: 4972.
Affected Public: Businesses or other for profits.
Estimated Number of Respondents: 17,720.
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 17,720.
Estimated Time per Response: 4.40 hours per response.
Estimated Total Annual Burden Hours: 77,968.

Title: Form 7004—Application for Automatic Extension of Time To File Certain Business Income Tax, Information, and Other Returns.
OMB Control Number: 1545–0233.
Type of Review: Extension without change of a currently approved collection.
Description: Form 7004 is used by corporations and certain non-profit institutions to request an automatic 6-month extension of time to file their income tax returns. The information is needed by IRS to determine whether Form 7004 was timely filed so as not to impose a late filing penalty in error and also to insure that the proper amount of tax was computed and deposited.
Form: 7004.
Affected Public: Businesses or other for-profits.
Estimated Number of Respondents: 6,537,500.
Frequency of Response: On Occasion.
Estimated Total Number of Annual Responses: 6,537,500.
Estimated Time per Response: 6.78 hours per response.
Estimated Total Annual Burden Hours: 44,324,250.

Title: At-Risk Limitations.
OMB Control Number: 1545–0712.
Type of Review: Extension without change of a currently approved collection.
Description: IRC section 465 requires taxpayers to limit their at-risk loss to the lesser of the loss or their amount at risk. Form 6198 is used by taxpayers to determine their deductible loss and by IRS to verify the amount deducted.
Form: 6198.
Affected Public: Businesses or other for-profits.
Estimated Number of Respondents: 230,332.
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 230,332.
Estimated Time per Response: 3.97 hours per response.
Estimated Total Annual Burden Hours: 914,419.

Title: Low-Income Housing Credit
OMB Control Number: 1545–0984.
Type of Review: Revision of a currently approved collection.
Description: The Tax Reform Act of 1986 (Code section 42) permits owners of residential rental projects providing low-income housing to claim a credit against income tax for part of the cost of constructing or rehabilitating such low-income housing. Form 8586 is used by taxpayers to compute the credit and by IRS to verify that the correct credit has been claimed.
Form: 8586.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 779
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 779
Estimated Time per Response: 8.8 hours per response.
Estimated Total Annual Burden Hours: 6,855.

Title: TD 8611, Conduit Arrangements Regulations—Final (INTL–64–93).
OMB Control Number: 1545–1440.
Type of Review: Extension without change of a currently approved collection.
Description: This document contains regulations relating to when the area director may recharacterize a financing arrangement as a conduit arrangement. Such recharacterization will affect the amount of withholding tax due on financing transactions that are part of the financing arrangement. These regulations will affect withholding agents and foreign investors.
Form: None.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 1,000.
Frequency of Response: Annually.
Estimated Total Number of Annual Responses: 1,000.
Estimated Time per Response: 10 hours per response.
Estimated Total Annual Burden Hours: 10,000.

Title: Commercial Revitalization Deduction.
OMB Control Number: 1545–1818.
Type of Review: Extension without change of a currently approved collection.
Description: Pursuant to Sec. 1400I of the Internal Revenue Code, this procedure provides the time and manner for states to make allocations of commercial revitalization expenditures to a new or substantially rehabilitated building that is placed in service in a renewal community.
Form: None.
Affected Public: State, Local, and Tribal Governments.
Estimated Number of Respondents: 80.
Frequency of Response: On Occasion.
Estimated Total Number of Annual Responses: 80.
Estimated Time per Response: 2.5 hours per response.
Estimated Total Annual Burden Hours: 200.

Title: Revenue Procedure 2003–39, Section 1031 LKE (Like-Kind Exchanges) Auto Leasing Programs.

OMB Control Number: 1545–1834.

Type of Review: Extension without change of a currently approved collection.

Description: Revenue Procedure 2003–39 provides safe harbors for certain aspects of the qualification under Sec. 1031 of certain exchanges of property pursuant to LKE Programs for federal income tax purposes.

Form: None.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 8,600.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 8,600.

Estimated Time per Response: 1 hour per response.

Estimated Total Annual Burden Hours: 8,600.

Title: Supplemental Income and Loss.

OMB Control Number: 1545–1972.

Type of Review: Extension without change of a currently approved collection.

Description: Filers of Form 1040 use Schedule E to report income from rental real estate, royalties, partnerships, S corporations, estates, trusts, and residual interests in real estate mortgage investment conduits (REMICs).

Form: 1040 Sch. E.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 570,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 570,000.

Estimated Time per Response: 9.94 hours per response.

Estimated Total Annual Burden Hours: 5,665,800.

Title: Schedule F (Form 1040)—Profit or Loss From Farming.

OMB Control Number: 1545–1975.

Type of Review: Extension without change of a currently approved collection.

Description: Schedule F (Form 1040) is used by individuals to report their farming income, expenses and self-employment taxes derived from this income. The data is used to verify that the items reported on the form is correct.

Form: 1040 sch. F.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 26,546.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 26,546.

Estimated Time per Response: 19 hours per response.

Estimated Total Annual Burden Hours: 504,374.

Title: Domestic Production Activities Deduction.

OMB Control Number: 1545–1984.

Type of Review: Revision of a currently approved collection.

Description: Section 102 of the American Jobs Creation Act of 2004 (section 199 of the Internal Revenue Code), created a domestic production activities deduction for tax years beginning after December 31, 2004. Taxpayers will use the Form 8903 and related instructions to calculate the deduction. The Form 8903 will be filed by corporations, individuals, partners (including partners of electing large partnerships), S corporation shareholders, beneficiaries of estates and trusts, cooperatives, and patrons of cooperatives.

Form: 8903.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 30,000.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 30,000.

Estimated Time per Response: 24.66 hours per response.

Estimated Total Annual Burden Hours: 739,800.

Title: Form 8910—Alternative Motor Vehicle Credit.

OMB Control Number: 1545–1998.

Type of Review: Extension without change of a currently approved collection.

Description: Taxpayers will file Form 8910 to claim the credit for certain alternative motor vehicles placed in service after 2005.

Form: 8910.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 3,333.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 3,333.

Estimated Time per Response: 5.93 hours per response.

Estimated Total Annual Burden Hours: 19,764.

Title: Form 8038–CP, Return for Credit Payments to Issuers of Qualified Bonds.

OMB Control Number: 1545–2142.

Type of Review: Extension without change of a currently approved collection.

Description: Form 8038–CP, Return for Credit Payments to Issuers of Qualified Bonds, will be used to make direct payments to State and local governments. The American Recovery and Reinvestment Act of 2009, Public Law 111–5, provides State and local governments with the option of issuing a tax credit bond instead of a tax-exempt governmental obligation bond. The bill gives State and local governments the option to receive a direct payment from the Federal government equal to a subsidy that would have been received through the Federal tax credit for bonds.

Form: 8038–CP.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 20,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 20,000.

Estimated Time per Response: 12.33 hours per response.

Estimated Total Annual Burden Hours: 246,600.

Title: Notice 2009–52, Election of Investment Tax Credit in Lieu of Production Tax Credit; Coordination with Department of Treasury Grants for Specified Energy Property in Lieu of Tax Credits.

OMB Control Number: 1545–2145.

Type of Review: Extension without change of a currently approved collection.

Description: The notice provides a description of the procedures that taxpayers will be required to follow to make an irrevocable election to take the investment tax credit for energy property under section 48 of the Internal Revenue Code in lieu of the production tax credit under section 45 of the Internal Revenue Code.

Form: None.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 100.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 100.

Estimated Time per Response: 1 hours per response.

Estimated Total Annual Burden Hours: 100.

Title: Notice of Medical Necessity Criteria under the Mental Health Parity and Addiction Equity Act of 2008.

OMB Control Number: 1545–2165.

Type of Review: Revision of a currently approved collection.

Description: Section 9812 of the Code requires group health plans maintained by an employer with more than 50 employees to disclose upon request to participants and beneficiaries of the plan the medical necessity criteria used in making decisions regarding claims for benefits under the plan.

Form: None.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 1,217,875.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 1,217,875.

Estimated Time per Response: 3 hours per response.

Estimated Total Annual Burden Hours: 27,206.

Title: Form 5316, Application for Group or Pooled Trust Ruling.

OMB Control Number: 1545–2166.

Type of Review: Extension without change of a currently approved collection.

Description: Group/pooled trust sponsors file this form to request a determination letter from the IRS for a determination that the trust is a group trust arrangement as described in Rev. Rul. 81–100, 1981–1 C.B. 326 as modified and clarified by Rev. Rul. 2004–67, 2004–28 I.R.B.

Form: 5316.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 200.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 200.

Estimated Time per Response: 19 hours per response.

Estimated Total Annual Burden Hours: 3,800.

Title: Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits.

OMB Control Number: 1545–2187.

Type of Review: Extension without change of a currently approved collection.

Description: In 2007, the Department of Labor (DOL) published a final rule requiring plans subject to the annual reporting requirements of Title I of Employee Retirement Income Security Act (ERISA) to electronically file the Form 5500, Annual Return/Report of Employee Benefit. In order to accommodate the DOL's mandate for electronic filing of the Form 5500 series, Schedule (SSA) has been eliminated and replaced with Form 8955–SSA. The information provided by plan sponsors on Form 8955–SSA will be transmitted to the Social Security Administration (SSA) who will provide it to separated participants when those participants file for social security benefits.

Form: 8955–SSA.

Affected Public: Businesses or other for profits.

Estimated Number of Respondents: 200,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 200,000.

Estimated Time per Response: .83 hours per response.

Estimated Total Annual Burden Hours: 166,000.

Title: Form 14145—IRS Applicant Contact Information.

OMB Control Number: 1545–2240.

Type of Review: Revision of a currently approved collection.

Description: Form 14145, IRS Applicant Contact Information, is used by the IRS Recruitment Office to collect contact information from individuals who may be interested in working for the IRS now, or at any time in the future (potential applicants).

Form: 14145.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 16,045.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 16,045.

Estimated Time per Response: .08 hours per response.

Estimated Total Annual Burden Hours: 1,364.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 17, 2019.

Jennifer P. Quintana,

Treasury PRA Clearance Officer.

[FR Doc. 2019–13348 Filed 6–21–19; 8:45 am]

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Part II

Regulatory Information Service Center

Unified Agenda

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions.

Publication of the Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735) and Executive Order 13771 (82 FR 93390, January 30, 2017, Reducing Regulation and Controlling Regulatory Costs. The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

In the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) agencies report regulatory actions upcoming in the next year. Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda. The complete publication of the Spring 2019 Unified Agenda containing the regulatory agendas for 71 Federal agencies, is available to the public at *http://reginfo.gov.*

The Spring 2019 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, MVE, Room 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, MVE, Room 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *RISC@gsa.gov.*

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Committee for Purchase From People Who Are Blind or Severely Disabled
Environmental Protection Agency
General Services Administration
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Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

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Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
National Labor Relations Board
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://reginfo.gov.* The online Unified Agenda offers user-friendly flexible search tools and a vast historical database.

The Spring 2019 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov.*

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866. The complete online edition of the Unified Agenda includes regulatory agendas from Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov.*

Department of Defense
Department of Education
Department of Housing and Urban Development
Department of State
Department of Veterans Affairs
Agency for International Development
American Battle Monuments Commission
Appraisal Subcommittee of the FFIEC

Commission on Civil Rights
Corporation for National and Community Service
Council on Environmental Quality
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission
Federal Mediation and Conciliation Service
Institute of Museum and Library Science
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
National Mediation Board
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Presidio Trust
Privacy and Civil Liberties Oversight Board
Social Security Administration
Tennessee Valley Authority
U.S. Agency for Global Media
United States International Development Finance Corporation
Council of the Inspectors General on Integrity and Efficiency
Farm Credit Administration
Farm Credit System Insurance Corporation
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Mine Safety and Health Review Commission
Federal Trade Commission
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission
U.S. Chemical Safety and Hazard Investigation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated by reference in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Unified Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue or withdraw regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993, (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda.

Executive Order 13771 Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 entitled ''Reducing Regulation and Controlling Regulatory Costs signed January 27, 2017, (82 FR 8977) requires 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.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002, (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999, (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . . .'' The requirement does not apply to

independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001, (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

E.O. 13771 Designation—Indicate ''Deregulatory'', ''Regulatory'', ''Fully or Partially Exempt'', ''Not subject to, Not significant, ''Other'', or ''Independent agency''

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 06/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2017.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the internet address of a site that provides more information about the entry.

Public Comment URL—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the government-wide e-rulemaking site, *http://www.regulations.gov.*

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity

related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2017 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

A statement of the time, place, and nature of the public rulemaking proceeding; a reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools.

The Government Printing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov.*

Dated: May 13, 2019.

John C. Thomas,

Executive Director.

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FEDERAL REGISTER

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Part III

Department of Agriculture

Unified Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2019

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of the significant and not significant regulatory and deregulatory actions being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (E.O.) 12866 ''Regulatory Planning and Review,'' 13563, ''Improving Regulation and Regulatory Review,'' 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' and 13777, ''Enforcing the Regulatory Reform Agenda.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: March 11, 2019.

Michael Poe,

Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	Undue and Unreasonable Preferences and Advantages Under the Packers and Stockyards Act	0581–AD81
2	Establishment of a Milk Donation Program	0581–AD87

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
3	Establishment of a Domestic Hemp Production Program	0581–AD82

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
4	National Bioengineered Food Disclosure Standard	0581–AD54

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
5	Plant Pest Regulations; Update of General Provisions	0579–AC98
6	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
7	Lacey Act Implementation Plan: De Minimis Exception	0579–AD44

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
8	Brucellosis and Bovine Tuberculosis; Update of General Provisions	0579–AD65
9	Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States	0579–AD95

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
10	Removal of Emerald Ash Borer Domestic Quarantine Regulations	0579–AE42

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
11	Scrapie in Sheep and Goats	0579–AC92
12	Branding Requirements for Bovines Imported Into the United States From Mexico	0579–AE38

FOOD SAFETY AND INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
13	Performance Standards for the Production of Processed Meat and Poultry Products	0583–AC46

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. • Undue and Unreasonable Preferences and Advantages Under the Packers and Stockyards Act

E.O. 13771 Designation: Regulatory.
Legal Authority: Pub. L. 110–234
Abstract: This action would invite comments on proposed revisions to regulations issued under the Packers and Stockyards Act (P&S Act). The revisions would specify criteria the Secretary could consider in determining whether conduct or action by packers, swine contractors, or live poultry dealers constitutes an undue or unreasonable preference or advantage and a violation of the P&S Act.
Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Michael V. Durando, Associate Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250–0237, *Phone:* 202 720–0219.
RIN: 0581–AD81

2. • Establishment of a Milk Donation Program

E.O. 13771 Designation: Other.
Legal Authority: Pub. L. 104–127
Abstract: This action begins the rulemaking process to establish a Milk Donation Program as mandated by the Agriculture Improvement Act of 2018 (2018 Farm Bill). The proposed program would allow milk processors who account to Federal milk marketing orders (FMMO) to claim limited reimbursements for the cost of farm milk used to make donated fluid milk products. Under the program, processors would partner with non-profit organizations to distribute the donated products to individuals in low-income groups.
Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, Department of Agriculture, Agricultural Marketing Service, Dairy Program, 1400 Independence Ave. SW, Room 2969–S, Washington, DC 20250, *Phone:* 202 720–7311, *Email: erin.taylor@ams.usda.gov.*
RIN: 0581–AD87

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

3. • Establishment of a Domestic Hemp Production Program

E.O. 13771 Designation: Deregulatory.
Legal Authority: 7 U.S.C. 1621
Abstract: This action will initiate a new part 990 establishing rules and regulations for the domestic production of hemp. This action is required to implement provisions of the Agriculture Improvement Act of 2018 (Farm Bill).
Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Sonia Jimenez, Deputy Administrator, Specialty Crops Program, Department of Agriculture, Agricultural Marketing Service, 14th and Independence Avenue SW, South Building, Washington, DC 20050–6456, *Phone:* 202 720–4722, *Email: sonia.jimenez@usda.gov.*
RIN: 0581–AD82

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

4. National Bioengineered Food Disclosure Standard

E.O. 13771 Designation: Other.
Legal Authority: Pub. L. 114–216; 7 U.S.C. 1621 to 1627
Abstract: On July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (Law) (Pub. L. 114–216). The provisions of this rule, pursuant to the law, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered.
Completed:

Reason	Date	FR Cite
Final Action	12/21/18	83 FR 65814

Reason	Date	FR Cite
Final Rule Effective.	02/19/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arthur Neal, *Phone:* 202 692–1300.

RIN: 0581–AD54

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

5. Plant Pest Regulations; Update of General Provisions

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are revising our regulations regarding the movement of plant pests. We are also adding criteria to the regulations for the importation, interstate movement, and release of biological control organisms. This final rule also establishes regulations for the importation and interstate movement of certain plant pests and biological control organisms without restriction by establishing a petition process for granting exceptions from permit requirements for those pests and organisms. Finally, we are revising our regulations regarding the importation and interstate movement of soil. This rule clarifies the points that we will consider when assessing the risks associated with the movement and release of certain organisms and facilitates the movement of regulated organisms and articles in a manner that protects U.S. agriculture.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	01/19/17	82 FR 6980
NPRM Comment Period Extended.	02/13/17	82 FR 10444
NPRM Comment Period End.	04/19/17	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colin Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2237.

RIN: 0579–AC98

6. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are amending the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) and scrapie. We are removing BSE-related import restrictions on sheep and goats and most of their products, and adding import restrictions related to transmissible spongiform encephalopathies for certain wild, zoological, or other non-bovine ruminant species. The conditions we are adopting for the importation of specified commodities are based on internationally accepted scientific literature and will, in general, align our regulations with guidelines established in the World Organization for Animal Health's Terrestrial Animal Health Code.

Timetable:

Action	Date	FR Cite
NPRM	07/18/16	81 FR 46619
NPRM Comment Period End.	09/16/16	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexandra MacKenzie, Veterinary Medical Officer, Animal Permitting and Negotiating Services, NIES, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

RIN: 0579–AD10

7. Lacey Act Implementation Plan: De Minimis Exception

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 3371 *et seq.*

Abstract: The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. We are proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/11	76 FR 38330
ANPRM Comment Period End.	08/29/11	
NPRM	07/09/18	83 FR 31697
NPRM Comment Period End.	09/07/18	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Wayson, National Program Coordinator, Lacey Act Program, Compliance and Environmental Coordination, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 150, Riverdale, MD 20737, *Phone:* 301 851–2036.

RIN: 0579–AD44

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

8. Brucellosis and Bovine Tuberculosis; Update of General Provisions

E.O. 13771 Designation: Regulatory.

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part of this consolidation, we are proposing to transition the TB and brucellosis programs away from a State status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources of the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated

regulations also would set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement of cattle, bison, and captive cervids; and conditions for APHIS approval of tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison.

Timetable:

Action	Date	FR Cite
NPRM	12/16/15	80 FR 78461
NPRM Comment Period End.	03/15/16	
NPRM Comment Period Extended.	03/11/16	81 FR 12832
NPRM Comment Period Extended End.	05/16/16	
NPRM—Partial Withdrawal.	03/27/19	84 FR 11448
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, *Phone:* 301 851–3300.

C. William Hench, *Phone:* 970 494–7378.

RIN: 0579–AD65

9. Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as citrus hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action will allow for the importation of fresh citrus fruit, including citrus hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/28/14	79 FR 51273
NPRM Comment Period End.	10/27/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Román, *Phone:* 301 851–2242.

RIN: 0579–AD95

10. Removal of Emerald Ash Borer Domestic Quarantine Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This rulemaking would remove the domestic quarantine regulations for the plant pest emerald ash borer. This action would discontinue the domestic regulatory component of the emerald ash borer program as a means to more effectively direct available resources toward management and containment of the pest. Funding previously allocated to the implementation and enforcement of these domestic quarantine regulations would instead be directed to a non-regulatory option of research into, and deployment of, biological control agents for emerald ash borer, which would serve as the primary tool to mitigate and control the pest.

Timetable:

Action	Date	FR Cite
NPRM	09/19/18	83 FR 47310
NPRM Comment Period End.	11/19/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robyn Rose, *Phone:* 301 851–2283.

RIN: 0579–AE42

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

11. Scrapie in Sheep and Goats

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: We are amending the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks, increasing the use of genetic testing as a means of assigning risk levels to animals, reducing movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and simplifying, reducing, or removing certain recordkeeping requirements. We are also providing designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. We are changing the definition of high-risk animal, which will change the types of animals eligible for indemnity, and to pay higher indemnity for certain pregnant ewes and does and early maturing ewes and does. The changes will also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes affect sheep and goat producers, persons who handle sheep and goats in interstate commerce, and State governments.

Completed:

Reason	Date	FR Cite
Final Rule	03/25/19	84 FR 11170
Final Rule Effective.	04/24/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, *Phone:* 301 851–3509.

RIN: 0579–AC92

12. Branding Requirements for Bovines Imported Into the United States From Mexico

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the regulations regarding the branding of bovines imported into the United States from Mexico. We are taking this action at the request of the Government of Mexico to address issues that have arisen with the branding requirement for these bovines. These changes will help prevent inconsistencies in branding that can result in bovines being rejected for import into the United States.

Completed:

Reason	Date	FR Cite
Final Rule	12/14/18	83 FR 64223
Final Action Effective.	01/14/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Betzaida Lopez, *Phone:* 301 851–3300.

RIN: 0579–AE38

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Completed Actions

13. Performance Standards for the Production of Processed Meat and Poultry Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 451 *et seq.;* 21 U.S.C. 601 *et seq.*

Abstract: FSIS is proposing to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products, but allow the use of customized, plant-specific processing procedures other than those prescribed in their earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Completed:

Reason	Date	FR Cite
Supplemental NPR—Withdrawn.	03/28/16	81 FR 17338

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Edelstein, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: rachel.edelstein@fsis.usda.gov.*

RIN: 0583–AC46

[FR Doc. 2019–12325 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part IV

Department of Commerce

Unified Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2019 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2018 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The Agenda is intended to facilitate comments and views by interested members of the public. Commerce's spring 2019 regulatory agenda includes regulatory activities that are expected to be conducted during the period May 1, 2019, through April 30, 2020.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the Agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation, Regulation, and Oversight, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of February 7, 2019, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2019 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

Beginning with the fall 2007 edition, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare and submit to NMFS Fishery Management Plans (FMPs) for fisheries within their respective areas in the EEZ. The Councils are required by law to conduct public hearings on the development of FMPs and FMP amendments. Consistent with applicable law, environmental and other analyses are developed that consider alternatives to proposed actions.

Pursuant to the Magnuson-Stevens Act, the Councils also submit to NMFS proposed regulations that they deem necessary or appropriate to implement FMPs. The proposed regulations, FMPs, and FMP amendments are subject to review and approval by NMFS, based on consistency with the Magnuson-Stevens Act and other applicable law. NMFS is responsible for conducting the rulemaking process for FMP implementing regulations. The Council process for developing FMPs and amendments and proposed regulations makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's spring 2019 regulatory agenda follows.

Peter B. Davidson,

General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
14	Regulations Concerning Scope Inquiries and Covered Merchandise Referrals From U.S. Customs and Border Protection.	0625–AB10

BUREAU OF INDUSTRY AND SECURITY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
15	Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela.	0694–AH53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
16	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
17	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
18	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
19	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
20	Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648–BG11
21	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers.	0648–BG66
22	Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission.	0648–BH59
23	Omnibus Deep-Sea Coral Amendment	0648–BH67
24	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648–BH70
25	Vessel Movement, Monitoring, and Declaration Management Enhancement for the Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan.	0648–BI45
26	Atlantic Highly Migratory Species; Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management.	0648–BI51
27	Requirements to Safeguard Fishery Observers in the Eastern Pacific Ocean	0648–BI86
28	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648–BF90
29	Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales	0648–BH95
30	Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act.	0648–BI06

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
31	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for the Pacific Whiting Fishery.	0648–BF52
32	Commerce Trusted Trader Program	0648–BG51
33	Rule to Implement the For-Hire Reporting Amendments	0648–BG75
34	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
35	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648–BH87
36	Halibut Deck Sorting Monitoring Requirements for Trawl Catcher/Processors Operating in Non-Pollock Groundfish Fisheries off Alaska.	0648–BI53
37	Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan	0648–BI64
38	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45
39	Wisconsin-Lake Michigan National Marine Sanctuary Designation	0648–BG01
40	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648–BG02

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
41	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
42	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648–BE90
43	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
44	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648–AU02
45	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
46	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals.	0648–BG26

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
47	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648–BG36
48	Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups	0648–BG94
49	Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.	0648–BH02
50	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas	0648–BH54
51	Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures	0648–BH75
52	Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska.	0648–BH88
53	2019 — 2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan.	0648–BH93
54	Regulatory Amendment 28 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BI38
55	Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits.	0648–BI39
56	Regulatory Amendment to Authorize a Recreational Quota Entity	0648–BG57

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
57	Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants	0651–AD30

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

14. Regulations Concerning Scope Inquiries and Covered Merchandise Referrals From U.S. Customs and Border Protection

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–125, sec 421

Abstract: The Department of Commerce (Commerce) is proposing to amend its regulations concerning scope inquiries (19 CFR 351.225) and to set forth procedures addressing covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jessica Link, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482–1411, *Email: jessica.link@trade.gov.*

RIN: 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

Bureau of Industry and Security (BIS)

Final Rule Stage

15. Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. 7420; 10 U.S.C. 7430(e); 15 U.S.C. 1824a; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; 30 U.S.C. 185(s); 30 U.S.C. 185(u); 42 U.S.C. 2139a; 43 U.S.C. 1354; 50 U.S.C. 1701 *et seq.;* 50 U.S.C. 4305; 50 U.S.C. 4601 *et seq.*; E.O. 12058; E.O. 12851; E.O. 12938; E.O. 12947; E.O. 13026; E.O. 13099; E.O. 13222; E.O. 13224; Pub. L. 108–11

Abstract: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to expand license requirements on exports, reexports, and transfers (in-country) of items intended for military end use or military end users in the People's Republic of China (China), Russia, or Venezuela. Specifically, this rule expands the licensing requirements for China to include ''military end users,'' in addition to ''military end use.'' It broadens the items for which the licensing requirements and review policy apply and expand the definition of ''military end use.'' Next, it creates a new reason for control and associated review policy for regional stability for certain items to China, Russia, or Venezuela, moving existing text related to this policy. Finally, it adds Electronic

Export Information filing requirements in the Automated Export System for exports to China, Russia, and Venezuela.

Timetable:

Action	Date	FR Cite
Final Action	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230, *Phone:* 202 482–2440, *Fax:* 202 482–3355, *Email: hillary.hess@bis.doc.gov*.

RIN: 0694–AH53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

16. Comprehensive Fishery Management Plan for Puerto Rico

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule would implement a comprehensive Puerto Rico Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. This new Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, would replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

17. Comprehensive Fishery Management Plan for St. Croix

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule would implement a comprehensive St. Croix Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. This new Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, would replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

18. Comprehensive Fishery Management Plan for St. Thomas/St. John

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule would implement a comprehensive St. Thomas/St. John Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. This new Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, would replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD34

19. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BG04

20. Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–81

Abstract: This proposed rule will make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114–81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule will also implement the Port State Measures Agreement. To that end, this proposed rule will require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule establishes procedures for notification of: the denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

RIN: 0648–BG11

21. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements To Safeguard Fishery Observers

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish requirements to enhance the safety of fishery observers on highly migratory species fishing vessels. This rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act, and pursuant to decisions made by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BG66

22. Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and The Western and Central Pacific Fisheries Commission

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 6901 *et seq.;* 16 U.S.C. 951 *et seq.*

Abstract: Under authority of the Western and Central Pacific Fisheries Convention Implementation Act and the Tuna Conventions Act, an area of overlap (overlap area) exists between the respective areas of competence of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Inter-American Tropical Tuna Commission. NMFS proposes to change the application of the two Commissions' management decisions in the overlap area to specifically apply Inter-American Tropical Tuna Commission management measures in the overlap area rather than those of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean that currently apply there.

Timetable:

Action	Date	FR Cite
ANPRM	06/12/18	83 FR 27305
ANPRM Comment Period End.	07/12/18	
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BH59

23. Omnibus Deep-Sea Coral Amendment

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action would implement the New England Fishery Management Council's Omnibus Deep-Sea Coral Amendment. The Amendment would implement measures that reduce impacts of fishing gear on deep-sea corals in the Gulf of Maine and on the outer continental shelf. In doing so, this action would prohibit the use of mobile bottom-tending gear in two areas in the Gulf of Maine (Mount Desert Rock and Outer Schoodic Ridge), and it would prohibit the use of all gear (with an exception for red crab pots) along the outer continental shelf in waters deeper than a minimum of 600 meters.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov*.

RIN: 0648–BH67

24. Regulatory Amendment to The Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BH70

25. • Vessel Movement, Monitoring, and Declaration Management Enhancement for the Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rulemaking action would implement the Pacific Fishery Management Council's action to implement various measures that provide more efficient and effective monitoring, improve enforcement of restricted areas, and reduce costs for the Pacific coast groundfish fleet. This action would: increase the required frequency of signals transmitted from type-approved vessel monitoring system (VMS) units from once per hour to every 15 minutes to provide finer-scale vessel location data; allow vessels to use alternative VMS units; add a VMS declaration to indicate when a vessel is testing gear; allow vessels participating in the midwater trawl whiting fishery to change their declaration while at-sea to select a new whiting fishery; and allow vessels to move pot gear from one management area to another during a single trip while retaining fish from the primary management area.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BI45

26. • Atlantic Highly Migratory Species; Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: Atlantic Highly Migratory Species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). This rulemaking will address the area-based and weak hook management measures for bluefin tuna in the pelagic longline fishery. NMFS implemented an individual bluefin tuna quota system for pelagic longline fishery participants in 2015. With this approach and its emphasis on individual vessel accountability, NMFS has determined some fleetwide measures may be redundant. This action would appropriately streamline regulations and increase flexibility to the Atlantic pelagic longline fishery while maintaining bycatch reduction and conservation and management obligations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BI51

27. • Requirements To Safeguard Fishery Observers in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: This rulemaking action would domestically implement recently adopted resolutions on improving observer safety at sea by parties to the Inter-American Tropical Tuna Commission (IATTC) and the Agreement on the International Dolphin Conservation Program (AIDCP), including the United States. The resolutions are binding for IATTC member nations and AIDCP Parties, and under the Tuna Conventions Act, 16 U.S.C. 951 *et seq.* and the Marine Mammal Protection Act of 1972, as amended. These resolutions aim to strengthen protections for observers required in longline and transshipment observer programs required under the IATTC and on purse seine vessels required by the AIDCP. In implementing them, this rulemaking proposes to include provisions that detail responsibilities for vessel owners and operators, responsibilities for IATTC and AIDCP members to which fishing vessels are flagged, responsibilities for members that have jurisdiction over ports, and responsibilities for observer providers. The action is necessary for the United States to satisfy its international obligations as a Member of the IATTC and AIDCP.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BI86

28. Amendment and Updates to the Pelagic Longline Take Reduction Plan

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action will examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF90

29. Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The proposed action would revise the designation of critical habitat for the endangered Southern Resident killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act. Critical habitat for this population is currently designated within inland waters of Washington. In response to a 2014 petition, NMFS is proposing to expand the designation to include areas occupied by Southern Resident killer whales in waters along the U.S. West Coast. Impacts from the designation would stem mainly from Federal agencies' requirement to consult with NMFS, under section 7 of the Endangered Species Act, to ensure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species. Federal agencies are already required to consult on effects to the currently designated critical habitat in inland waters of Washington, but consultation would be newly required for actions affecting the expanded critical habitat areas. Federal agencies are also already required to consult within the Southern Resident killer whales' range (including along the U.S. West Coast) to ensure that any action they carry out, permit, or fund will not jeopardize the continued existence of the species; this requirement would not change with a revision to the critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BH95

30. Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action will propose the designation of critical habitat for three distinct population segments of humpback whales (Megaptera novaeangliae) pursuant to section 4 of the Endangered Species Act. The three distinct population segments of humpback whales concerned—the Mexico, Central American, and Western Pacific distinct population segments—were listed under the Endangered Species Act on September 8, 2016, thereby triggering the requirement under section 4 of the Endangered Species Act to designate critical habitat to the maximum extent prudent and determinable. Proposed critical habitat for these three distinct population segments of humpback whales will include marine habitats within the Pacific Ocean and Bering Sea and will likely overlap with several existing designations, including critical habitat for leatherback sea turtles, North Pacific right whales, Steller sea lions, southern resident killer whales, and the southern distinct population segment of green sturgeon. Impacts from the designations for humpback whales would stem from the statutory requirement for Federal agencies to consult with NMFS, under section 7 of the Endangered Species Act, to ensure that any action they carry out, authorize, or fund will not result in the destruction or adverse modification of humpback whale critical habitat. Within many of the areas we are evaluating for potential proposal as critical habitat for the humpback whales distinct population segments, Federal agencies are already required to consult on effects to currently designated critical habitat for other listed species. Federal agencies are also already required to consult with NMFS under section 7 of the Endangered Species Act to ensure that any action they authorize, fund or carry out will not jeopardize the continued existence of the listed distinct population segments of humpback whales.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BI06

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

31. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for the Pacific Whiting Fishery

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action would implement a regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan to allow Pacific whiting vessels the option to use

electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. Vessels participating in the catch share program are required to carry an observer on all trips to ensure total accountability for at-sea discards. For some vessels, electronic monitoring may have lower costs than observers and a reduced logistical burden. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the Pacific whiting fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/06/16	81 FR 61161
NPRM Comment Period End.	10/06/16	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BF52

32. Commerce Trusted Trader Program

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule will establish a voluntary Commerce Trusted Trader Program for importers, aiming to provide benefits such as reduced targeting and inspections and enhanced streamlined entry into the United States for certified importers. Specifically, this rule would establish the criteria required of a Commerce Trusted Trader, and identify specifically how the program will be monitored and by whom. It will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program (finalized on December 9, 2016). The rule will identify the benefits available to a Commerce Trusted Trader, detail the application process, and specify how the Commerce Trusted Trader will be audited by third-party entities while the overall program will be monitored by the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
NPRM	01/17/18	83 FR 2412
NPRM Comment Period End.	03/19/18	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

RIN: 0648–BG51

33. Rule To Implement the For-Hire Reporting Amendments

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule proposes to implement Amendment 39 for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 27 to the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions (For-Hire Reporting Amendments). The For-Hire Reporting Amendments rule proposes mandatory weekly electronic reporting for charter vessel operators with a Federal for-hire permit in the snapper-grouper, dolphin wahoo, or coastal migratory pelagics fisheries; reduces the time allowed for headboat operators to complete their electronic reports; and requires location reporting by charter vessels with the same level of detail currently required for headboat vessels.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/14/18	83 FR 11164
NPRM	04/04/18	83 FR 14400
NPRM Comment Period End.	05/04/18	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG75

34. Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/21/18	83 FR 28797
NPRM	10/26/18	83 FR 54069
Correction	11/08/18	83 FR 55850
Comment Period Extended.	11/20/18	83 FR 58522
NPRM Comment Period End.	11/26/18	
Comment Period Extended End.	01/09/19	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BH72

35. Magnuson–Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1801 *et seq.;* Pub. L. 115–141

Abstract: On December 9, 2016, NMFS issued a final rule that established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

Timetable:

Action	Date	FR Cite
NPRM	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov.*

RIN: 0648–BH87

36. • Halibut Deck Sorting Monitoring Requirements for Trawl Catcher/Processors Operating in Non-Pollock Groundfish Fisheries Off Alaska

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C 1801 *et seq.*

Abstract: In the non-pollock trawl groundfish fisheries off Alaska, there are catch limits for Pacific halibut as a prohibited species if halibut mortality reaches the limit, the fishery closes regardless of whether or not fishery participants have reached the quotas for the actual target groundfish species. This proposed action would implement catch handling and monitoring requirements to allow the sorting of Pacific halibut prohibited species catch (PSC) on the deck of trawl catcher/processors and motherships participating in these fisheries. This would allow Pacific halibut to be discarded prior to entering the onboard factory, thereby reducing discard mortality. Reducing halibut discard mortality could in turn maximize harvest of the directed groundfish fisheries that otherwise might be constrained by the regulatory halibut PSC limits. To participate in halibut deck sorting, a vessel would be required to comply with additional monitoring and equipment requirements to ensure accurate accounting for halibut PSC sorted on deck. Participation in this program along with the associated costs would be voluntary, allowing for flexibility for individual vessel owners of non-pollock trawl catcher/processors and motherships to determine if the benefits of reduced halibut mortality, and the corresponding reduction in fleet-wide PSC rates, outweigh the individual costs of complying with the monitoring and enforcement requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/16/19	84 FR 15566
NPRM Comment Period End.	05/16/19	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BI53

37. • Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The proposed action would implement management measures included in Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan (Framework 58) that were developed by the New England Fishery Management Council in response to new scientific information. The proposed action would set fishing year 2019 and 2020 specifications for seven stocks, including the three U.S./Canada stocks—Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder. This action would also: Implement revised or new rebuilding programs for Georges Bank winter flounder, Southern New England/Mid-Atlantic yellowtail flounder, witch flounder, northern windowpane flounder, and ocean pout; temporarily revise catch thresholds for implementing the scallop fishery's accountability measures for Georges Bank yellowtail flounder; pay back an overage of Gulf of Maine cod catch from 2016; exempt vessels fishing exclusively in the North Atlantic Fisheries Organization areas from the U.S. minimum fish size for groundfish species; and make an administrative change to the deadline for permit holders to submit days-at-sea leasing forms to the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
NPRM	04/19/19	84 FR 16441
NPRM Comment Period End.	05/06/19	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BI64

38. Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact

statement. This rule proposes to withdraw the alternative tow time restriction, and require certain vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG45

NOS/ONMS

39. Wisconsin-Lake Michigan National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On December 2, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate an area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The area is a region that includes 875 square miles of Lake Michigan waters and bottomlands adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on February 5, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Wisconsin and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2269
NPRM Comment Period End.	03/31/17	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG01

40. Mallows Bay-Potomac River National Marine Sanctuary Designation

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River is an area 40 miles south of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Maryland and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Action	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG02

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

41. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BD59

42. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: Congress enacted the 2015 National Defense Authorization Act to refinance the existing debt obligation funding the fishing capacity reduction program for the Pacific Coast Groundfish fishery implemented under section 212. Pending appropriation of funds to effect the refinance, the National Marine Fisheries Service issued proposed regulations to seek comment on the refinancing and to prepare for an industry referendum and final rule. However, a subsequent appropriation to fund the refinancing was never enacted. As a result, the National Marine Fisheries Service has no funds with which to proceed, and the refinancing authority cannot be implemented at this time.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov.*

RIN: 0648–BE90

43. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BF41

44. Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Re-opened.	11/16/16	81 FR 80629
NPRM Comment Period Re-opened End.	12/01/16	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–AU02

45. Designation of Critical Habitat for the Arctic Ringed Seal

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Proposed Rule 2	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC56

46. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: On September 10, 2014, the National Marine Fisheries Service listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-

Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata). The proposed designation would cover coral reef habitat around 17 island or atoll units in the Pacific Islands Region, including four in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and five in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. This rule also proposes to designate critical habitat for the five Caribbean corals and proposed to revise critical habitat for two, previously-listed corals, Acropora palmata and Acropora cervicornis.

Timetable:

Action	Date	FR Cite
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BG26

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

47. Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
Withdrawn	02/19/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG36

48. Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1861 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would allow Western Alaska Community Development Quota groups to lease halibut individual fishing quota in the Bering Sea and Aleutian Islands in years of low halibut catch limits. The Community Development Quota Program is an economic development program that provides eligible western Alaska villages with the opportunity to participate and invest in fisheries. The Community Development Quota Program receives annual allocations of total allowable catches for a variety of commercially valuable species. In recent years, low halibut catch limits have hindered most Community Development Quota groups' ability to create a viable halibut fishing opportunity for their residents. This rule would authorize Community Development Quota groups to obtain additional halibut quota from commercial fishery participants to provide Community Development Quota community residents more fishing opportunities in years when the halibut Community Development Quota allocation may not be large enough to present a viable fishery for participants.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8028
NPRM Comment Period End.	03/26/18	
Final Action	10/18/18	83 FR 52760
Final Action Effective.	11/19/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG94

49. Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action would further limit access to the Bering Sea and Aleutian Islands yellowfin sole Trawl Limited Access fishery by catcher vessels delivering to offshore motherships or catcher/processors. In recent years, an unexpected increase in participation in the offshore sector of this fishery by catcher vessels allowed under current regulations has resulted in an increased yellowfin sole catch rate and a shorter fishing season. The North Pacific Fishery Management Council recently determined that limiting the number of eligible licenses assigned to catcher vessels in this fishery could stabilize the fishing season duration, provide better opportunity to increase production efficiency, and help reduce bycatch of Pacific halibut. This action modifies the License Limitation Program by establishing eligibility criteria for licenses assigned to catcher vessels to participate in this fishery based on historic participation.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/18/18	83 FR 23250
NPRM	06/06/18	83 FR 26237
NPRM Comment Period End.	07/06/18	
Correction	07/20/18	83 FR 28604
Final Action	10/04/18	83 FR 49994
Final Action Effective.	11/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BH02

50. Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: The rule modified the baseline annual U.S. Atlantic bluefin tuna quota and subquotas, as well as the baseline annual U.S. North Atlantic albacore (northern albacore) quota. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas, as required by the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act. The rule also implements a minor change to the Atlantic tunas size limit regulations to address retention, possession, and landings of tunas damaged by shark bites.

Timetable:

Action	Date	FR Cite
NPRM	07/06/18	83 FR 31517
NPRM Comment Period End.	08/06/18	
Final Action Effective.	10/10/18	
Final Action	10/11/18	83 FR 51391

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH54

51. Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: Atlantic Highly Migratory Species fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act, which implements U.S. obligations as member of the International Commission for the Conservation of Atlantic Tunas. North Atlantic shortfin mako sharks were recently determined to be overfished and experiencing overfishing, and the Commission's member countries, including the United States, adopted management measures in 2017 to take immediate action to reduce fishing mortality of the stock, including releasing of live sharks and increasing minimum sizes. This action for shortfin mako sharks implements the United States' obligations under those management measures to help prevent overfishing of the U.S. component of that stock and establish a foundation for a rebuilding program. Through the rulemaking process, NMFS amended the 2006 Consolidated Highly Migratory Species Fishery Management Plan and examined management alternatives to address overfishing and establish a foundation for a rebuilding plan. This rulemaking will likely impact recreational and commercial fishing vessels that interact with shortfin mako sharks.

Timetable:

Action	Date	FR Cite
NPRM	07/27/18	83 FR 35590
Comment Period Extended.	09/20/18	83 FR 47598
NPRM Comment Period End.	10/01/18	
Comment Period Extended End.	10/08/18	
Final Action	02/21/19	84 FR 5358
Final Action Effective.	03/03/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East–West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH75

52. Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule implements an action of the Northern Pacific Fishery Management Council by revising Federal regulations to prohibit directed fishing for those species with sideboard limits that are not large enough to support directed fishing by non-exempt American Fisheries Act vessels in the Bering Sea/Aleutian Islands and Gulf of Alaska and crab vessels in the Crab Rationalization Program (CR Program) in the Gulf of Alaska, or for those species that are fully allocated to other programs (*e.g.,* flathead sole, rock sole, Western Aleutian Islands Atka mackerel). NMFS would then no longer publish American Fisheries Act and CR Program sideboard amounts for those species in the annual harvest specifications. In addition, the action removes the sideboard limit on American Fisheries Act catcher/processors for Central Aleutian Islands Atka mackerel because the sideboard limit under the American Fisheries Act (11.5 percent) is constrained by the allocation to the trawl limited access sector (10 percent) that was established by the Amendment 80 Program. The primary benefits of this action are that it would streamline the annual harvest specifications, reduce the annual costs of preparing and publishing the annual harvest specifications in the **Federal Register**, and simplify NMFS' annual programming changes to the agency's groundfish catch accounting system. This action would not alter how NMFS actually manages the relevant sideboard limits, and NMFS would continue to monitor Bering Sea/Aleutian Islands and Gulf of Alaska groundfish catch to ensure that each species' total allowable catch limit is not exceeded. This action would not incur any negative impacts to American Fisheries Act and crab sideboard limited vessels for the foreseeable future.

Timetable:

Action	Date	FR Cite
NPRM	08/16/18	83 FR 40733
NPRM Comment Period End.	09/17/18	
Final Action	02/08/19	84 FR 2723
Final Action Effective.	03/11/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BH88

53. 2019–2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Every other year, the Pacific Fishery Management Council (Council) makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and Tribal fisheries that are designed to achieve those harvest levels

consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 2019–2020 biennium, the Council has recommended the following: Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; management measures to achieve those specifications; changes to the yelloweye rockfish rebuilding plan, which would increase the annual catch limit for this species for the 2-year biennial management period; and measures to reduce salmon bycatch in the groundfish fisheries. The specifications and management measures forwarded by this action are in effect from January 1, 2019, through December 31, 2020.

Timetable:

Action	Date	FR Cite
NPRM	09/19/18	83 FR 47416
NPRM Comment Period End.	10/19/18	
Final Action	12/12/18	83 FR 63970
Correction	12/27/18	83 FR 66638
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH93

54. Regulatory Amendment 28 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Recent stock assessments for golden tilefish in the South Atlantic indicate that the stock is undergoing overfishing but is not overfished. As mandated by the Magnuson-Stevens Fishery Conservation and Management Act, NMFS and the South Atlantic Fishery Management Council must take action to end overfishing of golden tilefish—the Council by preparing a Fishery Management Plan amendment and NMFS by developing implementing regulations for the Council's chosen action. This rulemaking implements the Council's Regulatory Amendment 28 to the South Atlantic Snapper-Grouper Fishery Management Plan, which modifies the annual catch limits for golden tilefish to end overfishing in Federal waters of the South Atlantic. As per the Amendment, this rulemaking reduces the total annual catch limit, the commercial and recreational sector annual catch limits, and the quotas for the hook-and-line and longline components of the commercial sector.

Timetable:

Action	Date	FR Cite
NPRM	09/28/18	83 FR 48788
NPRM Comment Period End.	10/12/18	
Final Action	12/04/18	83 FR 62508
Final Action Effective.	01/04/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BI38

55. Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Gulf of Mexico Fishery Management Council recently took action to revise the acceptable biological catch and the annual catch limits for the Gulf of Mexico stocks of red snapper and hogfish. This action was taken in response to the most recent stock assessments for these species and the recommendations from the Council's Scientific and Statistical Committee. The red snapper and hogfish assessments found the stocks are neither overfished nor undergoing overfishing. This rulemaking would implement the Council's action by increasing the acceptable biological catch for red snapper and setting the annual catch limit to be equal to the acceptable biological catch. The established allocations would be used to set the commercial and recreational component annual catch limits, and recreational component annual catch targets. The acceptable biological catch for hogfish would decrease and the stock annual catch limit would be set equal to the acceptable biological catch. There are no allocations or annual catch targets for Gulf hogfish.

Timetable:

Action	Date	FR Cite
NPRM	12/04/18	83 FR 62555
NPRM Comment Period End.	01/03/19	
Final Action	03/05/19	84 FR 7828
Final Action Effective.	04/04/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BI39

56. Regulatory Amendment To Authorize a Recreational Quota Entity

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 773 to 773k

Abstract: The action authorizes a recreational quota entity in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska to purchase a limited amount of commercial halibut quota share for use in the charter halibut fishery. The recreational quota entity would provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share from the Pacific Halibut and Sablefish Individual Fishing Quota Program to the charter halibut fishery in order to promote long-term planning and greater stability in the charter halibut fishery. Any halibut quota share from Area 2C or Area 3A purchased by the recreational quota entity would augment the amount of halibut available for harvest in the charter halibut fishery in that area. Underlying allocations to the charter and commercial halibut sectors would not change.

Timetable:

Action	Date	FR Cite
NPRM	10/03/17	82 FR 46016
NPRM Comment Period End.	11/17/17	
Final Action	09/21/18	83 FR 47819
Final Action Effective.	10/22/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG57

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Final Rule Stage

57. Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 15 U.S.C. 1123; 35 U.S.C. 2

Abstract: The United States Patent and Trademark Office (USPTO) proposes to amend its rules to require foreign trademark applicants and registrants to be represented by a U.S. licensed attorney, *i.e.,* an attorney in good standing of the bar of the highest court of a State in the U.S. (including the District of Columbia and any Commonwealth or territory of the U.S.) to file trademark documents with the USPTO. A requirement that foreigners be represented by a U.S. licensed attorney will (i) ensure that the USPTO can effectively use available mechanisms to enforce foreign applicant compliance with statutory and regulatory requirements in trademark matters; (ii) provide greater confidence to foreign applicants and the public that registrations that issue to foreign applicants are not subject to invalidation for reasons such as improper signatures and use claims; and (iii) aid USPTO efforts to improve accuracy of the U.S. Trademark Register.

Timetable:

Action	Date	FR Cite
NPRM	02/15/19	84 FR 4393 FR
NPRM Comment Period End.	03/18/19	
Final Action	05/00/19	
Final Action Effective.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Catherine Cain, Senior Trademark Policy Attorney & Trademark Manual of Examining Procedure Editor, Department of Commerce, Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22314, *Phone:* 571 272–8946, *Fax:* 571 273–8946, *Email: catherine.cain@uspto.gov.*

RIN: 0651–AD30

[FR Doc. 2019–12326 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part V

Department of Energy

Unified Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Energy.

ACTION: Semi-annual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy and Conservation Act of 1975 and programmatic needs of DOE offices.

The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's Spring 2019 Agenda can be accessed online by going to *www.reginfo.gov.*

DOE's regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.

Theodore J. Garrish,

Acting General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
58	Energy Conservation Standards for General Service Lamps	1904–AD09
59	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15
60	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
61	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
62	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
63	Modifying the Energy Conservation Program to Implement a Market-Based Approach	1904–AE11

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

58. Energy Conservation Standards for General Service Lamps

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

Abstract: The Department will issue a Supplemental Notice of Proposed Rulemaking that includes a proposed determination with respect to whether to amend or adopt standards for general service light-emitting diode (LED) lamps and that may include a proposed determination with respect to whether to amend or adopt standards for compact fluorescent lamps. According to the Settlement Agreement between the National Electrical Manufacturers Association (NEMA) and the Department (DOE), DOE will use its best efforts to issue the GSL SNOPR by May 28, 2018.

Timetable:

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis and Notice of Public Meeting.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052
Preliminary Analysis Comment Period Extended End.	02/23/15	
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763
NPRM	03/17/16	81 FR 14528
NPRM Comment Period End.	05/16/16	
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009
Proposed Definition and Data Availability.	10/18/16	81 FR 71794
Proposed Definition and Data Availability Comment Period End.	11/08/16	

Action	Date	FR Cite
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276
Final Rule Adopting a Definition for GSL Effective.	01/01/20	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20	
Supplemental NPRM.	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy deButts, Buildings Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

59. Energy Conservation Standards for Residential Conventional Cooking Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292 (a)(10); 42 U.S.C. 6295(h)

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Supplemental NPRM.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20002, *Phone:* 202 287–1943, *Email: stephanie.johnson@ee.doe.gov.*

RIN: 1904–AD15

60. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to determine whether more stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Reopened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Supplemental NPRM.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

61. Energy Conservation Standards for Commercial Water Heating Equipment

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6313(a)(6)(C)(i) and (vi)

Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Reopened.	08/05/16	81 FR 51812
NPRM Comment Period Reopened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Final Action	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Buildings Technologies Office, EE–5B, Washington, DC 20585, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov.*

RIN: 1904–AD34

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

62. Energy Conservation Standards for Commercial Packaged Boilers

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6313(a)(6)(C); 42 U.S.C. 6311(11)(B)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued a NOPR pursuant to the 6-year-look-back requirement on March 24, 2016. Under EPCA, DOE has two years to issue a final rule after publication of the NOPR.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination (NOPD).	08/13/13	78 FR 49202
NOPD Comment Period End.	09/12/13	
Notice of Public Meeting and Framework Document Availability.	09/03/13	78 FR 54197
Framework Document Comment Period End.	10/18/13	
Notice of Public Meeting and Preliminary Analysis.	11/20/14	79 FR 69066
Preliminary Analysis Comment Period End.	01/20/15	
Withdrawal of NOPD.	08/25/15	80 FR 51487
NPRM	03/24/16	81 FR 15836
NPRM Comment Period Extended.	05/04/16	81 FR 26747
NPRM Comment Period Extended End.	06/22/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Rivest, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov.*

RIN: 1904–AD01

63. Modifying the Energy Conservation Program To Implement a Market-Based Approach

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6291

Abstract: The U.S. Department of Energy (DOE) is evaluating the potential use of some form of a market-based approach such as an averaging, trading, fee-base or other type of market-based policy mechanism for the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	11/28/17	82 FR 56181
RFI Comment Period Extended.	02/23/18	83 FR 8016
RFI Comment Period Extended End.	03/26/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AE11

[FR Doc. 2019–12327 Filed 6–21–19; 8:45 am]

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Part VI

Department of Health and Human Services

Unified Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Ann C. Agnew, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations, through a comment form on the HHS retrospective review web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Ann C. Agnew,

Executive Secretary to the Department.

OFFICE FOR CIVIL RIGHTS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
64	Nondiscrimination in Health Programs or Activities	0945–AA11

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
65	21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program.	0955–AA01

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
66	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
67	Sunscreen Drug Products For Over-The-Counter-Human Use; Tentative Final Monograph	0910–AF43
68	Mammography Quality Standards Act; Amendments to Part 900 Regulations	0910–AH04
69	Medication Guides; Patient Medication Information	0910–AH68
70	Nutrient Content Claims, Definition of Term: Healthy	0910–AI13
71	Revocation of Uses of Partially Hydrogenated Oils in Foods	0910–AI15
72	Required Warnings for Cigarette Packages and Advertisements	0910–AI39

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
73	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
74	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00
75	Topical Antimicrobial Drug Products for Over-the-Counter Human Use: Final Monograph for Consumer Antiseptic Rub Products.	0910–AH97
76	Milk and Cream Product and Yogurt Products, Final Rule to Revoke the Standards for Lowfat Yogurt and Nonfat and to Amend the Standard for Yogurt.	0910–AI40

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
77	Over-the-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
78	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
79	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
80	Over-the-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
81	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
82	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
83	Sunlamp Products; Amendment to the Performance Standard	0910–AG30
84	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14
85	Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AH16
86	Acute Nicotine Toxicity Warnings for E-Liquids	0910–AH24
87	Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems.	0910–AH90
88	Administration Detention of Tobacco Products	0910–AI05

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
89	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
90	Laser Products; Amendment to Performance Standard	0910–AF87

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
91	Requirements for Long-Term Care Facilities: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P) **(Section 610 Review)**.	0938–AT36
92	CY 2020 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1715–P) **(Section 610 Review)**.	0938–AT72
93	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2020 Rates (CMS–1716–F) **(Section 610 Review)**.	0938–AT73
94	CY 2020 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1717–P) **(Section 610 Review)**.	0938–AT74

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
95	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
96	Durable Medical Equipment Fee Schedule, Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Non-Competitive Bidding Areas (CMS–1687–F) **(Section 610 Review)**.	0938–AT21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
97	CY 2019 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (CMS–1691–F) **(Completion of a Section 610 Review)**.	0938–AT28
98	CY 2019 Home Health Prospective Payment System Rate Update and CY 2020 Case-Mix Adjustment Methodology Refinements; Value-Based Purchasing Model; Quality Reporting Requirements (CMS–1689–FC) **(Completion of a Section 610 Review)**.	0938–AT29

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
99	CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–FC) **(Completion of a Section 610 Review)**.	0938–AT30
100	CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B and the Quality Payment Program (CMS–1693–F) **(Completion of a Section 610 Review)**.	0938–AT31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Proposed Rule Stage

64. Nondiscrimination in Health Programs or Activities

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sec. 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116)

Abstract: This proposed rule implements section 1557 of the Patient Protection and Affordable Care Act (PPACA), which prohibits discrimination on the basis of race, color, national origin, sex, age, and disability under any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under Title l of the PPACA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Luben Montoya, Section Chief, Civil Rights Division, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 774–3041, TDD *Phone:* 800 537–7697, *Email: ocrmail@hhs.gov*.

RIN: 0945–AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the National Coordinator for Health Information Technology (ONC)

Proposed Rule Stage

65. 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–255

Abstract: The rulemaking would implement certain provisions of the 21st Century Cures Act, including conditions and maintenance of certification requirements for health information technology (IT) developers under the ONC Health IT Certification Program (Program), the voluntary certification of health IT for use by pediatric healthcare providers and reasonable and necessary activities that do not constitute information blocking. The rulemaking would also modify the 2015 Edition health IT certification criteria and Program in additional ways to advance interoperability, enhance health IT certification, and reduce burden and costs.

Timetable:

Action	Date	FR Cite
NPRM	03/04/19	84 FR 7424
NPRM Comment Period Extended.	04/23/19	84 FR 16834
NPRM Comment Period End.	05/03/19	
NPRM Comment Period Extended End.	06/03/19	
Final Action	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Lipinski, Director, Regulatory Affairs Division, Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, Mary E. Switzer Building, 330 C Street SW, Washington, DC 20201, *Phone:* 202 690–7151.

RIN: 0955–AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

66. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients on a pilot basis. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF31

67. Sunscreen Drug Products for Over-the-Counter-Human Use; Tentative Final Monograph

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The proposed rule will address the general recognition of safety and effectiveness (GRASE) status of the 16 sunscreen monograph ingredients and describe data gaps that FDA believes need to be filled in order for FDA to permit the continued marketing

of these ingredients without submitting new drug applications for premarket review. Consistent with the Sunscreen Innovation Act, we also expect to address sunscreen dosage forms and maximum SPF values.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
NPRM	02/26/19	84 FR 6204
NPRM Comment Period End.	05/28/19	
Final Action	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristen Hardin, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, WO 22, Room 5491, Silver Spring, MD 20993, *Phone:* 240 402–4246, *Fax:* 301 796–9841, *Email: kristen.hardin@fda.hhs.gov*.

RIN: 0910–AF43

68. Mammography Quality Standards Act; Amendments to Part 900 Regulations

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and health care providers.

Timetable:

Action	Date	FR Cite
NPRM	03/28/19	84 FR 11669
NPRM Comment Period End.	06/26/19	
Final Action	10/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Room 5522, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AH04

69. Medication Guides; Patient Medication Information

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321 *et seq.;* 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

Abstract: The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, Patient Medication Information, for submission to and review by the FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for Patient Medication Information development and distribution. The proposed rule would require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov*.

RIN: 0910–AH68

70. Nutrient Content Claims, Definition of Term: Healthy

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: The proposed rule would update the definition for the implied nutrient content claim ''healthy'' to be consistent with current nutrition science and federal dietary guidelines. The proposed rule would revise the requirements for when the claim ''healthy'' can be voluntarily used in the labeling of human food products so that the claim reflects current science and dietary guidelines and help consumers maintain healthy dietary practices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–830), Room 3D–031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1774, *Fax:* 301 436–1191, *Email: vincent.dejesus@fda.hhs.gov.*

RIN: 0910–AI13

71. Revocation of Uses of Partially Hydrogenated Oils in Foods

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 341; 21 U.S.C. 343; 21 U.S.C. 348; 21 U.S.C. 371; 21 U.S.C. 379(e)

Abstract: In the **Federal Register** of June 17, 2015 (80 FR 34650), we published a declaratory order announcing our final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs) are generally recognized as safe (GRAS) for any use in human food. In the **Federal Register** of May 21, 2018 (83 FR 23382), we denied a food additive petition requesting that the food additive regulations be amended to provide for the safe use of PHOs in certain food applications. We are now proposing to update our regulations to remove all mention of partially hydrogenated oils and to revoke all prior sanctioned uses. This rulemaking implements FDA's findings that the available data demonstrate that PHOs used in food may cause the food to be unsafe.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ellen Anderson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, HFS–265, 4300

River Road, College Park, MD 20740, *Phone:* 240 402–1309, *Email: ellen.anderson@fda.hhs.gov.*

RIN: 0910–AI15

72. • Required Warnings for Cigarette Packages and Advertisements

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 1333; 21 U.S.C. 371; 21 U.S.C. 387c; 21 U.S.C. 387i; Secs 201 and 202, Pub. L. 111–31, 123 Stat. 1776; . . .

Abstract: This rule would require color graphics depicting the negative health consequences of smoking to accompany textual warning statements on cigarette packages and in cigarette advertisements. As directed by Congress in the Tobacco Control Act, which amends the Federal Cigarette Labeling and Advertising Act, the rule would require these new cigarette health warnings to occupy the top 50 percent of the area of the front and rear panels of cigarette packages and at least 20 percent of the area of cigarette advertisements. The original rule FDA issued in 2011 was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in August 2012 (*R.J. Reynolds Tobacco Co.* v. *United States Food & Drug Admin.,* 696 F.3d 1205 D.C. Cir. 2012).

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Courtney Smith, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3894, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AI39

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

73. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381

Abstract: The final rule would amend the postmarketing safety reporting regulations for human drugs and biological products including blood and blood products in order to better align FDA requirements with guidelines of the International Council on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH); and to update reporting requirements in light of current pharmacovigilance practice and safety information sources and enhance the quality of safety reports received by FDA. These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961).

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6278, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3469, *Fax:* 301 847–8440, *Email: jane.baluss@fda.hhs.gov.*

RIN: 0910–AA97

74. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

E.O. 13771 Designation: Regulatory.

Legal Authority: Sec. 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: This final rule would establish requirements concerning ''gluten-free'' labeling for foods that are fermented or hydrolyzed or that contain fermented or hydrolyzed ingredients. These additional requirements for the ''gluten-free'' labeling rule are needed to help ensure that individuals with celiac disease are not misled and receive truthful and accurate information with respect to fermented or hydrolyzed foods labeled as ''gluten-free.''

Timetable:

Action	Date	FR Cite
NPRM	11/18/15	80 FR 71990
NPRM Comment Period Reopened.	01/22/16	81 FR 3751
NPRM Comment Period End.	02/16/16	
NPRM Comment Period Reopened End.	02/22/16	
NPRM Comment Period Reopened.	02/23/16	81 FR 8869
NPRM Comment Period Reopened End.	04/25/16	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol D'Lima, Staff Fellow, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022, HFS 820, 5001 Campus Drive, College Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov.*

RIN: 0910–AH00

75. Topical Antimicrobial Drug Products for Over-the-Counter Human Use: Final Monograph for Consumer Antiseptic Rub Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 and 361; 21 U.S.C. 371; 21 U.S.C. 374 and 375; 21 U.S.C. 379; 42 U.S.C. 216; 42 U.S.C. 241 and 242; 42 U.S.C. 262

Abstract: This final rule amends the 1994 tentative final monograph (TFM) for over-the-counter (OTC) antiseptic drug products that published in the **Federal Register** of June 17, 1994, (the 1994 TFM). The final rule is part of the ongoing review of OTC drug products conducted by FDA. In this final rule, we address whether certain active ingredients used in OTC consumer antiseptic products intended for use without water (referred to as consumer antiseptic rubs) are for evaluation under the OTC Drug Review for use in consumer antiseptic rub products.

Timetable:

Action	Date	FR Cite
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anita Kumar, Biologist, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 22, Room 5445, Silver Spring, MD 20993, *Phone:* 301 796–1032, *Email: anita.kumar@fda.hhs.gov.*

RIN: 0910–AH97

76. • Milk and Cream Product and Yogurt Products, Final Rule To Revoke the Standards for Lowfat Yogurt and Nonfat and To Amend the Standard for Yogurt

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 336; 21 U.S.C. 341; 21 U.S.C. 343; 21 U.S.C. 348; 21 U.S.C. 371(e); 21 U.S.C. 379e

Abstract: This final rule amends the standard for yogurt and revokes the standards for lowfat and nonfat yogurt. It modernizes the standard to allow for technological advances, to preserve the basic nature and essential characteristics of yogurt, and to promote honesty and fair dealing in the interest of consumers.

Section, 701(e)(1), of the Federal Food, Drug, and Cosmetic Act identifies that specific decisions such as the definitions and standards of identity for dairy products are to be promulgated under formal rulemaking provisions of 5 U.S.C. 556 and 557. Section 3(d) of Executive Order 12866 defines regulation to exclude regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556 and 557; accordingly, this final rule is not subject to the requirements of Executive Order 12866. Notwithstanding this exclusion, and our standard practice not to include formal rulemaking in the Unified Agenda, we have decided to include this particular rule in the Unified Agenda in order to highlight our de-regulatory work in this space.

Timetable:

Action	Date	FR Cite
ANPRM	07/03/03	68 FR 39873
ANPRM Comment Period End.	10/01/03	
NPRM	01/15/09	74 FR 2443
NPRM Comment Period End.	04/29/09	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Terri Wenger, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5001 Campus Drive, College Park, MD 20740, *Phone:* 240 402–2371, *Email: terri.wenger@fda.hhs.gov.*

RIN: 0910–AI40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

77. Over-the-Counter (OTC) Drug Review—External Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices. The proposed rule will address issues not addressed in previous rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF35

78. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Acetaminophen).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF36

79. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
Final Action Effective (Granular Psyllium).	10/01/07	

Action	Date	FR Cite
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF38

80. Over-the-Counter (OTC) Drug Review—Weight Control Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action finalizes the 2005 proposed rule for weight control products containing phenylpropanolamine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
NPRM (Benzocaine).	03/09/11	76 FR 12916
NPRM Comment Period End.	06/07/11	
Final Action (Phenylpropanolamine).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF45

81. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

82. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75506
NPRM Comment Period Extended.	03/09/15	80 FR 12364
NPRM Comment Period End.	03/18/15	
NPRM Comment Period Extended End.	05/18/15	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Bernstein, Supervisory Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6240, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3478, *Email: michael.bernstein@fda.hhs.gov.*

RIN: 0910–AG18

83. Sunlamp Products; Amendment to the Performance Standard

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

Abstract: FDA is updating the performance standard for sunlamp products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international committees, thereby also saving resources.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov.*

RIN: 0910–AG30

84. General and Plastic Surgery Devices: Sunlamp Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This rule would apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.This rule would apply device restrictions to sunlamp products.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov*.

RIN: 0910–AH14

85. Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AH16

86. Acute Nicotine Toxicity Warnings for E-Liquids

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387

Abstract: This rule would establish nicotine exposure warning requirements for liquid nicotine and nicotine-containing e-liquid(s) that are made or derived from tobacco and intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to protect users and non-users from accidental exposures to nicotine-containing e-liquids in tobacco products.

Timetable:

Action	Date	FR Cite
NPRM	03/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Courtney Smith, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3894, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AH24

87. Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 et. seq.; 21 U.S.C. 371; 21 U.S.C. 387(b); 21 U.S.C. 387(g); 21 U.S.C. 387i

Abstract: This rule would propose to establish a product standard to require testing standards for batteries used in electronic nicotine delivery systems (ENDS) and require design protections including a battery management system for ENDS using batteries and protective housing for replaceable batteries. This product standard would protect the safety of users of battery-powered tobacco products and will help to streamline the FDA premarket review process, ultimately reducing the burden on both manufacturers and the Agency. The proposed rule would be applicable to tobacco products that include a non-user replaceable battery as well as products that include a user replaceable battery.

Timetable:

Action	Date	FR Cite
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AH90

88. Administration Detention of Tobacco Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 334; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is proposing regulations to establish requirements for the administrative detention of tobacco products. This action, if finalized, would allow FDA to administratively detain tobacco products encountered during inspections that an officer or employee conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of violative tobacco products until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate a regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AI05

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

89. Label Requirement for Food That Has Been Refused Admission Into the United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 342 and 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 264

Abstract: On September 18, 2008, FDA issued a proposed rule that would have required owners or consignees to label imported food that was refused entry into the United States. FDA does not plan to finalize the rule.

Completed:

Reason	Date	FR Cite
NPRM; Withdrawal.	09/28/18	83 FR 49022

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony C. Taube, *Phone:* 240 420–4565, *Fax:* 703 261–8625, *Email: anthony.taube@fda.hhs.gov*.

RIN: 0910–AF61

90. Laser Products; Amendment to Performance Standard

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: On June 24, 2013, FDA issued a proposed rule that would have amended the performance standard for laser products to achieve closer harmonization between the current standard and the amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. FDA does not plan to finalize the 2013 proposal.

Completed:

Reason	Date	FR Cite
NPRM; Withdrawal.	11/01/18	83 FR 54891

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Payne, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AF87

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

91. Requirements for Long-Term Care Facilities: Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P) (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: Secs.1819 and 1919 of the Social Security Act; sec.1819(d)(4)(B) and 1919(d)(4)(B) of the Social Security Act; sec. 1819(b)(1)(A) and 1919 (b)(1)(A) of the Social Security Act

Abstract: This proposed rule would reform the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs, that CMS has identified as unnecessary, obsolete, or excessively burdensome on facilities. This rule would increase the ability of healthcare professionals to devote resources to improving resident care by eliminating or reducing requirements that impede quality care or that divert resources away from providing high quality care.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronisha Blackstone, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6882, *Email: ronisha.blackstone@cms.hhs.gov*.

RIN: 0938–AT36

92. CY 2020 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1715–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2020. Additionally, this rule proposes updates to the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marge Watchorn, Deputy Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4361, *Email: marge.watchorn@cms.hhs.gov*.

RIN: 0938–AT72

93. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2020 Rates (CMS–1716–F) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule would implements changes arising from our continuing experience with these systems. In addition, the rule establishes new requirements or revises existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM	05/03/19	84 FR 19158
NPRM Comment Period End.	06/24/19	
Final Action	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Director, Division of Acute Care,

Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov*.

RIN: 0938–AT73

94. CY 2020 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1717–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would also update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elise Barringer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–9222, *Email: elise.barringer@cms.hhs.gov*.

RIN: 0938–AT74

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

95. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This final rule updates the requirements that hospitals and critical access hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These final requirements are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/16/16	81 FR 39447
NPRM Comment Period End.	08/15/16	
Final Action—To Be Merged With 0938–AS59 and 0938–AT23.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CAPT Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov.*

RIN: 0938–AS21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

96. Durable Medical Equipment Fee Schedule, Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Non-Competitive Bidding Areas (CMS–1687–F) (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302, 1395hh, and 1395rr(b)(l)); Pub. L. 114–255, sec. 5004(b), 16007(a) and 16008

Abstract: This final rule follows the interim final rule that published May 11, 2018, and extended the end of the transition period from June 30, 2016, to December 31, 2016 for phasing in adjustments to the fee schedule amounts for certain durable medical equipment (DME) and enteral nutrition paid in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP). In addition, the interim rule amended the regulation to resume the transition period for items furnished from August 1, 2017, through December 31, 2018. The interim rule also made technical amendments to existing regulations for DMEPOS items and services to exclude infusion drugs used with DME from the DMEPOS CBP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/11/18	83 FR 21912
Interim Final Rule Comment Period End.	07/09/18	
Final Action	05/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexander Ullman, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9671, *Email: alexander.ullman@cms.hhs.gov.*

RIN: 0938–AT21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

97. CY 2019 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (CMS–1691–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395d(d); 42 U.S.C. 1395f(b); 42 U.S.C 1395g

Abstract: This annual final rule updates the bundled payment system for ESRD facilities by January 1, 2019. The rule also updates the quality incentives in the ESRD program and implements changes to the DMEPOS competitive bidding program.

Timetable:

Action	Date	FR Cite
NPRM	07/19/18	83 FR 34304
NPRM Comment Period End.	09/10/18	
Final Action	11/14/18	83 FR 56922
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janae James, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–05–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0801, *Email: janae.james@cms.hhs.gov.*

RIN: 0938–AT28

98. CY 2019 Home Health Prospective Payment System Rate Update and CY 2020 Case-Mix Adjustment Methodology Refinements; Value-Based Purchasing Model; Quality Reporting Requirements (CMS–1689–FC) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1315a; 42 U.S.C. 1395(hh)

Abstract: This annual final rule updates the payment rates under the Medicare prospective payment system for home health agencies. In addition, this rule finalizes changes to the Home Health Value-Based Purchasing (HHVBP) Model and to the Home Health Quality Reporting Program (HH QRP).

Timetable:

Action	Date	FR Cite
NPRM	07/12/18	83 FR 32340
NPRM Comment Period End.	08/31/18	
Final Action	11/13/18	83 FR 56406
Comment Period End.	12/31/18	
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Loeffler, Director, Division of Home Health and Hospice, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–08–28, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0456, *Email: hillary.loeffler@cms.hhs.gov.*

RIN: 0938–AT29

99. CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–FC) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule finalizes changes to the ambulatory surgical center payment system list of services and rates. This rule updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	07/31/18	83 FR 37046
NPRM Comment Period End.	09/24/18	
Final Action	11/21/18	83 FR 58818
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov.*

RIN: 0938–AT30

100. CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B and the Quality Payment Program (CMS–1693–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises payment polices under the Medicare physician fee schedule, and makes other policy changes to payment under Medicare Part B. These changes apply to services furnished beginning January 1, 2019. Additionally, this rule updates the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	07/27/18	83 FR 35704
NPRM Comment Period End.	09/10/18	
Final Action	11/23/18	83 FR 59836
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marge Watchorn, Deputy Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4361, *Email: marge.watchorn@cms.hhs.gov.*

RIN: 0938–AT31

[FR Doc. 2019–12004 Filed 6–21–19; 8:45 am]

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Part VII

Department of Homeland Security

Office of the Secretary

Unified Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011) and Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs'' (Jan. 30, 2017), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on November 16, 2018, at 83 FR 58031.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: March 6, 2019.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
101	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
102	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
103	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
104	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)	1601–AA79

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
105	Ammonium Nitrate Security Program	1601–AA52
106	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
107	Requirements for Filing Motions and Administrative Appeals	1615–AB98
108	EB–5 Immigrant Investor Regional Center Program	1615–AC11

U.S. Citizenship and Immigration Services—Proposed Rule Stage—Continued

Sequence No.	Title	Regulation Identifier No.
109	Removing H–4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization	1615–AC15
110	U.S. Citizenship and Immigration Services Fee Schedule	1615–AC18
111	Electronic Processing of Immigration Benefit Requests	1615–AC20

U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
112	Inadmissibility on Public Charge Grounds	1615–AA22
113	EB–5 Immigrant Investor Program Modernization	1615–AC07

U.S. Citizenship and Immigration Services—Completed Actions

Sequence No.	Title	Regulation Identifier No.
114	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Cap Subject Aliens	1615–AB71

U.S. Coast Guard—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
115	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)	1625–AC39

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
116	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. Coast Guard—Completed Actions

Sequence No.	Title	Regulation Identifier No.
117	Seafarers' Access to Maritime Facilities	1625–AC15

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
118	Importer Security Filing and Additional Carrier Requirements **(Section 610 Review)**	1651–AA70
119	Implementation of the Guam-CNMI Visa Waiver Program **(Section 610 Review)**	1651–AA77

Transportation Security Administration—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
120	Security Training for Surface Transportation Employees	1652–AA55

U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
121	Visa Security Program Fee	1653–AA77

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
122	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653–AA67
123	Adjusting Program Fees for the Student and Exchange Visitor Program	1653–AA74
124	Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children	1653–AA75

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
125	Ammonium Nitrate Security Program	1670–AA00

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
126	Chemical Facility Anti-Terrorism Standards (CFATS)	1670–AA01

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Proposed Rule Stage

101. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees

E.O. 13771 Designation: Other.

Legal Authority: Sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112–239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707

Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.

Timetable:

Action	Date	FR Cite
NPRM	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA72

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

102. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA76

103. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1302 and 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-

owned and/or operated information systems and information resources capable of collecting, processing, storing, or transmitting controlled unclassified information (CUI).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA78

104. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1702; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0082, *Email: candace.lightfoot@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA79

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Completed Actions

105. Ammonium Nitrate Security Program

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 488 *et seq.*

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.'' DHS intends to publish a notice announcing the availability of a redacted version of a technical report developed by Sandia National Laboratories titled Ammonium Nitrate Security Program Technical Assessment.'' The report documents Sandia National Laboratories' technical research, testing, and findings related to the feasibility of weaponizing commercially available products containing ammonium nitrate. DHS intends to use this notice to solicit comments on the report and its application to the proposed Ammonium Nitrate Security Program rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Withdrawn	02/21/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

106. Chemical Facility Anti-Terrorism Standards (CFATS)

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
Withdrawn	02/21/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA69

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

107. Requirements for Filing Motions and Administrative Appeals

E.O. 13771 Designation: Other.

Legal Authority: 5 U.S.C. 552 and 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William K. Renwick, Jr., Acting Deputy Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW, Washington, DC 20529–2090, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: william.k.renwick@uscis.dhs.gov.*

RIN: 1615–AB98

108. EB–5 Immigrant Investor Regional Center Program

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

Abstract: The Department of Homeland Security (DHS) is considering making regulatory changes to the EB–5 Immigrant Investor Regional Center Program. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from all interested stakeholders on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation, and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB–5 investors.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End.	04/11/17	
NPRM	03/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hunt, Acting Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377 *Fax:* 202 272–1480, *Email: brian.j.hunt@uscis.dhs.gov.*

RIN: 1615–AC11

109. Removing H–4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1184(a)(1); 8 U.S.C. 1324a(H)(3)(B)

Abstract: On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H–4 spouses of H–1B nonimmigrants as a class of aliens eligible for employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hunt, Acting Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: brian.j.hunt@uscis.dhs.gov.*

RIN: 1615–AC15

110. U.S. Citizenship and Immigration Services Fee Schedule

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1356(m)

Abstract: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) conducted a FY 2019/2020 fee review for its Immigration Examinations Fee Account (IEFA), pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901–03 and the Immigration and Nationality Act, section 286(m), 8 U.S.C. 1356(m). The CFO Act requires each agency's chief financial officer to ''review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.'' As a result of the FY 2019/2020 IEFA fee review, DHS will propose to adjust USCIS' fee schedule via notice and comment rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kika M. Scott, Deputy Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kika.m.scott@uscis.dhs.gov.*

RIN: 1615–AC18

111. Electronic Processing of Immigration Benefit Requests

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1103; 44 U.S.C. 3504

Abstract: The Department of Homeland Security (DHS) will propose to: (1) Set requirements for online submission for immigration benefit requests and explain the requirements associated with electronic processing;

and (2) make changes to existing regulations to allow end-to-end digital processing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Mayhew, Chief of Staff, Immigration Records and Identity Services Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: michael.x.mayhew@uscis.dhs.gov.*

RIN: 1615–AC20

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

112. Inadmissibility on Public Charge Grounds

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182 and 1183; . . .

Abstract: The Department of Homeland Security (DHS) is reviewing public feedback received on the notice of proposed rulemaking published on October 10, 2018. After considering public input, DHS will finalize regulatory provisions guiding the inadmissibility determination on whether an alien is likely at any time to become a public charge under 8 U.S.C. 1182(a)(4). DHS proposed to add a regulatory provision, which would define the term public charge and would outline DHS's public charge considerations.

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End.	07/26/99	
NPRM	10/10/18	83 FR 51114
NPRM Comment Period End.	12/10/18	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: mark.phillips@uscis.dhs.gov.*

RIN: 1615–AA22

113. EB–5 Immigrant Investor Program Modernization

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5)

Abstract: In January 2017, the Department of Homeland Security (DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB–5) immigrant investor classification. In general, under the EB–5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB–5 program regulations. Such proposed changes included: Raising the minimum investment amount; allowing certain EB–5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes.

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: edie.c.pearson@uscis.dhs.gov.*

RIN: 1615–AC07

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Completed Actions

114. Registration Requirement for Petitioners Seeking to File H–1B Petitions on Behalf of Cap Subject Aliens

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1184(g)

Abstract: The Department of Homeland Security proposes to amend its regulations governing petitions filed on behalf of H–1B beneficiaries who may be counted under section 214(g)(1)(A) of the Immigration and Nationality Act (INA) (''H–1B regular cap'') or under section 214(g)(5)(C) of the INA (''H–1B master's cap''). This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is being considered because the demand for H–1B specialty occupation workers by U.S. employers has often exceeded the numerical limitation. This rule is intended to allow U.S. Citizenship and Immigration Services (USCIS) to more efficiently manage the intake and selection process for these H–1B petitions. The Department published a proposed rule on this topic in 2011. The Department intends to publish an additional proposed rule in 2018. The proposal may include a modified selection process, as outlined in section 5(b) of Executive Order 13788, Buy American and Hire American.

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
NPRM	12/03/18	83 FR 62406
NPRM Comment Period End.	01/02/19	
Final Rule	01/31/19	84 FR 888
Final Rule Effective.	04/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hunt, Acting Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: brian.j.hunt@uscis.dhs.gov.*

RIN: 1615–AB71

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

115. Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 2704; 33 U.S.C. 2716 and 2716a; 42 U.S.C. 9607

to 9609; 6 U.S.C. 552; E.O. 12580; sec. 7(b), 3 CFR, 1987; Comp., p. 193; E.O. 12777, secs. 4 and 5, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, sec. 89, 3; 3 CFR, 2004 Comp., p. 166, and by E.O. 13638, sec. 1, 3 CFR, 2014 Comp., p. 227; Department of Homeland Security Delegation Nos. 0170.1 and 5110, Revision 01

Abstract: The Coast Guard proposes to amend its rule on vessel financial responsibility to include tank vessels greater than 100 gross tons, to clarify and strengthen the rule's reporting requirements, to conform its rule to current practice, and to remove two superseded regulations. This rulemaking will ensure the Coast Guard has current information when there are significant changes in a vessel's operation, ownership, or evidence of financial responsibility, and reflect current best practices in the Coast Guard's management of the Certificate of Financial Responsibility Program. This rulemaking will also promote the Coast Guard's missions of maritime stewardship, maritime security, and maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593–7605, *Phone:* 202 795–6066, *Email: benjamin.h.white@uscg.mil.*

RIN: 1625–AC39

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

116. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	
Second NPRM Comment Period End.	12/18/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: joseph.d.myers@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

117. Seafarers' Access to Maritime Facilities

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec. 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Reopened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	04/01/19	84 FR 12102
Final Action Effective.	05/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Yamaris Barril, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Commandant (CG–FAC–2) STOP 7501, Washington, DC 20593, *Phone:* 202 372–1151, *Email: yamaris.d.barril@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

118. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 109–347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 and 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the Notice of Proposed Rulemaking. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782–85 for regulatory text and 73

CFR 71733–34 for general discussion.) The remaining requirements of the rule were adopted as final.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

119. Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 110–229, sec. 702

Abstract: The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	12/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Cheryl C. Peters, Program Manager, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, 3.3C–12, Washington, DC 20229, *Phone:* 202 344–1707, *Email: cheryl.c.peters@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

120. Security Training for Surface Transportation Employees

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

Abstract: The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB) companies. This final rule implements the regulatory mandate. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

Timetable:

Action	Date	FR Cite
Notice; Request for Comment.	06/14/13	78 FR 35945
Notice; Comment Period End.	07/15/13	
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Traci Klemm, Assistant Chief Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 601 South 12th Street, Arlington, VA

20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov.*

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Proposed Rule Stage

121. VISA Security Program Fee

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1356

Abstract: ICE seeks to enable the expansion of the Visa Security Program (VSP) by proposing to move it to a user-fee funded model (as opposed to relying on appropriations). The VSP leverages resources in the National Capital Region (NCR) and at U.S. diplomatic posts overseas to vet and screen visa applicants; identifies and prevents the travel of those who constitute potential national security and/or public safety threats; and launches investigations into criminal and/or terrorist affiliated networks operating in the U.S. and abroad. The fees collected as a result of this rule would fund an expansion of the VSP, enabling ICE to extend visa security screening and vetting operations and investigative efforts to more visa-issuing posts overseas, and in turn, enhance the U.S. government's ability to prevent travel to the United States by those who pose a threat to the national security interests of the U.S.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Austin Moore, Unit Chief, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732–5117, *Email: austin.l.moore@ice.dhs.gov.*

RIN: 1653–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Final Rule Stage

122. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 8 U.S.C. 1103

Abstract: U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury when the company does not cure deficient performance. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe ''for cause'' standards and procedures for declining to accept new bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

Timetable:

Action	Date	FR Cite
NPRM	06/05/18	83 FR 25951
NPRM Comment Period End.	08/06/18	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732–5683, *Email: mark.lawyer@ice.dhs.gov.*

RIN: 1653–AA67

123. Adjusting Program Fees for the Student and Exchange Visitor Program

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1372; 8 U.S.C. 1762; 8 U.S.C. 1101; 8 U.S.C. 1356; 31 U.S.C. 901 to 903; 31 U.S.C. 902; . . .

Abstract: ICE will publish a final rule to adjust fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2017, SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. The final rule will adjust fees for individuals and organizations. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

Timetable:

Action	Date	FR Cite
NPRM	07/17/18	83 FR 33762
NPRM Comment Period End.	09/17/18	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Snyder, Unit Chief, Policy and Response Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Potomac Center North STOP 5600, 500 12th Street SW, Washington, DC 20536–5600, *Phone:* 703 603–5600,

RIN: 1653–AA74

124. Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1225 to 1227; 8 U.S.C. 1362

Abstract: In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the Flores Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until 45 days after publication of regulations implementing the agreement.

Since 1997, intervening statutory changes, including passage of the Homeland Security Act (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), have significantly changed the applicability of certain provisions of the FSA. The rule would codify the relevant and substantive terms of the FSA and enable the U.S. Government to seek

termination of the FSA and litigation concerning its enforcement. Through this rule, DHS, HHS, and DOJ will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Timetable:

Action	Date	FR Cite
NPRM	09/07/18	83 FR 45486
NPRM Comment Period End.	11/06/18	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732–5683, *Email: mark.lawyer@ice.dhs.gov.*

RIN: 1653–AA75

DEPARTMENT OF HOMELAND SECURITY (DHS)

Cybersecurity and Infrastructure Security Agency (CISA)

Proposed Rule Stage

125. • Ammonium Nitrate Security Program

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 488 *et seq.*

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.'' DHS intends to publish a notice announcing the availability of a redacted version of a technical report developed by Sandia National Laboratories titled Ammonium Nitrate Security Program Technical Assessment. The report documents Sandia National Laboratories' technical research, testing, and findings related to the feasibility of weaponizing commercially available products containing ammonium nitrate. DHS intends to use this notice to solicit comments on the report and its application to the proposed Ammonium Nitrate Security Program rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
ANPRM Correction.	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Notice of Availability.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security Compliance Division, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1670–AA00

DEPARTMENT OF HOMELAND SECURITY (DHS)

Cybersecurity and Infrastructure Security Agency (CISA)

Long-Term Actions

126. • Chemical Facility Anti-Terrorism Standards (CFATS)

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security Compliance Division, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1670–AA01

[FR Doc. 2019–12076 Filed 6–21–19; 8:45 am]

BILLING CODE 9110–9B–P

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Part VIII

Department of the Interior

Office of the Secretary

Unified Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between Spring 2019 and Spring 2020. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 208–5257.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects. The complete Unified Agenda will be published at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database. Agenda information is also available at *www.regulations.gov,* the government-wide website for submission of comments on proposed regulations.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation. If that determination is made, such rules will comply with Executive Order 13771.

Bivan R. Patnaik,

Deputy Director, Regulatory Affairs.

Bureau of Safety and Environmental Enforcement—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
127	Revisions to the Blowout Preventer Systems and Well Control Rule	1014–AA39

Assistant Secretary for Land and Minerals Management—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
128	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf	1082–AA01

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
129	Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations	1018–BD10
130	Migratory Bird Hunting; 2020–2021 Migratory Game Bird Hunting Regulations	1018–BD89

Bureau of Ocean Energy Management—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
131	Risk Management, Financial Assurance and Loss Prevention	1010–AE00

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

127. Revisions to the Blowout Preventer Systems and Well Control Rule

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a

Abstract: This rulemaking would revise the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2016 final rule entitled ''Blowout Preventer Systems and Well Control,'' 81 FR 25888 (April 29, 2016), for drilling, workover, completion and decommissioning operations. In accordance with section 4 of Secretary's Order 3350 (America-First Offshore Energy Strategy), Executive Order (E.O.) 13783 (Promoting Energy Independence and Economic Growth), and section 7 of E.O. 13795 (Implementing an America-First Offshore Energy Strategy), BSEE reviewed the 2016 final rule, considered stakeholder input on that rule, and has proposed revisions to reduce unnecessary burdens while ensuring that operations are conducted safely and in an environmentally responsible manner.

Timetable:

Action	Date	FR Cite
NPRM	05/11/18	83 FR 22128
NPRM Comment Period Extended.	07/05/18	83 FR 31343
NPRM Comment Period End.	07/10/18	
NPRM Comment Period Extended End.	08/06/18	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov*.

RIN: 1014–AA39

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Land and Minerals Management (ASLM)

Proposed Rule Stage

128. Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a; 33 U.S.C. 2701

Abstract: This proposed rule would revise specific provisions of the regulations published in the final Arctic Exploratory Drilling Rule, 81 FR 46478 (July 15, 2016), which established a regulatory framework for exploratory drilling and related operations within the Beaufort Sea and Chukchi Sea Planning Areas on the Outer Continental Shelf of Alaska. The rulemaking for this RIN replaces the Bureau of Safety and Environmental Enforcement's RIN 1014–AA40.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bryce Barlan, Regulatory Analyst, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1126, *Email: bryce.barlan@bsee.gov*.

RIN: 1082–AA01

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

129. Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 712; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2019–2020 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2019–2020 duck hunting seasons, and requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/14/18	83 FR 27836
NPRM Comment Period End.	07/18/18	
NPRM Supplemental.	09/21/18	83 FR 47868
NPRM Supplemental Comment Period End.	01/15/19	
NPRM; Proposed Frameworks.	04/17/19	84 FR 16152
NPRM Comment Period End—Proposed Frameworks.	05/17/19	
NPRM; Proposed Tribal Regulations.	05/00/19	
Final Action; Final Frameworks.	06/00/19	
Final Rule; Final Tribal Regulations.	07/00/19	
Final Rule; Final Season Selections.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Fax:* 703 358–2217, *Email: ronald_kokel@fws.gov*.

RIN: 1018–BD10

130. • Migratory Bird Hunting; 2020–2021 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 712; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2020–2021 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2020–2021 duck hunting seasons, and requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on

Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM—Supplemental.	08/00/19	
NPRM—Proposed Frameworks.	12/00/19	
NPRM—Proposed Tribal Regs.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Fax:* 703 358–2217, *Email: ronald_kokel@fws.gov*.

RIN: 1018–BD89

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management (BOEM)

Proposed Rule Stage

131. Risk Management, Financial Assurance and Loss Prevention

E.O. 13771 Designation: Other.

Legal Authority: 43 U.S.C. 1331 *et seq.*

Abstract: As directed by Executive Order 13795, BOEM has reconsidered its financial assurance policies reflected in Notice to Lessees No. 2016–N01 (September 12, 2016). This rule will modify the policies established in the 2016 Notice to Lessees to ensure operator compliance with lease terms while minimizing unnecessary regulatory burdens, and codify the modifications.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deanna Meyer-Pietruszka, Chief, OPRA, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 208–6352, *Email: deanna.meyer-pietruszka@boem.gov*.

RIN: 1010–AE00

[FR Doc. 2019–12077 Filed 6–21–19; 8:45 am]

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Part IX

Department of Justice

Unified Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

48 CFR Ch. XXVIII

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2019 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Dated: March 6, 2019.

Beth A. Williams,

Assistant Attorney General, Office of Legal Policy.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
132	Bump-Stock-Type Devices	1140–AA52

DEPARTMENT OF JUSTICE (DOJ)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Completed Actions

132. Bump-Stock-Type Devices

E.O. 13771 Designation: Regulatory.

Legal Authority: 18 U.S.C. 921 *et seq.;* 26 U.S.C. 5841 *et seq.*

Abstract: The Department of Justice is issuing a rulemaking that would interpret the statutory definition of machinegun in the National Firearms Act of 1934 and Gun Control Act of 1968 to clarify whether certain devices, commonly known as bump-fire stocks, fall within that definition.

Completed:

Reason	Date	FR Cite
Final Action	12/26/18	83 FR 66514
Final Action Effective.	03/26/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vivian Chu, *Phone:* 202 648–7070, *Email: vivian.chu@atf.gov.*

RIN: 1140–AA52

[FR Doc. 2019–12078 Filed 6–21–19; 8:45 am]

BILLING CODE 4410–CW–P

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Part X

Department of Labor

Office of the Secretary

Unified Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Laura M. Dawkins, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

R. Alexander Acosta,

Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
133	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees.	1235–AA20

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
134	Temporary Employment of H–2B Foreign Workers in Certain Itinerant Occupations in the United States	1205–AB93

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
135	Definition of an "Employer" Under Section 3(5) of ERISA—Association Retirement Plans and Other Multiple Employer Plans.	1210–AB88

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
136	Revision of the Form 5500 Series and Implementing Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA).	1210–AB63

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
137	Communication Tower Safety	1218–AC90
138	Emergency Response	1218–AC91
139	Tree Care Standard	1218–AD04
140	Prevention of Workplace Violence in Health Care and Social Assistance	1218–AD08

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
141	Infectious Diseases	1218–AC46
142	Process Safety Management and Prevention of Major Chemical Accidents	1218–AC82

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

133. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 201 *et seq.;* 29 U.S.C. 213(a)(1)

Abstract: The Department has issued a Notice of Proposed Rulemaking (NPRM) to determine the appropriate salary level for exemption of executive, administrative and professional employees. In developing the final rule, the Department will be informed by the comments received in response to its NPRM.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	07/26/17	82 FR 34616
RFI Comment Period End.	09/25/17	
NPRM	03/22/19	84 FR 10840
NPRM Comment Period End.	05/21/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Ziegler, Assistant Administrator, Office of Policy, Wage and Hour (WHD), Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S–3502, FP Building, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA20

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

134. Temporary Employment of H–2B Foreign Workers in Certain Itinerant Occupations in the United States

E.O. 13771 Designation: Regulatory.

Legal Authority: 8 U.S.C. 1184; 8 U.S.C. 1103

Abstract: The United States Department of Labor's (DOL), Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly amending regulations regarding the H–2B non-immigrant visa program at 20 CFR part 655, subpart A. The Notice of Proposed Rulemaking (NPRM) will establish standards and procedures for employers seeking to hire foreign temporary nonagricultural workers for certain itinerant job opportunities, including entertainers and carnivals and utility vegetation management.

Timetable:

Action	Date	FR Cite
NPRM	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas M. Dowd, Deputy Assistant Secretary, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, FP Building, Washington, DC 20210, *Phone:* 202 513–7350.

RIN: 1205–AB93

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Final Rule Stage

135. Definition of an ''Employer'' Under Section 3(5) of ERISA—Association Retirement Plans and Other Multiple Employer Plans

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 1002(2), 1002(5) and 1135

Abstract: This regulatory action would establish criteria under section 3(5) of the Employee Retirement Income Security Act (ERISA) for purposes of being an ''employer'' able to establish and maintain an employee pension benefit plan (as defined in section 3(2) of ERISA) that is a multiple employer retirement savings plan (other than a multiemployer plan defined in section 3(37) of ERISA).

Timetable:

Action	Date	FR Cite
NPRM	10/23/18	83 FR 53534
NPRM Comment Period End.	12/24/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500.

RIN: 1210–AB88.

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Long-Term Actions

136. Revision of the Form 5500 Series and Implementing Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA)

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 1021 to 1025; 29 U.S.C. 1027; 29 U.S.C. 1029 and 1030; 29 U.S.C. 1134 and 1135; 29 U.S.C. 1059; 29 U.S.C. 1204

Abstract: This regulatory action is part of a long-term strategic project with the Internal Revenue Service and the Pension Benefit Guaranty Corporation to modernize and improve the Form 5500 Annual Return/Report of Employee Benefit Plan. Modernizing the financial and other annual reporting requirements on the Form 5500 and making the investment and other information on the Form 5500 more data mineable are part of that evaluation. The project is also focused on enhancing the agencies' ability to collect employee benefit plan data that best meets the needs of changing compliance projects, programs, and activities.

Timetable:

Action	Date	FR Cite
NPRM	07/21/16	81 FR 47496
NPRM Comment Period End.	10/04/16	

Action	Date	FR Cite
Notice of Proposed Forms Revision.	07/21/16	81 FR 47534
Notice of Proposed Forms Revision Comment Period End.	10/04/16	
NPRM Comment Period Extended.	09/23/16	81 FR 65594
NPRM Comment Period Extended End.	12/05/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mara S. Blumenthal, Employee Benefits Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500.

RIN: 1210–AB63

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

137. Communication Tower Safety

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2016 Request for Information, OSHA concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (*e.g.,* buildings, rooftops, water towers, billboards, etc.).

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Ketcham, Acting Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Room N–3468, FP Building, Washington, DC 20210, *Phone:* 202 693–2556, *Fax:* 202 693–1689, *Email: ketcham.scott@dol.gov.*

RIN: 1218–AC90

138. Emergency Response

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657; 5 U.S.C. 609

Abstract: OSHA currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, and other workers providing skilled support, nor do they reflect major changes in performance specifications for protective clothing and equipment. The Agency acknowledged that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC91

139. Tree Care Standard

E.O. 13771 Designation: Regulatory.

Legal Authority: Not Yet Determined

Abstract: There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). Tree care continues to be a high-hazard industry.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AD04

140. Prevention of Workplace Violence in Health Care and Social Assistance

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: The Request for Information (RFI) (published on December 7, 2016) provides OSHA's history with the issue of workplace violence in healthcare and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, the Agency's use of 5(a)(1) in enforcement cases in healthcare. The

RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the Agency. OSHA was petitioned for a standard preventing workplace violence in healthcare by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions.

Timetable:

Action	Date	FR Cite
Request For Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AD08

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

141. Infectious Diseases

E.O. 13771 Designation: Regulatory.

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubella), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC46

142. Process Safety Management and Prevention of Major Chemical Accidents

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Abstract: In accordance with the Executive Order 13650, Improving Chemical Facility Safety and Security, Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC82

[FR Doc. 2019–12079 Filed 6–21–19; 8:45 am]

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Part XI

Department of Transportation

Unified Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

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33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory and Deregulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

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SUPPLEMENTARY INFORMATION:

Background

A primary goal of the Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory and deregulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three Executive orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by at least $2 billion (in net present value cost savings). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with enhancing safety. For example, in November 2018, the FARA promulgated a rule titled Passenger Equipment Safety Standards Amendments, which will allow for higher speed trains (up to 220 mph), and will reduce costs by allowing the use of safe technologies that are being used in Europe and Japan. The rule enables the use of crash energy management principles that can improve safety by using lighter materials that protect occupants to an equivalent level of safety as the current passenger equipment regulations.

The Department has also significantly increased the number of deregulatory actions it is pursuing. Today, DOT is pursuing over 135 deregulatory rulemakings, up from just 16 in the fall of 2016.

While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of

prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report.*

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and being sure that we do not regress from the successes already achieved. Our planned regulatory actions reflect a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

For example, the National Highway Traffic Safety Administration (NHTSA) will continue working on reducing regulatory barriers to technology innovation, including the integration of automated vehicles. Automated vehicles are expected to increase safety significantly by reducing the likelihood of human error when driving, which today accounts for the overwhelming majority of accidents on our nation's roadways. Over the next year and beyond, NHTSA plans to initiate and/or continue deregulatory actions that; (1) design a pilot program for vehicles that may not meet FMVSS; (2) allow for permanent updates to current FMVSS reflecting new technology; and (3) allow for updates to NHTSA's regulations outlining the administrative processes for petitioning the agency for exemptions, rulemakings, and reconsiderations. Similarly, the Federal Aviation Administration (FAA) will continue working to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System. UAS are expected to continue to drive innovation and increase safety as operators and manufacturers find new and inventive uses for UAS. For instance, UAS are poised to assist human operators with a number of different mission sets such as inspection of critical infrastructure and search and rescue, enabling beneficial and lifesaving activities that would otherwise be difficult or even impossible for a human to accomplish unassisted. The Department has regulatory efforts underway to further integrate UAS safely and efficiently.

The Department is working on several rulemakings to transform our national space program by better enabling private industry to drive growth in innovation and launches. The FAA has proposed a rule that will fundamentally change how FAA licenses launches and reentries of commercial space vehicles moving from prescriptive requirements to a performance based approach.

Explanation of Information in the Agenda

An Office of Management and Budget memorandum, dated February 7, 2019, establishes the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) long-term actions; and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; (15) the action's designation under Executive Order 13771 explaining whether the action will have a regulatory or deregulatory effect; and (16) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. A portion of the Agenda is published in the **Federal Register**, however, because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda. Accordingly, DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section

610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the internet.

Request for Comments

General

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an account process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: May 9, 2019.

Elaine L. Chao,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the internet at *http://www.regulations.gov.* See appendix C for more information.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Executive Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–9677.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2992.

FRA— Kathryn Gresham, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493–6063.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (January 18, 2011), Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Order 13777, ''Enforcing the Regulatory Agenda,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This

includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department began a new 10-year review cycle with the Fall 2018 Agenda.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years; and (2) have a ''significant economic impact on a substantial number of small entities'' (SEISNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2018) begins in the fall of 2018 and ends in the fall of 2019; Year 2 (2019) begins in the fall of 2019 and ends in the fall of 2020, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEISNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEISNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEISNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99, 14 CFR parts 200 through 212, 48 CFR parts 1201 through 1224.	2018	2019
2	48 CFR parts 1227 through 1253 and new parts and subparts	2019	2020
3	14 CFR parts 213 through 232	2020	2021
4	14 CFR parts 234 through 254	2021	2022
5	14 CFR parts 255 through 298 and 49 CFR part 40	2022	2023
6	14 CFR parts 300 through 373	2023	2024
7	14 CFR parts 374 through 398	2024	2025
8	14 CFR part 399 and 49 CFR parts 1 through 15	2025	2026
9	49 CFR parts 17 through 28	2026	2027
10	49 CFR parts 29 through 39 and parts 41 through 89	2027	2028

Year 10 (2017) List of Rules Analyzed and a Summary of Results

49 CFR Part 30—Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 31—Program Fraud Civil Remedies

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.
• *General:* Changes are needed to this part to remove obsolete references; update the Civil Penalties in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, section 701), including adding reference to the Act in the footnotes to append to the amounts of those penalties; correct and/or remove certain phrases and terms throughout the part; and to clarify the meaning of ''designated by the party's representative'' found in 31.33(f)(2)(ii). OST's plain language review of this part indicates no need for substantial revision.

49 CFR Part 32—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

• *Section 610:* OST conducted review of this part and found no SEISNOSE.
• *General:* No changes are needed to this part of the regulation. OST's plain language review of this part indicates no need for substantial revision.

49 CFR Part 33—Transportation Priorities and Allocation System

• *Section 610:* OST conducted review of this part and found no SEISNOSE.
• *General:* Review of this part indicates that Schedule 1 of the appendix needs to be updated to include current approved programs. Additionally, Form OST F 1254—Appendix I needs to be updated with an OMB Control Number. OST's plain language review of this part indicates no need for substantial revision.

49 CFR Part 37—Transportation Services for Individuals With Disabilities (ADA)

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 38—Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 39—Transportation for Individuals With Disabilities: Passenger Vessels

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 41—Seismic Safety

• *Section 610:* OST conducted review of this part and found no SEISNOSE.
• *General:* Review of this part indicates that this part needs to be updated for consistency with Executive Order 13717, February 2, 2016, which repealed the underlying Executive Order 12699. OST's plain language review of this part indicates no need for substantial revision.

49 CFR Part 71—Standard Time Zone Boundaries

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 79—Medals of Honor

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 80—Credit Assistance for Surface Transportation Projects

• *Section 610:* OST conducted a section 610 review of this part and found no SEISNOSE
• *General:* No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 89—Implementation of Federal Claims Collection Act

• *Section 610:* OST conducted review of this part and found no SEISNOSE.
• *General:* Review of this part outlined that numerous cross-references to statutes and regulations should be updated to ensure the references are current and that the DOT's regulations are consistent with those references; this includes removing any obsolete references to regulations or statutes that have been rescinded. OST's plain language review of this part indicates no need for substantial revision.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 93—Aircraft Allocation
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data to Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers
48 CFR part 1201—Federal Acquisition Regulations System
48 CFR part 1202—Definitions of Words and Terms
48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
48 CFR part 1204—Administrative Matters
48 CFR part 1205—Publicizing Contract Actions
48 CFR part 1206—Competition Requirements

48 CFR part 1207—Acquisition Planning
48 CFR part 1208–1210—[Reserved]
48 CFR part 1211—Describing Agency Needs
48 CFR part 1212— [Reserved]
48 CFR part 1213—Simplified Acquisition Procedures
48 CFR part 1214—Sealed Bidding
48 CFR part 1215—Contracting by Negotiation
48 CFR part 1216—Types of Contracts
48 CFR part 1217—Special Contracting Methods
48 CFR part 1218—[Reserved]
48 CFR part 1219—Small Business Programs
48 CFR part 1220—1221—[Reserved]
48 CFR part 1222—Application of Labor Laws to Government Acquisitions
48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
48 CFR part 1224—Protection of Privacy and Freedom of Information

Federal Aviation Administration

Section 610 and Other Reviews

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEISNOSE will be *reviewed* in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2018	2019
2	14 CFR parts 133 through 139 and parts 157 through 169	2019	2020
3	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
4	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
5	14 CFR parts 17 through 33	2022	2023
6	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
7	14 CFR parts 43 through 49 and parts 406 through 415	2024	2025
8	14 CFR parts 60 through 77	2025	2026
9	14 CFR parts 91 through 105	2026	2027
10	14 CFR parts 417 through 460	2027	2028

Background on the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 as amended (RFA), (sections 601 through 612 of title 5, United States Code (5 U.S.C.)) requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which includes small businesses, small organizations, and small governmental jurisdictions. The primary purpose of the RFA is to establish as a principle of regulatory issuance that Federal agencies endeavor, consistent with the objectives of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of entities subject to the regulation. The FAA performed the required RFA analyses of each final rulemaking action and amendment it has initiated since enactment of the RFA in 1980.

Section 610 of 5 U.S.C. requires government agencies to periodically review all regulations that will have a SEISNOSE. The FAA must analyze each rule within 10 years of its publication date.

Defining SEISNOSE

The RFA does not define ''significant economic impact.'' Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor's business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define ''substantial number.'' However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

1. Review of the number of small entities affected by the amendments to parts 119 through 129 and parts 150 through 156.

2. Identification and analysis of all amendments to parts 119 through 129 and parts 150 through 156 since 2008 to determine whether any still have or now have a SEISNOSE.

3. Review of the FAA's regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2019) List of Rules To Be Analyzed the Next Year

14 CFR part 133—Rotorcraft External-Load Operations
14 CFR part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons on Board Such Aircraft
14 CFR part 136—Commercial Air Tours and National Parks Air Tour Management
14 CFR part 137—Agricultural Aircraft Operations
14 CFR part 139—Certification of Airports
14 CFR part 157—Notice of Construction, Alteration, Activation, and Deactivation of Airports
14 CFR part 158—Passenger Facility Charges
14 CFR part 161—Notice and Approval of Airport Noise and Access Restrictions
14 CFR part 169—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon

Year 1 (2018) List of Rules Analyzed and Summary of Results

14 CFR Part 119—Certification: Air Carriers and Commercial Operators

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 120—Drug and Alcohol Testing Programs

• *Section 610:* The agency conducted a Section 610 review of this part and found Docket No. FAA–2008–0937, 74 FR 22653, May 14, 2009, as amended by Amendment 120–2, 79 FR 9973, Feb. 21, 2014 of section 120.105, Employees Who Must Be Tested, and Docket No. FAA–2008–0937, 74 FR 22653, May 14, 2009, as amended by Amendment 120–2, 79 FR 9973, Feb. 21, 2014 of section 120.215, Covered Employees in CFR 120, trigger SEISNOSE within the meaning of the RFA.

• *General:* No revisions are needed. The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry.

14 CFR Part 121—Operating Requirements: Domestic, Flag, and Supplemental Operations

• *Section 610:* The agency conducted a Section 610 review of this part and found Docket No. FAA–2008–0677, 78 FR 67836, Nov. 12, 2013; Docket No. 9509, 35 FR 90, Jan. 3, 1970, as amended by Amendment 121–366, 78 FR 67836, Nov. 12, 2013; Docket No. FAA–2008–0677, 78 FR 67837, Nov. 12, 2013; Amendment 121–366, 78 FR 67837, Nov. 12, 2013; 62 FR 3739, Jan. 24, 1997, as amended by Amendment 121–366, 78 FR 67838, Nov. 12, 2013; Docket No. FAA–2010–0100, 78 FR 42377, July 15, 2013, as amended by Amendment 121–366, 78 FR 67839, Nov. 12, 2013; Amendment 121–357, 77 FR 402, Jan. 4, 2012; Docket No. FAA–2009–1093, 77 FR 402, Jan. 4, 2012; Docket No. FAA–2002–12461, 71 FR 63640, Oct. 30, 2006, as amended by Amendment 121–365, 78 FR 42379, July 15, 2013 in CFR 121 trigger SEISNOSE within the meaning of the RFA.

• *General:* No revisions are needed. The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry.

14 CFR Part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More, and Rules Governing Persons on Board Such Aircraft

• *Section 610:*
• *General:*

14 CFR Part 129—Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage

• *Section 610:*
• *General:*

14 CFR Part 150—Airport Noise Compatibility Planning

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General*: No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 151—Federal Aid to Airports

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 152—Airport Aid Program

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 153—Airport Operations

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 155—Release of Airport Property From Surplus Property Disposal Restrictions

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR Part 156—State Block Grant Pilot Program

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2018	2019
2	23 CFR parts 1 to 260	2019	2020
3	23 CFR parts 420 to 470	2020	2021
4	23 CFR part 500	2021	2022
5	23 CFR parts 620 to 637	2022	2023
6	23 CFR parts 645 to 669	2023	2024
7	23 CFR parts 710 to 924	2024	2025
8	23 CFR parts 940 to 973	2025	2026
9	23 CFR parts 1200 to 1252	2026	2027
10	New parts and subparts	2027	2028

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. 145, which expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 10 (Fall 2017) List of Rules Analyzed and a Summary of Results

23 CFR Part 490—National Performance Management Measures

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision. The FHWA recently repealed one of the original performance measures on May 31, 2018, at 83 FR 24920.

23 CFR Part 505—Projects of National and Regional Significance Evaluation and Rating

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 511—Real-Time System Management Information Program

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 515—Asset Management Plans

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 635—Subpart E—Construction Manager/General Contractor (CM/GC) Contracting

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 650—Subpart E—National Tunnel Inspection Standards

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 667—Periodic Evaluation of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 950—Electronic Toll Collection

• *Section 610:* No SEISNOSE. No small entities are affected.
• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

None.

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 386 and 395	2018	2019
2	49 CFR part 385	2019	2020
3	49 CFR part 382	2020	2021
4	49 CFR parts 380 and 383	2021	2022
5	49 CFR part 387	2022	2023
6	49 CFR part 398	2023	2024
7	49 CFR part 392	2024	2025
8	49 CFR part 375	2025	2026
9	49 CFR part 367	2026	2027
10	49 CFR part 395	2027	2028

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR Part 395—Hours of Service (HOS) of Drivers

(Note: The analysis of this regulation is continued from year 10 (fall 2017) to year 1 (fall 2018) of the new review schedule.)

• *Section 610:* There is a SEISNOSE. The Federal HOS regulations promote safe driving of commercial motor vehicles by limiting on-duty driving time, thereby improving the likelihood that drivers have adequate time for restorative rest. Although this rule drives a SEISNOSE, it also drives significant benefits to small business. Tangible benefits include streamlined operations, reduced operational cost, maximized productivity, lower insurance, improved vehicle diagnostics, reduced administrative burden, and increased profits.
• *General:* The regulatory value of restricting fatigue-related operations will save lives and reduce injuries. These regulations are written consistent with plain language guidelines, and uses clear and unambiguous language. The Agency is currently considering changes to the hours of service regulations that would improve operational flexibilities for motor carriers without a deleterious effect on safety.

49 CFR Part 386—Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.214 through 571.219, except 571.217; 49 FR parts 591 through 595 and new parts and subparts.	2018	2019
2	23 CFR parts 1200 and 1300; 49 CFR parts 571.223 through 571.500, 575 and 579.23	2019	2020
3	49 CFR parts 501 through 526 and 571.213	2020	2021
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2021	2022

Year	Regulations to be reviewed	Analysis year	Review year
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.136, 571.138 and 571.139	2022	2023
6	49 CFR parts 571.141, 529 through 578, except parts 571 and 575	2023	2024
7	49 CFR parts 571.111 through 571.129 and 580 through 588	2024	2025
8	49 parts CFR 571.201 through 571.212	2025	2026
9	49 parts CFR 571.214 through 571.219, except 571.217	2026	2027
10	49 CFR parts 591 through 595 and new parts and subparts	2027	2028

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 571.214—Side Impact Protection

49 CFR part 571.215—[Reserved]

49 CFR part 571.216—Roof Crush Resistance; Applicable Unless a Vehicle Is Certified to 571.216a

49 CFR part 571.216a—Roof Crush Resistance; Upgraded Standard

49 CFR part 571.218—Motorcycle Helmets

49 CFR part 571.219—Windshield Zone Intrusion

49 CFR part 591—Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards

49 CFR part 592—Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards

49 CFR part 593—Determinations That a Vehicle Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards is Eligible for Importation

49 CFR part 594—Schedule of Fees Authorized by 49 U.S.C. 30141

49 CFR part 595—Make Inoperative Exemptions

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200, 207, 209, and 210	2018	2019
2	49 CFR parts 211, 212, 213, 214, and 215	2019	2020
3	49 CFR parts 216, 217, 218, 219, and 220	2020	2021
4	49 CFR parts 221, 222, 223, 224, and 225	2021	2022
5	49 CFR parts 227, 228, 229, 230, and 231	2022	2023
6	49 CFR parts 232, 233, 234, 235, and 236	2023	2024
7	49 CFR parts 237, 238, 249, 240, and 241	2024	2025
8	49 CFR parts 242, 243, 244, 250, and 256	2025	2026
9	49 CFR parts 261, 262, 264, 266, and 268	2026	2027
10	49 CFR parts 269, 270, and 272	2027	2028

Year 10 (Fall 2017) List of Rules Analyzed and a Summary of Results

49 CFR Part 213—Track Safety Standards

• *Section 610:* This rule appears to have a significant economic impact on a substantial number of small entities (SEISNOSE). These small entities are approximately 735 short line railroads. However, the FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.

• *General:* The rule prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation. The objective of the rule is to enhance the safety of rail transportation, protecting both those traveling and working on the system and those off the system who might be adversely affected by a rail incident. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 220—Railroad Communications

• *Section 610:* This rule has significant economic impact on a substantial number of small entities. However, the actual burden on most of these railroads varies because of their different operating characteristics. Entities that are not subject to this rule include railroads that do not operate on the general railroad system of transportation. The communication requirements of this rule have been designed to minimize the impact on small railroads. For instance, while large railroads are required to have a working radio and wireless communication redundancy in every train, small railroads are only required to comply with this standard for trains used to transport passengers. However, the FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.

• *General:* The rule prescribes minimum requirements governing the use of wireless communications in connection with railroad operations. Uniform standard communications procedures and requirements throughout the railroad industry are necessary to ensure the protection and safety of railroad employees and the general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 230—Steam Locomotive Inspection and Maintenance Records

• *Section 610:* There is no SEISNOSE.

• *General:* The rule prescribes minimum Federal safety standards of inspection and maintenance for all steam locomotive operated on railroads. These requirements are necessary to ensure the protection and safety of railroad employees and the general public and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices

• *Section 610:* This rule has significant economic impact on a substantial number of small entities. About 700 small railroads are subject to this rule. However, the actual burden on most of these small entities varies depending on their operating characteristics. FRA is currently evaluating this rule to determine if

changes need to be made because of technological developments in the systems affected by this rule.

• *General:* The rule prescribes minimum Federal safety standards for freight and other non-passenger train brake systems, as well as requirements for all trains that use end-of-train devices. This rule governs critical safety systems of the train and therefore continues to be needed. To FRA's knowledge, it does not overlap or conflict with other rules. Furthermore, FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 239—Passenger Train Emergency Preparedness

• *Section 610:* There is no SEISNOSE.

• *General:* The rule prescribes minimum Federal safety standards for the preparation, adoption and implementation of emergency preparedness plans by railroads. These requirements are necessary to ensure the protection and safety of railroad passengers and employees, as well as the general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 240—Qualification and Certification of Locomotive Engineers

• *Section 610:* There is no SEISNOSE.

• *General:* The purpose of this rule is to prescribes minimum Federal safety standards for the eligibility, training, testing, certification and monitoring of locomotive engineers. FRA's plain language review of this rule indicates no need of substantial revision.

Year 1 (Fall 2018) List of Rules(s) That Will Be Analyzed During Next Year

49 CFR part 200—Informal Rules of Practice for Passenger Service
49 CFR part 207—Railroad Police Officers
49 CFR part 209—Railroad Safety Enforcement Procedures
49 CFR part 210—Railroad Noise Emission Compliance

Federal Transit Administration

Section 610 and Other Reviews

The Regulatory Flexibility Act of 1980 (RFA), as amended (sections 601 through 612 of title 5, United States Code), requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which include small businesses, organizations, and governmental jurisdictions. Section 610 requires government agencies to periodically review all regulations that will have a significant economic impact on a substantial number of small entities (SEISNOSE).

In complying with this section, the Federal Transit Administration (FTA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes. As such, FTA has divided its rules into 10 groups as displayed in the table below. During the analysis year, the listed rules will be analyzed to identify those with a SEISNOSE. During the review year, each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize the impact on small entities.

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 624	2018	2019
2	49 CFR parts 609 and 640	2019	2020
3	49 CFR part 633	2020	2021
4	49 CFR part 611	2021	2022
5	49 CFR part 655	2022	2023
6	49 CFR parts 602 and 614	2023	2024
7	49 CFR parts 661 and 663	2024	2025
8	49 CFR parts 625, 630, and 665	2025	2026
9	49 CFR parts 613, 622, 670 and 674	2026	2027
10	49 CFR parts 650, 672 and 673	2027	2028

Year 10 (2018) List of Rules Analyzed and Summary of Results

49 CFR Part 665—Bus Testing

• *Section 610:* Pursuant to Section 20014 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), FTA issued a new pass/fail standard and new aggregated scoring system for buses and modified vans that are subject to FTA's bus testing program. FTA conducted a Section 610 review of part 665, as amended (81 FR 50637, August 1, 2016), and determined that it would not result in a SEISNOSE within the meaning of the RFA. In evaluating the likely effects of the rule, FTA acknowledged the compliance costs to bus manufacturers, some of whom may meet the definition of ''small entity,'' but noted that Congress authorized FTA to pay 80% of a bus manufacturer's testing fee, defraying the direct financial impact on these small entities.

• *General:* No changes are needed. The regulation implements the requirements of 49 U.S.C. 5318. FTA estimated the costs and projected benefits of the rule and believes it is cost-effective and imposes the least burden for statutory compliance. FTA's plain language review of this rule indicates no need for substantial revision.

Year 1 (2019) List of Rules To Be Analyzed the Next Year

49 CFR part 604—Charter Service
49 CFR part 605—School Bus Operations
49 CFR part 624—Clean Fuels Grant Program

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205, 46 CFR parts 315 through 340, 46 CFR part 345 through 347, and 46 CFR parts 381 and 382.	2018	2019
2	46 CFR parts 221 through 232	2019	2020
3	46 CFR parts 249 through 296	2020	2021
4	46 CFR parts 221, 298, 308, and 309	2021	2022
5	46 CFR parts 307 through 309	2022	2023
6	46 CFR part 310	2023	2024

Year	Regulations to be reviewed	Analysis year	Review year
7	46 CFR parts 315 through 340	2024	2025
8	46 CFR parts 345 through 381	2025	2026
9	46 CFR parts 382 through 389	2026	2027
10	46 CFR parts 390 through 393	2027	2028

Year 10 (2017) List of Rules Analyzed and a Summary of Results

46 CFR Part 390—Capital Construction Fund Implementing Regulations

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of this rule is to govern the capital construction fund program authorized by 46 U.S.C. 53501. The Agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. MARAD's plain language review of this rule indicates no need of substantial revision.

46 CFR Part 391—Federal Income Tax Aspects of the Capital Construction Fund

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of this rule is to govern tax aspects of the capital construction fund program. The Agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. MARAD's plain language review of this rule indicates no need of substantial revision.

46 CFR Part 392—Reserved

46 CFR Part 393—America's Marine Highway Program

• *Section 610 review:* There is no SEIOSNOSE.

• *General:* The Agency published a final rule to implement statutory updates and clarify applicant procedures. MARAD's plain language review of this rule indicated that a substantial revision to the part was needed.

Year 1 (2018) List of Rules That Will Be Analyzed During the Next Year

46 CFR part 201—Rules of Practice And Procedure

46 CFR part 202—Procedures relating to review by Secretary of Transportation of actions by Maritime Subsidy Board

46 CFR part 203—Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936, as amended

46 CFR part 204—Claims against the Maritime Administration under the Federal Tort Claims Act

46 CFR part 205—Audit Appeals; Policy and Procedure

46 CFR part 315—Agency Agreements and Appointment of Agents

46 CFR part 317—Bonding of Ship's Personnel

46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements

46 CFR part 325—Procedure to Be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant To Provisions of NSA Order No. 47

46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents

46 CFR part 327—Seamen's Claims; Administrative Action and Litigation

46 CFR part 328—Slop Chests

46 CFR part 329—Voyage Data

46 CFR part 330—Launch Services

46 CFR part 332—Repatriation of Seamen

46 CFR part 335—Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports

46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of The National Shipping Authority Under General Agency Agreement

46 CFR part 337—General Agent's Responsibility in Connection with Foreign Repair Custom's Entries

46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA-Lumpsumrep

46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority Individual Contract for Minor Repairs—NSA-Worksmalrep

46 CFR part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations

46 CFR part 345—Restrictions Upon the Transfer or Change in Use or In Terms Governing Utilization of Port Facilities

46 CFR part 346—Federal Port Controllers

46 CFR part 347—Operating Contract

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 382—Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2018	2019
2	49 CFR parts 178 through 180	2019	2020
3	49 CFR parts 172 and 175	2020	2021
4	49 CFR part 171, sections 171.15 and 171.16	2021	2022
5	49 CFR parts 106, 107, 171, 190, and 195	2022	2023
6	49 CFR parts 174, 177, and 199	2023	2024
7	49 CFR parts 176, 191 and 192	2024	2025
8	49 CFR parts 172 and 178	2025	2026
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2026	2027
10	49 CFR parts 173 and 194	2027	2028

Year 10 (Fall 2018) List of Rules Analyzed and a Summary of Results

49 CFR Part 173—Shippers—General Requirements for Shipments and Packaging

• *Section 610:* PHMSA conducted a review of this part and found no SEISNOSE.

• *General:* PHMSA has reviewed this part and found that while the part does not have a SEISNOSE, it could be streamlined to reflect new technologies and harmonize with certain international references. Therefore, even though the review indicated that the economic impact on small entities is not significant, PHMSA has initiated multiple new deregulatory rulemakings to reduce the compliance burdens of part 173. Further, PHMSA's plain language review of this part indicates no need for substantial revision. Where confusing or wordy language has been identified, PHMSA plans to propose revisions in the upcoming biennial international harmonization rulemaking or other deregulatory rulemakings.

For example, the 2137–AF32 rulemaking action is part of PHMSA's ongoing biennial process to harmonize the HMR with international regulations and standards. Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and promotes consistency of the HMR with international transport standards to the extent practicable. Federal hazmat law permits PHMSA to depart from international standards where appropriate, including to promote safety or other overriding public interests. However, Federal hazmat law otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Safety is enhanced by creating a uniform framework for compliance, and as the volume of hazardous materials transported in international commerce continues to grow, harmonization becomes increasingly important.

The impact that the 2137–AF32 rulemaking will have on small entities is not expected to be significant. The rulemaking will clarify provisions based on PHMSA's initiatives and correspondence with the regulated community and domestic and international stakeholders. The changes are generally intended to provide relief and, as a result, positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities.

49 CFR Part 194—Response Plans for Onshore Oil Pipelines

• *Section 610:* PHMSA conducted a Section 610 review of this part and has initiated a regulatory reform rulemaking that includes provisions that are expected to reduce the compliance burden of part 194. The rulemaking is considered a deregulatory action that is expected to have the net effect of streamlining the program requirements, established in response to the Oil Pollution Act of 1990, by targeting the highest risk locations. The revisions are expected to clarify that part 194 is focused on hazardous liquid pipelines that could affect navigable waters and to create a new harm category for lower-risk areas.

• *General:* This part contains requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines. The regulation under this part is cost effective and imposes the least burden.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 178—Specifications for Packaging

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	* 33 CFR parts 401 through 403	2018	2019

** The review for these regulations is recurring each year of the 10-year review cycle (currently 2018 through 2027).*

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
143	+ Defining Unfair or Deceptive Practices	2105–AE72
144	+ Accessible Lavatories on Single-Aisle Aircraft: Part I **(Rulemaking Resulting From a Section 610 Review)**.	2105–AE88

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
145	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09
146	+ Pilot Records Database (HR 5900)	2120–AK31
147	+ Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects **(Section 610 Review)**.	2120–AK77

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
148	+ Operations of Small Unmanned Aircraft Over People	2120–AK85

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
149	+ Airport Safety Management System	2120–AJ38

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
150	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120–AJ78
151	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
152	+ Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization.	2120–AK26
153	+ Aircraft Registration and Airmen Certification Fees	2120–AK37
154	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)	2120–AK57
155	+ Registration and Marking Requirements for Small Unmanned Aircraft	2120–AK82

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
156	+ Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License **(Section 610 Review)**.	2126–AC11

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
157	Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits **(Section 610 Review)**.	2126–AC01

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
158	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
159	Commercial Learner's Permit Validity **(Section 610 Review)**	2126–AB98

FEDERAL RAILROAD ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
160	+ Train Crew Staffing and Location	2130–AC48

+ DOT-designated significant regulation

FEDERAL RAILROAD ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
161	+ Passenger Equipment Safety Standards Amendments	2130–AC46

+ DOT-designated significant regulation

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
162	Seaway Regulations and Rules: Periodic Update, Various Categories **(Rulemaking Resulting From a Section 610 Review)**.	2135–AA45
163	Tariff of Tolls **(Rulemaking Resulting From a Section 610 Review)**	2135–AA46

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
164	+ Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
165	+ Pipeline Safety: Safety of Hazardous Liquid Pipelines	2137–AE66

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
166	+ Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
167	+ Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act).	2137–AF08

+ DOT-designated significant regulation

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

143. +Defining Unfair or Deceptive Practices

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 41712

Abstract: This rulemaking would define the phrase unfair or deceptive practice'' found in the Department's aviation consumer protection statute. The Department's statute is modeled after a similar statute granting the Federal Trade Commission (FTC) the authority to regulate unfair or deceptive practices. Using the FTC's policy statements as a guide, the Department has found a practice to be unfair if it causes or is likely to cause substantial harm, the harm cannot reasonably be avoided, and the harm is not outweighed by any countervailing benefits to consumers or to competition. Likewise, the Department has found a practice to be deceptive if it misleads or is likely to mislead a consumer acting reasonably under the circumstances with respect to a material issue (one that is likely to affect the consumer's decision with regard to a product or service). This rulemaking would codify the Department's existing interpretation of unfair or deceptive practice,'' and seek comment on any whether changes are needed. The rulemaking is not expected to impose monetary costs on regulated entities, and will benefit regulated entities by providing a clearer understanding of the Department's interpretation of the statute.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–9342, *Fax:* 202–366–7153, *Email: blane.workie@ost.dot.gov*.

RIN: 2105–AE72

144. • +Accessible Lavatories on Single-Aisle Aircraft: Part I (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Air Carrier Access Act, 49 U.S.C. 41705; FAA Reauthorization Act of 2016, sec. 2108

Abstract: This rulemaking would require airlines to take steps to improve the accessibility of lavatories on single-aisle aircraft short of increasing the size of the lavatories. The rulemaking would ensure the accessibility of features within an aircraft lavatory, including but not limited to, toilet seat, assist handles, faucets, flush control, attendant call buttons, lavatory controls and dispensers, lavatory door sill, and door locks. The rulemaking would also consider standards for the on-board wheelchair to improve its safety/maneuverability and easily permit its entry into the aircraft lavatory.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Blaine A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–9342, *Fax:* 202 366–7153, *Email: blane.workie@dot.gov*.

RIN: 2105–AE88

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

145. Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside of the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
ANPRM Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
ANPRM Comment Period End.	07/17/14	
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8522, *Email: vicky.dunne@faa.gov*.

RIN: 2120–AK09

146. +Pilot Records Database (HR 5900)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Morris, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Boulevard, Oklahoma City, OK 73169, *Phone:* 405 954–4646, *Email: christopher.morris@faa.gov*.

RIN: 2120–AK31

147. +Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–190).

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9354.

RIN: 2120–AK77

148. +Operations of Small Unmanned Aircraft Over People

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 40101; 49 U.S.C. 40103(b); 49 U.S.C. 44701(a)(5); Pub. L. 112–95, sec. 333

Abstract: This rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (UAS) over people not directly participating in the operation or not under a covered structure or inside a

stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120–AJ60).

Timetable:

Action	Date	FR Cite
NPRM	02/13/19	84 FR 3856
NPRM Comment Period End.	04/15/19	
Analyzing Comments.	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Guido Hassig, Department of Transportation, Federal Aviation Administration, 1 Airport Way, Rochester, NY 14624, *Phone:* 585–436–3880, *Email: guido.hassig@faa.gov*.

RIN: 2120–AK85

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

149. +Airport Safety Management System

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8972, *Email: keri.lyons@faa.gov*.

RIN: 2120–AJ38

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

150. +Regulation of Flight Operations Conducted by Alaska Guide Pilots

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Stat. 1180; Pub. L. 106–181, sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106–181).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 385–9615, *Email: jeffrey.smith@faa.gov*.

RIN: 2120–AJ78

151. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would apply the flight, duty, and rest requirements for domestic, flag and supplemental operations to ferry flights that follow domestic, flag or supplemental all-cargo operations. A ferry flight that follows a domestic, flag or supplemental all-cargo operation would be subject to the same flight, duty, and rest rules as the all-cargo operation it follows. This rule is necessary as it would make part 121 flight, duty, and rest limits applicable to tail-end ferry flights that follow an all-cargo operation.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–5749, *Email: dale.roberts@faa.gov*.

RIN: 2120–AK22

152. +Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49

U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK26

153. +Aircraft Registration and Airmen Certification Fees

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 31 U.S.C. 9701; 4 U.S.T. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8994, *Email: isra.raza@faa.gov.*

RIN: 2120–AK37

154. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aid in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 801 Pennsylvania Avenue NW, Washington, DC 20024, *Phone:* 202 267–4552, *Email: chris.holliday@faa.gov.*

RIN: 2120–AK57

155. +Registration and Marking Requirements for Small Unmanned Aircraft

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

Abstract: This rulemaking would provide an alternative, streamlined and simple, web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated as model aircraft, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB approval of information collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Mikolop, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–7776, *Email: sara.mikolop@faa.gov.*

RIN: 2120–AK82

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

156. +Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 31136 (a); 49 U.S.C. 31305 (a); 49 U.S.C. 31306a; U.S.C. 31311(a)

Abstract: The Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) final rule (81 FR 87686 (Dec. 5, 2016), requires State Driver Licensing Agencies

(SDLAs) to check the Clearinghouse before issuing, renewing, transferring, or upgrading a Commercial Driver's License (CDL) to determine whether the driver is qualified to operate a commercial motor vehicle (CMV). Drivers who commit drug or alcohol testing violations are prohibited from operating a CMV until complying with return-to-duty requirements. FMCSA plans to propose, requirements on SDLAs to take specific actions for individuals subject to the CMV driving prohibition. FMCSA also looks to propose alternate additional actions SDLAs may be required to take after receiving notice that a driver licensed in their State is subject to the driving ban. The NPRM would also revise how reports of actual knowledge violations, based on a citation for Driving Under the Influence (DUI) in a CMV, would be maintained in the Clearinghouse. These proposed changes would improve highway safety by increasing compliance with existing drug and alcohol program requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov.*

RIN: 2126–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

157. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 49 U.S.C. 5105; 49 U.S.C. 5109

Abstract: This action will update an existing Incorporation by Reference (by the Commercial Vehicle Safety Alliance) of the North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403.

Timetable:

Action	Date	FR Cite
NPRM	12/31/18	83 FR 67705
NPRM Comment Period End.	01/30/19	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Dunlap, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–3536, *Email: stephanie.dunlap@dot.gov.*

RIN: 2126–AC01

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

158. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 107–87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM, but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–2995, *Email: dolores.macias@dot.gov.*

RIN: 2126–AA35

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Completed Actions

159. Commercial Learner's Permit Validity (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 31305; 49 U.S.C. 31308

Abstract: This rulemaking would amend Commercial Driver's License (CDL) regulations to allow a commercial learner's permit to be issued for one year, without renewal. This rule would not require a State to revise its current CLP issuance practices, unless it chooses to do so. This change would reduce costs to CDL applicants who are unable to complete the required training and testing within the current validity period, with no expected negative safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/12/17	82 FR 26888
NPRM Comment Period End.	08/11/17	
NPRM Comment Period End.	08/11/17	
Final Rule	12/21/18	83 FR 65564

Action	Date	FR Cite
Final Rule Effective.	12/21/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4325, *Email: tom.yager@dot.gov.*

RIN: 2126–AB98

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Long-Term Actions

160. +Train Crew Staffing and Location

E.O. 13771 Designation: Regulatory.

Legal Authority: 28 U.S.C. 2461, note; 49 CFR 1.89; 49 U.S.C. 20103; 49 U.S.C. 20107; 49 U.S.C. 21301 and 21302; 49 U.S.C. 21304

Abstract: This rule would establish requirements to appropriately address known safety risks posed by train operations that use fewer than two crewmembers. FRA is considering options based on public comments on the proposed rule and other information.

Timetable:

Action	Date	FR Cite
NPRM	03/15/16	81 FR 13918
NPRM Comment Period End.	05/16/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Gresham, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.gresham@dot.gov.*

RIN: 2130–AC48

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Completed Actions

161. +Passenger Equipment Safety Standards Amendments

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 20103

Abstract: This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger trainsets. Additionally, the rule would increase from 150 mph to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88006
NPRM Comment Period End.	02/06/17	
Final Rule	11/21/18	83 FR 59182
Final Rule Effective.	01/22/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Gresham, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.gresham@dot.gov.*

RIN: 2130–AC46

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions

162. Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation and the St. Lawrence Seaway Management corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories.

Timetable:

Action	Date	FR Cite
Final Rule	03/13/19	84 FR 8983
Final Rule Effective.	03/30/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764–3231, *Email: carrie.mann@dot.gov.*

RIN: 2135–AA45

163. Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC.

Timetable:

Action	Date	FR Cite
Final Rule	03/13/19	84 FR 8984
Final Rule Effective.	03/30/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 315 764–3231, *Email: carrie.mann@dot.gov.*

RIN: 2135–AA46

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

164. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as ''ruptures'' and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation. The rule addresses congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4595, *Email: robert.jagger@dot.gov.*

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

165. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking amends the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of hazardous liquid pipeline failures.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
Comment Period Extended.	01/04/11	76 FR 303
ANPRM Comment Period End.	01/18/11	
Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61610
NPRM Comment Period End.	01/08/16	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE66

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

166. +Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is amending the Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. These amendments are necessary to enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders. The amendments include an increased design factor for polyethylene (PE) pipe, stronger mechanical fitting requirements, new and updated riser standards, new accepted uses of Polyamide-11 (PA-11) thermoplastic pipe, authorization to use Polyamide-12 (PA-12) thermoplastic pipe and new or updated consensus standards for pipe, fittings, and other components.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	11/20/18	83 FR 58694
Final Rule Effective.	01/22/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE93

167. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act)

E.O. 13771 Designation: Regulatory.

Legal Authority: 33 U.S.C. 1321; 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking expanded the applicability of comprehensive oil spill response plans (OSRP) based on thresholds of liquid petroleum oil that apply to an entire train consist. The rulemaking also required railroads to share information about high-hazard flammable train operations with state and tribal emergency response commissions to improve community preparedness in accordance with the Fixing America's Surface Transportation Act of 2015 (FAST Act). Finally, the rulemaking incorporated by reference an initial boiling point test for flammable liquids for better consistency with the American National Standards Institute/American Petroleum Institute Recommend Practices 3000, Classifying and Loading of Crude Oil into Rail Tank Cars,'' First Edition, September 2014.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	07/29/16	81 FR 50067
NPRM Comment Period End.	09/27/16	
Final Rule	02/28/19	84 FR 6910
Final Rule Effective.	04/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexander Wolcott, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–8553, *Email: alexander.wolcott@dot.gov*.

RIN: 2137–AF08

[FR Doc. 2019–11941 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XII

Department of the Treasury

Unified Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov,* in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Michael Briskin,

Deputy Assistant General Counsel for General Law and Regulation.

CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
168	Enforcement of Copyrights and the Digital Millennium Copyright Act	1515–AE26

CUSTOMS REVENUE FUNCTION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
169	Modernized Drawback	1515–AE23

INTERNAL REVENUE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
170	Section 42 Average Income Test	1545–BO92

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Proposed Rule Stage

168. Enforcement of Copyrights and the Digital Millennium Copyright Act

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Not Yet Determined

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Steuart, Chief, Intellectual Property Rights Branch, Department of the Treasury, Customs Revenue Function, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, *Phone:* 202 325–0093, *Fax:* 202 325–0120, *Email: charles.r.steuart@cbp.dhs.gov.*

RIN: 1515–AE26

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Completed Actions

169. Modernized Drawback

E.O. 13771 Designation: Other.

Legal Authority: 19 U.S.C. 1313

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations by adding a new part 190 to implement changes to the drawback laws contained in the Trade Facilitation and Trade Enforcement Act of 2015. These regulations will codify the requirements under the amended drawback statute by, among other things, requiring claims be filed electronically, extending and standardizing timelines for filing claims, modifying record-keeping requirements, and establishing a new standard for substituting merchandise based on its

tariff classification. This document will also make technical corrections to ensure that the regulations are up-to-date and to make conforming changes to other regulations involving drawback.

Completed:

Reason	Date	FR Cite
Final Rule	12/18/18	83 FR 64942
Final Rule With Exceptions Outlined in Rule Effective.	12/17/18	
Final Rule for Amendments Re: Drawback of Excise Taxes Effective.	02/19/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Randy Mitchell, *Phone:* 202 863–6532, *Email: randy.mitchell@cbp.dhs.gov.*

RIN: 1515–AE23

BILLING CODE 9111–14–P

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Proposed Rule Stage

170. Section 42 Average Income Test

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 42

Abstract: The Consolidated Appropriations Act of 2018 added a new applicable minimum set-aside test under section 42(g) of the Internal Revenue Code known as the average income test. This proposed regulation will implement requirements related to the average income test.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dillon J. Taylor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5107, Washington, DC 20224, *Phone:* 202 317–4137, *Fax:* 855 591–7867, *Email: dillon.j.taylor@irscounsel.treas.gov.*

RIN: 1545–BO92

[FR Doc. 2019–11942 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XIII

Architectural and Transportation Barriers Compliance Board

Unified Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

David M. Capozzi,

Executive Director.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
171	Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles	3014–AA42

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

171. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 12204

Abstract: This rulemaking would update the Access Board's existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (*e.g.,* rapid rail, light rail, commuter rail, and intercity rail) and are covered by the Americans with Disabilities Act. The existing ''rail vehicles'' guidelines, which are located at 36 CFR part 1192, subparts C to F and H, were initially promulgated in 1991, and are in need of an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently-developed national and international consensus standards, and incorporate recommendations from the Board's Rail Vehicles Access Advisory Committee's 2015 Report. Revisions or updates to the rail vehicles guidelines would be intended to ensure that ADA-covered rail vehicles are readily accessible to and usable by individuals with disabilities. Compliance with any revised rail vehicles guidelines would not be required until these guidelines are adopted by the U.S. Department of Transportation in a separate rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	02/14/13	78 FR 10581
Notice of Establishment of Advisory Committee; Appointment of Members.	05/23/13	78 FR 30828
ANPRM	12/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA42

[FR Doc. 2019–11944 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

Vol. 84 Monday,

No. 121 June 24, 2019

Part XIV

Committee for Purchase From People Who Are Blind or Severely Disabled

Unified Agenda

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Ch. 51

Semiannual Regulatory Agenda

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the regulatory agenda of the Committee for Purchase From People Who Are Blind or Severely Disabled. This agenda is issued in accordance with Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that the Committee expects to have under development or review during the next 12 months. The purpose for publishing this agenda is to advise the public of the Committee's current and future regulatory actions.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Shelly Hammond, Director, Contracting and Policy, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202; (703) 603–2127.

SUPPLEMENTARY INFORMATION: Under Executive Order 12866 (58 FR 51735, October 4, 1993), each agency is required to prepare an agenda of all regulations under development or review. The Regulatory Flexibility Act (5 U.S.C. 601 to 612) has s similar agenda requirement (5 U.S.C. 602). Under the law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Dated: March 6, 2019.

Shelly Hammond,

Director of Contracting & Policy.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
172	Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled **(Rulemaking Resulting From a Section 610 Review)**.	3037–AA12

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)

Proposed Rule Stage

172. Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 41 U.S.C. 85

Abstract: We are issuing a notice of proposed rulemaking (NPRM) to 41 CFR 51 to address inconsistencies within the chapter or with the Federal Acquisition Regulation addressing the Javits-Wagner-O'Day Act or the AbilityOne Program. This rule was originally published in 1991 and these revisions will clarify the roles and responsibilities of the Committee.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Shelly Hammond, Director, Policy and Programs, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202, *Phone:* 703 603–2127, *Email: shammond@abilityone.gov.*

RIN: 3037–AA12

[FR Doc. 2019–11945 Filed 6–21–19; 8:45 am]

BILLING CODE 6353–01–P

FEDERAL REGISTER

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Part XV

Environmental Protection Agency

Unified Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 9990–93–OP; EPA–HQ–OAR–2019–0168]

Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at *https://www.reginfo.gov* and at *https://www.regulations.gov* to update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act, as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database, at both *www.reginfo.gov/* and *www.regulations.gov.*

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *https://www.govinfo.gov/app/collection/fr.*

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

''610 Review'' as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.* EPA is initiating one 610 review in spring 2019.

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: The Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (82 FR 9339, Feb. 3, 2017); 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also

participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through *https://www.regulations.gov* are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to that proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule and policymaking process. For more information about EPA's efforts to increase transparency, participation and collaboration in EPA activities, please visit *https://www.epa.gov/open.*

II. Semiannual Agenda of Regulatory and Deregulatory Actions

A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under TSCA: Actions involving premanufacture notices and follow-up activities for new chemical substances and significant new uses, including section 5(e) Orders and specific exemptions under sections 5(h)(4) and 26(c); and actions related to prioritization and risk evaluations for individual or categories of existing chemical substances under section 6;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is initiating one 610 review in this Agenda.

B. How is the e-Agenda organized?

Online, you can choose how to sort the agenda entries by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency (such as Office of Water); stage of rulemaking as described in the following paragraphs; alphabetically by title; or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—EPA's prerule actions generally are intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We urge you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the fall 2018 Agenda. The term completed actions also includes actions that EPA is no longer considering and has elected to ''withdraw'' and also the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the five following categories:

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Pesticide Tolerances and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Executive Order 13771 Designation: Each entry is placed into one of the following categories:

a. Deregulatory: When finalized, an action is expected to have total costs less than zero;

b. Regulatory: The action is either

(i) a significant regulatory action as defined in section 3(f) of Executive Order 12866, or

(ii) a significant guidance document (*e.g.,* significant interpretive guidance) reviewed by OMB's Office of Information and Regulatory Affairs (OIRA) under the procedures of Executive Order 12866

that, when finalized, is expected to impose total costs greater than zero;

c. Fully or Partially Exempt: The action has been granted, or is expected to be granted, a full or partial waiver under one or more of the following circumstances:

(i) It is expressly exempt by Executive Order 13771 (issued with respect to a ''military, national security, or foreign affairs function of the United States''; or related to ''agency organization, management, or personnel''), or

(ii) it addresses an emergency such as critical health, safety, financial, or non-exempt national security matters (offset requirements may be exempted or delayed), or

(iii) it is required to meet a statutory or judicial deadline (offset requirements may be exempted or delayed), or

(iv) expected to generate de minimis costs;

d. Not subject to, not significant: Is a NPRM or final rule AND is neither an Executive Order 13771 regulatory action nor an Executive Order 13771 deregulatory action;

e. Other: At the time of designation, either the available information is too preliminary to determine E.O. 13771 status or other reasonable circumstances preclude a preliminary Executive Order 13771 designation.

f. Independent agency: Is an action an independent agency anticipates issuing and thus is not subject to Executive Order 13771.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 05/00/20 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to 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.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (*Note:* To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The *https://www.reginfo.gov/* searchable database, maintained by the Regulatory Information Service Center and OIRA, allows users to view the Regulatory Agenda database (*https://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Deregulatory Actions and Regulatory Reform

EPA maintains a list of its deregulatory actions under development, as well as those that are completed, at *https://www.epa.gov/laws-regulations/epa-deregulatory-actions.* Additional information about EPA's regulatory reform activity is available to the public at *https://www.epa.gov/laws-regulations/regulatory-reform.*

4. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

III. Review of Regulations Under 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. At this time, EPA is initiating one 610 review.

Review title	RIN	Docket ID No.	Status
Section 610 Review of Renewable Fuels Standard Program	2060–AU44	EPA–HQ–OAR–2019–0168	Initiated.

EPA has established an official public docket for this 610 review. Comments received on this 610 review can be submitted at *https://www.regulations.gov/* with docket identification number EPA–HQ–OAR–2019–0168.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, please visit EPA's RFA/SBREFA website at *www.epa.gov/reg-flex.*

IV. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: March 11, 2019.

Brittany Bolen,

Associate Administrator, Office of Policy.

10—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
173	Section 610 Review of Renewable Fuels Standard Program **(Section 610 Review)**	2060–AU44

35—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
174	Review of Dust-Lead Hazard Standards and the Definition of Lead-Based Paint	2070–AJ82

35—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
175	N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a)	2070–AK46

35—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
176	Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a).	2070–AK07

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Prerule Stage

173. • Section 610 Review of Renewable Fuels Standard Program (Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 5 U.S.C. 610

Abstract: This notice indicates that EPA will review this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA would consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors.

Timetable:

Action	Date	FR Cite
Final Rule	03/26/10	75 FR 14669
Begin Review	05/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Julia Burch, Environmental Protection Agency, Office of Air and Radiation, 1200 Pennsylvania Ave. NW, Washington, DC 20460, *Phone:* 202 564–0961, *Email: burch.julia@epa.gov*.

Jessica Mroz, Environmental Protection Agency, Office of Air and Radiation, 1200 Pennsylvania Ave. NW, Washington, DC 20460, *Phone:* 202 564–1094, *Email: mroz.jessica@epa.gov*.

RIN: 2060–AU44

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

174. Review of Dust-Lead Hazard Standards and the Definition of Lead-Based Paint

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2681, TSCA 401; 15 U.S.C. 2682; 15 U.S.C. 2683, TSCA 403; 15 U.S.C. 2684

Abstract: Addressing childhood lead exposure is a priority for EPA. As part of EPA's efforts to reduce childhood lead exposure, EPA evaluated the current dust-lead hazard standards (DLHS) and the definition of lead-based paint (LBP). Based on this evaluation, EPA proposed to change the dust-lead hazard standards from 40 μg/ft² and 250 μg/ft² to 10 μg/ft² and 100 μg/ft² on floors and window sills, respectively. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities. In addition, EPA proposed to make no change to the definition of lead-based paint because the Agency currently lacks sufficient information to support such a change. The proposed rule was issued in compliance with the December 27, 2017, decision of the Ninth Circuit, and the subsequent March 26, 2018, order that directed the EPA ''to issue a proposed rule within ninety (90) days from the filed date of this order''. EPA is reviewing the comments received and developing a final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/02/18	83 FR 30889
NPRM Comment Period End.	08/16/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Yowell, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–1213, *Email: yowell.john@epa.gov*.

Marc Edmonds, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–0758, *Email: edmonds.marc@epa.gov*.

RIN: 2070–AJ82

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Long-Term Actions

175. N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. N-methylpyrrolidone (NMP) is used in paint and coating removal in commercial processes and consumer products. In the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, EPA characterized risks from use of this chemical in paint and coating removal. On January 19, 2017, EPA preliminarily determined that the use of NMP in paint and coating removal poses an unreasonable risk of injury to health.

EPA also co-proposed two options for NMP in paint and coating removal. The first co-proposal would prohibit the manufacture, processing, and distribution in commerce of NMP for all consumer and most commercial paint and coating removal and the use of NMP for most commercial paint and coating removal. The second co-proposal would require commercial users of NMP for paint and coating removal to establish a worker protection program and not use paint and coating removal products that contain greater than 35% NMP by weight, with certain exceptions; and require processors of products containing NMP for paint and coating removal to reformulate products such that they do not exceed 35% NMP by weight, to identify gloves that provide effective protection for the formulation, and to provide warnings and instructions on any paint and coating removal products containing NMP. In the final rule for methylene chloride in consumer paint and coating removal (RIN 2070–AK07), EPA explained that the Agency was not finalizing the proposed regulation for NMP as part of that action. NMP use in paint and coating removal will be incorporated into the risk evaluation currently being conducted under TSCA section 6(b).

Timetable:

Action	Date	FR Cite
NPRM	01/17/17	82 FR 7464
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Niva Kramek, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564–4830, *Email: kramek.niva@epa.gov*.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564–0432, *Email: wolf.joel@epa.gov*.

RIN: 2070–AK46

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Completed Actions

176. Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act; 15 U.S.C. 2625, TSCA 26

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to publish proposed and final rules under TSCA section 6(a) that are consistent with the scope of completed TSCA Work Plan chemical risk assessments completed before June 22, 2016 and that are consistent with other applicable requirements of TSCA section 6. Methylene chloride is used in paint and coating removal in commercial processes and consumer products. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride, EPA characterized risks from use of these chemicals in paint and coating removal. On January 19, 2017, EPA preliminarily determined that the use of methylene chloride in paint and coating removal poses an unreasonable risk of injury to health. EPA also proposed prohibitions and restrictions on the manufacture, processing, and distribution in commerce of methylene chloride for all consumer and most types of commercial paint and coating removal and on the use of methylene chloride in commercial paint and coating removal in specified sectors. In the final rule published on March 27, 2019, EPA determined that the use of methylene chloride in consumer paint and coating removal presents an unreasonable risk of injury to health due to acute human lethality but, exercising its discretion under section 26(l)(4), EPA did not finalize such a determination concerning the use of methylene chloride in commercial paint and coating removal and did not finalize that portion of the proposed rule. To address the unreasonable risk to consumers of acute human lethality, the final rule prohibits the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer paint and coating removal, including distribution to and by retailers; requires manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride for any use to provide downstream notification of these prohibitions; and requires the retention of certain records. While EPA proposed to identify the use of methylene chloride in commercial furniture refinishing as presenting an unreasonable risk, EPA intends to further evaluate this and other commercial paint and coating removal uses and develop an appropriate regulatory risk management approach under the process for risk evaluations for existing chemicals under TSCA. Although N-methylpyrrolidone (NMP) was included in the January 2017 proposed rule, EPA intends to address NMP use in paint and coating removal in the risk evaluation for NMP and to consider any resulting risk reduction requirements in a separate regulatory action (RIN 2070–AK46).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7464
Notice	08/30/17	82 FR 41256
Final Rule	03/27/19	84 FR 11420
Final Rule Effective.	05/28/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564–0432, *Email: wolf.joel@epa.gov*.

RIN: 2070–AK07

[FR Doc. 2019–11858 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XVI

General Services Administration

Unified Agenda

GENERAL SERVICES ADMINISTRATION

40 CFR 1900

41 CFR Chapters 101, 102, 105, 300, 301, 302, and 304

48 CFR Chapter 5

48 CFR 6101 and 6102

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those completed since the fall 2018 edition. This agenda was developed under the guidelines of Executive Orders (E.O.) 12866 ''Regulatory Planning and Review,'' as amended, Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13563 ''Improving Regulation and Regulatory Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

This agenda updates the report published on October 17, 2018, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the fall of 2019.

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–2735.

Dated: March 4, 2019.

Jessica Salmoiraghi,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177	General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems.	3090–AJ84

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
178	GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules.	3090–AI68
179	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration.	3090–AJ41
180	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement.	3090–AJ64
181	Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations.	3090–AJ88

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
182	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration.	3090–AJ63
183	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting.	3090–AJ85
184	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G501, Ordering Procedures for Commercial e-Commerce Portals.	3090–AK03
185	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G502, Contractual Arrangements for Commercial e-Commerce Portals.	3090–AK04

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Proposed Rule Stage

177. General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA's unique policies on cybersecurity and other information technology requirements have been previously communicated through other means. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

GSA's cybersecurity requirements mandate contractors protect the confidentiality, integrity, and availability of unclassified GSA information and information systems from cybersecurity vulnerabilities, and threats in accordance with the Federal Information Security Modernization Act of 2014 and associated Federal cybersecurity requirements. This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. These GSA requirements mandate applicable controls and standards (*e.g.,* U.S. National Institute of Standards and Technology, U.S. National Archive and Records Administration Controlled Unclassified Information standards).

Contract requirements for internal information systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. This rule will also update existing GSAR provision 552.239–70, Information Technology Security Plan and Security Authorization and GSAR clause 552.239–71, Security Requirements for Unclassified Information Technology Resources to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	
NPRM Comment Period End.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Michelle Bohm, Contract Specialist, General Services Administration, 100 S. Independence Mall W Room: 9th Floor, Philadelphia, PA 19106–2320, *Phone:* 215 446–4705, *Email: michelle.bohm@gsa.gov.*
RIN: 3090–AJ84

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

178. GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c); 40 U.S.C. 502(c)(1)(B)
Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110–248, The Local Preparedness Acquisition Act. The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the GSA for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).
Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule Comment Period End.	11/18/08	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Thomas O'Linn, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445–0390, *Email: thomas.olinn@gsa.gov.*
RIN: 3090–AI68

179. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses.
Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Dana L. Bowman, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.bowman@gsa.gov.*
RIN: 3090–AJ41

180. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement

E.O. 13771 Designation: Deregulatory.
Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to adopt an additional project delivery method for construction, construction manager as constructor (CMc). The current FAR and GSAR lacks detailed coverage differentiating various construction project delivery methods. GSA's policies on CMc have been previously issued through other means. By incorporating CMc into the GSAR and differentiating for various construction methods, the GSAR will provide centralized guidance to ensure consistent application of construction project principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.
Timetable:

Action	Date	FR Cite
NPRM	11/08/18	83 FR 55838
Correction	11/27/18	83 FR 60818
NPRM Comment Period End.	01/07/19	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Hubbard, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov.*

RIN: 3090–AJ64

Office of Governmentwide Policy

181. Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 4370m–8

Abstract: GSA proposes to establish a fee structure to reimburse the Federal Permitting Improvement Steering Council and its Office of the Executive Director for reasonable costs incurred in coordinating environmental reviews and authorizations in implementing title 41 of the Fixing America's Surface Transportation Act. GSA will issue this regulation on behalf of the Federal Permitting Improvement Steering Council.

Timetable:

Action	Date	FR Cite
NPRM	09/04/18	83 FR 44846
NPRM Comment Period End.	11/05/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amber Dawn Levofsky, Program Analyst, General Services Administration, 1800 F Street NW, Room 3017, Washington, DC 20405–0001, *Phone:* 202 969–7298, *Email: amber.levofsky@gsa.gov.*

RIN: 3090–AJ88

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

182. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: This final rule amends the General Services Administration Acquisition Regulation (GSAR) coverage on construction contracts, including provisions and clauses for solicitations and resultant contracts, to clarify, update, and incorporate existing construction contract administration procedures.

Completed:

Reason	Date	FR Cite
Final Rule	02/13/19	84 FR 3714
Final Rule Effective.	03/15/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Hubbard, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov.*

RIN: 3090–AJ63

183. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: We are withdrawing because active FAR cases will provide sufficient policy on this issue. GSA supplemental guidance is not necessary.

Completed:

Reason	Date	FR Cite
Withdrawn	02/21/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Funk, *Phone:* 202 357–5805, *Email: kevin.funk@gsa.gov.*

RIN: 3090–AJ85

184. General Services Administration Acquisition Regulation (GSAR); GSAR CASE 2019–G501, Ordering Procedures for Commercial E-Commerce Portals

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 41 U.S.C. 1901 note

Abstract: GSA is withdrawing this case. GSA has determined that regulatory changes to support the e-Commerce Portal are more appropriate after the proof-of-concept phase for this program has been completed.

Completed:

Reason	Date	FR Cite
Withdrawn	02/14/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew McFarland, *Phone:* 301 758–5880, *Email: matthew.mcfarland@gsa.gov.*

RIN: 3090–AK03

185. General Services Administration Acquisition Regulation (GSAR); GSAR CASE 2019–G502, Contractual Arrangements for Commercial E-Commerce Portals

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 41 U.S.C. 1901 note

Abstract: GSA is withdrawing this case. GSA has determined that regulatory changes to support the e-Commerce Portal are more appropriate after the proof-of-concept phase for this program has been completed.

Completed:

Reason	Date	FR Cite
Withdrawn	02/14/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew McFarland, *Phone:* 301 758–5880, *Email: matthew.mcfarland@gsa.gov.*

RIN: 3090–AK04

[FR Doc. 2019–11859 Filed 6–21–19; 8:45 am]

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Part XVII

National Aeronautics and Space Administration

Unified Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions NASA plans for the next 12 months and those completed since the fall 2018 edition. This agenda was developed under the guidelines of Executive Orders (E.O.) 12866 ''Regulatory Planning and Review,'' as amended, Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13563 ''Improving Regulation and Regulatory Review.'' The purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**. This agenda updates the report published on October 17, 2018 and next agenda is scheduled for publication in the fall of 2019. The complete Unified Agenda is available online at *www.reginfo.gov.*

ADDRESSES: Deputy Associate Administrator, Office of the Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated February 7, 2019, ''Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: March 6, 2019.

Verron M. Brade,

Deputy Associate Administrator, Office of the Mission Support Directorate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
186	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Section 610 Review) **(Section 610 Review)**.	2700–AE49

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

186. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Section 610 Review) (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 51 U.S.C. 20113

Abstract: In December 2014, OMB together with NASA and the other Federal awarding agencies, issued a joint interim rule to implement the new guidance at 2 CFR 200 titled ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).'' OMB used the rulemaking procedure when promulgating this common rule on grants and cooperative agreements and required each agency to adopt OMB's common rule on grants and cooperative agreements These revisions fulfill OMB guidance.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Antanese N. Crank, National Aeronautics and Space Administration, 300 E Street, SW, Washington, DC 20546, *Phone:* 202 358–4683, *Email: antanese.n.crank@nasa.gov.*

RIN: 2700–AE49

[FR Doc. 2019–11860 Filed 6–21–19; 8:45 am]

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Part XVIII

Railroad Retirement Board

Unified Agenda

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains a list of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, IL 60611–1275.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, Office of General Counsel, Railroad Retirement Board, (312) 751–4945, Fax (312) 751–7102, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or which pertain solely to internal Agency management have not been included in the agenda.

Dated: March 5, 2019.

By Authority of the Board.

Stephanie Hillyard,

Secretary to the Board.

RAILROAD RETIREMENT BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
187	Proposed Amendment to Update the Titles of Various Executive Committee Members Whose Office Titles Have Changed **(Section 610 Review)**.	3220–AB72
188	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Railroad Retirement Board **(Section 610 Review)**.	3220–AB73

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

187. Proposed Amendment to Update the Titles of Various Executive Committee Members Whose Office Titles Have Changed (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Not Yet Determined

Abstract: The Railroad Retirement Board proposes to amend its regulations to update 20 CFR 375.5(b), which will change the titles of various Executive Committee members whose office titles have changed. The Railroad Retirement Board (Board) proposes to amend its regulations governing the Board's policy on delegation of authority in case of national emergency. The regulation to be amended is contained in section 375.5. In section 375.5(b) of the Board's regulations, the Board proposes to remove the language that refers to the ''Director of Supply and Service'' and the ''Regional Directors,'' to update the title of Director of Administration to ''Director of Administration/COOP Executive,'' and to add the positions of ''Chief Financial Officer'' and ''Director of Field Service'' to the delegation of authority chain. Finally, the delegation of authority chain will be updated to reflect the addition of the updated titles and the removal of outdated positions.

Timetable:

Action	Date	FR Cite
Proposed Rule	05/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, Office of General Counsel, 844 North Rush Street, Room 811, Chicago, IL 60611, *Phone:* 312 751–4945, *TDD Phone:* 312 751–4701, *Fax:* 312 751–7102.

RIN: 3220–AB72

188. • Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Railroad Retirement Board (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 29 U.S.C. 794

Abstract: We propose to amend our regulations at 20 CFR part 365 to update terminology to refer to individuals with a disability. This amendment replaces the term ''handicap'' with the term ''disability'' to match the statutory language in the Rehabilitation Act Amendment of 1992, Public Law 102–569, 106 Stat. 4344.

Timetable:

Action	Date	FR Cite
Proposed Rule	05/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, Office of General Counsel, 844 North Rush Street, Room 811, Chicago, IL 60611, *Phone:* 312 751–4945, *TDD Phone:* 312 751–4701, *Fax:* 312 751–7102.

RIN: 3220–AB73

[FR Doc. 2019–11861 Filed 6–21–19; 8:45 am]

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Part XIX

Small Business Administration

Unified Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This semiannual Regulatory Agenda (Agenda) is a summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. Accordingly, SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian; U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; (202) 205–6849, *imelda.kish@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government's complete Regulatory Agenda, which will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information about SBA's rules.

SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017) and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

Linda E. McMahon,
Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
189	Small Business Development Center Program Revisions	3245–AE05
190	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16
191	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75
192	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services.	3245–AG88
193	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction.	3245–AG89
194	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing.	3245–AG90
195	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services.	3245–AG91
196	Regulatory Reform Initiative: Streamlining and Modernizing the 7(a), Microloan, and 504 Loan Programs to Reduce Unnecessary Regulatory Burden.	3245–AG98
197	Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade.	3245–AH09
198	Small Business Size Standards: Wholesale Trade and Retail Trade	3245–AH10
199	Small Business Size Standards: Calculation of Annual Average Receipts	3245–AH16
200	Small Business HUBZone Program and Government Contracting Programs	3245–AG38
201	Small Business Timber Set-Aside Program	3245–AG69
202	National Defense Authorization Acts of 2016 and 2017, RISE After Disaster Act of 2015, and Other Small Business Government Contracting Amendments.	3245–AG86
203	Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements.	3245–AG97
204	Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation	3245–AH17

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

189. Small Business Development Center Program Revisions

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	03/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Deputy Associate Administrator for Small Business Development Centers, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov*.

RIN: 3245–AE05

190. Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will propose amendments its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period End.	05/21/18	
NPRM	02/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG16

191. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 113–291, sec. 825; 15 U.S.C. 637(m)

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged Women-Owned Small Business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. This rule will propose the standards and procedures for participation in this certification program. This rule will also propose to revise the procedures for continuing eligibility, program examinations, protests, and appeals. The proposed revisions will reflect public comments that SBA received in response to the Advanced Notice of Proposed Rulemaking that the agency issued in December 2016 to solicit feedback on implementation of the program. Finally, SBA is planning to continue to utilize new technology to improve its efficiency and decrease small business burdens, and therefore, the new certification procedures will be based on an electronic application and certification process.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG75

192. Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG88

193. Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG89

194. Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48–49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG90

195. Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov*.

RIN: 3245–AG98

197. • Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 31–33 (Manufacturing) and industries with employee based size standards in other sectors except Wholesale Trade and Retail Trade and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AH09

198. • Small Business Size Standards: Wholesale Trade and Retail Trade

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second

196. Regulatory Reform Initiative: Streamlining and Modernizing the 7(a), Microloan, and 504 Loan Programs To Reduce Unnecessary Regulatory Burden

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 636(m); 15 U.S.C. 695 *et seq.*

Abstract: SBA is proposing to streamline the regulations in part 120 of chapter 13 of the Code of Federal Regulations that apply to the 7(a), Microloan, and 504 Loan Programs by eliminating or revising the provisions that are obsolete, ineffective, burdensome, or unnecessary. The proposed changes include removing or revising regulations related to programs that are either no longer in effect or have not been funded for many years, such as the America's Recovery Capital Loan Program, certain 7(a) direct loans to small businesses, or the veteran's direct loan program; and clarifying the factors that SBA will consider when seeking the appointment of a receiver and the scope of the receivership with respect to Certified Development Companies, Small Business Lending Companies, and Non-Federally Regulated Lenders.

Timetable:

5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 42 (Wholesale Trade) and Sector 44–45 (Retail Trade) and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AH10

199. • Small Business Size Standards: Calculation of Annual Average Receipts

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a); Pub. L. 115–32

Abstract: On December 17, 2018, the President signed the Small Business Runway Extension Act (Pub. L. 115–32), which amended Section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II) by changing calculating average annual receipts for size standard purposes. This rulemaking is to implement the new law by changing the period for calculating annual average revenue receipts for receipts based size standards from three (3) years to five (5) years in 13 CFR 121.104.

The Small Business Act (15 U.S.C. 632(a)) delegates to SBA's Administrator the responsibility for establishing, reviewing, and updating small business definitions, commonly referred to as size standards. The Small Business Runway Extension Act amended the Small Business Act, changing the period for calculating average annual receipts from three (3) years to five (5) years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AH16

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

200. Small Business Hubzone Program and Government Contracting Programs

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this rule, SBA will focus on the principles of Executive Orders 12866, 13771, and 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
Public Meeting	04/23/18	83 FR 17626
Public Meeting	05/30/18	83 FR 24684
NPRM	10/31/18	83 FR 54812
NPRM Comment Period End.	12/31/18	
NPRM Comment Period Extended.	12/31/18	83 FR 67701
NPRM Comment Period Extended End.	02/14/19	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Art Collins, Acting Director, Office of HUBZone, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 205–6285, *Email: arthur.collins@sba.gov.*

RIN: 3245–AG38

201. Small Business Timber Set-Aside Program

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov.*

RIN: 3245–AG69

202. National Defense Authorization Acts of 2016 and 2017, Rise After Disaster Act of 2015, and Other Small Business Government Contracting Amendments

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, sec. 1821; Pub. L. 114–92, sec. 863; Pub. L. 114–88, sec. 2108

Abstract: Section 1811 of the of the National Defense Authorization Act

(NDAA) for Fiscal Year 2017, Public Law 114–328, Dec. 23, 2016, (NDAA) of 2017 limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114–92, Nov. 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. This rule also addresses changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency's ability to set aside orders under set-aside contracts, and a contracting officer's authority to request reports on a prime contractor's compliance with the limitations on subcontracting. Section 2108 of Public Law 114–88 provides agencies with double credit when they award to a local small business in a disaster area.

Timetable:

Action	Date	FR Cite
NPRM	12/04/18	83 FR 62516
NPRM Comment Period End.	02/04/19	
Final Action	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG86

203. Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 695 *et seq.*

Abstract: SBA is proposing to simplify, streamline, and update SBA's regulations relating to CDC operational and organizational requirements in order to improve efficiencies and achieve costs savings without compromising performance in the 504 Loan Program. The proposed changes include lowering the number of directors required for the CDC's Board; clarifying that members of the Board must live or work in the CDC's Area of Operations; eliminating the requirement that one Board member represent the economic, community or workforce development fields; eliminating the requirement that limits the number of Board members in the commercial lending field to less than 50 percent of the Board; increasing the 504 loan portfolio balance above which each CDC must have its financial statements audited annually by a certified public accountant, resulting in increased savings to CDCs without creating undue risk; eliminating the requirement that a Multi-State CDC establish a Loan Committee in each State into which it expands; allowing a CDC to make a 504 loan outside its Area of Operation to an affiliate of a business that the CDC previously assisted; allowing CDCs that participate in the Premier Certified Lenders Program to base the balance it is required to maintain in its Loan Loss Reserve Fund on a declining balance methodology instead of the original principal amount; and allowing CDCs to provide greater assistance to each other than currently authorized under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	04/15/19	84 FR 15147
Comment Period Ends.	06/14/19	
Final Rule	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov.*

RIN: 3245–AG97

204. • Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation

E.O. 13771 Designation: Deregulatory

Legal Authority: 15 U.S.C. 632(a)

Abstract: In this interim final rule, the U.S. Small Business Administration (SBA or Agency) adjusts all monetary based industry size standards (*i.e.,* receipts, assets, net worth, and net income) for inflation since the last adjustment in 2014. In accordance with its regulations in 13 CFR 121.102(c), SBA is required to review the effects of inflation on its monetary standards at least once every five years and adjust them, if necessary. In addition, the Small Business Jobs Act of 2010 (Jobs Act) also requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. This action will restore the small business eligibility of businesses that have lost that status due to inflation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AH17

[FR Doc. 2019–11728 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XX

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Unified Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions the Council plans for the next 12 months and those completed since the fall 2018 edition. This agenda was developed under the guidelines of Executive Orders (E.O.) 12866 ''Regulatory Planning and Review,'' as amended, Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13563 ''Improving Regulation and Regulatory Review.'' The purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**. This agenda updates the report published on October 17, 2018 and next agenda is scheduled for publication in the fall of 2019. The complete Unified Agenda is available online at *www.reginfo.gov.*

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at *http://www.acquisition.gov/far.*

Dated: March 1, 2019.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
205	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
206	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
207	Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement	9000–AN38
208	Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties	9000–AN39
209	Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification.	9000–AN40
210	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43
211	Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information.	9000–AN44
212	Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology.	9000–AN46
213	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56
214	Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements With the United States.	9000–AN57
215	Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures	9000–AN59
216	Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting.	9000–AN61
217	Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance	9000–AN62
218	Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds.	9000–AN65
219	Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions.	9000–AN66
220	Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications to Cost or Pricing Data and Reporting Requirements.	9000–AN69
221	Federal Acquisition Regulation (FAR); FAR Case 2018–012, Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions.	9000–AN71
222	Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations.	9000–AN72
223	Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition	9000–AN73
224	Federal Acquisition Regulation (FAR); FAR Case 2018–016, Lowest Price Technically Acceptable Source Selection Process.	9000–AN75
225	Federal Acquisition Regulation (FAR); FAR Case 2018–018, Revision of Definition of ''Commercial Item''	9000–AN76
226	Federal Acquisition Regulation (FAR); FAR Case 2018–019, Review of Commercial Clause Requirements and Flowdown.	9000–AN77
227	Federal Acquisition Regulation (FAR); FAR Case 2018–020, Construction Contract Administration	9000–AN78
228	Federal Acquisition Regulation (FAR); FAR Case 2018–021, Reserve Officer Training Corps and Military Recruiting on Campus.	9000–AN79
229	Federal Acquisition Regulation (FAR); FAR Case 2018–022; Orders Issued Via Fax or Electronic Commerce.	9000–AN80
230	Federal Acquisition Regulation (FAR); FAR Case 2018–023, Taxes—Foreign Contracts in Afghanistan	9000–AN81
231	Federal Acquisition Regulation (FAR); FAR Case 2018–024; Use of Interagency Fleet Management System Vehicles and Related Services.	9000–AN82
232	Federal Acquisition Regulation (FAR); FAR Case 2019–001, Analysis for Equipment Acquisitions	9000–AN84

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
233	Federal Acquisition Regulation (FAR); FAR Case 2019–003, Substantial Bundling and Consolidation	9000–AN86
234	Federal Acquisition Regulation (FAR); FAR Case 2019–004, Good Faith in Small Business Subcontracting.	9000–AN87
235	Federal Acquisition Regulation (FAR); FAR Case 2019–007, Update of Historically Underutilized Business Zone Program.	9000–AN90
236	Federal Acquisition Regulation (FAR); FAR Case 2019–008, Small Business Program Amendments	9000–AN91
237	Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN92

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
238	Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program.	9000–AM58
239	Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts	9000–AM93
240	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
241	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
242	Federal Acquisition Regulation (FAR); FAR Case 2016–011, Revision of Limitations on Subcontracting	9000–AN35
243	Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition.	9000–AN53
244	Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts.	9000–AN54
245	Federal Acquisition Regulation (FAR); FAR Case 2017–020, Ombudsman for Indefinite-Delivery Contracts	9000–AN58
246	Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab.	9000–AN64
247	Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN83
248	Federal Acquisition Regulation (FAR); FAR Case 2019–002, Recreational Services on Federal Lands	9000–AN85
249	Federal Acquisition Regulation (FAR); FAR Case 2019–005, Update to Contract Performance Assessment Reporting System (CPARS).	9000–AN88

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
250	Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts.	9000–AM94
251	Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''.	9000–AN02
252	Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority	9000–AN45
253	Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions.	9000–AN47
254	Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions.	9000–AN63

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

205. FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over multiple rounds of bidding in order to win Federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy (OFPP) memorandum, ''Effective Use of Reverse Auctions,'' which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO–14–108). Reverse auctions are one tool used by Federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies' use of reverse auctions to help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	
NPRM Comment Period End.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN31

206. Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) consistent with SBA's regulation at 13 CFR 125.2 as finalized in its rule ''Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation'' issued on October 2, 2013, to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation.

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's regulation and to give agencies the tools they need, especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA has included contracts performed outside of the United States in agencies' prime contracting goals since FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN34

207. Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 37; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a final rule issued by the Department of the Treasury that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to two percent of the amount of such payment. This rule applies to foreign persons that are awarded Federal Government contracts to provide goods or services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	
NPRM Comment Period End.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN38

208. Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change implements section 874 of the National Defense Authorization Act (NDAA) for FY 2016 (Pub. L. 114–92), codified at 31 U.S.C. 9310, Individual Sureties. Individual sureties will no longer be able to pledge real property, corporate stocks, corporate bonds, or irrevocable letters of credit. The requirements of 31 U.S.C. 9310 are intended to strengthen the assets pledged by individual sureties, thereby mitigating risk to the Government.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN39

209. Federal Acquisition Regulation (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Department of Defense (DoD) Wide Area Workflow (WAWF) for the electronic submission of the DD Form 254, ''Contract Security Classification Specification.'' This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies that are covered by the National Industrial Security Program (NISP). By changing the submittal process of the form from a manual process to an automated one, the Government will reduce the cost of maintaining the forms, while also providing a centralized repository for classified contract security requirements and supporting data.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN40

210. Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 To Encourage Vendor Feedback

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both for contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of the Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/18	83 FR 34820
ANPRM Comment Period End.	09/21/18	
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN43

211. Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for a breach response consistent with the requirements. This FAR change will implement the requirements outlined in the Office of Management and Budget (OMB) Memorandum, M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' section V part B.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	
NPRM Comment Period End.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN44

212. Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to incorporate revisions and updates to standards in section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board''). This FAR change incorporates the U.S. Access Board's final rule, ''Information and Communication Technology (ICT) Standards and Guidelines,'' published on January 18, 2017, which implemented revisions and updates to the section 508-based standards and section 255-based guidelines. This rule is expected to impose additional costs on Federal agencies. The purpose is to increase productivity for Federal employees with disabilities, time savings due to improved accessibility of federal websites for members of the public with disabilities, and reduced call volumes to Federal agencies. Additionally, this rule harmonizes standards with national and international consensus standards this would assist American ICT companies by helping them to achieve economies of scale created by a wider use of these technical standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	
NPRM Comment Period End.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN46

213. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of November 4, 2010. As the executive agent designated to oversee the Governmentwide CUI program, NARA issued implementing regulations in late 2016 designed to address Federal agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule, which is codified at 32 CFR 2002, affects contractors that handle, possess, use, share or receive CUI. This FAR rule helps to ensure uniform implementation of the requirements of the CUI program in contracts across Government agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	
NPRM Comment Period End.	12/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN56

214. Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements With the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule to address a public comment on the interim rule issued to amend the Federal Acquisition Regulation (FAR) to implement section 1290(c)(3) of the National Defense Authorization Act (NDAA) for FY 2017, which requires an offeror or any of its subsidiaries to certify that it does not engage in any activity that contributed to or is a significant factor in the determination that a country is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments in which the United States is a participating state.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/18	83 FR 28145
Interim Final Rule Comment Period End.	08/14/18	
NPRM	08/00/19	
NPRM Comment Period End.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN57

215. Federal Acquisition Regulation (FAR); FAR Case 2017–019, Policy on Joint Ventures

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA), Small Business Mentor Protégé Programs, published on July 25, 2016 (81 FR 48557), regarding joint ventures and to clarify policy on 8(a) joint ventures. The regulatory changes provide industry with a new way to compete for small business or socioeconomic set-asides using a joint venture made up of a mentor and a protégé. The 8(a) joint venture clarification prevents confusion on an 8(a) joint venture's eligibility to compete for an 8(a) competitive procurement.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN59

216. Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement section 1614 of the National Defense Authorization Act (NDAA) of Fiscal Year 2014, as implemented in the Small Business Administration's final rule issued on December 23, 2016. Section 1614 allows other than small business prime contractors to receive small business subcontracting credit for subcontracts their subcontractors award to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	
NPRM Comment Period End.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN61

217. Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Presidential Memorandum, entitled ''The Mexico City Policy,'' issued on January 13, 2017, in accordance with the Department of State's implementation plan dated May 9, 2017. This rule would extend requirements of the memorandum and plans to new funding agreements for global health assistance furnished by all Federal departments or agencies. This expanded policy will cover global health assistance to include funding for international health programs, such as those for HIV/AIDS, maternal and child health, malaria, global health security, and certain family planning and reproductive health.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

RIN: 9000–AN62

218. Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule to amend the FAR to implement sections 805, 806, and 1702(a) of the National Defense Authorization Act (NDAA) for FY 2018. Section 805 increases the micro-purchase threshold (MPT) to $10,000 and limits the use of convenience checks to not more than one half of the MPT amount (*i.e.,* $5,000). Section 806 increases the simplified acquisition threshold (SAT) to $250,000. Section 1702(a) amends section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) to replace specific dollar thresholds with the terms micro-purchase threshold and simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN65

219. Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C.20113

Abstract: DoD, GSA, and NASA are proposing to implement section 820 of the National Defense Authorization Act (NDAA) for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of ''subcontract'' in certain circumstances. This rule also implements a new approach to the prescription and flowdown for provisions and clauses applicable to acquisitions of commercial items or acquisitions that do not exceed the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	
NPRM Comment Period End.	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington,

DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN66

220. Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications to Cost or Pricing Data and Reporting Requirements

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase the Truth in Negotiation Act (TINA) threshold to $2 million and require other than certified cost or pricing data. The rule reduces the burden on contractors because they would not be required to certify their cost or pricing data between $750,000 and $2 million. This change implements section 811 of the National Defense Authorization Act (NDAA) for FY 2018. Section 811 modifies 10 U.S.C. 2306a and 41 U.S.C. 3502.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN69

221. Federal Acquisition Regulation (FAR); FAR Case 2018–012, Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement the changes to 37 CFR parts 401 and 404, ''Rights to Federally Funded Inventions and Licensing of Government Owned Inventions,'' dated May 14, 2018. The changes reduce regulatory burdens, provide greater clarity to large businesses by codifying the applicability of Bayh-Dole as directed in Executive Order 12591, and provide greater clarity to all federal funding recipients by updating regulatory provisions to align with provisions of the Leahy-Smith America Invents Act in terms of definitions and time frames.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	
NPRM Comment Period End.	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN71

222. Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement paragraph (a) of section 839 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. Paragraph (a) requires the FAR Council to review each past determination made not to exempt contacts and subcontracts for commercial products, commercial services, and commercially available off-the-shelf (COTS) items from certain laws when these contracts would otherwise have been exempt under 41 U.S.C. 1906(d) or 41 U.S.C. 1907(b). The FAR Council or the Administrator for Federal Procurement Policy has to determine whether there still exists specific reason not to provide exemptions from certain laws. If no determination is made to continue to exempt commercial contracts and subcontracts from certain laws, paragraph (a) requires that revisions to the FAR be proposed, to reflect exemptions from those laws. Paragraph (a) requires these revisions to be proposed within one year of the date of enactment of section 839.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AN72

223. Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 876 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which would provide civilian agencies with an exception to the existing statutory requirement to include price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The exception would only apply to IDIQ contracts and to Federal Supply Schedule contracts for services that are priced at an hourly rate. Furthermore, the exception would only apply in those instances where the Government intends to make a contract award to all qualifying offerors, thus affording maximum opportunity for effective competition at the task order level. An offeror would be qualified only if it is a responsible source and submits a proposal that conforms to the requirements of the solicitation, meets any technical requirements, and is otherwise eligible for award.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	
NPRM Comment Period End.	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN73

224. Federal Acquisition Regulation (FAR); FAR Case 2018–016, Lowest Price Technically Acceptable Source Selection Process

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 880 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Government the benefits of cost and

technical tradeoffs in the source selection process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	
NPRM Comment Period End.	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN75

225. Federal Acquisition Regulation (FAR); FAR Case 2018–018, Revision of Definition of ''Commercial Item''

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to separate the commercial item definition into definitions of commercial product and commercial service. Section 836 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115–232) set the effective date of the new definitions to January 1, 2020. This is consistent with the recommendations by the independent panel created by section 809 of the NDAA for FY 2016 (Pub. L. 114–92). This case implements amendment to 41 U.S.C. 103.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN76

226. Federal Acquisition Regulation (FAR); FAR Case 2018–019, Review of Commercial Clause Requirements and Flowdown

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement paragraphs (b) and (c) of section 839 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Paragraph (b) requires the FAR Council to review the FAR to assess every regulation that requires a specific clause in contracts for commercial products or commercial services, unless the regulation is required by law or Executive Order. Paragraph (b) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation.

Paragraph (c) requires the FAR Council to review the FAR to assess every regulation that requires a prime contractor to include specific clause in subcontracts for commercially available off-the-shelf items, unless the clause is required by law or Executive Order. Paragraph (c) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation.

Paragraphs (b) and (c) require these revisions to be proposed within one year of the date of the enactment of section 839.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AN77

227. Federal Acquisition Regulation (FAR); FAR Case 2018–020, Construction Contract Administration

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: Implements section 855 of the NDAA for FY 2019 (Pub. L. 115–232). Section 855 requires, for solicitations for construction contracts anticipated to be awarded to a small business, notification to prospective offerors regarding agency policies or practices in complying with FAR requirements relating to the timely definitization of requests for equitable adjustment and agency past performance in definitizing such requests.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	
NPRM Comment Period End.	02/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN78

228. Federal Acquisition Regulation (FAR); FAR Case 2018–021, Reserve Officer Training Corps and Military Recruiting on Campus

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the requirements at 10 U.S.C. 983, which prohibits the award of certain Federal contracts or grants to institutions of higher education that prohibit Senior Reserve Officer Training Corps units or military recruiting on campus.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN79

229. Federal Acquisition Regulation (FAR); FAR Case 2018–022; Orders Issued Via Fax or Electronic Commerce

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) clause 52.216–18, Ordering, to authorize issuance of orders via fax or email and clarify when an order is considered to be issued when utilizing these methods.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN80

230. Federal Acquisition Regulation (FAR); FAR Case 2018–023, Taxes—Foreign Contracts in Afghanistan

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the provisions on taxes, duties, and fees contained in the Security and Defense Cooperation Agreement (dated 2014) and the North Atlantic Treaty Organization Status of Forces Agreement (dated 2014) with Afghanistan.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Funk, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 357–5805, *Email: kevin.funk@gsa.gov.*

RIN: 9000–AN81

231. Federal Acquisition Regulation (FAR); FAR Case 2018–024; Use of Interagency Fleet Management System Vehicles and Related Services

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amends the Federal Acquisition Regulation (FAR) clause 52.251–1, Interagency Fleet Management System Vehicles and Related Services, to provide contractors that have been authorized to use fleet vehicles with additional information on how to request the vehicles from the Government.

Timetable:

Action	Date	FR Cite
NPRM	11/00/19	
NPRM Comment Period End.	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN82

232. • Federal Acquisition Regulation (FAR); FAR Case 2019–001, Analysis for Equipment Acquisitions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR by implementing section 555 of the Federal Aviation Administration (FAA) Reauthorization Act for Fiscal Year (FY) 2018 (Pub. L. 115–254), which requires equipment to be acquired using the method of acquisition most advantageous to the Government based on a case-by-case analysis of costs and other factors. Section 555 requires the methods of acquisition to be compared in the analysis to include, at a minimum: (1) Purchase; (2) long-term lease or rental; (3) short-term lease or rental; (4) interagency acquisition; or, (5) acquisition agreements with a State or local government. Section 555 exempts certain acquisitions from this required analysis.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	
NPRM Comment Period End.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN84

233. • Federal Acquisition Regulation (FAR); FAR Case 2019–003, Substantial Bundling and Consolidation

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 863 of the National Defense Authorization Acts (NDAA) for FY 2016 and the Small Business Administration (SBA) implementing regulations requiring publication of a notice of substantial bundling and a notice of consolidation of contract requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	
NPRM Comment Period End.	02/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN86

234. • Federal Acquisition Regulation (FAR); FAR Case 2019–004, Good Faith in Small Business Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1821 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 and the Small Business Administration regulatory changes relating to small business subcontracting plans. Section 1821 requires examples of activities that would be considered a failure to make a good faith effort to comply with small business subcontracting plan requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	
NPRM Comment Period End.	02/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN87

235. • Federal Acquisition Regulation (FAR); FAR Case 2019–007, Update of Historically Underutilized Business Zone Program

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes proposed by the Small Business Administration regarding the Historically Underutilized Business Zone (HUBZone) Program. The proposed regulatory changes are intended to reduce the regulatory burden associated with the HUBZone Program.

Timetable:

Action	Date	FR Cite
NPRM	02/00/20	
NPRM Comment Period End.	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN90

236. • Federal Acquisition Regulation (FAR); FAR Case 2019–008, Small Business Program Amendments

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes proposed by the Small Business Administration regarding small business programs. The proposed regulatory changes include the timing of the determination of size status for multiple-award contracts for which price is not evaluated at the contract level; the grounds for size status protests; and the grounds for socioeconomic status protests.

Timetable:

Action	Date	FR Cite
NPRM	02/00/20	
NPRM Comment Period End.	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN91

237. • Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement paragraph (a)(1)(B) of section 889 of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115–232). Beginning two years from the enacted date, paragraph (a)(1)(B) of section 889 prohibits the Government from entering into a contract, extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services. Paragraph (a)(1)(A) of section 889 is being implemented separately through FAR Case 2018–017.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	
NPRM Comment Period End.	02/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN92

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

238. Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to expand Government and contractor requirements for the reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91–3, entitled ''Reporting Nonconforming Products,'' dated April 9, 1991. This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database. This will allow the contracting officer to provide disposition instructions for counterfeit or suspect counterfeit items in accordance with agency policy. In some cases, agency policy may require the contracting officer to direct the contractor to retain such items for investigative or evidentiary purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/10/14	79 FR 33164
NPRM Comment Period End.	08/11/14	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AM58

239. Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements in section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)) and regulatory requirements in the Small Business Administration's final rule dated October 2, 2013.

Due to their inherent flexibility, competitive nature, and administrative efficiency, multiple award contracts are commonly used in Federal procurement. They have proven to be an effective means of contracting for large quantities of supplies and services for which the quantity and delivery requirements cannot be definitively determined at contract award. However, prior to 2011, the FAR was largely silent on the use of acquisition strategies to promote small business participation in conjunction with multiple-award contracts. This rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts, clarifying the procedures for partially setting aside

and reserving multiple-award contracts for small business; and setting aside orders placed under multiple-award contracts for small business. This rule ensures that small businesses will have greater access to these commonly used vehicles.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88072
NPRM Comment Period End.	02/06/17	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM93

240. Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement section 887 of the NDAA for FY 2016 (Pub. L. 114–92). This law provides that Government acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. This change will permit and encourage Government acquisition personnel to engage in responsible and constructive exchanges with industry as part of market research as long as those exchanges are consistent with existing laws and regulations, and promote a fair competitive environment.

Timetable:

Action	Date	FR Cite
NPRM	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN29

241. Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, ''Enhancement of Contractor Protection From Reprisal for Disclosure of Certain Information'' and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. The rule clarifies that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing, to any of the entities such as agency Inspector Generals and Congress, information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including, the competition for or negotiation of a contract.) This rule enhances whistleblower protections for contractor employees, by making permanent the protection for disclosure of the aforementioned information, and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to both contractors and subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	12/26/18	83 FR 66223
NPRM Comment Period End.	02/25/19	
Final Rule	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN32

242. Federal Acquisition Regulation (FAR); FAR Case 2016–011, Revision of Limitations on Subcontracting

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to revise and standardize the limitations on subcontracting, including the nonmanufacturer rule, that apply to small business concerns under FAR part 19 procurements. This proposed rule incorporates SBA's final rule that implemented the statutory requirements of section 1651 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. The rule will benefit both small businesses and Federal agencies. The rule will allow small businesses to take advantage of subcontracts with similarly situated entities. As a result, these small businesses will be able to compete for larger contracts, which would positively affect their potential for growth as well as that of their potential subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	12/04/18	83 FR 62540
NPRM Comment Period End.	02/04/19	
Final Rule	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Funk, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 357–5805, *Email: kevin.funk@gsa.gov.*

RIN: 9000–AN35

243. Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 822 of the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114–328). This rule applies to DoD, NASA, and the Coast Guard, and implements exceptions for these agencies at FAR 15.403(c)(1) from certified cost or pricing data requirements when price is based on adequate price competition. This rule also limits the exception for price based on adequate price competition to circumstances in which there is

adequate competition that results in at least two or more responsive and viable competing bids.

Timetable:

Action	Date	FR Cite
NPRM	06/12/18	83 FR 27303
NPRM Comment Period End.	08/13/18	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN53

244. Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 825 of the National Defense Authorization Act (NDAA) for FY 17 (Pub. L. 114–328). Section 825 amends 10 U.S.C. 2305(a)(3) to change the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts awarded by DoD, NASA, or the Coast Guard. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This rule will streamline the award of contracts for DoD, NASA, and the Coast Guard because they will not be required to consider cost or price in the evaluation of the award decision. Relieving the requirement to account for cost or price when evaluating proposals for these types of contracts, which feature competitive orders, will enable procurement officials to focus their energy on establishing and evaluating the non-price factors that will result in more meaningful distinctions among offerors.

Timetable:

Action	Date	FR Cite
NPRM	09/24/18	83 FR 48271
Correction	10/23/18	83 FR 53421
NPRM Comment Period End.	11/23/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN54

245. Federal Acquisition Regulation (FAR); FAR Case 2017–020, Ombudsman for Indefinite-Delivery Contracts

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) by providing a new clause with contact information for the agency task and delivery order ombudsman as required by the FAR. Specifically, FAR 16.504(a)(4)(v) requires that the name, address, telephone number, facsimile number, and email address of the agency task and delivery order ombudsman be included in solicitations and contracts for an indefinite quantity requirement, if multiple awards may be made for uniformity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	11/01/18	83 FR 54901
NPRM Comment Period End.	12/31/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN58

246. Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 1634 of the National Defense Authorization Act (NDAA) of Fiscal Year 2018 to prohibit any department, agency, organization, or other element of the Federal government from using products and services developed or provided by Kaspersky Lab or any entity in which Kaspersky Lab has a majority ownership.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/18	83 FR 28141
Interim Final Rule Comment Period End.	08/14/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN64

247. Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 889 of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115–232). Section 889 prohibits the procurement or use of covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/19	
Interim Final Rule Comment Period End.	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN83

248. • Federal Acquisition Regulation (FAR); FAR Case 2019–002, Recreational Services on Federal Lands

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal

Acquisition Regulation (FAR) to exempt contracts for seasonal recreational services and seasonal recreational equipment rental on Federal lands from the Executive Order 13658 minimum wage requirements. This rule implements Executive Order 13838 that was issued on May 25, 2018 and associated Department of Labor final rule published on September 26, 2018. In accordance with Executive Order 13838, this proposed rule will not limit Executive Order 13658's coverage of lodging and food services associated with seasonal recreational services, even when seasonal recreational services or seasonal recreational equipment rental are also provided under the same contract.

Timetable:

Action	Date	FR Cite
Final Rule	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Funk, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 357–5805, *Email: kevin.funk@gsa.gov*.

RIN: 9000–AN85

249. • Federal Acquisition Regulation (FAR); FAR Case 2019–005, Update to Contract Performance Assessment Reporting System (CPARS)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement changes regarding the Past Performance Information Retrieval System (PPIRS). This rule establishes that the Contract Performance Assessment Reporting System (CPARS) is the official system for past performance information.

Effective January 15, 2019, PPIRS was officially retired to conclude its merger with the CPARS. Data from PPIRS has been merged into CPARS.gov, making CPARS the official system for past performance information. This merge simplifies functions such as creating and editing performance and integrity records, changes to administering users and running reports, generating performance records, and viewing/managing performance records. Users will now have one location and one account to perform all functionality.

Timetable:

Action	Date	FR Cite
Final Rule	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN88

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

250. Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: This case is being withdrawn so that the FAR Council may take a fresh look at the current data regarding prices paid and price variances. Additionally the Council will revisit the regulatory coverage on fair and reasonable pricing for Schedule contracts, and other government-wide vehicles, in light of policy developments that have taken place since the case was opened. One such development is the recent issuance of OMB Memorandum M–19–13, Making Smarter Use of Common Contract Solutions and Practices, which includes steps for improving price competitiveness on best-in-class and other government-wide solutions.

Completed:

Reason	Date	FR Cite
Withdrawn	04/09/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AM94

251. Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013. The rule adds a definition of ''recruitment fees'' to FAR subpart 22.17, Combating Trafficking in Persons, and the associated clauses to provide a standardized definition that clarifies what prohibited recruitment fees are in order to help prevent human trafficking.

Completed:

Reason	Date	FR Cite
Final Rule	12/20/18	83 FR 65466
Final Rule Effective.	01/22/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN02

252. Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement sections of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 to expand special emergency procurement authorities for acquisitions of supplies or services that facilitate defense against or recovery from a cyber attack, provide international disaster assistance under the Foreign Assistance Act of 1961, or support response to an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Completed:

Reason	Date	FR Cite
Final Rule	05/06/19	84 FR 19835
Final Rule Effective.	06/05/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN45

253. Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: This case is withdrawn and may be resubmitted after further research and deliberation of the alternatives for implementation.

Completed:

Reason	Date	FR Cite
Withdrawn	04/09/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN47

254. Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch.137; 51 U.S.C. 20113

Abstract: This final rule is being withdrawn and merged into FAR Case 2019–001.

DoD, GSA, and NASA is issuing a final rule to ensure short-term rental agreements are considered as part of the decision whether to lease or purchase equipment. This rule proposes to amend the FAR to add a factor to consider the cost-effectiveness of short-term versus long-term agreements (*e.g.,* leases and rentals) to the list of minimum factors to be considered when an agency is deciding whether to lease or purchase equipment.

Completed:

Reason	Date	FR Cite
Withdrawn	02/26/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN63

[FR Doc. 2019–11743 Filed 6–21–19; 8:45 am]

BILLING CODE 6820–EP–P

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Part XXI

Commodity Futures Trading Commission

Unified Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission (''Commission''), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Christopher J. Kirkpatrick, Secretary of the Commission, (202) 418–5964, *ckirkpatrick@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601, *et seq.,* includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and,

(3) The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.[1] The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. See 5 U.S.C. 602(d).

The Commission's Spring 2019 regulatory flexibility agenda is included in the Unified Agenda of Federal Regulatory and Deregulatory Actions. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on March 14, 2019, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
255	Regulation Automated Trading	3038–AD52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Proposed Rule Stage

255. Regulation Automated Trading

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 1a(23), 7 U.S.C. 6c(a); 7 U.S.C. 7(d); and 7 U.S.C. 12(a)(5)

Abstract: On November 7, 2016, the Commodity Futures Trading Commission (''Commission'') approved a supplemental notice of proposed rulemaking for Regulation AT (''Supplemental NPRM''). The Supplemental NPRM modifies certain rules proposed in the Commission's December 2015, notice of proposed rulemaking for Regulation AT (the ''NPRM''). The Supplemental NPRM was published in the **Federal Register** on November 25, 2016, with a 90-day comment period closing on January 24, 2017. The Commission subsequently extended the comment period until May 1, 2017. The NPRM and Supplemental NPRM, though a set of proposed regulations collectively referred to as ''Regulation AT,'' would require registration of certain market participants that engage in proprietary algorithmic trading; impose pre-trade risk control, testing, and certification requirements on market participants, futures commission merchants, and/or designated contract markets; and set forth preservation and access obligations relating to algorithmic trading source code.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/13	78 FR 56542
ANPRM Comment Period End.	12/11/13	
ANPRM Comment Period Extended.	01/24/14	79 FR 4104
ANPRM Comment Period Extended End.	02/14/14	
NPRM	12/17/15	80 FR 78824
NPRM Comment Period End.	03/16/16	
NPRM Comment Period Reopened.	06/10/16	81 FR 36484
NPRM Comment Period Reopened End.	06/24/16	
Supplemental NPRM.	11/25/16	81 FR 85334
Supplemental NPRM Comment Period End.	01/24/17	
Supplemental NPRM Comment Period Extended.	01/26/17	82 FR 8502

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

Action	Date	FR Cite
Supplemental NPRM Comment Period Extended End.	05/01/17	
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilee Dahlman, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5264, *Email: mdahlman@cftc.gov*.

RIN: 3038–AD52

[FR Doc. 2019–11745 Filed 6–21–19; 8:45 am]

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Part XXII

Bureau of Consumer Financial Protection

Unified Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Ch. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is publishing this agenda as part of the Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Bureau reasonably anticipates having the regulatory matters identified below under consideration during the period from May 1, 2019 to April 30, 2020. The next agenda will be published in fall 2019 and will update this agenda through fall 2020. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of March 6, 2019.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Bureau is publishing its Spring 2019 Agenda as part of the Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda lists the regulatory matters that the Bureau reasonably anticipates having under consideration during the period from May 1, 2019 to April 30, 2020, as described further below.[1] The Bureau's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following website: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the Bureau has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the authority to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the Bureau from seven Federal agencies on July 21, 2011. The Bureau's general purpose, as specified in section 1021 of the Dodd-Frank Act, is to implement and enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

The Bureau is working on various initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities. Section 1021 of the Dodd-Frank Act specifies the objectives of the Bureau, including ensuring that, with respect to consumer financial products and services, consumers are provided with timely and understandable information to make responsible decisions about financial transactions; consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; that Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

A new permanent director of the Bureau took office in December 2018. The Director has embarked on a listening tour to engage with Bureau stakeholders, employees, and outside experts, building on feedback submitted through more than 88,000 public comments in response to the Bureau's 2018 ''Call for Evidence'' initiative. The Bureau expects to communicate further information about future planning and priorities after the conclusion of the listening tour. In the meantime, this Spring 2019 Agenda reflects ongoing rulemaking activities, including initiatives to implement statutory requirements and to address the potential sunset of statutory and regulatory provisions.

Implementing Statutory Directives

The Bureau is engaged in a number of rulemakings to implement directives mandated in the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (EGRRCPA), Public Law 115–174, 132 Stat. 1297, the Dodd-Frank Act, and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers, including facilitating industry compliance with rules.

For example, the Bureau has recently published an Advance Notice of Proposed Rulemaking to seek public comment relating to implementation of section 307 of EGRRCPA, which amends the Truth in Lending Act (TILA) to mandate that the Bureau prescribe certain regulations relating to ''Property Assessed Clean Energy'' (PACE) financing. As defined by EGRRCPA section 307, PACE financing results in a tax assessment on a consumer's real property and covers the costs of home improvements. The required regulations must carry out the purposes of TILA's ability-to-repay (ATR) requirements, currently in place for residential mortgage loans, with respect to PACE financing, and apply TILA's general civil liability provision for violations of the ATR requirements the Bureau will prescribe for PACE financing. The regulations must ''account for the unique nature'' of PACE financing.

Later in the spring, the Bureau is preparing to issue a Notice of Proposed Rulemaking to follow up on an interpretive and procedural rule that it issued in August 2018 to provide clarification regarding EGRRCPA amendments to the Home Mortgage Disclosure Act (HMDA), which requires financial institutions to report certain mortgage information to Federal financial regulators and the public. The scope of HMDA reporting was expanded by the Dodd-Frank Act and by the Bureau via rule in 2015. The EGRRCPA creates partial exemptions that allow certain insured depository institutions and insured credit unions not to report certain data points for certain transactions. Among other things, the August 2018 interpretive and procedural rule provided clarification as to which loans and lines of credit count toward the EGRRCPA partial exemption thresholds and which data points are covered by the partial exemptions. The new proposal will seek to incorporate the August interpretations and procedures into Regulation C and to implement further the EGRRCPA amendments to HMDA, as well as to advance the Bureau's reconsideration of the 2015 HMDA rule as discussed further below.

[1] The listing does not include certain routine, frequent, or administrative matters. Further, the fields ''Unfunded Mandates,'' ''E.O. 13771 Designation,'' and ''Federalism Implications'' are not required for independent regulatory agencies, including the Bureau, and, accordingly, the Bureau has indicated responses of ''no'' or ''Independent Agency'' for such fields.

The Bureau has been engaged in a range of other activities to support implementation of EGRRCPA. For example, the Bureau updated its small entity compliance guides and other compliance aids to reflect EGRRCPA's statutory changes. The Bureau also has issued written guidance as encouraged by section 109 of the Act to facilitate compliance with certain regulations governing mortgage disclosures.[2] In addition, the Bureau anticipates engaging in rulemaking to align superseded regulations with EGRRCPA provisions that do not require rulemaking to take effect and as needed to facilitate compliance.

Consistent with undertaking rulemaking to implement the EGRRCPA, the Bureau intends to recommence work later this year to develop rules to implement section 1071 of the Dodd-Frank Act. Section 1071 amended the Equal Credit Opportunity Act (ECOA) to require financial institutions to collect, report, and make public certain information concerning credit applications made by women-owned, minority-owned, and small businesses. The Bureau delayed rulemaking to implement this provision pending implementation of the Dodd-Frank Act amendments to HMDA and started work on the project after the HMDA rules were issued in 2015. The Bureau decided to pause work on section 1071 in 2018 in light of resource constraints and the priority accorded to various HMDA initiatives. The Bureau expects that it will be able to resume pre-rulemaking activities on the section 1071 project within this next year.

Continuation of Other Rulemakings

The Bureau is continuing certain other rulemakings described in its Fall 2018 Agenda to ensure that markets for consumer financial products and services operate transparently and efficiently and to address potential unwarranted regulatory burdens.

For example, the Bureau issued two proposals in February 2019 relating to reconsideration of a 2017 rule titled Payday, Vehicle Title, and Certain High-Cost Installment Loans. The main proposal would rescind portions of the 2017 rule that mandated underwriting requirements for certain short-term and balloon-payment loans. The second proposal would postpone the compliance date for those same provisions for fifteen months to allow the Bureau adequate opportunity to review comments on its main rulemaking and to make any changes to those provisions before affected entities bear additional costs and experience related market effects associated with implementing and complying with those provisions. The proposed postponement would also account for potential implementation challenges that had not been anticipated at the time of the 2017 rule. The Bureau expects to issue a final rule concerning the compliance date in summer 2019 and a final determination on reconsideration thereafter.

In addition, prior to the enactment of the EGRRCPA, the Bureau in August 2017, had temporarily increased the threshold for collecting and reporting HMDA data with respect to open-end lines of credit from 100 loans to 500 loans so that the Bureau could assess whether to make a permanent adjustment to the 100 open-end line of credit threshold. In December 2017, the Bureau announced that it intended to open a rulemaking to reconsider its 2015 HMDA rule more generally. The Bureau plans to issue a Notice of Proposed Rulemaking in spring 2019 to address both the open-end threshold and the 2015 HMDA rule's 25-loan threshold for closed-end loans, as well as implementation of the EGRRCPA's changes to HMDA as described above. The Bureau also plans to issue in 2019 an Advance Notice of Proposed Rulemaking concerning certain data points that are reported under the 2015 HMDA rule. The Bureau expects at a later date to issue a Notice of Proposed Rulemaking concerning the public disclosure of HMDA data in light of consumer privacy interests.[3]

Finally, the Bureau expects to issue a Notice of Proposed Rulemaking by spring 2019 addressing such issues as communication practices and consumer disclosures in the debt collection market. This proposal builds on research and pre-rulemaking activities regarding the debt collection market, which remains a top source of complaints to the Bureau. The Bureau has also received encouragement from industry and consumer groups to engage in rulemaking to address how to apply the 40-year old Fair Debt Collection Practices Act (FDCPA) to modern collection practices. The Bureau released an outline of proposals under consideration in July 2016 concerning practices by companies that are debt collectors under the FDCPA. This outline was released in advance of convening a panel in August 2016, under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking.

New Projects and Further Planning

After completing an assessment in October 2018, of its rules to implement Dodd-Frank Act requirements for international remittance transfers,[4] the Bureau is now considering appropriate steps, which may include rulemaking, to gather information related to the expiration of a statutorily-established exception in the Remittance Rule that permits insured banks and insured credit unions to estimate certain required disclosures and other potential remittance transfer issues. In its consideration of appropriate next steps, the Bureau is also taking account of stakeholder feedback that it received both during and after the assessment process, particularly with respect to the application of the rule to smaller providers.

The Bureau also recently completed an assessment of rules implementing Dodd-Frank Act provisions that require mortgage lenders to determine consumers' ability to repay loans and define certain ''qualified mortgages'' that are presumed to comply with the statutory requirements.[5] The Bureau is

[2] *See, e.g.,* ''TILA–RESPA Integrated Disclosure FAQs'', available at *https://www.consumerfinance.gov/policy-compliance/guidance/tila-respa-disclosure-rule/tila-respa-integrated-disclosure-faqs/*.

[3] The 2010 Dodd-Frank Act amendments to HMDA direct the Bureau to develop regulations that modify or require modification of the public HMDA data for the purpose of protecting consumer privacy interests. The Bureau's 2015 HMDA rule adopted a balancing test to determine whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purpose. The Bureau in 2018 issued final policy guidance applying the test to current data fields and announced its intention to conduct a notice-and-comment rulemaking to seek further input on the public release going forward. Commencing a notice-and-comment rulemaking will also enable the Bureau to adopt a more definitive approach to disclosing HMDA data to the public in future years after considering new information concerning the privacy risks and benefits of disclosure of the HMDA data. Given that the Bureau plans to issue an Advance Notice of Proposed Rulemaking on data points, the Bureau recognizes any potential modification of the data points may require the Bureau to update its application of the balancing test to the affected data. Thus, the Bureau has decided to engage in rulemaking activity so that data field coverage and privacy issues can be considered and resolved in coordination.

[4] ''Remittance rule assessment report'', available at *https://www.consumerfinance.gov/data-research/research-reports/remittance-rule-assessment report/*.

[5] ''2013 Ability-to-Repay and Qualified Mortgage Assessment Report'', available at *https://www.consumerfinance.gov/data-research/research-reports/2013-ability-repay-and-qualified-mortgage-assessment-report/*.

now focusing its attention on a regulatory provision that extends qualified mortgage status to loans that are eligible to be purchased or guaranteed by either Fannie Mae or Freddie Mac (which are often called the government sponsored entities or GSEs) while they operate under Federal conservatorship or receivership. The ''GSE patch'' provision is set to expire in January 2021, meaning that loans originated after that date would not be eligible for qualified mortgage status under its criteria. After further policy analysis on this issue, the Bureau will determine whether rulemaking or follow up activity is appropriate concerning the patch or other aspects of the ATR/QM rules.

As noted above, Bureau leadership is considering further prioritization and planning of the Bureau's rulemaking activities, both with regard to substantive projects and modifications to the processes that the Bureau uses to develop and review regulations. The Bureau is drawing on a wide range of sources in this process, including evaluation of projects and process improvements that have been listed or described in previous Bureau agendas, ideas gathered by an internal task force on burden reduction, suggestions submitted during the 2018 Call for Evidence initiative, and feedback the Bureau has received during its current listening tour. While this evaluation is underway, the Bureau has decided not to revise its current list of long-term projects other than the changes described above.

The Bureau is also actively reviewing existing regulations. For example, the Bureau will be conducting an assessment pursuant to section 1022(d) of the Dodd-Frank Act of its regulations to consolidate various mortgage origination disclosures under the Truth in Lending Act and Real Estate Settlement Procedures Act. The Bureau also expects to undertake reviews consistent with section 610 of the Regulatory Flexibility Act, of certain regulations which are believed to have a significant impact on a substantial number of small entities. The Bureau expects to publish its plan for conducting such review in the coming months.

Finally, as required by the Dodd-Frank Act, the Bureau is also continuing to monitor markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets. As discussed in a recent report by the Government Accountability Office, the Bureau's Division of Research, Markets, and Regulations and specifically its Markets Offices continuously monitor market developments and risks to consumers. The Bureau also has created a number of cross-Bureau working groups focused around specific markets which advance the Bureau's market monitoring work. Bureau leadership's listening tour also is seeking stakeholder feedback on these issues.

The Bureau expects by no later than the Fall 2019 Agenda to issue a more comprehensive statement of priorities to reflect this market monitoring and the Bureau's other activities discussed above.

Diane Thompson,

Acting Assistant Director for Regulations, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
256	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
257	Debt Collection Rule	3170–AA41

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

256. Business Lending Data (Regulation B)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected, maintained, and reported, including the number of the application and date the application was received; the type and purpose of the loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the Bureau to require any additional data that the Bureau determines would aid in fulfilling the purposes of this section. The Bureau issued a Request for Information in 2017 seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market, and the potential complexity, cost of, and privacy issues related to, small business data collection. The information received will help the Bureau determine how to implement the rule efficiently while minimizing burdens on lenders. The Bureau had moved this rulemaking to long-term action status in light of other responsibilities but is now in the process of reactivating it.

Timetable:

Action	Date	FR Cite
Request for Information.	05/15/17	82 FR 22318
Request for Information Comment Period End.	09/14/17	
Pre-rule Activity	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elena Grigera Babinecz, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Proposed Rule Stage

257. Debt Collection Rule

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1692l(d)

Abstract: The Bureau has been engaged in research and pre-rulemaking activities regarding debt-collection practices. Debt collection continues to be a top source of complaints to the Bureau. The Bureau has also received encouragement from industry and consumer groups to engage in rulemaking to address how to apply the 40-year old Fair Debt Collection Practices Act (FDCPA) to modern collection practices. The Bureau released an outline of proposals under consideration in July 2016, concerning practices by companies that are debt collectors under the FDCPA, in advance of convening a panel in August 2016, under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. The Bureau expects to issue a Notice of Proposed Rulemaking addressing such issues as communication practices and consumer disclosures by spring 2019.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/13	78 FR 67847
ANPRM Comment Period Extended.	01/14/14	79 FR 2384
ANPRM Comment Period End.	02/10/14	
ANPRM Comment Period Extended End.	02/28/14	
Pre-Rule Activity	07/28/16	
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristin McPartland, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA41

[FR Doc. 2019–11746 Filed 6–21–19; 8:45 am]

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Part XXIII

Consumer Product Safety Commission

Unified Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Division of the Secretariat on or before July 24, 2019.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and be emailed to: *cpsc–os@cpsc.gov.* Comments may also be mailed or delivered to the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact Adrienne Layton, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408 *alayton@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact,'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the fall 2018 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive orders, the Commission does follow Executive Order 12866 regarding the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

The internet is the basic means through which the Unified Agenda is disseminated. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Dated: March 4, 2019.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	Flammability Standard for Upholstered Furniture	3041–AB35
259	Regulatory Options for Table Saws	3041–AC31
260	Portable Generators	3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
261	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

258. Flammability Standard for Upholstered Furniture

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1193; 5 U.S.C. 801

Abstract: In October 2003, the Commission issued an advance notice of proposed rulemaking (ANPRM) to address the risk of fire associated with cigarette and small open-flame ignitions of upholstered furniture. The Commission published a notice of proposed rulemaking (NPRM) in March 2008, and received public comments. The Commission's proposed rule would require that upholstered furniture have cigarette-resistant fabrics or cigarette and open flame-resistant barriers. The proposed rule would not require flame-resistant chemicals in fabrics or fillings. Since the Commission published the NPRM, CPSC staff has conducted testing of upholstered furniture, using both full-scale furniture and bench-scale models, as proposed in the NPRM. In FY 2016, staff was directed to prepare a briefing package summarizing the feasibility of adopting California's Technical Bulletin 117–2013 (TB 117–2013) as a mandatory standard. Staff submitted this briefing package to the Commission in September 2016 with staff suggestions to continue developing the ASTM and NFPA voluntary standards. In the FY 2017 Operating Plan, the Commission directed staff to work with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), as well as voluntary standards development organizations, to improve upon and further refine the technical aspects of TB 117–2013.

Currently, staff is working with voluntary standards organizations, both ASTM and NFPA, and BEARHFTI to evaluate new provisions and improve the existing consensus standards related to upholstered furniture flammability. Depending upon progress of the various standards, in FY 2019, staff plans to prepare a status briefing package on recent activities.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame-Retardant Chemicals.	03/17/98	63 FR 13017
Meeting Notice	03/20/02	67 FR 12916
Notice of Public Meeting.	08/27/03	68 FR 51564
Public Meeting	09/24/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End.	12/22/03	
Staff Held Public Meeting.	10/28/04	
Staff Held Public Meeting.	05/18/05	
Staff Sent Status Report to Commission.	01/31/06	
Staff Sent Status Report to Commission.	11/03/06	
Staff Sent Status Report to Commission.	12/28/06	
Staff Sent Options Package to Commission.	12/22/07	
Commission Decision to Direct Staff to Prepare Draft NPRM.	12/27/07	
Staff Sent Draft NPRM to Commission.	01/22/08	
Commission Decision to Publish NPRM.	02/01/08	
NPRM	03/04/08	73 FR 11702
NPRM Comment Period End.	05/19/08	
Staff Published NIST Report on Standard Test Cigarettes.	05/19/09	
Staff Publishes NIST Report on Standard Research Foam.	09/14/12	
Notice of April 25 Public Meeting and Request for Comments.	03/20/13	78 FR 17140
Staff Holds Upholstered Furniture Fire Safety Technology Meeting.	04/25/13	
Comment Period End.	07/01/13	
Staff Sends Briefing Package to Commission on California's TB 117–2013.	09/08/16	
Staff Sends Status Briefing Package to the Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Lock, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2099, *Email: alock@cpsc.gov.*

RIN: 3041–AB35

259. Regulatory Options for Table Saws

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2051

Abstract: On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) Identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives; and (3) invite comments from the public. An ANPRM was published on October 11, 2011. The comment period ended on February 10, 2012. Staff participated in the Underwriters Laboratories (UL) working group to develop performance requirements for table saws, conducted performance tests on sample table saws, conducted survey work on blade guard use, and evaluated comments to the ANPRM. Staff prepared a briefing package with a notice of proposed rulemaking (NPRM) and submitted the package to the Commission on January 17, 2017. The Commission voted to publish the NPRM, and the comment period for the NPRM closed on July 26, 2017. Public oral testimony to the

Commission was heard on August 9, 2017. Staff conducted a study of table saw incidents that occurred and were reported through the National Electronic Injury Surveillance System (NEISS) between January 1, 2017, and December 31, 2017. Staff prepared a report summarizing the 2017 study findings. On December 4, 2018, a notice of availability of the 2017 study was published in the **Federal Register**. Staff will prepare a status briefing package on table saws to the Commission in FY 2019.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
ANPRM Comment Period End.	12/12/11	
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sent 2017 NEISS Table Saw Special Study to Commission.	11/13/18	
Notice of Availability of 2017 NEISS Table Saw Special Study.	12/04/18	83 FR 62561
Staff Sends a Status Briefing Package on Table Saws to Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC31

260. Portable Generators

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2051

Abstract: On December 5, 2006, the Commission voted to issue an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discusses regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. The ANPRM was published in the **Federal Register** on December 12, 2006. Staff reviewed public comments and conducted technical activities. In FY 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also in FY 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. NIST's test house, a double-wide manufactured home, is designed for conducting residential indoor air quality (IAQ) studies, and the scenarios tested are typical of those involving consumer fatalities. These tests provide empirical data on CO accumulation in the garage and infiltration into the house; staff used these data to evaluate the efficacy of the prototype in reducing the risk of fatal or severe CO poisoning. Under this IAG, NIST also modeled the CO infiltration from the garage under a variety of other conditions, including different ambient conditions and longer generator run times. In FY 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. In 2011, staff prepared a package containing staff and contractor reports on the technology demonstration of the low CO emission prototype portable generator. This included, among other staff reports, a summary of the prototype development and durability results, as well as end-of-life emission test results performed on the generator by an independent emissions laboratory. Staff's assessment of the ability of the prototype to reduce the CO poisoning hazard was also included. In September 2012, staff released this package and solicited comments from stakeholders.

In October 2016, staff delivered a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission. In November 2016, the Commission voted to approve the NPRM. The notice was published in the **Federal Register** on November 21, 2016, with a comment period deadline of February 6, 2017. In December 2016, the Commission voted to extend the comment period until April 24, 2017, in response to a request to extend the comment period an additional 75 days. The Commission held a public hearing on March 8, 2017, to provide an opportunity for stakeholders to present oral comments on the NPRM.

Two voluntary standards now include requirements intended to address the CO poisoning hazard. In FY 2019 CPSC will solicit public comments on staff's plans to assess the effectiveness of those voluntary standards.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
Staff Sends NPRM Briefing Package to Commission.	10/05/16	
NPRM	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Notice of Availability to the Commission.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2293, *Email: jbuyer@cpsc.gov.*

RIN: 3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

261. Recreational Off-Road Vehicles

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. Congress directed in fiscal year 2016 and reaffirmed in subsequent fiscal year appropriations that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the CPSC in the **Federal Register** on November 19, 2014 (79 FR 68964), (ROV NPRM) until after the National Academy of Sciences completes a study to determine specific information as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package in FY 2015 and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1–2016 and ANSI/OPEI B71.9–2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. Staff continues to monitor and participate in voluntary standards activity related to ROVs.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in FEDERAL REGISTER.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff is Evaluating Voluntary Standards.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov.*

RIN: 3041–AC78

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Part XXIV

Federal Communications Commission

Unified Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2019

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at *www.reginfo.gov.*

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

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 17–289,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
262	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
263	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
264	Consumer Information, Disclosure, and Truth in Billing and Billing Format (CC Docket No. 98–170; CG Docket No. 09–158; WC Docket No. 04–36).	3060–AI61
265	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
266	Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59)	3060–AK62

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
267	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
268	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
269	Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
270	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
271	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30
272	Encouraging the Provision of New Technologies and Services to the Public (GN Docket No. 18–22)	3060–AK80
273	Spectrum Horizon (ET Docket No. 18–21)	3060–AK81
274	Amendment of Parts 1, 2, 15, 90, and 95 of the Commission's Rules to Permit Radar Services in the 76–81 GHz Band (ET Docket No. 15–26).	3060–AK82

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
275	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
276	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
277	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408.	3060–AK59

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
278	Cable Television Rate Regulation	3060–AF41
279	Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05–311).	3060–AI69
280	Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 and 17–289)	3060–AJ27
281	Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
282	Electronic Delivery of MVPD Communications (MB Docket No. 17–317)	3060–AK70
283	2018 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules (MB Docket 18–349).	3060–AK77
284	Children's Television Programming Rules (MB Docket 18–202)	3060–AK78
285	Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference (MB Docket 18–119).	3060–AK79

MEDIA BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
286	Broadcast Ownership Rules	3060–AH97

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
287	Assessment and Collection of Regulatory Fees	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
288	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114.	3060–AG60
289	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
290	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87.	3060–AK19
291	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
292	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
293	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
294	Wireless Emergency Alerts (WEA); PS Docket No. 15–91	3060–AK54
295	Blue Alert EAS Event Code	3060–AK63

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
296	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
297	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
298	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
299	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
300	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
301	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268).	3060–AJ82
302	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
303	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
304	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
305	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
306	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258	3060–AK12
307	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
308	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28
309	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112	3060–AK44
310	Transforming the 2.5 GHz Band	3060–AK75
311	Expanding Flexible Use of the 3.7 to 4.2 GHz Band; GN Docket No. 18–122	3060–AK76

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
312	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115).	3060–AG43
313	Numbering Resource Optimization	3060–AH80
314	Jurisdictional Separations	3060–AJ06
315	Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
316	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
317	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
318	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
319	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
320	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28).	3060–AK21
321	Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
322	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
323	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

262. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 227

Abstract: In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on: Robocalls (calls using an automatic telephone dialing system an, ''autodialer,'' a prerecorded or an artificial voice), telemarketing calls, and unsolicited fax advertisements.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Thornton, Associate Division Chief, Federal

Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2467, *Email: kristi.thornton@fcc.gov.*

RIN: 3060–AI14

263. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding continues the Commission's inquiry into improving the quality of telecommunications relay service (TRS) and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM	11/08/15	80 FR 72029
FNPRM Comment Period End.	01/01/16	
Public Notice	01/20/16	81 FR 3085
Public Notice Comment Period End.	02/16/16	
R&O	03/21/16	81 FR 14984
FNPRM	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
NOI and FNPRM	04/12/17	82 FR 17613
NOI and FNPRM Comment Period End.	05/30/17	
R&O	04/13/17	82 FR 17754
R&O	04/27/17	82 FR 19322
FNPRM	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/11/17	
R&O	06/23/17	82 FR 28566
Public Notice	07/21/17	82 FR 33856
Public Notice—Correction.	07/25/17	82 FR 34471
Public Notice Comment Period End.	07/31/17	

Action	Date	FR Cite
Public Notice—Correction Comment Period End.	08/17/17	
R&O	08/22/17	82 FR 39673
Announcement of Effective Date.	10/17/17	82 FR 48203
Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
Oppositions Due Date.	11/20/17	
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM	07/18/18	83 FR 33899
FNPRM Comment Period End.	11/15/18	
Public Notice	08/23/18	83 FR 42630
Public Notice Opposition Period End.	09/17/18	
Announcement of Effective Date.	02/04/19	84 FR 1409
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI15

264. Consumer Information, Disclosure, and Truth in Billing and Billing Format (CC Docket No. 98–170; CG Docket No. 09–158; WC Docket No. 04–36)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In these dockets, the Commission examines issues concerning consumer confusion related to billing for telecommunications services. It has considered and adopted rules and policies ensuring truth-in-billing and addressing ''cramming,'' the unlawful placement of unauthorized charges on a telephone bill.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354
NPRM	08/14/17	82 FR 37830
NPRM Comment Period End.	09/13/17	
Inactive per Maura McGowan.	09/27/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica McMahon, Attorney Advisor, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0346, *Email: erica.mcmahon@fcc.gov*.

RIN: 3060–AI61

265. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The Federal Communications Commission (FCC) initiated this proceeding in its effort to ensure that Internet-Protocol Captioned Telephone Service (IP CTS) is available for eligible users only. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM	07/18/18	83 FR 33899
Public Notice	08/23/18	83 FR 42630
Public Notice Opposition Period End.	09/07/18	
FNPRM Comment Period End.	11/15/18	
Announcement of Effective Date.	02/04/19	84 FR 1409
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AK01

266. Advanced Methods To Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201 and 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

Abstract: The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17–59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing; whether to allow

carriers to block calls based on their own analyses of which calls are likely to be unlawful; and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers who did not consent to such calls.

Timetable:

Action	Date	FR Cite
NPRM/NOI	05/17/17	82 FR 22625
2nd NOI	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM	01/08/18	83 FR 770
R&O	01/12/18	83 FR 1566
2nd FNPRM	04/23/18	83 FR 17631
2nd FNPRM Comment Period End.	06/07/18	
2nd FNPRM Reply Comment Period End.	07/09/18	
2nd R&O (release date).	12/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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Karen Schroeder, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0654, *Email: karen.schroeder@fcc.gov*.

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RIN: 3060–AK62

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

267. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services. (This unused TV spectrum is often termed ''white spaces.'') This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid and, if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AI52

268. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary fixed and mobile allocations to the existing mobile-satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for stand-alone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access. In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust

mobile satellite service capabilities. First, the Commission adds co-primary fixed and mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AJ46

269. Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space-related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9 to 400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.,* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AK09

270. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new

and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Memorandum, Opinion & Order.	06/29/16	81 FR 42264
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax*: 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AK10

271. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiated a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction Report and Order, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

In the Report and Order, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high-quality content that consumers demand and value. In particular, the Commission provide additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and the Commission provide new opportunities for wireless microphone operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

In the Order on Reconsideration, we address the four petitions for reconsideration of the Wireless Microphones R&O concerning licensed wireless microphone operations in the TV bands, the 600 MHz duplex gap'' and several other frequency bands, as well as three petitions for reconsideration of the TV bands part 15 R&O concerning unlicensed wireless microphone operations in the TV bands, the 600 MHz guard bands and duplex gap, and the 600 MHz service band. Because these petitions involve several overlapping technical and operational issues concerning wireless microphones, we consolidate our consideration of them in this one order.

In the Further Notice, we propose to permit certain professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and that meet certain criteria to obtain a part 74 license to operate in the TV bands (and the 600 MHz service band during the post-auction transition period), thereby allowing them to register in the white spaces databases for interference protection from unlicensed white space devices at venues where their events/productions are performed. In addition, we propose to permit these same users, based on demonstrated need, also to obtain a part 74 license to operate on other bands available for use by part 74 wireless microphone licensees provided that they meet the applicable requirements for operating in those bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
R&O	11/17/15	80 FR 71702
FNPRM	09/01/17	82 FR 41583
Order on Recon	09/01/17	82 FR 41549
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Murray, Attorney Advisor, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0688, *Fax:* 202 418–7447, *Email: paul.murray@fcc.gov*.

RIN: 3060–AK30

272. • Encouraging the Provision of New Technologies and Services to the Public (GN Docket No. 18–22)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(3)

Abstract: In this proceeding, we seek to establish rules describing guidelines and procedures to implement the stated policy goal of section 7 to encourage the provision of new technologies and services to the public. Although the forces of competition and technological growth work together to enable the development and deployment of many new technologies and services to the public, the Commission has at times been slow to identify and take action to ensure that important new technologies or services are made available as quickly as possible. The Commission has sought to overcome these impediments by streamlining many of its processes, but all too often regulatory delays can adversely impact newly proposed technologies or services.

Timetable:

Action	Date	FR Cite
NPRM	04/04/18	83 FR 14395
Comment Period End.	05/04/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Murray, Attorney Advisor, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0688, *Fax:* 202 418–7447, *Email: paul.murray@fcc.gov*.

RIN: 3060–AK80

273. • Spectrum Horizon (ET Docket No. 18–21)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 310; 47 U.S.C. 332; Section 76 of 1996 Telecom Act, As Amended, 47 U.S.C. 302 & Section 1.411

Abstract: In this proceeding, we seek to implement a plan to make the spectrum above 95 GHz more readily accessible for new innovative services and technologies. Throughout its history, when the Commission has expanded access to what was thought to be the upper reaches of the usable spectrum, new technological advances have emerged to push the boundary of usable spectrum even further. The frequencies above 95 GHz are today's spectrum horizons. The Notice sought comment on proposed rules to permit licensed fixed point-to-point operations in a total of 102.2 gigahertz of spectrum; on making 15.2 gigahertz of spectrum available for unlicensed use; and on creating a new category of experimental licenses to increase opportunities for entities to develop new services and technologies from 95 GHz to 3 THz with no limits on geography or technology.

Timetable:

Action	Date	FR Cite
NPRM	04/02/18	83 FR 13888
ANPRM Comment Period End.	05/02/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Ha, Deputy Division Chief, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 201 418–2099, *Email: michael.ha@fcc.gov.*

RIN: 3060–AK81

274. • Amendment of Parts 1, 2, 15, 90, and 95 of the Commission's Rules To Permit Radar Services in the 76–81 GHZ Band (ET Docket No. 15–26)

E.O. 13771 Designation: Independent agency

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303(f)

Abstract: In this *Report and Order,* we establish a flexible and streamlined regulatory framework for radar applications that will operate within the 76–81 GHz band. Specifically, we give vehicular radars and certain airport-based radars protection from harmful interference as well as a contiguous five gigahertz allocation, facilitating the development and deployment of new safety devices. Doing so also harmonizes our rules with international efforts to create a global allocation for vehicular radars, while promoting efficient use of spectrum by consolidating such radars into a single band. In addition, we establish a comprehensive and consistent set of rules and policies to govern the operation of vehicular radars and certain airport-based radars in the 76–81 GHz band.

Timetable:

Action	Date	FR Cite
NPRM	03/06/15	80 FR 12120
NPRM Comment Period End.	04/06/15	
R&O	09/20/17	82 FR 43865
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov.*

RIN: 3060–AK82

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

275. International Settlements Policy Reform (IB Docket No. 11–80)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: The FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In 2011, the FCC released an NPRM that proposed to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposed to remove the ISP from all international routes except Cuba. Second, the FCC sought comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. In 2012, the FCC adopted a Report and Order that eliminated the ISP on all routes, but maintained the nondiscrimination requirement of the ISP on the U.S.-Cuba route and codified it at 47 CFR 63.22(f). In the Report and Order, the FCC also adopted measures to protect U.S. consumers from anticompetitive conduct by foreign carriers. In 2016, the FCC released an FNPRM seeking comment on removing the discrimination requirement on the U.S.-Cuba route.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
FNPRM	03/04/16	81 FR 11500
FNPRM Comment Period End.	04/18/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Assoc. Chief, Telecommunications & Analysis Division, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7443, *Fax:* 202 418–2824, *Email: david.krech@fcc.gov.*

RIN: 3060–AJ77

276. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to initiate a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised more

than 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposed additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards. Following the FNPRM, the Commission issued a Second Report and Order adopting most of its proposals in the FNPNRM. Among other changes, the Commission established a two-step licensing procedure for most geostationary satellite applicants to facilitate international coordination, simplified the satellite development milestones, adopted an escalating bond requirement to discourage speculation, and refined the two-degree orbital spacing policy for most geostationary satellites to protect existing services. In addition, in May 2016, the International Bureau published a Public Notice inviting comment on the appropriate implementation schedule for a Carrier Identification requirement adopted in the first Report and Order in this proceeding. In July 2017, the Commission adopted a waiver of the Carrier Identification requirement for certain earth stations that cannot be suitably upgraded.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	02/13/13	
Report and Order	02/12/14	79 FR 8308
FNPRM	10/31/14	79 FR 65106
FNPRM Comment Period End.	03/02/15	
Public Notice	05/31/16	81 FR 34301
2nd R&O	08/18/16	81 FR 55316
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AJ98

277. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The proposed changes would, among other things, provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems.

Timetable:

Action	Date	FR Cite
NPRM	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
FNPRM	11/15/17	82 FR 52869
R&O	12/18/17	82 FR 59972
FNPRM Comment Period End.	01/02/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AK59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

278. Cable Television Rate Regulation

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 543

Abstract: The Commission has adopted rate regulations to implement section 623 of the 1992 Cable Act to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment.

Timetable:

Action	Date	FR Cite
NPRM	01/04/93	58 FR 48
R&O and FNPRM	05/21/93	58 FR 29736
MO&O and FNPRM.	08/18/93	58 FR 43816
Third R&O	11/30/93	58 FR 63087
Order on Recon, Fourth R&O, and Fifth NPRM.	04/15/94	59 FR 17943
Third Order on Recon.	04/15/94	59 FR 17961
Fifth Order on Recon and FNPRM.	10/13/94	59 FR 51869
Fourth Order on Recon.	10/21/94	59 FR 53113
Sixth Order on Recon, Fifth R&O, and Seventh NPRM.	12/06/94	59 FR 62614
Seventh Order on Recon.	01/25/95	60 FR 4863
Ninth Order on Recon.	02/27/95	60 FR 10512
Eighth Order on Recon.	03/17/95	60 FR 14373
Sixth R&O and Eleventh Order on Recon.	07/12/95	60 FR 35854
Thirteenth Order on Recon.	10/05/95	60 FR 52106
Twelfth Order on Recon.	10/26/95	60 FR 54815
Tenth Order on Recon.	04/08/96	61 FR 15388
Order on Recon of the First R&O and FNPRM.	04/15/96	61 FR 16447
MO&O	02/12/97	62 FR 6491
Report on Cable Industry Prices.	02/24/97	62 FR 8245
R&O	03/31/97	62 FR 15118
Fourteenth Order on Recon.	10/15/97	62 FR 53572
NPRM and Order	09/05/02	67 FR 56882
Inactive per Maura McGowan.	12/12/11	
FNPRM and R&O	11/27/18	83 FR 60804
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7037, *TDD Phone:* 202 418–7172, *Fax:* 202 418–1196, *Email: john.norton@fcc.gov.*

RIN: 3060–AF41

279. Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05–311)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 541(a)(1); 47 U.S.C. 556(c)

Abstract: Section 621(a)(1) of the Communications Act of 1934, as amended, states in relevant part that ''a franchising authority . . . may not unreasonably refuse to award an additional competitive franchise.'' This proceeding sought to implement section 621(a)(1)'s directive by examining whether the franchising process unreasonably impedes the achievement of the interrelated Federal goals of enhanced cable competition and accelerated broadband deployment and, if so, how the Commission should act to address that problem. The subsequent Report and Order found that certain actions by local franchising authorities constitute an unreasonable refusal to award a competitive franchise within the meaning of section 621(a)(1). The item included a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on how the findings should affect existing franchises. In the Second Report and Order, a number of the rules promulgated in this docket were extended to incumbent cable operators. The 2nd FNPRM addressed two issues raised by a remand from the U.S. Court of Appeals for the Sixth Circuit concerning how local franchising authorities may regulate cable operators and cable television services.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 73973
NPRM Comment Period End.	02/13/06	
R&O and FNPRM	03/21/07	72 FR 13230
FNPRM Comment Period End.	04/20/07	
Second R&O	11/23/07	72 FR 65670
Inactive per Maura McGowan.	12/12/11	
2nd FNPRM	10/15/18	83 FR 51911
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Holly Saurer, Associate Chief, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7283, *Fax:* 202 418–1069, *Email: holly.saurer@fcc.gov.*

RIN: 3060–AI69

280. Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 and 17–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. In 2016, the Commission made improvements to the collection of data reported on Forms 323 and 323–E. On reconsideration in 2017, the Commission provided NCE filers with alternative means to file required Form 323–E without submitting personal information.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. The Commission addressed the remand in the 2016 Second Report and Order in the Broadcast Ownership proceeding. The Commission developed a revenue-based definition of eligible entity in order to promote small business participation in the broadcast industry. The Commission failed to adopt a race or gender conscious eligible entity standard. The Commission found the record was not sufficient to satisfy the constitutional standards to adopt race or gender conscious measures. In 2018, the Commission established the requirements that will govern an incubator program to promote ownership diversity.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
R&O	04/04/16	81 FR 19432
2nd R&O	11/01/16	81 FR 76220
Order on Recon	05/10/17	82 FR 21718
NPRM	01/08/18	83 FR 774
R&O	08/28/18	83 FR 43773
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2486, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AJ27

281. Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission seeks to authorize television broadcasters to use the ''Next Generation'' ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

The FNPRM sought comment on three topics: (1) Issues related to the local simulcasting requirement, (2) whether to let broadcasters use vacant channels in the broadcast band, and (3) the import of the Next Gen standard on simulcasting stations.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285

Action	Date	FR Cite
NPRM Comment Period End.	05/09/17	
FNPRM	12/20/17	82 FR 60350
R&O	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7142, *Email: evan.baranoff@fcc.gov*.

RIN: 3060–AK56

282. Electronic Delivery of MVPD Communications (MB Docket No. 17–317)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C., sec. 151

Abstract: In this proceeding, the Commission addresses ways to modernize certain notice provisions in part 76 of the Commission's rules governing multichannel video and cable television service. The Commission considers allowing various types of written communications from cable operators to subscribers to be delivered electronically. Additionally, the Commission considers permitting cable operators to reply to consumer requests or complaints by email in certain circumstances. The Commission also evaluates updating the requirement in the Commission's rules that requires broadcast television stations to send carriage election notices via certified mail.

Timetable:

Action	Date	FR Cite
NPRM	01/16/18	83 FR 2119
NPRM Comment Period End.	02/15/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov*.

RIN: 3060–AK70

283. • 2018 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules (MB Docket 18–349)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 257; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 403; sec. 202(h) of the Telecommunications Act

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its broadcast ownership rules every 4 years and to determine whether any such rules are necessary in the public interest as the result of competition. The rules subject to review in the 2018 quadrennial review are the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule. The Commission also sought comment on potential pro-diversity proposals including extending cable procurement requirements to broadcasters, adopting formulas aimed at creating media ownership limits that promote diversity, and developing a model for market-based, tradeable diversity credits to serve as an alternative method for setting ownership limits.

Timetable:

Action	Date	FR Cite
NPRM (release date).	12/13/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2486, *Email: brendan.holland@fcc.gov*.

RIN: 3060–AK77

284. • Children's Television Programming Rules (MB Docket 18–202)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 303; 47 U.S.C. 303b; 47 U.S.C. 307; 47 U.S.C. 336

Abstract: The Children's Television Act of 1990 (CTA) requires that the Commission consider, in its review of television license renewals, the extent to which the licensee has served the educational and informational needs of children through its overall programming, including programming specifically designed to serve such needs. The Commission adopted rules implementing the CTA in 1991, and revised these rules in 1996, 2004, and 2006. In this proceeding, the Commission proposes to revise the children's television programming rules to modify outdated requirements and to give broadcasters greater flexibility in serving the educational and informational needs of children.

Timetable:

Action	Date	FR Cite
NPRM	07/25/18	83 FR 35158
NPRM Comment Period End.	09/28/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Berthot, Attorney, Policy Division Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7454, *Email: kathy.berthot@fcc.gov*.

RIN: 3060–AK78

285. • Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference (MB Docket 18–119)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 319

Abstract: In this proceeding, the Commission proposes to streamline the rules relating to interference caused by FM translators and expedite the translator complaint resolution process. The rule changes are intended to limit or avoid protracted and contentious interference resolution disputes, provide translator licensees both additional flexibility to remediate interference and additional investment certainty, and allow earlier and expedited resolution of interference complaints by affected stations.

Timetable:

Action	Date	FR Cite
NPRM	06/06/18	83 FR 26229
NPRM Comment Period End.	07/06/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christine Goepp, Attorney, Audio Div., Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7834, *Email: christine.geopp@fcc.gov*.

RIN: 3060–AK79

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Completed Actions

286. Broadcast Ownership Rules

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. Accordingly, every four years, the Commission undertakes a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The last review undertaken was the 2014 review. The Commission incorporated the record of the 2010 review and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule. In 2016, the Commission retained the existing rules with modifications to account for the digital television transition. Upon reconsideration, it repealed and modified several ownership rules. Specifically repealed were the newspaper/broadcast cross-ownership rule, the radio/television cross-ownership rule, and the attributions rule for television joint-sales agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
2nd R&O	11/01/16	81 FR 76220
Order on Reconsideration.	01/08/18	83 FR 733

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2486, *Email: brendan.holland@fcc.gov*.

RIN: 3060–AH97

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

287. Assessment and Collection of Regulatory Fees

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the Federal Communications Commission to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	06/06/17	82 FR 26019
R&O	09/22/17	82 FR 44322
NPRM	06/14/18	83 FR 27846
NPRM Comment Period End.	06/21/18	
R&O	09/18/18	83 FR 47079
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov*.

RIN: 3060–AK64

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

288. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The public notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov*.

RIN: 3060–AG60

289. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic

location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov.*

RIN: 3060–AJ52

290. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769–775 and 799–805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321
Final Rule Effective.	01/02/15	
FNPRM	09/29/16	81 FR 65984
Order on Recon	09/29/16	81 FR 66830
2nd R&O and Order on Recon.	07/30/18	83 FR 30364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

291. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/31/16	81 FR 75368
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AK39

292. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order (R&O) extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also Dockets 11–82 & 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
FNPRM Comment Period End.	09/12/16	
Order Denying Reply Comment Deadline Extension Request.	09/18/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK40

293. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154 and 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with states, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see Dockets 11–82 & 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK41

294. Wireless Emergency Alerts (WEA); PS Docket No. 15–91

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: This proceeding was initiated to improve Wireless Emergency Alerts (WEA) messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order	11/01/16	81 FR 75710
FNPRM	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Petition for Recon	12/19/16	81 FR 91899
Order on Recon	12/04/17	82 FR 57158
2nd R&O and 2nd Order on Recon.	02/28/18	83 FR 8619
Public Notice	04/26/18	83 FR 18257
Public Notice Comment Period End.	05/29/18	
Public Notice Reply Comment Period End.	06/11/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth Cuttner, Attorney Advisor, Policy and Licensing Div, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2145, *Email: elizabeth.cuttner@fcc.gov.*

RIN: 3060–AK54

295. Blue Alert EAS Event Code

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 303(r) and (v); 47 U.S.C. 307; 47 U.S.C. 309 ; 47 U.S.C. 335; 47 U.S.C. 403; 47 U.S.C. 544(g); 47 U.S.C. 606 and 615

Abstract: In 2015, Congress adopted the Blue Alert Act to help the States provide effective alerts to the public and law enforcement when police and other law enforcement officers are killed or are in danger. To ensure that these state plans are compatible and integrated throughout the United States as envisioned by the Blue Alert Act, the Blue Alert Coordinator made a series of recommendations in a 2016 Report to Congress. Among these recommendations, the Blue Alert Coordinator identified the need for a dedicated EAS event code for Blue Alerts, and noted the alignment of the EAS with the implementation of the Blue Alert Act. On June 22, 2017, the FCC released an NPRM proposing to revise the EAS rules to adopt a new event code, which would allow transmission of ''Blue Alerts'' to the public over the EAS, and thus satisfy the stated need for a dedicated EAS event code. On December 14, 2017, the Commission released an Order adopting a new Blue Alert EAS Code-BLU. EAS participants must be able to implement the BLU code by January 19, 2019. BLU alerts must be available to wireless emergency alerts by July, 2019.

Timetable:

Action	Date	FR Cite
NPRM	06/30/17	82 FR 29811
NPRM Comment Period End.	07/31/17	
NPRM Reply Comment Period End.	08/29/17	
Order	12/14/18	83 FR 2557
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Pintro, Attorney Advisor, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 21043, *Phone:* 202 418–7490, Email: *linda.pintro@fcc.gov.*

RIN: 3060–AK63

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

296. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
R&O	12/12/18	83 FR 63806
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

297. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ47

298. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund, which the Commission is implementing in two phases. Mobility Fund Phase I consisted of two reverse auctions that provided initial infusions of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable. The Mobility Fund Phase II (MF–II) reverse auction aims to provide support funds over a 10-year term to support build-out of current and next-generation wireless infrastructure in areas where unsubsidized services are unavailable. MF–II began with a one-time collection of existing wireless broadband coverage data from current providers to determine the areas in which qualified service has been deployed, which data was used to create a map of areas presumptively eligible for MF–II support. Entities could challenge asserted unsubsidized 4G LTE coverage through the Mobility Fund Phase II challenge process, and providers may file response data countering challenges. The results of the challenge process will determine the final list of areas eligible for funding through the MF–II auction.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction	04/04/17	82 FR 16297
Order on Recon and 2nd R&O.	09/08/17	82 FR 42473
2nd Order on Recon.	04/25/18	83 FR 17934
Order and MO&O	08/30/18	83 FR 44241
NPRM	08/30/18	83 FR 44254
3rd R&O	03/06/19	84 FR 8003
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audra Hale-Maddox, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2109, *Email: audra.hale-maddox@fcc.gov.*

RIN: 3060–AJ58

299. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps making additional spectrum available for new investment in mobile broadband networks, while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth soon will test the limits of spectrum availability. Some 90 megahertz of spectrum, allocated to the Mobile Satellite Service (MSS) in the 2 GHz band, Big LEO band, and L-band,

are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1380, *Email: blaise.scinto@fcc.gov.*

RIN: 3060–AJ59

300. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 Mhz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307 to 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Inactive per Maura McGowan.	03/20/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Chang, Associate Chief, Mobility Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1339, *Fax:* 202 418–7447, *Email: linda.chang@fcc.gov.*

RIN: 3060–AJ71

301. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the incentive auction consist of a reverse auction ''to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that would allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elected to voluntarily participate in the auction had three basic options: voluntarily go off the air, share spectrum, or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014, the Commission adopted a Report and Order that laid out the general framework for the incentive auction. The incentive auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees that had submitted timely and complete applications. The incentive auction officially ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which full power and Class A television stations will transition their stations to their post-auction channel assignments in the reorganized television bands. Pursuant to Congress' directive, the Commission will reimburse those stations for the reasonable costs associated with relocating to their post-auction channel assignments and will reimburse multichannel video programming distributors for their costs associated with continuing to carry the signals of those stations.

The March 2018 Consolidated Appropriations Act (Pub. L. 115–141, 132 Stat. 348 (2018)) authorizes the Commission to reimburse eligible entities for costs associated with the post-incentive auction transition through July 3, 2023, and also directed the Commission to reimburse costs reasonably incurred by low power television stations, TV translator stations, and FM broadcast stations as a result of the post-auction reorganization of the television band. The Commission will initiate a new rulemaking to establish eligibility requirements and develop procedures for reimbursing these additional entities, and to identify reasonable costs for reimbursement. The Notice of Proposed Rulemaking and Order was adopted at the Commission's August 2018 meeting. A Report and Order has been circulated for consideration at the Commission's March 2019 meeting.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Final Rule	10/11/17	82 FR 47155

Action	Date	FR Cite
NPRM	08/27/18	83 FR 43613
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Eberle, Senior Counsel, Incentive Auctions Task Force, Federal Communications Commission, 445 12th Street, Washington, DC 20554, *Phone:* 202 418–2248, *Email: charles.eberle@fcc.gov.*

RIN: 3060–AJ82

302. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the Nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step to implement the congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) to grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding, Â—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, aiming to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ86

303. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
2nd R&O and 2nd FNPRM.	03/23/18	83 FR 17131
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney Advisor, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7090, *Email: amanda.huetinck@fcc.gov.*

RIN: 3060–AJ87

304. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 AND 09–42)

E.O. 13771 Designation: Independent agency.

Legal Authority: 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment (commonly referred to as ''squitters'') to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O	03/01/13	78 FR 61023
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AJ88

305. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

Abstract: In the Report and Order, the Commission addresses the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminates certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems.

In the Further Notice, the Commission seeks comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also seeks comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM	05/18/17	82 FR 22780
R&O	05/18/17	82 FR 22742
Final Rule Effective (Except for Rules Requiring OMB Approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035 (o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(r).	02/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov.*

RIN: 3060–AK06

306. Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j) ; 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The Report and Order and Second Further Notice of Proposed Rulemaking (NPRM) adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1613, *Email: paul.powell@fcc.gov.*

RIN: 3060–AK12

307. 800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to 154(j); 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 332

Abstract: The proceeding was launched to revisit and update rules governing the 800 MHz Cellular Radiotelephone Service (Cellular Service). On November 10, 2014, the FCC released a Report and Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM). In the R&O, the FCC eliminated or streamlined numerous regulatory requirements; in the FNPRM, the FCC sought comment on additional reforms of the Cellular rules, including radiated power and other technical rules, to promote flexibility and help foster deployment of new technologies such as LTE. On March 24, 2017, the FCC released a Second Report and Order (2d R&O) and Second Further Notice of Proposed Rulemaking (2d FNPRM). In the 2d R&O, the FCC revised the Cellular radiated power rules to permit compliance with limits based on power spectral density as an option for licensees deploying wideband technologies such as LTE, made conforming revisions to related technical rules, and adopted additional licensing reforms. In the 2d FNPRM, the FCC sought comment on other measures to give Cellular and other part 22 commercial mobile radio service licensees more flexibility and administrative relief, and on ways to consolidate and simplify the rules for the Cellular Service and other geographically licensed wireless services. On July 13, 2018, the FCC released a Third Report and Order in which it deleted certain part 22 rules that imposed needless recordkeeping and reporting obligations; it also deleted certain Cellular Service-specific and part 22 rules that are duplicative of other rules and are thus no longer necessary. These revisions reduce regulatory burdens for Cellular and other part 22 licensees and provide them with enhanced flexibility, thereby freeing up more resources for investment in new technologies and greater spectrum efficiency to meet increasing consumer demand for advanced wireless services.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79 FR 76268
Final Rule Effective (With 3 Exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	
FNPRM Reply Comment Period End.	02/20/15	
2nd R&O	04/12/17	82 FR 17570
2nd FNPRM	04/14/17	82 FR 17959

Action	Date	FR Cite
Final Rule Effective (With 9 Exceptions).	05/12/17	
2nd FNPRM Comment Period End.	05/15/17	
2nd FNPRM Reply Comment Period End.	06/14/17	
3rd R&O	08/02/18	83 FR 37760
Final Rule Effective (With 1 Exception).	09/04/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nina Shafran, Attorney Advisor, Wireless Bureau, Mobility Div., Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2781, *Email: nina.shafran@fcc.gov.*

RIN: 3060–AK13

308. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Order on Recon	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AK28

309. Use of Spectrum Bands Above 24 GHZ for Mobile Services—Spectrum Frontiers; WT Docket 10–112

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 and 302; 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
R&O	01/02/18	83 FR 37
FNPRM	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
R&O	07/20/18	83 FR 34478
FNPRM	07/20/18	83 FR 34520
FNPRM Comment Period End.	09/28/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AK44

310. Transforming the 2.5 GHZ Band

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301 and 302; 47 U.S.C. 304; 47 U.S.C. 307 to 310; 47 U.S.C. 1302

Abstract: The 2.5 GHz band (2496–2690 MHz) constitutes the single largest band of contiguous spectrum below 3 GHz and has been identified as prime spectrum for next generation mobile operations, including 5G uses. Significant portions of this band, however, currently lie fallow across approximately one-half of the United States, primarily in rural areas. Moreover, access to the Educational Broadband Service (EBS) has been strictly limited since 1995, and current licensees are subject to a regulatory regime largely unchanged from the days when educational TV was the only use envisioned for this spectrum. The Commission proposes to allow more efficient and effective use of this spectrum band by providing greater flexibility to current EBS licensees as well as providing new opportunities for additional entities to obtain unused 2.5 GHz spectrum to facilitate improved access to next generation wireless broadband, including 5G. The Commission also seeks comment on additional approaches for transforming the 2.5 GHz band, including by moving directly to an auction for some or all of the spectrum.

Timetable:

Action	Date	FR Cite
NPRM	06/07/18	83 FR 26396
NPRM Comment Period Extended.	06/21/18	83 FR 31515
NPRM Comment Period End.	09/07/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AK75

311. • Expanding Flexible Use of the 3.7 to 4.2 GHZ Band; GN Docket No. 18–122

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301 to 304 ; 47 U.S.C. 307 to 310; 47 U.S.C. 1302; . . .

Abstract: In this proceeding, the Commission is pursuing the joint goals of making spectrum available for new wireless uses while balancing desired speed to the market, efficiency of use, and effectively accommodating incumbent Fixed Satellite Service (FSS) and Fixed Service (FS) operations in the band. To gain a clearer understanding of the operations of current users in the band, the Commission collects information on current FSS uses. The Commission then seeks comment on various proposals for transitioning all or part of the band for flexible use, terrestrial mobile spectrum, with clearing for flexible use beginning at 3.7 GHz and moving higher up in the band as more spectrum is cleared. The Commission also seeks comment on potential changes to the Commission's rules to promote more efficient and intensive fixed use of the band on a shared basis starting in the top segment of the band and moving down the band. To add a mobile, except aeronautical mobile, allocation and to develop rules that would enable the band to be transitioned for more intensive fixed and flexible uses, the Commission encourages commenters to discuss and quantify the costs and benefits associated with any proposed approach along with other helpful technical or procedural details.

Timetable:

Action	Date	FR Cite
NPRM	08/29/18	83 FR 44128
NPRM Comment Period End.	11/27/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AK76

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

312. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon ..	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice	07/13/12	77 FR 35336
Final Rule	09/21/17	82 FR 44188
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, Fax: 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AG43

313. Numbering Resource Optimization

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 *et seq.;* 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration.

In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering).

In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a 5-year term for the national pooling administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide 10-digit dialing, the Commission declined to adopt this measure at the present

time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include zero or one, or to grant State commissions the authority to implement the expansion of the ''D'' digit as a numbering resource optimization measure presently.

In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources. In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs) and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANP Administrator database for data pertaining to NPAs located within their State. The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers.

In NRO Third Order on Recon in CC Docket No. 99–200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99–200, and Second Further Notice of Proposed Rulemaking in CC Docket No, 95–116, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs are identified in the 1990 U.S. Census reports, as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs.

In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these States to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all States to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

In its 2013 Notice of Proposed Rulemaking, the Commission proposed to allow interconnected Voice over internet Protocol (VOIP) providers to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, subject to certain requirements. The Commission also sought comment on a forward-looking approach to numbers for other types of providers and uses, including telematics and public safety, and the benefits and number exhaust risks of granting providers other than interconnected VoIP providers direct access.

In its 2015 Report and Order, the Commission established an authorization process to enable interconnected VoIP providers that choose to obtain access to North American Numbering Plan telephone numbers directly from the North American Numbering Plan Administrator and/or the Pooling Administrator (Numbering Administrators), rather than through intermediaries. The Order also set forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Specifically, the Commission required interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. The requirements included any State requirements pursuant to numbering authority delegated to the States by the Commission, as well as industry guidelines and practices, among others. The Commission also required

interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. In addition, as conditions to requesting and obtaining numbers directly from the Numbering Administrators, the Commission required interconnected VoIP providers to (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those States, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area. Finally, the Order also modified Commission's rules in order to permit VoIP Positioning Center providers to obtain pseudo-Automatic Number Identification codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Order	06/19/13	78 FR 36679
NPRM & NOI	06/19/13	78 FR 36725
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH80

314. Jurisdictional Separations

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations are the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and marketplace changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' Joint Board's recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission issued an Order and Further Notice of Proposed Rulemaking that extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission issued a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission issued a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission issued a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission issued a Report and Order extending the separations freeze for an additional three years to June 2017.

In 2016, the Commission issued a Report and Order extending the separations freeze for an additional 18 months until January 1, 2018. In 2017, the Joint Board issued a Recommended Decision recommending changes to the part 36 rules designed to harmonize them with the Commission's previous amendments to its part 32 accounting rules. In February 2018, the Commission issued a Notice of Proposed Rulemaking proposing amendments to part 36 consistent with the Joint Board's recommendations. In October 2018, the Commission issued a Report and Order adopting each of the Joint Board's recommendations and amending the Part 36 consistent with those recommendations. In July 2018, the Commission issued a Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 15 years and to provide rate-of-return carriers that had elected to freeze their category relationships a time limited opportunity to opt out of that freeze. In December 2018, the Commission issued a Report and Order extending the freeze for up to six years until December 31, 2024, and granting rate-of-return carriers that had elected to freeze their category relationships a one-time opportunity to opt out of that freeze.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
R&O	06/02/17	82 FR 25535
Recommended Decision.	10/27/17	
NPRM	03/13/18	83 FR 10817
NPRM Comment Period End.	04/27/18	
NPRM Released	07/15/18	
NPRM Comment Period End.	09/10/18	
R&O	10/17/18	83 FR 63581
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ06

315. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
NPRM	08/24/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
NPRM Reply Comment Period End.	10/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ15

316. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ32

317. Rural Call Completion; WC Docket No. 13–39

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 262; 47 U.S.C. 403; 47 U.S.C. 251(a); 47 U.S.C. 64.111; 47 U.S.C. 2113

Abstract: The Second Report and Order re-orients our rural call completion rules to better reflect strategies that have worked to reduce rural call completion problems while at the same time reducing the overall burden of our rules on providers. The Second Report and Order adopts a new rule requiring ''covered providers''—entities that select the initial long-distance route for a large number of lines—to monitor the performance of the ''intermediate providers'' to which they hand off calls. The monitoring rule encourages covered providers to ensure that calls are completed, assigns clear responsibility for call completion issues, and enhances our ability to take enforcement action where needed to address persistent problems. To facilitate communication about problems that arise, the Second Report and Order requires covered providers to make available a point of contact to address rural call completion issues. The Order also eliminates the reporting requirement for covered providers established in 2013, concluding that the reporting rules were burdensome on covered providers, while the resulting Form 480 reports are of limited utility to us in discovering the source of rural call completion problems and a pathway to their resolution.

The Third FNPRM proposes and seeks comment on rules to implement the recently enacted RCC Act, which directs us to establish registration requirements and service quality standards for intermediate providers. The Third FNPRM also seeks comment on sunsetting the recording and retention rules established in 2013, and on further modification to our rural call completion rules. Per the RCC Act, the Commission must adopt rules establishing the registry by August 25, 2018, and rules establishing service quality standards by February 26, 2019.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11593
2nd FNPRM	07/27/17	82 FR 34911
2nd FNPRM Comment Period End.	08/28/17	
Reply Comment Period End.	09/25/17	
2nd Order	04/17/18	83 FR 21723
3rd FNPRM	04/17/18	83 FR 21983
3rd FNPRM Comment Period End.	06/04/18	
3rd FNPRM Reply Comment Period End.	06/19/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ89

318. Rates for Inmate Calling Services; WC Docket No. 12–375

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Second Report and Order, the Federal Communications

Commission adopted rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable, as required by statute, and limits ancillary service charges imposed by ICS providers. In the Second Report and Order, the Commission sets caps on all interstate and intrastate calling rates for ICS, establishes a tiered rate structure based on the size and type of facility being served, limits the types of ancillary services that ICS providers may charge for and caps the charges for permitted fees, bans flat-rate calling, facilitates access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposes reporting and certification requirements to facilitate continued oversight of the ICS market. In the Third Further Notice portion of the item, the Commission sought comment on ways to promote competition for ICS, video visitation, and rates for international calls, and considered an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amended its rate caps and the definition of ''mandatory tax or mandatory fee.''

On June 13, 2017, the D.C. Circuit vacated the rate caps adopted in the Second Report and Order, as well as reporting requirements related to video visitation. The court held that the Commission lacked jurisdiction over intrastate ICS calls and that the rate caps the Commission adopted for interstate calls were arbitrary and capricious. The court also remanded the Commission's caps on ancillary fees. On September 26, 2017, the court denied a petition for rehearing en banc. On December 21, 2017, the court issued two separate orders: one vacating the 2016 Order on Reconsideration insofar as it purports to set rate caps on inmate calling services,'' and one dismissing as moot challenges to the Commission's First Report and Order on ICS.

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK08

319. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219 and 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted an Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O	04/04/17	82 FR 20833
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK20

320. Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b)

Abstract: In December 2017, the Commission adopted the Restoring internet Freedom Declaratory Ruling, Report and Order, and Order (Restoring internet Freedom Order), which restored the light-touch regulatory framework under which the internet had grown and thrived for decades by classifying broadband internet access service as an information service. The Restoring internet Freedom Order ends title II

regulation of the internet and returns broadband internet access service to its long-standing classification as an information service; reinstates the determination that mobile broadband internet access service is not a commercial mobile service, and returns it to its original classification as a private mobile service; finds that transparency, internet Service Providers (ISPs) economic incentives, and antitrust and consumer protection laws will protect the openness of the internet, and that title II regulation is unnecessary to do so; and adopts a transparency rule similar to that in the 2010 Open internet Order, requiring disclosure of network management practices, performance characteristics, and commercial terms of service. Additionally, the transparency rule requires ISPs to disclose any blocking, throttling, paid prioritization, or affiliate prioritization; and eliminates the internet conduct standard and the bright-line conduct rules set forth in the 2015 title II Order.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK21

321. Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOl, and RFC) seeking input on a number of actions designed to accelerate: (1) The deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order (R&O), Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order took a number of actions. First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases access to infrastructure for certain types of broadband providers. Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandoned the 2014 ''functional test'' interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters.

On June 7,2018, the Commission adopted a Second Report and Order (Wireline Infrastructure Second Report and Order) taking further actions designed to expedite the transition from legacy networks and services to next generation networks and advanced services that benefit the American public and to promote broadband deployment by further streamlining the section 214(a) discontinuance rules, network change disclosure processes, and part 68 customer notification process.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order or the June Wireline Infrastructure Second Report and Order. It sought comment on changes to the Commission's pole attachment rules to: (1) Streamline the timeframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting state and local laws that inhibit broadband deployment. It also sought comment on whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that: (1) Proposed new backup power rules; (2) proposed new or revised rules for copper retirements and service discontinuances; and (3) adopted a functional test in determining what constitutes a service for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) Lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier's actions will discontinue service to a carrier-customer's retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and

(v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) Adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

On August 2, 2018, the Commission adopted a Third Report and Order and Declaratory Ruling (Wireline Infrastructure Third Report and Order) establishing a new framework for the vast majority of pole attachments governed by federal law by instituting a one-touch make-ready'' regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to promote coordination among parties and ensures that new attachers perform work safely and reliably. The Commission retained its multi-party pole attachment process for attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays. The Commission also improved its pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to overlash'' existing wires, thus maximizing the usable space on the pole; eliminating outdated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly-situated cable and telecommunications attachers; and clarifying that the Commission will preempt, on an expedited case-by-case basis, state and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster. The Commission also adopted a Declaratory Ruling that interpreted section 253(a) of the Communications Act to prohibit state and local express and *de facto* moratoria on the deployment of telecommunications services or facilities and directed the Wireline Competition and Wireless Telecommunications Bureaus to act promptly on petitions challenging specific alleged moratoria.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
NPRM	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	
FNPRM Reply Comment Period End.	02/16/18	
2nd R&O	07/09/18	83 FR 31659
3rd R&O	09/14/18	83 FR 46812
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, Phone: 202 418–1477, *Email: michele.berlove@fcc.gov*.

RIN: 3060–AK32

322. Numbering Policies for Modern Communications, WC Docket No. 13–97

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a State certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any State requirements pursuant to numbering authority delegated to the States by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) Provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK36

323. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries and rural healthcare facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Healthcare.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On April 19, 2018, the Commission decided the legacy support issue arising from the ongoing reform and modernization of the universal service fund and intercarrier compensation systems.

On May 29, 2018, the Commission approved additional funding to restore communications networks in Puerto Rico and the Virgin Islands and sought comment on almost $900 million in long-term funding for network expansion.

On June 25, 2018, the Commission addressed the current funding shortfall in the Rural Healthcare Program by raising the annual program budget cap to $571 million.

On January 31, 2019, the Commission temporarily waived the E-Rate amortization requirement and proposed to eliminate the requirement.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon	05/19/17	82 FR 22901
Order on Recon	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov*.

RIN: 3060–AK57

[FR Doc. 2019–11752 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XXV

Federal Reserve System

Unified Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2019, through October 31, 2019. The next agenda will be published in fall 2019.

DATES: Comments about the form or content of the agenda may be submitted any time during the next six months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2019 agenda as part of the Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into five sections. The first, Prerule Stage, reports on matters the Board is considering for future rulemaking. The second, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The fourth section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. And a fifth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Yao-Chin Chao,

Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
324	Reduced Reporting for Covered Depository Institutions (Docket No: R–1618)	7100–AF12
325	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68
326	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
327	Source of Strength **(Section 610 Review)**	7100–AE73

FEDERAL RESERVE SYSTEM—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
328	Regulation YY—Single-Counterparty Credit Limits for Large Banking Organizations (Docket No: R–1534)	7100–AE48

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

324. Reduced Reporting for Covered Depository Institutions (Docket No: R–1618)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1817(a)(12)

Abstract: The OCC, the Board, and the FDIC (collectively, the Agencies) invited comment on a proposed rule that would implement section 205 of the Economic Growth, Regulatory Relief, and Consumer Protection Act by: Expanding the eligibility to file the agencies' most streamlined report of condition, the FFIEC 051 Call Report, to include certain insured depository institutions with less than $5 billion in total consolidated assets that meet other criteria; and, establishing reduced reporting on the FFIEC 051 Call Report for the first and third reports of condition for a year. The OCC and Board also are proposing similar reduced reporting for certain uninsured institutions that they supervise with less than $5 billion in total consolidated assets that otherwise meet the same criteria. This **Federal Register** notice also includes a Paperwork Reduction Act notice to reduce the amount of data required to be reported on the FFIEC 051 Call Report for the first and third calendar quarters, and other related changes.

Timetable:

Action	Date	FR Cite
Board Expects Further Action.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Laura Bain, Senior Attorney, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 736–5546.

Claudia Von Pervieux, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AF12

325. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) is amending Regulation CC, which implements the Expedited Funds Availability Act (EFAA), which governs the availability of funds after a check deposit, as well as check collection and return. In March 2011, the Board proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to encourage depository banks to receive and paying banks to send returned checks electronically and proposed amendments to subpart B's funds availability schedule provisions. Subsequently, section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFAA to provide the Consumer Financial Protection Bureau (CFPB) with joint rulemaking authority with the Board over certain EFAA provisions, including those implemented by subpart B of Regulation CC. Based on its analysis of comments received, the Board revised its proposed amendments to subpart C of Regulation CC. The Board finalized its proposed amendments to subpart C in June 2017.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Published Final Rule.	06/15/17	82 FR 27552
Board Expects Further Action on Subpart B.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gavin Smith, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3474.

Ian Spear, Manager, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, Washington, DC 20551, *Phone:* 202 452–3959.

RIN: 7100–AD68

326. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keisha Patrick, Senior Counsel, Federal Reserve System, Legal Division, Waqshington, DC 20551, *Phone:* 202 452–3559.

C. Tate Wilson, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3696.

RIN: 7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Long-Term Actions

327. Source of Strength (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1831(o)

Abstract: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly

control an insured depository institution serve as a source of strength for the insured depository institution.

Timetable:

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Conni Allen, Special Counsel, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4334.

Melissa Clark, Sr. Supervisory Financial Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–2277.

Barbara Bouchard, Senior Associate Director, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–3072.

Jay Schwarz, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Will Giles, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3351.

Claudia Von Pervieux, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AE73

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

328. Regulation YY—Single-Counterparty Credit Limits for Large Banking Organizations (Docket No: R–1534)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 321; 12 U.S.C. 1818; 12 U.S.C. 1844(b); 12 U.S.C. 1844(c); 12 U.S.C. 5365

Abstract: The final rule would implement section 165(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires the Board to impose limits on the amount of credit exposure that such a domestic or foreign bank holding company can have to an unaffiliated company in order to reduce the risks arising from the company's failure. The final rule, which built on earlier proposed rules by the Board to establish single-counterparty credit limits for large domestic and foreign banking organizations, would increase in stringency based on the systemic importance of the firms to which they apply.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/16/16	81 FR 14328
Board Adopted Final Rule.	08/06/18	83 FR 38460
Final Rule Effective.	10/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin McDonough, Assistant General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2036.

Laurie Schaffer, Associate General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2272.

RIN: 7100–AE48

[FR Doc. 2019–11695 Filed 6–21–19; 8:45 am]

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Part XXVI

National Labor Relations Board

Unified Agenda

NATIONAL LABOR RELATIONS BOARD

29 CFR Parts 101–103

Regulatory Flexibility Agenda

AGENCY: National Labor Relations Board (NLRB).

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of the National Labor Relations Board is published in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act.

The complete Unified Agenda is available online at *www.reginfo.gov.* Publication in the **Federal Register** is mandated only for regulatory flexibility agendas required under the RFA. Because the RFA does not require regulatory flexibility agendas for the regulations proposed and issued by the Board, the Board's agenda appears only on the internet at *www.reginfo.gov.*

The Board's agenda refers to *www.regulations.gov,* the Government website at which members of the public can find, review, and comment on Federal rulemakings that are published in the **Federal Register** and open for comment.

FOR FURTHER INFORMATION CONTACT: For further information concerning the regulatory actions listed in the agenda, contact Farah Z. Qureshi, Associate Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570; telephone: (202) 273–1949, TTY/TDD 1–800–315–6572; email: *Farah.Qureshi@nlrb.gov.*

Farah Z. Qureshi,

Associate Executive Secretary.

NATIONAL LABOR RELATIONS BOARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
329	Access Rule	3142–AA14
330	Student/Employee Status	3142–AA15
331	Blocking Charge, Voluntary Recognition, and 9(a)	3142–AA16

NATIONAL LABOR RELATIONS BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
332	Joint-Employer Rulemaking	3142–AA13

NATIONAL LABOR RELATIONS BOARD (NLRB)

Proposed Rule Stage

329. • Access Rule

E.O. 13771 Designation: Independent agency.

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board will engage in rulemaking to establish the standards under the National Labor Relations Act for access to an employer's private property.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Farah Qureshi, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email: farah.qureshi@nlrb.gov.*

Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email: roxanne.rothschild@nlrb.gov.*

RIN: 3142–AA14

330. • Student/Employee Status

E.O. 13771 Designation: Independent agency.

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board will be engaging in rulemaking to establish the standard for determining whether students who perform services at a private college or university in connection with their studies are ''employees'' within the meaning of Section 2(3) of the National Labor Relations Act (29 U.S.C. 153(3)).

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email: roxanne.rothschild@nlrb.gov.*

Farah Qureshi, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email: farah.qureshi@nlrb.gov.*

RIN: 3142–AA15

331. • Blocking Charge, Voluntary Recognition, and 9(A)

E.O. 13771 Designation: Independent agency.

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board (the Board) will be revising the representation election regulations located at 29 CFR part 103, with a specific focus on revisions of the Board's current election bar policies.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Farah Qureshi, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email: farah.qureshi@nlrb.gov.*

Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email: roxanne.rothschild@nlrb.gov.*

RIN: 3142–AA16

NATIONAL LABOR RELATIONS BOARD (NLRB)

Long-Term Actions

332. Joint-Employer Rulemaking

E.O. 13771 Designation: Independent agency.

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board will be engaging in rulemaking to establish the standard for determining joint-employer status under the National Labor Relations Act.

Timetable:

Action	Date	FR Cite
NPRM	09/14/18	83 FR 46681
NPRM Comment Period Extended.	11/05/18	83 FR 55329
NPRM Comment Period Extended.	12/13/18	83 FR 64053
NPRM Comment Period Extended.	01/11/19	
NPRM Comment Period End.	01/28/19	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roxanne Rothschild, *Phone:* 202 273–2917, *Email: roxanne.rothschild@nlrb.gov*.

Farah Qureshi, *Phone:* 202 273–1949, *Email: farah.qureshi@nlrb.gov*.

RIN: 3142–AA13

[FR Doc. 2019–11694 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XXVII

Nuclear Regulatory Commission

Unified Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2019–0056]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' NRC's complete Agenda, available on the Office of Budget and Management's website *http://www.reginfo.gov,* is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 11 rulemaking activities since publication of our last Agenda on November 16, 2018 (83 FR 58164). This issuance of our Agenda contains 32 active and 22 long-term rulemaking activities: 3 are Economically Significant; 16 represent Other Significant agency priorities; 33 are Substantive, Nonsignificant rulemaking activities; and 2 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities; these entries are printed in this document. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by July 24, 2019.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to *http://www.regulations.gov* and searching for Docket ID NRC–2019–0056. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0056 when contacting the NRC about the availability of information for this document.

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0056.
- *NRC's Public Document Room:* 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.
- *Reginfo.gov:*
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed,* select ''spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions'' from drop down menu, and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain,* select ''Current Long Term Actions'' link, and select ''Nuclear Regulatory Commission'' from drop down menu.

B. Submitting Comments

Please include Docket ID NRC–2019–0056 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into the NRC's Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those for which an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

The NRC assigns a ''Regulation Identifier Number'' (RIN) to a rulemaking activity when the Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission-delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on November 16, 2018 (83 FR 58164). Specifically, the information in this Agenda has been updated through March 6, 2019. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and

schedule, on our website at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html#cprlist.*

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of issuance of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC's website at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Dated at Rockville, Maryland, this 6th day of March 2019.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
333	Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]	3150–AK10

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
334	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]	3150–AJ99

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
335	Revision of Fee Schedules: Fee Recovery for FY 2021 [NRC–2018–0292]	3150–AK24

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

333. Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 90 percent of its budget authority in a given fiscal year to implement the Omnibus Budget Reconciliation Act of 1990, as amended. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	
Final Rule	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–7341, *Email: anthony.rossi@nrc.gov.*

RIN: 3150–AK10

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

334. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the NRC to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/31/19	84 FR 578
NPRM Comment Period End.	03/04/19	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–7341, *Email: anthony.rossi@nrc.gov.*

RIN: 3150–AJ99

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

335. • Revision of Fee Schedules: Fee Recovery for FY 2021 [NRC–2018–0292]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC's FY 2021 budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–7341, *Email: anthony.rossi@nrc.gov.*

RIN: 3150–AK24

[FR Doc. 2019–11691 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XXVIII

Securities and Exchange Commission

Unified Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–10620, 34–85401, IA–5207, IC–33428, File No. S7–04–19]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for Spring 2019 reflect only the priorities of the Chairman of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on March 18, 2019, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before July 24, 2019.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–04–19 on the subject line.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–04–19. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Mykaila DeLesDernier, Office of the General Counsel, (202) 551–5129.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act

''FAST Act''—Fixing America's Surface Transportation Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 18, 2019.

Vanessa A. Countryman,

Secretary.

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
336	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
337	Pay Versus Performance	3235–AL00
338	Universal Proxy	3235–AL84
339	Form 10–K Summary	3235–AL89

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
340	Disclosure of Hedging by Employees, Officers, and Directors	3235–AL49
341	Modernization of Property Disclosures for Mining Registrants	3235–AL81
342	Disclosure Update and Simplification	3235–AL82

DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
343	Use of Derivatives by Registered Investment Companies and Business Development Companies	3235–AL60
344	Fund of Funds Arrangements	3235–AM29

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
345	Form CRS Relationship Summary; Amendments to Form ADV; Required Disclosures to Retail Customers and Restrictions on the Use of Certain Names or Titles.	3235–AL27

DIVISION OF INVESTMENT MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
346	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
347	Amendments to Securities Act Rules Under the Fair Access to Investment Research Act of 2017	3235–AM24

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
348	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Long-Term Actions

336. Listing Standards for Recovery of Erroneously Awarded Compensation

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd-Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: krauskopfa@sec.gov.*

RIN: 3235–AK99

337. Pay Versus Performance

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov.*

RIN: 3235–AL00

338. Universal Proxy

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78n; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend the proxy rules to expand shareholders' ability to vote by proxy to select among duly-nominated candidates in a contested election of directors.

Timetable:

Action	Date	FR Cite
NPRM	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ted Yu, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: yut@sec.gov.*

RIN: 3235–AL84

339. Form 10–K Summary

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 114–94; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w

Abstract: The Commission adopted an interim final amendment to implement section 72001 of the FAST Act by permitting an issuer to include a summary in its Form 10–K and also requested comment on the interim final amendment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/16	81 FR 37132
Interim Final Rule Effective.	06/09/16	
Interim Final Rule Comment Period End.	07/11/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: harrisons@sec.gov.*

RIN: 3235–AL89

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

340. Disclosure of Hedging by Employees, Officers, and Directors

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203

Abstract: The Commission adopted rules to implement section 955 of the Dodd-Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
NPRM Comment Period End.	04/20/15	
Final Action	02/28/19	84 FR 6713

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: shermanc@sec.gov.*

RIN: 3235–AL49

341. Modernization of Property Disclosures for Mining Registrants

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d)

Abstract: The Commission adopted rules to modernize and clarify the disclosure requirements for companies engaged in mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/16	81 FR 41652
NPRM Comment Period End.	08/26/16	
NPRM Comment Period Extended.	08/26/16	81 FR 58877
NPRM Comment Period Extended End.	09/26/16	
Final Action	12/26/18	83 FR 66344

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3450, *Email: staffine@sec.gov.*

RIN: 3235–AL81

342. Disclosure Update and Simplification

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a–1 *et seq.;* Pub. L. 114–94

Abstract: The Commission adopted rules to update certain disclosure requirements in Regulations S–X and S–K that may have become redundant, duplicative, overlapping, outdated, or superseded in light of other Commission disclosure requirements, U.S. Generally Accepted Accounting Principles, International Financial Reporting Standards, or changes in the information environment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51607
NPRM Comment Period Extended.	09/29/16	81 FR 66898
NPRM Comment Period End.	10/03/16	
NPRM Comment Period Extended End.	11/02/16	
Final Action	10/04/18	83 FR 50148

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsay McCord, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3255, *Email: mccordl@sec.gov.*

RIN: 3235–AL82

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

343. Use of Derivatives by Registered Investment Companies and Business Development Companies

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 80a–12(a); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–8; 15 U.S.C. 80a–30; 15 U.S.C. 80a–38

Abstract: The Division is considering recommending that the Commission re-propose a new rule designed to enhance the regulation of the use of derivatives by registered investment companies, including mutual funds, exchange-traded funds, closed-end funds, and business development companies.

Timetable:

Action	Date	FR Cite
NPRM	12/28/15	80 FR 80884
NPRM Comment Period End.	03/28/16	

Action	Date	FR Cite
Second NPRM	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL60

344. Fund of Funds Arrangements

E.O. 13771 Designation: Independent agency.

Legal Authority: Not Yet Determined

Abstract: The Division is considering recommending that the Commission adopt new rules and rule amendments to allow funds to acquire shares of other funds (*i.e.,* ''fund of funds'' arrangements), including arrangements involving exchange-traded funds, without first obtaining exemptive orders from the Commission.

Timetable:

Action	Date	FR Cite
NPRM	02/01/19	84 FR 1286
NPRM Comment Period End.	05/02/19	
Final Action	04/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Gainor, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6805, *Email: gainorm@sec.gov.*

RIN: 3235–AM29

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

345. Form CRS Relationship Summary; Amendments to Form ADV; Required Disclosures to Retail Customers and Restrictions on the Use of Certain Names or Titles

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80b–11(g)

Abstract: The Division is considering making recommendations, jointly with the Division of Trading and Markets, that the Commission adopt new and amended rules and forms under the Investment Advisers Act of 1940 and the Securities Exchange Act of 1934 to (1) Require registered investment advisers and registered broker-dealers to provide a brief relationship summary to retail investors and (2) reduce investor confusion in the marketplace for firm services.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/13	78 FR 14848
ANPRM Comment Period End.	07/05/13	
NPRM	05/23/18	83 FR 23848
NPRM Comment Period End.	08/07/18	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Russell, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–5500, *Email: russelle@sec.gov.*

Sara Cortes, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–5137, *Email: cortess@sec.gov.*

RIN: 3235–AL27

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Long-Term Actions

346. Reporting of Proxy Votes on Executive Compensation and Other Matters

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Division is considering recommending that the Commission re-propose rule amendments to implement section 951 of the Dodd-Frank Act. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Second NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov.*

RIN: 3235–AK67

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

347. Amendments to Securities Act Rules Under the Fair Access to Investment Research Act of 2017

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.*; 15 U.S.C. 77e; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 80a *et seq.*

Abstract: The Commission adopted rules and amendments to implement section 2 of the Fair Access to Investment Research Act of 2017.

Timetable:

Action	Date	FR Cite
NPRM	06/08/18	83 FR 26788
NPRM Comment Period End.	07/09/18	
Final Action	12/13/18	83 FR 64180
Final Action Effective.	01/14/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Wagner, Branch Chief, Investment Company Regulation Office, Securities and Exchange Commission, Division of Investment Management, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6762, *Email: wagnera@sec.gov.*

RIN: 3235–AM24

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

348. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 939A

Abstract: Section 939A of the Dodd-Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov.*

RIN: 3235–AL14

[FR Doc. 2019–11690 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XXIX

Surface Transportation Board

Unified Agenda

SURFACE TRANSPORTATION BOARD

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 46)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2019.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months, but does not necessarily reflect the views of any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Chairman is publishing the agency's Regulatory Flexibility Agenda for spring 2019 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: February 27, 2019.

By the Board, Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
349	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140–AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

349. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)

E.O. 13771 Designation: Independent agency.

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: The Board proposed to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Ziehm, Branch Chief, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0391, *Email: amy.ziehm@stb.gov.*

Francis O'Connor, Section Chief, Chemical & Agricultural Transportation, Office of Economics, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email: francis.o'connor@stb.gov.*

RIN: 2140–AB29

[FR Doc. 2019–11692 Filed 6–21–19; 8:45 am]

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FEDERAL REGISTER

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Part XXX

The President

Notice of June 21, 2019—Continuation of the National Emergency With Respect to North Korea

Federal Register
Vol. 84, No. 121
Monday, June 24, 2019

Presidential Documents

Title 3—

The President

Notice of June 21, 2019

Continuation of the National Emergency With Respect to North Korea

On June 26, 2008, by Executive Order 13466, the President declared a national emergency with respect to North Korea pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula. The President also found that it was necessary to maintain certain restrictions with respect to North Korea that would otherwise have been lifted pursuant to Proclamation 8271 of June 26, 2008, which terminated the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1–44) with respect to North Korea.

On August 30, 2010, the President signed Executive Order 13551, which expanded the scope of the national emergency declared in Executive Order 13466 to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the continued actions and policies of the Government of North Korea, manifested by its unprovoked attack that resulted in the sinking of the Republic of Korea Navy ship *Cheonan* and the deaths of 46 sailors in March 2010; its announced test of a nuclear device and its missile launches in 2009; its actions in violation of United Nations Security Council Resolutions 1718 and 1874, including the procurement of luxury goods; and its illicit and deceptive activities in international markets through which it obtains financial and other support, including money laundering, the counterfeiting of goods and currency, bulk cash smuggling, and narcotics trafficking, which destabilize the Korean Peninsula and imperil United States Armed Forces, allies, and trading partners in the region.

On April 18, 2011, the President signed Executive Order 13570 to take additional steps to address the national emergency declared in Executive Order 13466 and expanded in Executive Order 13551 that would ensure the implementation of the import restrictions contained in United Nations Security Council Resolutions 1718 and 1874 and complement the import restrictions provided for in the Arms Export Control Act (22 U.S.C. 2751 *et seq.*).

On January 2, 2015, the President signed Executive Order 13687 to take further steps with respect to the national emergency declared in Executive Order 13466, as expanded in Executive Order 13551, and addressed further in Executive Order 13570, to address the threat to the national security, foreign policy, and economy of the United States constituted by the provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its destructive, coercive cyber-related actions during November and December 2014, actions in violation of United Nations Security Council Resolutions 1718, 1874, 2087, and 2094, and commission of serious human rights abuses.

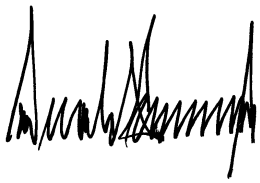
On March 15, 2016, the President signed Executive Order 13722 to take additional steps with respect to the national emergency declared in Executive Order 13466, as modified in scope and relied upon for additional steps in subsequent Executive Orders, to address the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced by

its February 7, 2016 launch using ballistic missile technology and its January 6, 2016 nuclear test in violation of its obligations pursuant to numerous United Nations Security Council resolutions and in contravention of its commitments under the September 19, 2005 Joint Statement of the Six-Party Talks, that increasingly imperils the United States and its allies.

On September 20, 2017, the President signed Executive Order 13810 to take further steps with respect to the national emergency declared in Executive Order 13466, as modified in scope and relied upon for additional steps in subsequent Executive Orders, to address the provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its intercontinental ballistic missile launches of July 3 and July 28, 2017, and its nuclear test of September 2, 2017; its commission of serious human rights abuses; and its use of funds generated through international trade to support its nuclear and missile programs and weapons proliferation.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula and the actions and policies of the Government of North Korea continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13466, expanded in scope in Executive Order 13551, addressed further in Executive Order 13570, further expanded in scope in Executive Order 13687, and under which additional steps were taken in Executive Order 13722, and Executive Order 13810, and the measures taken to deal with that national emergency, must continue in effect beyond June 26, 2019. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to North Korea declared in Executive Order 13466.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
June 21, 2019.

[FR Doc. 2019–13596
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