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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0445; Product Identifier 2019–NM–083–AD; Amendment 39–19668; AD 2019–12–13]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting an airworthiness directive (AD) for all The Boeing Company Model 757 airplanes. This AD requires repetitive checks of the aileron trim actuator bearing for free rotation, repetitive detailed inspections of the aileron trim actuator attachment lug for damage and cracking, and applicable on-condition actions. This AD was prompted by a report of the failure of the aileron trim actuator attachment lug. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2019.

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

We must receive comments on this AD by August 12, 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 final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0445.

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–2019–0445; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Katherine Venegas, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5353; fax: 562–627–5210; email: *katherine.venegas@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA received a report indicating that a flightcrew could not center the ailerons with a left or right turn on the aileron trim control wheel during a flight control check. Maintenance personnel found that the aileron trim actuator attachment lug had broken off of its support box assembly but was still attached to the aileron trim actuator. Stress analysis found that the separation of the lug could have been the result of seizure of the aileron trim actuator bearing, which would exert forces on the attachment lug that could be higher than what it is designed for. The lug failure resulted in a free-floating aileron trim actuator and subsequent loss of feel force, wheel centering, and lateral trim. This condition, if not addressed, could cause over-control of the airplane and subsequent lateral pilot induced oscillations (PIO), which could adversely affect continued safe flight and landing.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019. This service information describes procedures for repetitive checks of the aileron trim actuator bearing for free rotation, repetitive detailed inspections of the aileron trim actuator attachment lug for damage or cracking, and applicable on-condition actions. On-condition actions include high frequency eddy current (HFEC) inspections of the aileron trim actuator attachment lug for cracking, repair and replacement. 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

The FAA is issuing this AD because the agency 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.

AD Requirements

This AD requires accomplishment of the actions identified in Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019, described previously, except for any differences identified as exceptions in the regulatory text of this AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0445.

Interim Action

The FAA considers this AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the

FAA might consider additional rulemaking.

Justification for Immediate Adoption and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because failure of the aileron trim actuator attachment lug, if not addressed, could cause over-control of the airplane and subsequent lateral PIO, which could adversely affect continued safe flight and landing.

The compliance time for the required action of this AD is 1,760 flight hours (approximately 149 days for certain airplanes). Issuing a notice of proposed rulemaking (NPRM) would require time to allow for public comment, and time for the FAA to consider and respond to those comments. As a result, the time allowed for operators to comply with the AD within acceptable risk parameters would be significantly reduced, possibly grounding airplanes. Additionally, reducing the compliance time could substantially disrupt certain operators. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2019–0445 and Product Identifier 2019–NM–083–AD at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule 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 received about this final rule.

Costs of Compliance

The FAA estimates that this AD affects 451 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections	3 work-hours × $85 per hour = $255 per inspection cycle.	$0	$255 per inspection cycle	$115,005 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	4 work-hours × $85 per hour = $340	$17,693	$18,033
HFEC inspection	1 work-hour × $85 per hour = $85	0	85

The FAA has received no definitive data that would enable us to provide cost estimates for the on-condition repairs specified in this AD.

Authority for This Rulemaking

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

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 transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

(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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–12–13 The Boeing Company: Amendment 39–19668; Docket No. FAA–2019–0445; Product Identifier 2019–NM–083–AD.

(a) Effective Date

This AD is effective July 12, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by a report of the failure of the aileron trim actuator attachment lug. The FAA is issuing this AD to address failure of the aileron trim actuator attachment lug and subsequent loss of feel force, wheel centering, and lateral trim. This condition, if not corrected, could cause over-control of the airplane and subsequent lateral pilot induced oscillations (PIO), which could adversely affect continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–27A0159, dated March 29, 2019, which is referred to in Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019, uses the phrase ''the original issue date of the Requirements Bulletin 757–27A0159 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Katherine Venegas, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5353; fax: 562–627–5210; email: *katherine.venegas@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 757–27A0159 RB, dated March 29, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(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.

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

Issued in Des Moines, Washington, on June 18, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13514 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0017; Product Identifier 2018–NM–112–AD; Amendment 39–19662; AD 2019–12–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2007–11–11 and AD 2017–01–11, which applied to all Airbus SAS Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. AD 2007–11–11 required an inspection to determine the serial number of both main landing gear (MLG) sliding tubes, repetitive inspections for cracking of the affected MLG sliding tubes and corrective actions if necessary, and eventual replacement of both MLG shock absorbers. AD 2017–01–11 required identification of the part number and serial number of the MLG sliding tubes; inspection of affected chromium plates and sliding tube axles for damage; and replacement of the sliding tube if

necessary. This AD retains certain requirements of AD 2007–11–11 and AD 2017–01–11. This AD also requires repetitive inspections of affected MLG sliding tubes for cracking, replacement of cracked MLG sliding tubes, and eventual replacement of each affected MLG sliding tube. This AD was prompted by cracks found in the MLG sliding tubes due to certain manufacturing defects that might not be identified using the current on-wing scheduled inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 1, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 1, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of February 22, 2017 (82 FR 5362, January 18, 2017).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of June 29, 2007 (72 FR 29241, May 25, 2007).

ADDRESSES: For Airbus service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.*

For Safran and Messier-Dowty service information identified in this final rule, contact Safran Landing Systems, One Carbon Way, Walton, KY 41094; telephone (859) 525–8583; fax (859) 485–8827; internet *https://www.safran-landing-systems.com.*

You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0017.

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–2019–0017; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007) (''AD 2007–11–11''), and AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017) (''AD 2017–01–11''). AD 2007–11–11 applied to all Airbus SAS Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. AD 2017–01–11 applied to all Airbus SAS Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes.

The NPRM published in the **Federal Register** on February 25, 2019 (84 FR 5960). The NPRM was prompted by a determination that cracks were found in the MLG sliding tubes due to certain manufacturing defects that might not be identified using the current on-wing scheduled inspections. The NPRM proposed to retain certain requirements of AD 2007–11–11 and AD 2017–01–11. The NPRM also proposed to require repetitive inspections of affected MLG sliding tubes for cracking, replacement of cracked MLG sliding tubes, and eventual replacement of each affected MLG sliding tube. The FAA is issuing this AD to address cracking in an MLG sliding tube, which could lead to failure of an MLG sliding tube resulting in MLG collapse, damage to the airplane, and injury to passengers.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0135, dated June 26, 2018 (referred to after this 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:

> Cracks were reported on [main landing gear] MLG sliding tubes and the investigations determined metallic inclusion during production and abnormal grinding operation during overhaul as cause of these cracks. Prompted by these reports, respectively, [Direction Generale de l'Aviation Civile] DGAC France issued [French] AD F–2005–115 (EASA approval 2005–6032) [which corresponds to FAA AD 2007–11–11] and EASA issued AD 2014–0058 [which corresponds to FAA AD 2017–01–11], both requiring inspections and replacement of certain MLG sliding tubes.
>
> More recently, during overhaul, cracks were found in the lower slave link bracket lug holes on two MLG sliding tubes. Subsequent investigations determined that these cracks may have developed due to burrs, which could have been present since manufacture. Based on the fact that the sliding tube is certified as a safe life part, this is considered to be a non-compliance with the requirements of [Joint Aviation Requirements] JAR 25.571(c). Cracks in the affected sliding tubes may not be found during the existing on-wing scheduled inspections.
>
> This condition, if not detected and corrected, could lead to sliding tube failure, possibly resulting in MLG collapse, damage to the aeroplane and injury to occupants.
>
> Prompted by these findings, Safran Landing Systems, the MLG manufacturer (formerly Messier-Dowty, Messier-Bugatti-Dowty, and hereafter referred to as ''Safran'' in this AD), introduced additional quality steps to eliminate burrs in the manufacturing process. To address this potential unsafe condition on delivered MLG sliding tubes, Airbus issued SB [service bulletin] A320–32–1441, providing instructions for on-wing repetitive inspections, and Safran issued SB 200–32–321 and SB 201–32–68, as applicable to MLG configuration, providing instructions for inspection in shop.
>
> For the reason described above, this [EASA] AD partially retains the requirements of DGAC France AD F–2005–115 (EASA approval 2005–6032) and EASA AD 2014–0058, which are superseded, requires repetitive inspections of the affected MLG sliding tubes [for cracking] and, depending on findings, accomplishment of applicable corrective action(s) [replacement of a cracked MLG sliding tube with a serviceable MLG sliding tube]. This [EASA] AD also defines criteria for installation on an aeroplane of an affected MLG sliding tube.

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–2019–0017.

Comments

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

Support for the NPRM

Air Line Pilots Association, International (ALPA) supported the intent of the NPRM.

Request To Remove Functional Testing From ''Required for Compliance (RC)'' Requirements

Delta Air Lines (DAL) requested that the functional testing requirement be removed from the required for compliance ''RC'' procedures identified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017. The commenter explained that paragraph 3.D. of the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017, describes post-modification testing, which results in functional testing of the brake and wheel installation functionality. The commenter noted that these tests do not require any special equipment for testing or require the operation of equipment. The commenter stated that it would prefer to use the airplane maintenance manual (AMM) procedures instead of a functional test.

The FAA disagrees with the commenter's request. Functional testing is required by EASA, the state of design authority for the Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes; to restore the airplane to its type design requirements. In addition, the functional test procedure described in the above mentioned Airbus service information refers to the procedures in AMM task 32–41–11–400–006, ''Installation of the MLG Wheels,'' to perform the functional test, which is what the commenter requested. The functional test is required for compliance to ensure that risk has been mitigated and the airplane can be returned to service per the type design requirements. The FAA has not changed this AD in regard to this issue.

Request for Clarification of Definition

DAL observed that paragraph (n)(1) of the proposed AD defined affected MLG shock absorbers as those having a part number and serial number identified in Messier-Dowty Service Bulletin 200–32–286, Revision 3, dated October 3, 2008, for Model A318, A319, and A320 series airplanes; and Messier-Dowty Service Bulletin 201–32–43, Revision 3, dated October 3, 2008, for Model A321 series airplanes. DAL noted that, upon review of this service information, it determined that there are no specific part number and serial number combinations for the MLG shock absorbers listed, and that the service information identified serial numbers for only the MLG sliding tubes.

From these statements, the FAA infers that DAL was requesting clarification of the definition of an affected MLG shock absorber. The FAA agrees to clarify this definition. An affected MLG shock absorber assembly contains an affected MLG sliding tube subassembly. The intent of paragraph (n) of this AD is to assist operators in identification of the discrepant MLG sliding tube part numbers. Furthermore, this definition matches what was provided in the corresponding MCAI AD issued by EASA. The FAA has not revised this AD in regard to this issue.

Request for Clarification of Parts Installation Prohibition

DAL requested that paragraph (r)(1) of the proposed AD be revised to state that, as of the effective date of the AD, no person may install an affected MLG sliding tube on any airplane. The commenter noted that paragraph (r)(1) of the proposed AD stated that, as of the effective date of this AD, no person may install on any airplane an affected MLG shock absorber. The commenter stated that its request is supported by the fact that the proposed AD only described inspections and actions based on the MLG sliding tubes, not the remainder of the MLG shock absorber. The commenter further explained that it is feasible that non-sliding tube components of the MLG shock absorber assemblies may be perfectly fit for operation beyond the AD replacement times. The commenter observed that this change would allow operators to use any existing stock of MLG shock absorber related components (other than the affected MLG sliding tubes). The commenter stated that its position is further supported by the statements in the ''Proposed Requirements of this NPRM'' paragraph, because no mention of an MLG shock absorber replacement is discussed. The commenter also explained that it would be difficult to comply with the proposed requirement specified in paragraph (r)(1) of the proposed AD, since paragraph (n)(2) of the proposed AD does not list specific MLG shock absorber part number and serial number combinations.

The FAA agrees with the intent of the commenter's request. The affected MLG shock absorber assembly contains an MLG sliding tube subassembly. The intent of paragraph (r)(1) of this AD is to prohibit the installation of an MLG shock absorber assembly containing a discrepant MLG sliding tube subassembly part number. The FAA has revised paragraph (r)(1) of this AD to prohibit, as of the effective date of this AD, the installation of an MLG shock absorber assembly containing a discrepant MLG sliding tube part number.

Request To Allow the Use of Future Revisions of Service Information

DAL requested that the proposed AD be revised to allow the use of future revisions of the service information. The commenter noted that the EASA AD allows the use of future revisions of service information.

The FAA disagrees with the commenter's request. The FAA may not refer to any document that does not yet exist. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51. To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (w)(1) of this AD. The FAA has not revised this AD regarding this issue.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

• Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017. This service information describes procedures for inspections of the MLG sliding tubes for cracking and corrective actions (which includes replacing the MLG sliding tubes).

• Service Bulletin A320–32A1273, Revision 02, dated May 26, 2005. This service information specifies the serial numbers of the MLG sliding tubes that must be replaced.

Safran Landing Systems has issued the following service information. These documents are distinct since they apply to different airplane models.

• Safran Service Bulletin 200–32–321, Revision 2, dated October 3, 2017; and Service Bulletin 201–32–68, Revision 2, dated October 3, 2017. These documents specify the part numbers and serial numbers of the affected MLG sliding tubes.

• Messier-Dowty Service Bulletin 200–32–286, Revision 3, dated October 3, 2008; and Service Bulletin 201–32–43, Revision 3, dated October 3, 2008. These documents specify the part numbers and serial numbers of the affected MLG shock absorbers.

This AD also requires Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014, which the Director of the Federal Register approved for incorporation by reference as of February 22, 2017 (82 FR 5362, January 18, 2017).

This AD also requires Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005, which the Director of the Federal Register approved for incorporation by reference as of June 29, 2007 (72 FR 29241, May 25, 2007).

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

Costs of Compliance

The FAA estimates that this AD affects 1,186 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2007–11–11 (297 airplanes) *.	8 work-hours × $85 per hour = $680	Up to $45,310	Up to $46,670	Up to $13,659,030.*
Retained actions from AD 2017–01–11	18 work-hours × $85 per hour = $1,530	$0	$1,530	$1,814,580.
New actions	13 work-hours × $85 per hour = $1,105	(**)	$1,105 **	$1,310,530.**

* Operators should note that, although all U.S.-registered airplanes are subject to the requirements of AD 2007–11–11, there are only 297 possible affected MLG sliding tubes in the worldwide fleet. The FAA has no way of knowing how many affected MLG sliding tubes, if any, are installed in U.S.-registered airplanes.

** The FAA has received no definitive data for the parts costs for the replacements.

The FAA estimates the following costs to do any necessary on-condition action 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 this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
6 work-hours × $85 per hour = $510	(*)	* $510

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

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 transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

2. 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007); and AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017);

■ b. Adding the following new AD:

2019–12–07 Airbus SAS: Amendment 39–19662; Docket No. FAA–2019–0017; Product Identifier 2018–NM–112–AD.

(a) Effective Date

This AD is effective August 1, 2019.

(b) Affected ADs

This AD replaces the following ADs.

(1) AD 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007) (''AD 2007–11–11'').

(2) AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017) (''AD 2017–01–11'').

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers (MSNs).

(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 32, Landing gear.

(e) Reason

This AD was prompted by a determination that cracks were found in the main landing gear (MLG) sliding tubes due to certain manufacturing defects that might not be identified using the current on-wing scheduled inspections. The FAA is issuing this AD to address cracking in an MLG sliding tube, which could lead to failure of an MLG sliding tube resulting in MLG collapse, damage to the airplane, and injury to passengers.

(f) Compliance

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

(g) Retained Replacement of AD 2007–11–11, With Updated References to Service Information and Specific Delegation Approval Language

This paragraph restates the requirements of paragraph (i) of AD 2007–11–11, with updated references to service information and specific delegation approval language. Within 41 months after June 29, 2007 (the effective date of AD 2007–11–11), replace all MLG shock absorbers equipped with MLG sliding tubes having serial numbers listed in Airbus All Operators Telex (AOT) A320–32A1273, Revision 01, dated May 6, 2004; or the Accomplishment Instructions of Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005; with new or serviceable MLG shock absorbers equipped with MLG sliding tubes having serial numbers not listed in Airbus AOT A320–32A1273, Revision 01, dated May 6, 2004; or the Accomplishment Instructions of Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005; 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. As of June 29, 2007, only Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005, may be used to determine the affected MLG sliding tubes.

Note 1 to paragraph (g): Guidance on the replacement specified in paragraph (g) of this AD can be found in Airbus A318/A319/A320/A321 Aircraft Maintenance Manual Chapter 32–11–13, page block 401.

(h) Retained MLG Sliding Tube Part Number and Serial Number Identification of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2017–01–11, with no changes. Within three months after February 22, 2017 (the effective date of AD 2017–01–11): Do an inspection to identify the part number and serial number of the MLG sliding tubes installed on the airplane. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the MLG sliding tubes can be conclusively determined from that review.

(i) Retained Identification of Airplanes of AD 2017–01–11, With No Changes

This paragraph restates the identification specified in paragraph (h) of AD 2017–01–11, with no changes. An airplane with a MSN not listed in figure 1 to paragraph (i) of this AD is not affected by the requirements of paragraph (j) of this AD, provided it can be determined that no MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD has been installed on that airplane since first flight of the airplane.

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Figure 1 to Paragraph (i) – *Affected Airplanes Listed by MSN*

Affected Airplanes Listed by MSN					
0179	0214	0296	0412	0558	0604
0607	0668	0704	0720	0726	0731
0754	0771	0799	0828	0841	0855
0909	0914	0925	0939	0986	1028
1030	1041	1070	1083	1093	1098
1108	1148	1294	1356	2713	2831

Table 1 to Paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) – *Affected MLG Sliding Tubes*

Part Number	Serial Number
201160302	78B
201160302	1016B11
201160302	1144B
201371302	B4493
201371302	B4513
201371302	SS4359
201371302	B4530
201371302	B4517
201371302	B4568
201371302	B4498
201371302	4490B
201371302	B202-4598
201371302	B165-4623
201371302	B244-4766
201371302	B267-4794
201371302	B272-4813
201160302	1108B

Part Number	Serial Number
201371304	B041-4871
201371304	B045-4869
201371304	B001-4781
201371304	B051-4892
201371304	B110-1952
201371304	B054-4891
201371304	B063-4921
201371304	B071-4911
201371304	B071-4917
201371304	B080-1933
201371304	B117-5010
201371304	B120-4989
201371304	B132-2023
201371304	B114-1956
201371304	B208-2009
201371304	B133-1947
201371304	B154-5037
201371304	B89 4952
201371304	B129-1964
201371304	B227-2010
201371304	B170-5031
201371304	B182-5047
201371304	B239-2053
201371304	B1401-2856
201371304	B1813-3142
201371304	B116-5004
201522353	B011-149
201522350	B014-25
201522350	B019-56

Part Number	Serial Number
201522350	B019-57
201522350	B021-69
201522350	B022-60
201522353	B03-111
201522353	B03-110
201522353	B112-317
201522353	B174-351
201522353	B179-392
201383350	4377B
201383350	4393B
201383350	B1831
201383350	B1832
201383350	SS4355B
201383350	SS4400B

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(j) Retained Inspections of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2017–01–11, with no changes. For each MLG sliding tube identified as required by paragraph (h) of this AD, having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: Within 3 months after February 22, 2017 (the effective date of AD 2017–01–11) inspect affected MLG axles and brake flanges by doing a detailed visual inspection of the chromium plates for damage, and a Barkhausen noise inspection of the MLG sliding tube axles for damage, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014. For Model A318 series airplanes, use the procedures specified for Model A319 series airplanes in Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014.

(k) Retained Corrective Action of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2017–01–11, with no changes. If, during any inspection required by paragraph (j) of this AD, any damage is detected: Before further flight, replace the MLG sliding tube with a serviceable MLG sliding tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014. For Model A318 series airplanes, use the procedures specified for Model A319 series airplanes in Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014.

(l) Retained Definition of Serviceable MLG Sliding Tube of AD 2017–01–11, With No Changes

This paragraph restates the definition specified in paragraph (k) of AD 2017–01–11, with no changes. For the purpose of paragraph (k) of this AD, a serviceable MLG sliding tube is defined as an MLG sliding tube that meets the criterion in either paragraph (l)(1) or (l)(2) of this AD.

(1) An MLG sliding tube having a part number and serial number not listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD.

(2) An MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD that has passed the inspections required by paragraph (j) of this AD.

(m) Retained Parts Installation Prohibition of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2017–01–11, with no changes.

(1) For airplanes that have an MLG sliding tube installed that has a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: After an airplane is returned to service following accomplishment of the actions required by paragraphs (h), (i), and (j) of this AD, no person may install on any airplane an MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD, unless that MLG sliding tube has passed the inspection required by paragraph (j) of this AD.

(2) For airplanes that, as of February 22, 2017 (the effective date of AD 2017–01–11), do not have an MLG sliding tube installed that has a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: No person may install, on any airplane, an MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD unless that MLG sliding tube has passed the inspection required by paragraph (j) of this AD.

(n) New Definitions

For the purpose of paragraphs (o), (p), (q), (r), and (s) of this AD the following definitions apply.

(1) Affected MLG shock absorber: An MLG shock absorber having a part number and serial number as identified in Messier-Dowty Service Bulletin 200–32–286, Revision 3, dated October 3, 2008, for Model A318, A319, and A320 series airplanes; and Messier-Dowty Service Bulletin 201–32–43, Revision 3, dated October 3, 2008, for Model A321 series airplanes.

(2) Affected MLG sliding tube: An MLG sliding tube having a part number and serial number as identified in Appendix B of Safran Service Bulletin 200–32–321, Revision 2, dated October 3, 2017, for Model A318, A319, and A320 series airplanes; or Safran Service Bulletin 201–32–68, Revision 2, dated October 3, 2017, for Model A321 series

airplanes, except those parts that passed an inspection as specified in Safran Service Bulletin 200–32–321; or Safran Service Bulletin 201–32–68; as applicable; and those parts that, after that inspection, have been repaired, using instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Serviceable MLG sliding tube: An MLG sliding tube that is not affected, or an affected MLG sliding tube, that has not exceeded 10,000 flight cycle since first installation on an airplane, or an affected MLG sliding tube that, within the last 5,000 flight cycles before installation on an airplane, passed an inspection specified in Airbus Service Bulletin A320–32–1441.

(o) New Requirement of This AD: Repetitive Inspections

At the compliance time specified in figure 2 to paragraph (o) of this AD, and thereafter at intervals not to exceed 5,000 flight cycles: Do a detailed inspection of each affected MLG sliding tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017.

Figure 2 to Paragraph (o) – *Initial Compliance Time for MLG Sliding Tube Inspection*

Initial Compliance Time for MLG Sliding Tube Inspection (whichever occurs later, A or B)	
A	Prior to exceeding 10,000 flight cycles since first installation of an affected MLG sliding tube on an airplane.
B	Within 5,000 flight cycles or 25 months, whichever occurs first after the effective date of this AD.

Note 2 to paragraph (o): If no reliable data regarding the number of flight cycles accumulated by the MLG sliding tube are available, operators may refer to the guidance specified in Chapter 5.2, ''Traceability'', of Section 1, of Part 1 of the Airbus A318/A319/A320/A321 Airworthiness Limitations Section.

(p) New Requirement of This AD: Corrective Actions

(1) If, during any inspection required by paragraph (o) of this AD, any crack is detected on an MLG sliding tube: Before further flight, replace that MLG sliding tube with a serviceable MLG sliding tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017.

(2) Replacement of an MLG on an airplane with an MLG having a serviceable MLG sliding tube installed is an acceptable method to comply with the requirements of paragraph (p)(1) of this AD for that airplane.

(q) New Requirement of This AD: Part Replacement

(1) Within 10 years after the effective date of this AD: Replace each affected MLG sliding tube with an MLG sliding tube that is not affected. Installation of an MLG sliding tube that is not affected on an airplane constitutes terminating action for the repetitive inspections required by paragraph (o) of this AD for that airplane.

(2) Replacement of an MLG on an airplane with an MLG that does not have an affected MLG sliding tube installed is an acceptable method to comply with the requirement of paragraph (q)(1) of this AD for that airplane.

(r) New Requirement of This AD: Parts Installation Limitation

(1) As of the effective date of this AD no person may install on any airplane an affected MLG shock absorber assembly containing a discrepant MLG sliding tube part number.

(2) Do not install an affected MLG sliding tube on any airplane as specified in paragraph (r)(2)(i) or (r)(2)(ii) of this AD, as applicable.

(i) For an airplane with an affected MLG sliding tube installed as of the effective date of this AD: After replacement of each affected MLG sliding tube as required by paragraph (q) of this AD.

(ii) For an airplane that does not have an affected MLG sliding tube installed as of the effective date of this AD: As of the effective date of this AD.

(s) Identification of Airplanes Not Affected by Certain Requirements of This AD

An airplane on which Airbus Modification 161202 or Modification 161346 has been installed in production is not affected by the requirements of paragraphs (g), (h), (j), (o), and (q), of this AD, provided it has been verified that no affected MLG sliding tube is installed on that airplane.

(t) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before June 29, 2007, using Airbus AOT A320–32A1273, Revision 01, dated May 6, 2004. This document was incorporated by reference in AD 2004–11–13, Amendment 39–13659 (69 FR 31867, June 8, 2004).

(2) This paragraph provides credit for the initial inspection and applicable corrective actions required by paragraphs (o) and (p) of this AD if those actions were performed before the effective date of this AD, using the Accomplishment Instructions in Airbus Service Bulletin A320–32–1441, dated December 28, 2016.

(u) Service Information Exceptions

The service information specified in paragraph (g) of this AD has instructions to send any cracked part to Messier-Dowty. This AD does not include such a requirement, in accordance with the procedures specified in paragraph (w)(2) of this AD.

(v) No Reporting Requirement

Although Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017, specifies to submit certain information to the manufacturer, and specifies that action as ''RC,'' (required for compliance) this AD does not include that requirement.

(w) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2007–11–11 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(iii) AMOCs approved previously for AD 2017–01–11 are approved as AMOCs for the corresponding provisions of paragraphs (h), (i), (j), (k), (l), and (m) of this AD.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (u) and (v) of this AD: If any service information contains

procedures or tests that are identified as RC, those 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.

(x) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0135, dated June 26, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0017.

(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.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (y)(6), (y)(7), and (y)(8) of this AD.

(y) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on August 1, 2019.

(i) Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017.

(ii) Messier-Dowty Service Bulletin 200–32–286, Revision 3, dated October 3, 2008.

(iii) Messier-Dowty Service Bulletin 201–32–43, Revision 3, dated October 3, 2008.

(iv) Safran Service Bulletin 200–32–321, Revision 2, dated October 3, 2017.

(v) Safran Service Bulletin 201–32–68, Revision 2, dated October 3, 2017.

(4) The following service information was approved for IBR on February 22, 2017 (82 FR 5362, January 18, 2017).

(i) Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014.

(ii) [Reserved]

(5) The following service information was approved for IBR on June 29, 2007 (72 FR 29241, May 25, 2007).

(i) Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005.

(ii) [Reserved]

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

(7) For Safran and Messier-Dowty service information identified in this AD, contact Safran Landing Systems, One Carbon Way, Walton, KY 41094; telephone (859) 525–8583; fax (859) 485–8827; internet *https://www.safran-landing-systems.com.*

(8) 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.

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

Issued in Des Moines, Washington, on June 19, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13545 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1071; Product Identifier 2018–NM–119–AD; Amendment 39–19665; AD 2019–12–10]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 1, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 1, 2019.

ADDRESSES: For service information identified in this final rule, 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. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1071.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1071; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The NPRM published in the **Federal Register** on February 8, 2019 (84 FR 2796). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The agency is issuing this AD to address reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0159, dated July 25, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The MCAI states:

Fokker Services Engineering Report SE–623 contains the Airworthiness Limitation Items (ALIs) and Safe Life Items (SLIs) for Fokker F28 Mark 0070 and Mark 0100 aeroplanes. This report is Part 2 of the Airworthiness Limitations Section of the Instructions for Continued Airworthiness, referred to in Section 06, Appendix 1, of the Fokker 70/100 Maintenance Review Board document.

The complete Airworthiness Limitations Section consists of:

Part 1—Report SE–473, Certification Maintenance Requirements (CMRs)—ref. EASA AD 2015–0027 [corresponds to FAA AD 2016–11–22, Amendment 39–18549 (81 FR 36438, June 7, 2016)],

Part 2—Report SE–623, ALIs and SLIs—ref. EASA AD 2017–0095 [corresponds to FAA AD 2017–06–06, Amendment 39–18830 (83 FR 8328, February 27, 2018)], and

Part 3—Report SE–672, Fuel ALIs and CDCCLs—ref. EASA AD 2015–0032 [corresponds to FAA AD 2016–11–15, Amendment 39–18542 (81 FR 36447, June 7, 2016)].

The instructions contained in those reports have been identified as mandatory actions for continued airworthiness. Failure to accomplish these actions could result in an unsafe condition.

EASA previously issued [EASA] AD 2017–0095, requiring the actions described in Report SE–623 at issue 17. Since that [EASA] AD was issued, Fokker Services published issue 18 of Report SE–623, containing new and/or more restrictive maintenance tasks.

For the reason described above, this [EASA] AD retains the requirements of [EASA] AD 2017–0095, which is superseded, and requires implementation of the maintenance actions as 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–2018–1071.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The agency has determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker Engineering Report SE–623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALI's and Safe Life Items), Issue 18, dated June 14, 2018. This service information describes airworthiness limitations and safe life limits. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 4 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 workhours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA 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 FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA 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 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

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

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

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

(2) 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–12–10 Fokker Services B.V.: Amendment 39–19665; Docket No. FAA–2018–1071; Product Identifier 2018–NM–119–AD.

(a) Effective Date

This AD is effective August 1, 2019.

(b) Affected ADs

(1) This AD affects AD 2017–06–06, Amendment 39–18830 (83 FR 8328, February 27, 2018) (''AD 2017–06–06'').

(2) This AD affects AD 2012–12–07, Amendment 39–17087 (77 FR 37788, June 25, 2012) (''AD 2012–12–07'').

(c) Applicability

This AD applies to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category.

(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 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 Fokker Engineering Report SE–623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALI's and Safe Life Items), Issue 18, dated June 14, 2018.

(1) The initial compliance time for doing the tasks is at the time specified in Fokker Engineering Report SE–623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALI's and Safe Life Items), Issue 18, dated June 14, 2018, or within 90 days after the effective date of this AD, whichever occurs later.

(2) If any discrepancy is found, before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Fokker B.V. Service's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(h) No Alternative Actions or Intervals

After the 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 or 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 Affected ADs

(1) Accomplishing the actions required by this AD terminates all requirements of AD 2017–06–06.

(2) Accomplishing the actions required by this AD terminates the requirements of paragraph (g) of AD 2012–12–07.

(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 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 EASA; or Fokker Services B.V.'s EASA 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 AD 2018–0159, dated July 25, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1071.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

(l) Material Incorporated by Reference

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

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

(i) Fokker Engineering Report SE–623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALI's and Safe Life Items), Issue 18, dated June 14, 2018.

(ii) [Reserved]

(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.

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

Issued in Des Moines, Washington, on June 17, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13532 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0447; Product Identifier 2018–CE–055–AD; Amendment 39–19667; AD 2019–12–12]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. (Piper) Model PA–46–600TP (M600) airplanes. This AD requires inserting a ground operations limitation into the Limitations section of the airplane flight manual (AFM) and installing a placard limiting ground operations. This AD also includes optional actions to terminate the ground operating limitations. This AD was prompted by a report of understrength rivets installed during manufacture of the bulkhead assembly. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2019.

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

The FAA must receive comments on this AD by August 12, 2019.

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

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

For service information identified in this final rule, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; internet: *www.piper.com.* You may view this service information at the

FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0447.

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–2019–0447; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aerospace Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA received a report from Piper that incorrect rivets were installed in the bulkhead assembly at fuselage station (FS) 79.00 during the manufacture of certain serial-numbered Model PA–46–600TP (M600) airplanes. The rivets were not in accordance with the type design drawing, nor did they meet the strength requirements of the aircraft design. This condition, if not corrected, could result in failure of the rivets, which could lead to structural failure of the bulkhead assembly and loss of control of the airplane. The FAA is issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Service Bulletin No. 1332A, dated January 29, 2019. The service bulletin contains procedures for inserting the temporary ground operating limitation into the pilot's operating handbook (POH) and installing a placard with the temporary ground operating limitation, either a fabricated placard or placard part number 46G110013–702, in the airplane cockpit. The service bulletin also contains procedures for inspecting the FS 79.00 bulkhead assembly for cracks, wrinkling, or missing rivets and for replacing the understrength rivets with new rivets. 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

The FAA is issuing this AD because the FAA 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.

AD Requirements

This AD requires inserting a ground operating limitation into the Limitations section of the AFM and installing a placard in the airplane cockpit that limits ground operations. This AD also includes an optional action to terminate the ground operating limitation by replacing the rivets to reinforce the bulkhead assembly. Although Piper's service information specifies inserting the operating limitation into the POH, Piper's POH for the Model PA–46–600TP constitutes its FAA-approved AFM.

Interim Action

The FAA considers this AD interim action. The FAA may require replacement of the rivets to reinforce the bulkhead assembly. However, the planned compliance time for the replacement of the rivets would allow enough time to provide notice and opportunity for prior comment on the merit of the replacement.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the required corrective actions must be accomplished before further flight. Providing prior notice and comment would delay implementing these safety actions needed to correct this known unsafe condition, which could result in structural failure of the FS 79.00 bulkhead, resulting in loss of control of the airplane. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2019–0447 and Product Identifier 2018–CE–055–AD at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

The FAA will post all comments the FAA receives, 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 final rule.

Costs of Compliance

The FAA estimates that this AD affects 69 airplanes, of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Insert the ground operating limitation into the AFM and install placard limiting ground operations.	1 work-hour × $85 per hour = $85	$6.00	$91	$6,279

OPTIONAL TERMINATING ACTION

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Optional terminating action to replace rivets ..	100 work-hours × $85 per hour = $8,500	$200	$8,700	$600,300

According to the manufacturer, some of the costs of this 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 costs in their 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 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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–12–12 Piper Aircraft, Inc.: Amendment 39–19667; Docket No. FAA–2019–0447; Product Identifier 2018–CE–055–AD.

(a) Effective Date

This AD is effective July 12, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc., Model PA–46–600TP (M600) airplanes, serial numbers 4698001, 4698004 through 4698010, 4698012 through 4698016, and 4698018 through 4698076, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 5312, bulkhead.

(e) Unsafe Condition

This AD was prompted by a report of understrength rivets installed on the bulkhead assembly during manufacture. The FAA is issuing this AD to prevent failure of the understrength rivets, which could lead to structural failure of the fuselage station (FS) 79 bulkhead with consequent loss of control of the airplane.

(f) Compliance

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

(g) Ground Operating Limitation

(1) Before further flight after July 12, 2019 (the effective date of this AD), insert the ground operations limitation into the Limitations section of the airplane flight manual (AFM) and install on the airplane cockpit instrument panel a placard limiting ground operations by following the Instructions, Part I Temporary Ground Operating Limitation, of Piper Aircraft, Inc., Service Bulletin No. 1332A, dated January 29, 2019 (Piper SB No. 1332A).

Note 1 to paragraph (g)(1) and (h)(2) of this AD: The Piper Aircraft, Inc. pilot's operating handbook for the Model PA–46–600TP (M600) airplane constitutes its FAA-approved AFM.

(2) The actions required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Optional Action To Terminate the Ground Operating Limitation

(1) After July 12, 2019 (the effective date of this AD), you may replace the FS 79.00 bulkhead rivets in accordance with the Instructions, Part II Rework, of Piper SB No. 1332A.

(2) If the FS 79.00 bulkhead rivets have been replaced as specified in paragraph (h)(1) of this AD, you may remove the AFM revision and placard required by paragraph (g) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the actions in paragraphs (g) and (h) of this AD, if those actions were performed before July 12, 2019 (the effective date of this AD) using Piper Aircraft, Inc. SB No. 1332, dated October 16, 2018.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs

for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD.

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

(k) Related Information

For more information about this AD, contact Dan McCully, Aerospace Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Piper Aircraft, Inc. Service Bulletin No. 1332A, dated January 29, 2019.

(ii) [Reserved]

(3) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; telephone: (772) 567–4361; internet: *www.piper.com/technical-publications-documents/.*

(4) You may view this service information at FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on June 17, 2019.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2019–13603 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0038; Airspace Docket No. 19–ACE–3]

RIN 2120–AA66

Amendment of Class E Airspace; Sibley, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of May 17, 2019, that modifies Class E airspace at Sibley Municipal Airport, Sibley, IA. The geographic coordinates of the airport will be amended to be in concert with the FAA's aeronautical database.

DATES: Effective date 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: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** for Docket No. FAA–2019–0038 (84 FR 22366, May 17, 2019), amending Class E airspace at the Sibley Municipal Airport, Sibley, IA. Subsequent to publication, the FAA identified an error that the geographic coordinates of the airport need to be amended to be in concert with the FAA's aeronautical database. This correction changes the coordinates from ''(long. 094°45′35″ W)'' to read ''(long. 095°45′35″ W)''

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of May 17, 2019 (84 FR 22366) FR Doc. 2019–0038, Amendment of Class E Airspace; Sibley, IA, is corrected as follows:

§ 71.1 [Amended]

ACE IA E5 Sibley, IA [Corrected]

■ On page 22367, column 2, line 17; remove ''(long 094°45′35″ W)'' and add in its place ''(long 095°45′35″ W)''.

Issued in Fort Worth, Texas, on June 19, 2019.

John Witucki,

Acting Manager, Operations Support Group, Central Service Center.

[FR Doc. 2019–13642 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 190605486–9486–01]

RIN 0694–AH79

Revisions to the Unverified List (UVL)

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by removing eight (8) persons from the Unverified List (''UVL'') and correcting the name for one (1) person currently listed on the UVL. The eight persons are removed from the UVL on the basis that BIS was able to verify their *bona fides* because of an end-use check.

DATES: This rule is effective: June 27, 2019.

FOR FURTHER INFORMATION CONTACT: Kevin Kurland, Director, Office of Enforcement Analysis, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–4255 or by email at *UVLRequest@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Unverified List, found in supplement no. 6 to part 744 of the EAR, contains the names and addresses of foreign persons who are or have been parties to a transaction, as such parties are described in § 748.5 of the EAR, involving the export, reexport, or transfer (in-country) of items subject to the EAR, and whose *bona fides* (*i.e.,* legitimacy and reliability relating to the end use and end user of items subject to the EAR) BIS has been unable to verify through an end-use check. BIS may add persons to the UVL when BIS or federal officials acting on BIS's behalf have been unable to verify a foreign person's *bona fides* because an end-use check, such as a pre-license check (PLC) or a post-shipment verification (PSV), cannot be completed satisfactorily for such purposes for reasons outside the U.S. Government's control.

There are occasions where, for a number of reasons, end-use checks

cannot be completed. These include reasons unrelated to the cooperation of the foreign party subject to the end-use check. For example, BIS sometimes initiates end-use checks and cannot find a foreign party at the address indicated on export documents and cannot locate the party by telephone or email. Additionally, BIS sometimes is unable to conduct end-use checks when host government agencies do not respond to requests to conduct end-use checks, prevent the scheduling of such checks, or refuse to schedule them in a timely manner. Under these circumstances, although BIS has an interest in informing the public of its inability to verify the foreign party's *bona fides,* there may not be sufficient information to add the foreign person at issue to the Entity List under § 744.11 of the EAR (Criteria for revising the Entity List). In such circumstances, BIS may add the foreign person to the UVL.

Furthermore, BIS sometimes conducts end-use checks but cannot verify the *bona fides* of a foreign party. For example, BIS may be unable to verify *bona fides* if, during the conduct of an end-use check, a recipient of items subject to the EAR is unable to produce the items that are the subject of the end-use check for visual inspection or provide sufficient documentation or other evidence to confirm the disposition of the items. The inability of foreign persons subject to end-use checks to demonstrate their *bona fides* raises concerns about the suitability of such persons as participants in future exports, reexports, or transfers (in-country) of items subject to the EAR and indicates a risk that such items may be diverted to prohibited end uses and/or end users. However, BIS may not have sufficient information to establish that such persons are involved in activities described in parts 744 or 746 of the EAR, preventing the placement of the persons on the Entity List. In such circumstances, the foreign persons may be added to the Unverified List.

As provided in § 740.2(a)(17) of the EAR, the use of license exceptions for exports, reexports, and transfers (in-country) involving a party or parties to the transaction who are listed on the UVL is suspended. Additionally, under § 744.15(b) of the EAR, there is a requirement for exporters, reexporters, and transferors to obtain (and keep a record of) a UVL statement from a party or parties to the transaction who are listed on the UVL before proceeding with exports, reexports, and transfers (in-country) to such persons, when the exports, reexports and transfers (in-country) are not subject to a license requirement.

Requests for removal of a UVL entry must be made in accordance with § 744.15(d) of the EAR. Decisions regarding the removal or modification of UVL listings will be made by the Deputy Assistant Secretary for Export Enforcement, based on a demonstration by the listed person of its *bona fides.*

Changes to the EAR

Supplement No. 6 to Part 744 (''the Unverified List'' or ''UVL'')

This rule corrects the name for one person currently listed on the UVL under the destination of China, Beijing Institute of Nanoenergy and Technology. BIS was notified that the person's correct name is Beijing Institute of Nanoenergy and Nanosystems.

Finally, this rule removes eight persons from the UVL. BIS is removing these persons pursuant to § 744.15(c)(2) of the EAR. This final rule implements the decision to remove the following eight persons located in China from the UVL:

China

(1) Beijing Bayi Space LCD Materials Technology Co., Ltd, Dongfeng Rd, Yanshan, Beijing, China;

(2) Hubei Flying Optical, No 1, Changfei Avenue, Yanhua, Industrial Park, Jianghan Oil Field, Qianjiang, China;

(3) Sunder Tools (Changxing) Technology, Zhongtie Avenue Huaxi Industrial Area,

Changxing County, Huzhou, Zhejiang Province, China 313100;

(4) Wuhan Yifi Laser Equipment Co., Dingxin Industry Park, Jiayuan Road, Optics Valley, Hubei, Wuhan, China 430074;

(5) Wuxi Hengling Technology Co. Ltd., Bldg C1, No. 999 East Gaolang Rd., Binhu District, Jiangsu Province, Wuxi City, China 214131;

(6) Xiamen Sanan Optoelectronics, Luling Road 1721–1725#, Ximing, Xiamen, China 361008;

(7) Zhejiang Xizi Aviation, No. 277 Xinken Road, Qianjin, Technological Development Area, Zhejiang, China 311222; and

(8) Zolix Instruments Co., LDUV 68B, No. 16 Huanke Middle Rd, Tongzhou Zone, Tongzhou District, Beijing, China 101102.

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) (Title XVII, Subtitle B of Pub. L. 115–232) that provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in Section 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 are 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 not been designated a ''significant regulatory action,'' under section 3(f) 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. Pursuant to Section 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. The analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable because no general notice of proposed rulemaking was required for this action. Accordingly, no regulatory flexibility

analysis is required, and none has been prepared.

3. Notwithstanding any other provision of law, no person is required to respond to, nor is 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 the following control numbers: 0694–0088, 0694–0122, 0694–0134, and 0694–0137.

This rule slightly decreases public burden in a collection of information approved by OMB under control number 0694–0088, which authorizes, among other things, export license applications. The restoration of license exceptions for listed persons on the Unverified List will result in decreased license applications being submitted to BIS by exporters. Total burden hours associated with the Paperwork Reduction Act and OMB control number 0694–0088 are expected to decrease minimally, as the restoration of license exceptions will only affect transactions involving persons removed from the Unverified List and not all export transactions. Because license exception eligibility is restored for these entities removed from the UVL, this rule increases public burden in a collection of information approved by OMB under control number 0694–0137 minimally, as this will only affect specific individual listed persons. The decreased burden under 0694–0088 is reciprocal to the increased burden under 0694–0137, and results in no change of burden to the public. This rule also decreases public burden in a collection of information under OMB control number 0694–0122, as a result of the exchange of UVL statements between private parties, and under OMB control number 0694–0134, as a result of appeals from persons listed on the UVL for removal of their listing. The total decrease in burden hours associated with both of these collections is expected to be minimal, as they involve a limited number of persons listed on the UVL.

Any comments regarding these collections of information, including suggestions for reducing the burden, may be sent to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and 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.

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

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 through 774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B, 132 Stat. 2208 (to be codified at 50 U.S.C. 4801 *et seq.*); 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, 2019); Notice of January 16, 2019, 84 FR 127 (January 18, 2019).

■ 2. Supplement No. 6 to Part 744 is amended by:

■ a. Removing the entry for ''Beijing Bayi Space LCD Materials Technology Co., Ltd.'' under ''China'';

■ b. Revising the entry for ''Beijing Institute of Nanoenergy and Technology'' under ''China'';

■ c. Removing the entry for ''Hubei Flying Optical'' under ''China'';

■ d. Removing the entry for ''Sunder Tools (Changxing) Technology'' under ''China'';

■ e. Removing the entry for ''Wuhan Yifi Laser Equipment Co.'' under ''China'';

■ f. Removing the entry for ''Wuxi Hengling Technology Co. Ltd.'' under ''China'';

■ g. Removing the entry for ''Xiamen Sanan Optoelectronics'' under ''China'';

■ h. Removing the entry for ''Zhejiang Xizi Aviation'' under ''China''; and

■ i. Removing the entry for ''Zolix Instruments Co.'' under ''China''.

The revision reads as follows:

Supplement No. 6 to Part 744—Unverified List

Country	Listed person and address	**Federal Register** citation and date of publication
*	* * * * * * *	
CHINA	Beijing Institute of Nanoenergy and Nanosystems, 30 Xue YuanLu HaiDianQu, Beijing, China 100083.	84 FR 14610, 04/11/19. 84 FR [INSERT **Federal Register** PAGE NUMBER], 06/27/19.
*	* * * * * * *	

Dated: June 21, 2019.

Richard E. Ashooh,

Assistant Secretary for Export Administration, Bureau of Industry and Security.

[FR Doc. 2019–13639 Filed 6–26–19; 8:45 am]

BILLING CODE 3510–33–P

FEDERAL TRADE COMMISSION

16 CFR Part 803

Premerger Notification; Reporting and Waiting Period Requirements

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''Commission'' or ''FTC'') is amending the Hart-Scott-Rodino (''HSR'') Premerger Notification Rules (''Rules'') that require the parties to certain mergers and acquisitions to file reports with the FTC and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (''the Assistant Attorney General'' or ''DOJ'') (together the ''Antitrust Agencies'' or ''Agencies'') and to wait a specified period of time before consummating such transactions. The Commission is amending the Antitrust Improvements Act Notification and Report Form (''HSR

Form'') and Instructions to require use of 10-digit codes based upon the North American Product Classification System in place of the 10-digit codes based upon the North American Industry Classification System.

DATES: The amendments are effective September 25, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Assistant Director, Premerger Notification Office, Bureau of Competition, Room 5301, Federal Trade Commission, 400 7th Street SW, Washington, DC 20024. Telephone (202) 326–3100, Email: *rjones@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Section 7A of the Clayton Act (the ''Act'') requires the parties to certain mergers or acquisitions to file with the Commission and DOJ and wait a specified period before consummating the proposed transaction to allow the Agencies to conduct their initial review of a proposed transaction's competitive impact. The reporting requirement and the waiting period that it triggers are intended to enable the Antitrust Agencies to determine whether a proposed merger or acquisition may violate the antitrust laws if consummated and, when appropriate, to seek a preliminary injunction in federal court to prevent consummation.

Section 7A(d)(1) of the Act, 15 U.S.C. 18a(d)(1), directs the Commission, with the concurrence of the Assistant Attorney General, in accordance with the Administrative Procedure Act, 5 U.S.C. 553, to require that premerger notification be in such form and contain such information and documentary material as may be necessary and appropriate to determine whether the proposed transaction may, if consummated, violate the antitrust laws. Section 7A(d)(2) of the Act, 15 U.S.C. 18a(d)(2), grants the Commission, with the concurrence of the Assistant Attorney General, in accordance with 5 U.S.C. 553, the authority to define the terms used in the Act and prescribe such other rules as may be necessary and appropriate to carry out the purposes of section 7A of the Act.

Pursuant to that authority, the Commission, with the concurrence of the Assistant Attorney General, developed the Rules, codified in 16 CFR parts 801, 802 and 803, and the HSR Form and its associated Instructions, codified in the appendices to part 803, to govern the form of premerger notification to be provided by merging parties.

The Commission is amending the HSR Form and Instructions to require use of 10-digit codes based upon the North American Product Classification System (''NAPCS'') in place of the 10-digit codes based upon the North American Industry Classification System (''NAICS'').

Background

Item 5 of the HSR Form requires filing persons to submit information regarding dollar revenues and lines of commerce with respect to operations conducted within the United States during a company's most recently completed year using NAICS and NAICS-based codes. All filing persons submit non-manufacturing revenue at the 6-digit NAICS industry code level. While the official NAICS classification system only provided for six-digit codes, the United States Census Bureau (''Census'') developed a 10-digit NAICS-based product classification code for manufactured and mineral products. Filing persons must also report manufacturing revenues (NAICS sectors 31–33) by these 10-digit codes in Item 5 of the HSR Form. These 10-digit codes were updated in conjunction with the data collection for the 2002, 2007, and 2012 Economic Censuses.

In 2017, Census updated the 6-digit NAICS codes, but discontinued its use and update of the 10-digit NAICS-based codes. Census, instead, adopted 10-digit codes based upon the North American Product Classification System to report products, including manufactured products. The NAPCS is a comprehensive, market- or demand-based, hierarchical classification system for products (goods and services).[1] Census used these 10-digit NAPCS codes, along with the 6-digit NAICS codes in the 2017 Economic Census, which it commenced in May 2018. In addition, Census has published concordance tables that link 2012 NAICS product codes to 2017 NAPCS collection codes.[2] Now that the deadline for response to the 2017 Economic Census has passed and Census has published its concordance tables, the Commission has determined that it is appropriate to adopt the use of 10-digit NAPCS codes for reporting manufacturing revenues in the HSR Form.

Incorporating the 10-digit NAPCS codes into the HSR Form and the Instructions will ensure that filing persons provide revenues in a format that can be compared to the most recent and complete economic data published by Census. The amended HSR Form and Instructions will continue to require the use of 6-digit NAICS industry codes for non-manufacturing revenues. For manufacturing revenues, filing persons will be required to report revenue in both the 6-digit NAICS industry code, as well as the 10-digit NAPCS product code. The reporting of overlaps in Item 6 and Item 7 has been based upon 6-digit NAICS codes and will not change.

Revisions to the HSR Form and Instructions

The Commission is amending the HSR Form and Instructions to require the reporting of manufacturing revenue by both the applicable 6-digit NAICS code and 10-digit NAPCS code. The changes are as follows:

A. HSR Form Item 5

The Commission has deleted the following language: ''5(a) DOLLAR REVENUES BY NON-MANUFACTURING INDUSTRY CODE AND BY MANUFACTURED PRODUCT CODE'' and replaced it with ''5(a) DOLLAR REVENUES BY NAICS INDUSTRY CODE AND BY NAPCS-BASED PRODUCT CODE.'' The Commission has also deleted the following language: ''6-DIGIT INDUSTRY CODE AND/OR 10-DIGIT PRODUCT CODE'' and replaced it with ''6-DIGIT NAICS INDUSTRY CODE AND/OR 10-DIGIT NAPCS-BASED PRODUCT CODE.''

Previously, manufactured product revenue (NAICS Sectors 31–33) only needed to be reported at the 10-digit NAICS-based code level, since the relevant 6-digit NAICS code constituted the first 6 digits of the 10-digit code. However, because the 10-digit NAPCS-based codes do not include the 6-digit NAICS code, manufactured product revenue must now be reported by both NAICS and NAPCS codes. For example, assume that a filing person determined that its Item 5 revenues should be reported as follows using NAICS codes:

3111111131 Canned dog food—$50 million

3111111411 Dry and semi-moist dog food—$45 million

[1] *See* United States Census Bureau, Economic Census, Concordance of 2012 Product Codes to 2017 NAPCS-Based Codes, *https://www.census.gov/programs-surveys/economic-census/guidance/understanding-napcs.html;* United States Census Bureau, North American Product Classification System, *https://www.census.gov/eos/www/napcs/index.html.*

[2] United States Census Bureau, 2017 NAPCS-Based Collection Code to 2012 Product Code: *https://www2.census.gov/programs-surveys/economic-census/technical-documentation/napcs/2017_napcs-based_collection_code_to_2012_product_code.xlsx;* United States Census Bureau, 2012 Product Code to 2017 NAPCS-Based Collection Code: *https://www2.census.gov/programs-surveys/economic-census/technical-documentation/napcs/2012_product_code_to_2017_napcs_based_collection_code.xlsx.*

3111114411 Canned cat food—$35 million
3111114511 Dry and semi-moist cat food—$25 million

That filing person would now report the following in Item 5 using NAICS and NAPCS codes:

311111 Dog and Cat Food Manufacturing—$155 million
2009750000 Canned dog food $50—million
2009775000 Dry and semi-moist dog food—$45 million
2009800000 Canned cat food—$35 million
2009825000 Dry and semi-moist cat food—$25 million

The reporting requirements for revenue derived from non-manufacturing operations remain the same.

B. HSR Form Revised Date

The HSR Form's ''Revised Date'' on the bottom of each page has been updated from ''(rev. 01/02/17)'' to ''(rev. 06/07/19)'' to reflect the ministerial revisions described in this document.

C. Revisions to the Instructions to the Form

The Commission is amending the Instructions to the Form as follows.

- Page II of the Instructions adds references to the use of the North American Product Classification System and updates references to the North American Industry Classification System to reflect the release of 2017 codes.
- Page II of the Instructions also deletes the paragraph that instructed filing parties to continue to use 2012 NAICS codes while Census completed its transition to NAPCS.
- The section for Item 5 on Page VII instructs filers that derive revenue from manufacturing operations to use 10-digit NAPCS codes, rather than 10-digit NAICS codes, to report this revenue.
- The section for Item 5 on Page VII also instructs filing parties that derive revenue from manufacturing operations to report the sum of those revenues in the appropriate 6-digit NAICS code.
- The section for Item 5 on Page VII requires filing parties to check the overlap box for NAICS and NAPCS code overlaps. Filers deriving revenue from manufacturing operations that will report an overlap in Item 7 should check the overlap box for the corresponding 6-digit NAICS code in Item 5, even if there are no 10-digit NAPCS code overlaps.
- The section for Item 5 on Page VII is further changed to emphasize that acquired persons are to only include total dollar revenues for all entities included within the acquired entity.

Administrative Procedure Act

The Commission finds good cause to adopt these changes without prior public comment. Under the Administrative Procedure Act (''APA''), notice and comment are not required ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(3)(B).

In this case, the Commission finds that public comment on these changes is unnecessary. The Commission is amending the HSR Rules to adopt updates developed by the Census for the reporting of manufactured product revenue. These updates do not involve any substantive changes in the HSR Rules' requirements for entities subject to the Rules. Rather, they merely change the numerical codes used to report manufactured product revenue.

In addition, these amendments fall within the category of rules covering agency procedure and practice that are exempt from the notice-and-comment requirements of the APA. See 5 U.S.C. 553(b)(3)(A). These changes merely alter the manner in which entities report manufactured product revenue to the Agencies.

For these reasons, the Commission finds that there is good cause for adopting this final rule as effective on September 25, 2019 without prior public comment.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that the agency conduct an initial and final regulatory analysis of the anticipated economic impact of the proposed amendments on small businesses, except where the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605. Because of the size of the transactions necessary to invoke an HSR filing, the premerger notification rules rarely, if ever, affect small businesses. Indeed, amendments to the Act in 2001 were intended to reduce the burden of the premerger notification program further by exempting all transactions valued at less than $50 million (as adjusted annually).[3] Likewise, none of the rule amendments expand the coverage of the premerger notification rules in a way that would affect small business. In addition, the Regulatory Flexibility Act requirements apply only to rules or amendments that are subject to the notice-and-comment requirements of the APA. See 5 U.S.C. 603, 604. Because these amendments are exempt from those APA requirements, as noted earlier, they are also exempt from the Regulatory Flexibility Act requirements. In any event, to the extent, if any, that the Regulatory Flexibility Act applies, the Commission certifies that these rules will not have a significant economic impact on a substantial number of small entities. This document serves as notice of this certification to the Small Business Administration.

Paperwork Reduction Act

The Commission has existing Paperwork Reduction Act clearance for the HSR Rules (OMB Control Number 3084–0005). The Commission has concluded that these technical amendments do not change the substance or frequency of the pre-existing information collection requirements and, therefore, do not require further OMB clearance.

List of Subjects in 16 CFR Part 803

Antitrust.

By direction of the Commission.

April Tabor,

Acting Secretary.

For the reasons stated above, the Federal Trade Commission amends 16 CFR part 803 as set forth below:

PART 803—TRANSMITTAL RULES

■ 1. The authority citation for part 803 continues to read as follows:

Authority: 15 U.S.C. 18a(d).

■ 2. Revise appendix A to part 803 to read as follows:

Appendix A to Part 803—Notification and Report Form for Certain Mergers and Acquisitions

BILLING CODE 6750–01–P

[3] By comparison, the dollar thresholds established for total annual receipts of a small business under the applicable small business size standards fall well under $50 million. *See* 13 CFR 121.201.

16 C.F.R. Part 803 - Appendix A
NOTIFICATION AND REPORT FORM FOR CERTAIN MERGERS AND ACQUISITIONS

☐☐☐☐☐☐☐☐
TRANSACTION NUMBER ASSIGNED

FEE INFORMATION *(For Payer Only)*

TAXPAYER IDENTIFICATION NUMBER _____
OR SOCIAL SECURITY NUMBER FOR NATURAL PERSONS

AMOUNT PAID $ _____

NAME OF PAYER *(if different from PERSON FILING)* _____

WIRE TRANSFER ☐ or CERTIFIED CHECK / MONEY ORDER ATTACHED ☐

WIRE TRANSFER CONFIRMATION NO. _____

FROM (NAME OF INSTITUTION) _____

IS THIS A CORRECTIVE FILING? ☐ YES ☐ NO | CASH TENDER OFFER? ☐ YES ☐ NO | BANKRUPTCY? ☐ YES ☐ NO

DO YOU REQUEST EARLY TERMINATION OF THE WAITING PERIOD? ☐ YES ☐ NO
(Grants of early termination are published in the Federal Register and on the FTC web site, www.ftc.gov)

(voluntary) IS THIS ACQUISITION SUBJECT TO NON-US FILING REQUIREMENTS? ☐ YES ☐ NO
IF YES, list jurisdictions:

ITEM 1

1(a) PERSON FILING

NAME	
HEADQUARTERS ADDRESS	
ADDRESS LINE 2	
CITY, STATE, COUNTRY	
ZIP CODE	
WEB SITE	

1(b) PERSON FILING NOTIFICATION IS ☐ an acquiring person ☐ an acquired person ☐ both

1(c) PUT AN "X" IN THE APPROPRIATE BOX TO DESCRIBE THE PERSON FILING NOTIFICATION
☐ Corporation ☐ Unincorporated Entity ☐ Natural Person ☐ Other *(Specify)* _____

1(d) DATA FURNISHED BY
☐ calendar year ☐ fiscal year *(specify period)*: _____ (month/year) to _____ (month/year)

1(e) PUT AN "X" IN THE APPROPRIATE BOX BELOW AND GIVE THE NAME AND ADDRESS OF THE ENTITY FILING NOTIFICATION, IF DIFFERENT THAN THE ULTIMATE PARENT ENTITY

☐ Not Applicable | ☐ This report is being filed on behalf of a foreign person pursuant to § 803.4. | ☐ This report is being filed on behalf of the ultimate parent entity by another entity within the same person authorized by it to file pursuant to § 803.2(a).

NAME	
ADDRESS	
CITY, STATE, COUNTRY	
ZIP CODE	

1(f) NAME AND ADDRESS OF ENTITY MAKING ACQUISITION OR WHOSE ASSETS, VOTING SECURITIES OR NON-CORPORATE INTERESTS ARE BEING ACQUIRED, IF DIFFERENT FROM THE ULTIMATE PARENT ENTITY IDENTIFIED IN ITEM 1(a)

NAME		☐ Not Applicable
ADDRESS		
CITY, STATE, COUNTRY		
ZIP CODE		
PERCENT OF VOTING SECURITIES OR NON-CORPORATE INTERESTS THAT THE UPE HOLDS DIRECTLY OR INDIRECTLY IN THE ACQUIRING OR ACQUIRED ENTITY IDENTIFIED IN ITEM 1(f)		%

1(g) IDENTIFICATION OF PERSONS TO CONTACT REGARDING THIS REPORT

CONTACT PERSON 1		CONTACT PERSON 2	
FIRM NAME		FIRM NAME	
BUSINESS ADDRESS		BUSINESS ADDRESS	
CITY, STATE, COUNTRY		CITY, STATE, COUNTRY	
ZIP CODE		ZIP CODE	
TELEPHONE NUMBER		TELEPHONE NUMBER	
FAX NUMBER		FAX NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS	

1(h) IDENTIFICATION OF AN INDIVIDUAL LOCATED IN THE UNITED STATES DESIGNATED FOR THE LIMITED PURPOSE OF RECEIVING NOTICE OF ISSUANCE OF A REQUEST FOR ADDITIONAL INFORMATION OR DOCUMENTS (See § 803.20(b)(2)(iii))

NAME	
FIRM NAME	
BUSINESS ADDRESS	
CITY, STATE, COUNTRY	
ZIP CODE	
TELEPHONE NUMBER	
FAX NUMBER	
E-MAIL ADDRESS	

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 2

2(a) LIST NAMES OF ULTIMATE PARENT ENTITIES OF ALL ACQUIRING PERSONS

NAME	NON-REPORTABLE
	☐

LIST NAMES OF ULTIMATE PARENT ENTITIES OF ALL ACQUIRED PERSONS

NAME	NON-REPORTABLE
	☐

2(b) THIS ACQUISITION IS *(put an "X" in all the boxes that apply)*

- ☐ an acquisition of assets
- ☐ a merger (see § 801.2)
- ☐ an acquisition subject to § 801.2 (e)
- ☐ a formation of a joint venture or other corporation or unincorporated entity (see § 801.40 or § 801.50)
- ☐ an acquisition subject to § 801.30 *(specify type)*
- ☐ a consolidation (see § 801.2)
- ☐ an acquisition of voting securities
- ☐ a secondary acquisition
- ☐ an acquisition subject to § 801.31
- ☐ an acquisition of non-corporate interests
- ☐ other *(specify)*

2(c) INDICATE THE HIGHEST NOTIFICATION THRESHOLD IN § 801.1(h) FOR WHICH THIS FORM IS BEING FILED
(acquiring person only in an acquisition of voting securities)

☐ $50 million (as adjusted) ☐ $100 million (as adjusted) ☐ $500 million (as adjusted) ☐ 25% (see Instructions) (as adjusted) ☐ 50% ☐ N/A

2(d)(i) VALUE OF VOTING SECURITIES ALREADY HELD ($MM) $	(v) VALUE OF NON-CORPORATE INTERESTS ALREADY HELD ($MM) $	
(ii) PERCENTAGE OF VOTING SECURITIES ALREADY HELD %	(vi) PERCENTAGE OF NON-CORPORATE INTERESTS ALREADY HELD %	
(iii) TOTAL VALUE OF VOTING SECURITIES TO BE HELD AS A RESULT OF THE ACQUISITION ($MM) $	(vii) TOTAL VALUE OF NON-CORPORATE INTERESTS TO BE HELD AS A RESULT OF THE ACQUISITION ($MM) $	(ix) VALUE OF ASSETS TO BE HELD AS A RESULT OF THE ACQUISITION ($MM) $
(iv) TOTAL PERCENTAGE OF VOTING SECURITIES TO BE HELD AS A RESULT OF THE ACQUISITION %	(viii) TOTAL PERCENTAGE OF NON-CORPORATE INTERESTS TO BE HELD AS A RESULT OF THE ACQUISITION %	(x) AGGREGATE TOTAL VALUE ($MM) $

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 3

3(a) DESCRIPTION OF ACQUISITION

ACQUIRING UPE(S)	ACQUIRED UPE(S)
NAME	NAME
ADDRESS	ADDRESS
ADDRESS LINE 2	ADDRESS LINE 2
CITY, STATE	CITY, STATE
ZIP CODE, COUNTRY	ZIP CODE, COUNTRY

ACQUIRING ENTITY(S)	ACQUIRED ENTITY(S)
NAME	NAME
ADDRESS	ADDRESS
ADDRESS LINE 2	ADDRESS LINE 2
CITY, STATE	CITY, STATE
ZIP CODE, COUNTRY	ZIP CODE, COUNTRY

TRANSACTION DESCRIPTION

3(b) SUBMIT A COPY OF THE MOST RECENT VERSION OF THE CONTRACT OR AGREEMENT *(or letter of intent to merge or acquire)*

(IF SUBMITTING PAPER, DO NOT ATTACH THE DOCUMENT TO THIS PAGE) ATTACHMENT NUMBER

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 4

PERSONS FILING NOTIFICATION MAY PROVIDE BELOW AN OPTIONAL INDEX OF DOCUMENTS REQUIRED TO BE SUBMITTED BY ITEM 4 *(See Item by Item instructions)*. THESE DOCUMENTS SHOULD NOT BE ATTACHED TO THIS PAGE.

4(a) ENTITIES WITHIN THE PERSON FILING NOTIFICATION THAT FILE ANNUAL REPORTS WITH THE SECURITIES AND EXCHANGE COMMISSION ☐ None

	CENTRAL INDEX KEY NUMBER	

4(b) ANNUAL REPORTS AND ANNUAL AUDIT REPORTS ☐ None

	ATTACHMENT OR REFERENCE NUMBER

4(c) STUDIES, SURVEYS, ANALYSES, AND REPORTS ☐ None

	ATTACHMENT OR REFERENCE NUMBER	

4(d) ADDITIONAL DOCUMENTS ☐ None

	ATTACHMENT OR REFERENCE NUMBER	

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 5

5(a) DOLLAR REVENUES BY NAICS INDUSTRY CODE AND BY NAPCS-BASED PRODUCT CODE.

Check None at the bottom of the page and provide explanation if you are not reporting revenue

6-DIGIT NAICS INDUSTRY CODE AND/OR 10-DIGIT NAPCS-BASED PRODUCT CODE.	DESCRIPTION	YEAR TOTAL DOLLAR REVENUES ($MM)
Attachment:		
		☐ Overlap

NONE ☐ *(PROVIDE EXPLANATION)*

NAME OF PERSON FILING NOTIFICATION	DATE

5(b) COMPLETE ONLY IF ACQUISITION IS IN THE FORMATION OF A JOINT VENTURE CORPORATION OR UNINCORPORATED ENTITY ☐ Not Applicable

5(b)(i) CONTRIBUTIONS THAT EACH PERSON FORMING THE JOINT VENTURE CORPORATION OR UNINCORPORATED ENTITY HAS AGREED TO MAKE

Attachment:

5(b)(ii) DESCRIPTION OF CONSIDERATION THAT EACH PERSON FORMING THE JOINT VENTURE CORPORATION OR UNINCORPORATED ENTITY WILL RECEIVE

Attachment:

5(b)(iii) DESCRIPTION OF THE BUSINESS IN WHICH THE JOINT VENTURE CORPORATION OR UNINCORPORATED ENTITY WILL ENGAGE

Attachment:

5(b)(iv) SOURCE OF DOLLAR REVENUES BY 6-DIGIT INDUSTRY CODE (non-manufacturing) AND BY 10-DIGIT PRODUCT CODE (manufactured)

Attachment:

CODE	DESCRIPTION

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 6

6(a) ENTITIES WITHIN PERSON FILING NOTIFICATION

Attachment:

NAME	CITY	STATE	COUNTRY

6(b) HOLDERS OF PERSON FILING NOTIFICATION

Attachment:

ISSUER/ UNINCORPORATED ENTITY	SHAREHOLDER/ INTEREST HOLDER	HQ ADDRESS	% HELD

6(c)(i) HOLDINGS OF PERSON FILING NOTIFICATION

Attachment:

UPE OF FILING PERSON	ISSUER/ UNINCORPORATED ENTITY	% HELD

6(c)(ii) HOLDINGS OF ASSOCIATES *(ACQUIRING PERSON ONLY)*

Attachment:

TOP LEVEL ASSOCIATE	ISSUER/ UNINCORPORATED ENTITY	% HELD

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 7

OVERLAP DOLLAR REVENUES

7(a) 6-DIGIT NAICS INDUSTRY CODE AND DESCRIPTION

☐ None

CODE	DESCRIPTION	PERSON / ASSOCIATE / BOTH

7(b)(i) LIST THE NAME OF EACH PERSON THAT ALSO DERIVED DOLLAR REVENUES

UPE OF OTHER FILING PERSON	ENTITY THAT OVERLAPS (IF DIFFERENT)

7(b)(ii) LIST THE NAME OF EACH ASSOCIATE OF THE ACQUIRING PERSON THAT ALSO DERIVED DOLLAR REVENUES (*ACQUIRING PERSON ONLY*)

TOP LEVEL ASSOCIATE	ENTITY THAT OVERLAPS (IF DIFFERENT)

7(c) GEOGRAPHIC MARKET INFORMATION FOR EACH PERSON THAT ALSO DERIVED DOLLAR REVENUES

CODE	GEOGRAPHIC MARKET INFORMATION

7(d) GEOGRAPHIC MARKET INFORMATION FOR ASSOCIATES OF THE ACQUIRING PERSON (*ACQUIRING PERSON ONLY*)

CODE	GEOGRAPHIC MARKET INFORMATION

NAME OF PERSON FILING NOTIFICATION	DATE

ITEM 8

PRIOR ACQUISITIONS *(ACQUIRING PERSON ONLY)*

NAICS Code					
Acquired Entity					
Former HQ Address					
Acquisition Type	☐ Securities	☐ Assets	☐ Non Corporate Interests	Date of Acquisition:	
Notes					

CERTIFICATION

This **NOTIFICATION AND REPORT FORM**, together with any and all appendices and attachments thereto, was prepared and assembled under my supervision in accordance with instructions issued by the Federal Trade Commission. Subject to the recognition that, where so indicated, reasonable estimates have been made because books and records do not provide the required data, the information is, to the best of my knowledge, true, correct, and complete in accordance with the statute and rules.

NAME (Please print or type)	TITLE
SIGNATURE	DATE

Subscribed and sworn to before me at the

City of _____ , State of _____ [SEAL]

this _____ day of _____ , the year _____

Signature _____

My Commission expires _____

NAME OF PERSON FILING NOTIFICATION	DATE

16 C.F.R. Part 803 - Appendix A NOTIFICATION AND REPORT FORM FOR CERTAIN MERGERS AND ACQUISITIONS	Approved by OMB 3084-0005

Attach the Affidavit required by § 803.5 to the Form.

THE INFORMATION REQUIRED TO BE SUPPLIED ON THESE ANSWER SHEETS IS SPECIFIED IN THE INSTRUCTIONS

THIS FORM IS REQUIRED BY LAW and must be filed separately by each person which, by reason of a merger, consolidation or acquisition, is subject to §7A of the Clayton Act, 15 U.S.C. §18a, as added by Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. No. 94-435, 90 Stat. 1390, and rules promulgated thereunder (hereinafter referred to as "the rules" or by section number). The statute and rules are set forth in the *Federal Register* at 43 FR 33450; the rules may also be found at 16 CFR Parts 801-03. Failure to file this **Notification and Report Form**, and to observe the required waiting period before consummating the acquisition in accordance with the applicable provisions of 15 U.S.C. §18a and the rules, subjects any "person," as defined in the rules, or any individuals responsible for noncompliance, to liability for a penalty for each day during which such person is in violation of 15 U.S.C. §18a. The maximum daily civil penalty amount is listed in 16 C.F.R. §1.98(a).

Pursuant to the Hart-Scott-Rodino Act, information and documentary material filed in or with this Form is confidential. It is exempt from disclosure under the Freedom of Information Act, and may be made public only in an administrative or judicial proceeding, or disclosed to Congress or to a duly authorized committee or subcommittee of Congress.

DISCLOSURE NOTICE - Public reporting burden for this report is estimated to vary from 8 to 160 hours per response, with an average of 37 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this report, including suggestions for reducing this burden to:

Premerger Notification Office, Federal Trade Commission, 400 7th St. SW, Room # 5301, Washington, DC 20024
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503

Under the **Paperwork Reduction Act**, as amended, 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. That number is 3084-0005, which also appears above.

Privacy Act Statement--Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. Our authority to collect Social Security numbers is 31 U.S.C. 7701. The primary use of information submitted on this Form is to determine whether the reported merger or acquisition may violate the antitrust laws. Taxpayer information is collected, used, and may be shared with other agencies and contractors for payment processing, debt collection and reporting purposes. Furnishing the information on the Form is voluntary. Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to the amount listed in 16 C.F.R. §1.98(a) per day. We also may be unable to process the Form unless you provide all of the requested information.

This page may be omitted when submitting the Form.

NAME OF PERSON FILING NOTIFICATION	DATE

16 C.F.R. Part 803 - Appendix A NOTIFICATION AND REPORT FORM FOR CERTAIN MERGERS AND ACQUISITIONS	Approved by OMB 3084-0005

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This page may be omitted when submitting the Form.

■ 3. Revise appendix B to part 803 to read as follows:

Appendix B to Part 803—Instructions to the Notification and Report Form for Certain Mergers and Acquisitions

ANTITRUST IMPROVEMENTS ACT NOTIFICATION AND REPORT FORM for Certain Mergers and Acquisitions

INSTRUCTIONS **OMB: 3084-0005**

GENERAL

The Notification and Report Form ("the Form") is required to be submitted pursuant to § 803.1(a) of the premerger notification rules, 16 CFR Parts 801-803 ("the Rules"). These instructions specify the information that must be provided in response to the items on the Form.

Information
The central office for information and assistance concerning the Form and the Rules is:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024
Phone: (202) 326-3100
E-mail: HSRhelp@ftc.gov

Copies of the Form, Instructions and Rules as well as information to assist in completing the Form are available at the PNO website.

Definitions
The definitions used in this Form are set forth in the Rules. See Statute, Rules and Formal Interpretations for copies of the Hart-Scott-Rodino Act ("the Act"), the Rules, and the Federal Register Notices issuing the Rules and Rule amendments ("Statements of Basis and Purpose").

The term "documentary attachments" refers only to materials submitted in response to Item 3(b), Item 4 and to submissions pursuant to § 803.1(b) of the Rules.

The terms "person filing" or "filing person" mean the ultimate parent entity ("UPE"). (See § 801.1(a)(3)). The terms are used herein interchangeably.

Filing
Parties should file the completed Form, together with all documentary attachments, with the Premerger Notification Office ("PNO") of the Federal Trade Commission ("FTC") and the Premerger Unit of the Antitrust Division of the Department of Justice ("DOJ") (together, "the Agencies"). Filers have the option of submitting a DVD filing or a paper filing. Filings should be submitted to:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024

and

Department of Justice
Antitrust Division
Premerger and Division Statistics Unit
450 Fifth Street, N.W., Suite 1100
Washington, D.C. 20530

If one or both delivery sites are unavailable, the Agencies may announce alternate sites for delivery through the media and, if possible, at the PNO website.

If submitting a DVD filing

1) Provide the FTC with:

   TWO (2) DVDs, each containing the Form, affidavit, certification and all documentary attachments, along with the original hard copies of the cover letter, certification and affidavit.

2) Provide DOJ with:

   TWO (2) DVDs containing the same content as above, along with **THREE** (3) hard copies of the cover letter.

The Form must be a searchable PDF document. All other files must be in searchable PDF or MS Excel spreadsheet format and saved in color, if applicable. This includes the affidavit and certification.

Label each DVD with the name of the person filing, the name of a contact person and that person's phone number. Leave space on the DVD for the Agencies to write the assigned transaction number and date of receipt.

If the DVD or files contain viruses, passwords, or are not readable, the filing will not be accepted and the waiting period will not start.

For further instructions on DVD filing and specific DVD requirements, go to HSR Resources on the PNO website.

If submitting a paper filing

1) Provide the FTC with:

   ONE (1) original and **ONE** (1) copy of the Form, certification page and affidavit, along with an original cover letter and **ONE** (1) set of documentary attachments.

2) Provide DOJ with:

   TWO (2) copies of the Form, certification page and affidavit, along with **THREE** (3) copies of the cover letter, and **ONE** (1) set of documentary attachments.

Affidavits
Affidavit(s) are required by § 803.5 and must attest to the good faith of the persons filing to complete the transaction. Affidavits must be notarized or use the language found in 28 U.S.C. § 1746 relating to unsworn declarations under penalty of perjury. If an entity is filing on behalf of the acquiring or acquired person, the affidavit must still attest to the good faith of the UPE.

In non-§ 801.30 transactions, the affidavit(s) (submitted by both persons filing) must attest that a contract, agreement in principle or letter of intent to merge or acquire has been executed, and further attest to the good faith intention of the person filing notification to complete the transaction. (See § 803.5(b)).

In § 801.30 transactions, the affidavit (submitted only by the acquiring person) must attest:

1) that the issuer whose voting securities or the unincorporated entity whose non-corporate interests are to be acquired has received notice, as described below, from the acquiring person;

2) in the case of a tender offer, that the intention to make the tender offer has been publicly announced; and

3) the good faith intention of the person filing notification to complete the transaction.

Acquiring persons in § 801.30 transactions are required to submit a copy of the notice received by the acquired person pursuant to § 803.5(a)(3) along with the filing. This notice must include:

1) the identity of the acquiring person and the fact that the acquiring person intends to acquire voting securities of the issuer or non-corporate interests of the unincorporated entity;

2) the specific notification threshold that the acquiring person intends to meet or exceed in an acquisition of voting securities;

3) the fact that the acquisition may be subject to the Act, and that the acquiring person will file notification under the Act;

4) the anticipated date of receipt of such notification by the Agencies; and

5) the fact that the person within which the issuer or unincorporated entity is included may be required to file notification under the Act. (See § 803.5(a)).

Responses
Enter the name of the person filing notification in Item 1(a) on page 1 of the Form, and enter the same name and the date on which the Form is completed at the top of each page of the Form.

If there is insufficient room on the Form for a response to a particular item, attach "additional pages" behind that item on the Form. Filers must submit a complete set of additional pages within each copy of the Form.

Each additional page should identify, at the top of the page, the name of the person filing notification, the date on which the Form is completed and the item to which it is addressed.

Voluntary submissions pursuant to § 803.1(b) should be identified as V-1, V-2, etc.

If unable to answer any item fully, provide such information as is available and a statement of reasons for non-compliance as required by § 803.3. If exact answers to any item cannot be given, enter best estimates and indicate the source or basis of such estimates. Add an endnote with the notation "est." to any item where data are estimated.

All financial information should be expressed in millions of dollars rounded to the nearest one-tenth of a million dollars.

Limited Response
The acquired person should limit its response in Items 5-7:

1) in the case of an acquisition of assets, to the assets being acquired;

2) in the case of an acquisition of voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such acquired entities; and

3) in the case of an acquisition of non-corporate interests, to the unincorporated entity(s) whose non-corporate interests are being acquired and all entities controlled by such acquired entities.

Separate responses may be required where a person is both acquiring and acquired. (See § 803.2(b)).

Information need not be supplied regarding assets, voting securities or non-corporate interests currently being acquired when their acquisition is exempt under the Act or Rules. (See § 803.2(c)).

Year
All references to "year" refer to calendar year. If data are not available on a calendar year basis, supply the requested data for the fiscal year reporting period that most nearly corresponds to the calendar year specified. References to "most recent year" mean the most recent calendar or fiscal year for which the requested information is available.

North American Industry Classification System (NAICS) and North American Product Classification System (NAPCS) Data
The Form requests "dollar revenues" for non-manufactured and manufactured products with respect to operations conducted within the United States, and for products manufactured outside of the United States and sold into the United States. (See § 803.2(d)). Filing persons must submit data by 6-digit NAICS code to reflect both non-manufacturing and manufacturing dollar revenues. To the extent that dollar revenues are derived from manufacturing operations (NAICS Sectors 31-33), filing persons must also submit data by 10-digit NAPCS code. (See Item 5 below).

In reporting information by 6-digit NAICS code, refer to the *North American Industry Classification System - United States, 2017* published by the Executive Office of the President, Office of Management and Budget.

In reporting information by 10-digit NAPCS code, refer to the concordance tables between 2012 product codes and 2017 NAPCS-based product codes published by the Bureau of the Census.

Information regarding NAICS and NAPCS is available at www.census.gov. This site also provides assistance in choosing the proper code(s) for reporting in Item 5 of the Form.

Thresholds
Filing fee and notification thresholds are adjusted annually pursuant to 15 U.S.C. § 18A(a)(2)(A) based on the change in gross national product, in accordance with 15 U.S.C. § 19(a)(5). The current threshold values can be found at Current Filing Thresholds.

END OF GENERAL SECTION

Online Style Sheet for the Form

Online Tips for the Form

THE FORM - ITEM BY ITEM

Fee Information
The fee for filing the Form is based on the aggregate total value of assets, voting securities and controlling non-corporate interests to be held as a result of the acquisition:

Value of assets, voting securities and controlling non-corporate interests to be held	Fee Amount
greater than $50 million (as adjusted) but less than $100 million (as adjusted)	$45,000
$100 million (as adjusted) or greater but less than $500 million (as adjusted)	$125,000
$500 million or greater (as adjusted)	$280,000

For current thresholds and fee information, see the PNO website.

Amount Paid
Indicate the amount of the filing fee paid. This amount should be net of any banking or financial institution charges.

Payer Identification
Provide the payer's name and 9-digit Taxpayer Identification Number (TIN). If the payer is a natural person with no TIN, provide the natural person's social security number.

Method of Payment
The preferred method of payment is by electronic wire transfer (EWT). For EWT payments, provide the EWT confirmation number and the name of the financial institution from which the EWT is being sent. If the EWT confirmation number is not available at the time of filing, provide this information to the PNO within two business days of filing.

In order for the FTC to track payment, the payer must provide information required by the Fedwire Instructions to the financial institution initiating the EWT. A template of the Fedwire Instructions is available at the PNO website on the Filing Fee Information page.

There are now specific, limited criteria for paying by certified check. Please see the Filing Fee Information page for details.

Corrective Filings
Put an X in the appropriate box to indicate whether the notification is a corrective filing (i.e., an acquisition that has already taken place without filing, in violation of the statute). See Procedures for Submitting Post-Consummation Filings for more information on how to proceed in the case of a corrective filing.

Cash Tender Offer
Put an X in the appropriate box to indicate whether the acquisition is a cash tender offer.

Bankruptcy
Put an X in the appropriate box to indicate whether the acquired person's filing is being made by a trustee in bankruptcy or by a debtor-in-possession for a transaction that is subject to Section 363(b) of the Bankruptcy Code (11 U.S.C. § 363).

Early Termination
Put an X in the "yes" box to request early termination of the waiting period. Notification of each grant of early termination will be published in the Federal Register, as required by 15 U.S.C. § 18A(b)(2), and on the PNO website. Note that if either party in any transaction requests early termination, it may be granted and published.

Transactions Subject to International Antitrust Notification
If, to the knowledge or belief of the filing person at the time of filing, a non-U.S. antitrust or competition authority has been or will be notified of the proposed transaction, list the name of each such authority. Response to this item is voluntary.

Index of Hyperlinks in these Instructions:

PNO website: https://www.ftc.gov/enforcement/premerger-notification-program

Statute, Rules and Formal Interpretations: https://www.ftc.gov/enforcement/premerger-notification-program/statute-rules-formal-interpretations

HSR Resources: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources

Current Filing Thresholds: https://www.ftc.gov/enforcement/premerger-notification-program/current-thresholds

Online Style Sheet for the Form: https://www.ftc.gov/enforcement/premerger-notification-program/form-instructions/style-sheet

Online Tips for the Form: https://www.ftc.gov/system/files/attachments/form-instructions/hsr_form_tip_sheet_1.0.5.pdf

Filing Fee Information: https://www.ftc.gov/enforcement/premerger-notification-program/filing-fee-information

Procedures for Submitting Post-Consummation Filings: https://www.ftc.gov/enforcement/premerger-notification-program/post-consummation-filings-hsr-violations

Online Tips for Item 4(c): https://www.ftc.gov/sites/default/files/attachments/hsr-resources/4ctipsheet.pdf

Online Tips for Item 4(d): https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/pno-guidance-item-4d

Online Tips for Item 5: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/reporting-revenues-item-5

Online Tips for Item 6: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/tips-completing-item-6-hsr-form

Online Tips for Item 7: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/tips-completing-item-7-hsr-form

ITEM 1

Item 1(a)
Provide the name, headquarters address and website (if one exists) of the person filing notification. The name of the person filing is the name of the UPE. (See § 801.1(a)(3)).

Item 1(b)
Indicate whether the person filing notification is an acquiring person, an acquired person, or both an acquiring and acquired person. (See § 801.2).

Item 1(c)
Put an X in the appropriate box to indicate whether the person in Item 1(a) is a corporation, unincorporated entity, natural person, or other (specify). (See § 801.1).

Item 1(d)
Put an X in the appropriate box to indicate whether data furnished in Item 5 is by calendar year or fiscal year. If fiscal year, specify the time period.

Item 1(e)
Put an X in the appropriate box to indicate if the Form is being filed on behalf of the UPE by another entity within the same person authorized by it to file notification on its behalf pursuant to § 803.2(a), or if the Form is being filed pursuant to § 803.4 on behalf of a foreign person. Then provide the name and mailing address of the entity filing notification on behalf of the filing person named in Item 1(a) of the Form.

Item 1(f)
For the acquiring person, if an entity other than the UPE listed in Item 1(a) is making the acquisition, provide the name and mailing address of that entity and the percentage of its voting securities or non-corporate interests held directly or indirectly by the person named in Item 1(a) above.

For the acquired person, if the assets, voting securities or non-corporate interests of an entity other than the UPE listed in Item 1(a) are being acquired, provide the name and mailing address of that entity and the percentage of its voting securities or non-corporate interests held directly or indirectly by the person named in Item 1(a) above.

Item 1(g)
Provide the name and title, firm name, address, telephone number, and e-mail address of the primary and secondary individuals to contact regarding the Form. A second contact person is required. (See § 803.20(b)(2)(ii)).

Item 1(h)
Foreign filing persons must provide the name, firm name, address, telephone number, and e-mail address of an individual located in the United States designated for the limited purpose of receiving notice of the issuance of a request for additional information or documentary material. (See § 803.20(b)(2)(iii)).

Note: The Form has fields for fax numbers in Item 1. Providing fax numbers is no longer necessary. The fields will be deleted during the next update of the HSR Form.

END OF ITEM 1

ITEM 2

Item 2(a)
Provide the names of all UPEs of acquiring and acquired persons that are parties to the transaction, whether or not they are required to file notification. If a person is not required to file, check the non-reportable box.

Item 2(b)
Put an X in all the boxes that apply to the transaction.

Item 2(c)
This item should only be completed by the acquiring person where voting securities are being acquired. If more than voting securities are being acquired, respond to this item only regarding voting securities. Put an X in the box to indicate the highest applicable threshold for which notification is being filed: $50 million (as adjusted), $100 million (as adjusted), $500 million (as adjusted), 25% (if the value of voting securities to be held is greater than $1 billion, as adjusted), or 50%. (See § 801.1(h)).

Note that the 50% notification threshold is the highest threshold and should be used for any acquisition of 50% or more of the voting securities of an issuer, regardless of the value of the voting securities. For instance, an acquisition of 100% of the voting securities of an issuer, valued in excess of $500 million (as adjusted) would cross the 50% notification threshold, not the $500 million (as adjusted) threshold.

Item 2(d)
Provide the requested information on assets, voting securities and non-corporate interests. If a combination of assets, voting securities and/or non-corporate interests is being acquired and allocation is not possible, note such information in an endnote.

For determining percentage of voting securities, evaluate total voting power per § 801.12.

For determining percentage of non-corporate interests, evaluate the economic interests per § 801.1(b)(1)(ii).

Item 2(d)(i)
State the value of voting securities already held. (See § 801.10).

Item 2(d)(ii)
State the percentage of voting securities already held. (See § 801.12).

Item 2(d)(iii)
State the total value of voting securities to be held as a result of the acquisition. (See § 801.10).

Item 2(d)(iv)
State the total percentage of voting securities to be held as a result of the acquisition. (See § 801.12).

Item 2(d)(v)
State the value of non-corporate interests already held. (See § 801.10).

Item 2(d)(vi)
State the percentage of non-corporate interests already held. (See § 801.1(b)(1)(ii)).

Item 2(d)(vii)
State the total value of non-corporate interests to be held as a result of the acquisition. (See § 801.10).

ITEM 2 cont.

Item 2(d)(viii)
State the total percentage of non-corporate interests to be held as a result of the acquisition. (See §§ 801.10 and 801.1(b)(1)(ii)).

Item 2(d)(ix)
State the value of assets to be held as a result of the acquisition. (See § 801.10).

Item 2(d)(x)
State the aggregate total value of assets, voting securities and non-corporate interests of the acquired person to be held as a result of the acquisition. (See §§ 801.10, 801.12, 801.13 and 801.14).

END OF ITEM 2

Most Common Mistakes When Completing the HSR Form

- Noncompliant affidavit
- Missing contact information in Item 1(g)
- Failure to describe target in Item 3(a)
- Incomplete privilege log
- Failure to properly identify authors and recipients of Item 4c/4d documents
- Failure to properly round revenues in Item 5 to nearest tenth of a million and failure to list in ascending order
- Failure to provide required geographic information (e.g., state, county, and city or town) in Item 7(c)(iv)(b)
- Failure to provide the total number of states and territories in response to Item 7(c)

ITEM 3

Item 3(a)
At the top of Item 3(a), list the name and mailing address of each acquiring and acquired person, and acquiring and acquired entity, whether or not required to file notification. It is not necessary to list every subsidiary wholly-owned owned by an acquired entity.

In the Transaction Description section, briefly describe the transaction, indicating whether assets, voting securities or non-corporate interests (or some combination) are to be acquired. Describe the business operation(s) being acquired. If assets, describe the assets and whether they comprise a business operation. Also, indicate what consideration will be received by each party and the scheduled consummation date of the transaction.

If any attached transaction documents use coded names to refer to the parties, please provide an index identifying the codes.

If there are additional filings, such as shareholder backside filings, associated with the transaction, identify those. Also, identify any special circumstances that apply to the filing, such as whether part of the transaction is exempt under one of the exemptions found in Part 802.

Item 3(b)
Furnish copies of all documents that constitute the agreement(s) among the acquiring person(s) and the person(s) whose assets, voting securities or non-corporate interests are to be acquired. Also furnish agreements not to compete and other agreements between the parties. Do not submit schedules and the like unless they contain agreements not to compete, other agreements between the parties, or other important terms of the transaction. For purposes of Item 3(b), responsive documents must be submitted; identifying an internet address or providing a link is not sufficient.

Documents that constitute the agreement(s) (e.g., a Letter of Intent, Merger Agreement, Purchase and Sale Agreement) must be executed, while agreements not to compete may be provided in draft form if that is the most recent version.

If parties are filing on an executed Letter of Intent, they may also submit a draft of the definitive agreement, if one exists.

Note that transactions subject to § 801.30 and bankruptcies under 11 U.S.C. § 363 do not require an executed agreement or letter of intent. For bankruptcies, provide the order from the bankruptcy court.

END OF ITEM 3

ITEM 4

Item 4(a)
Provide the names of all entities within the person filing notification, including the UPE, that file annual reports (Form 10-K or Form 20-F) with the United States Securities and Exchange Commission, and provide the Central Index Key (CIK) number for each entity.

Item 4(b)
Provide the most recent annual reports and/or annual audit reports (or, if audited is unavailable, unaudited) of the person filing notification.

The acquiring person should also provide the most recent reports of the acquiring entity(s) and any controlled entity whose dollar revenues contribute to an overlap reported in Item 7.

The acquired person should also provide the most recent reports of the acquired entity(s).

Natural persons need only provide the most recent reports for the highest level entity(s) they control. Do not provide personal balance sheets or tax returns.

If the most recent reports do not show sales or assets sufficient to meet the size of person test, and the size of person test is relevant given the size of the transaction, the filing person must stipulate in Item 4(b) that it meets the test.

Note that the person filing notification may incorporate a document by reference to an internet address directly linking to the document. (See § 803.2(e)).

Items 4(c) and 4(d)
For each document responsive to Items 4(c) and 4(d), provide the:

1) document's title;

2) date of preparation; and

3) name and title of each individual who prepared the document.

If a specific date is not available, indicate the month and year the document was prepared.

If a large group of people prepared the document, list all the authors and their titles, identifying the principal authors.

Alternatively, it is acceptable to indicate that the document was prepared under the supervision of the lead author and to provide the name and title of that author. If a third party prepared the document, the date of preparation and the name of the third party will suffice.

Numbering
Number each document provided in response to Items 4(c) and 4(d). Number 4(c) documents 4(c)-1, 4(c)-2, 4(c)-3, etc. Likewise, number 4(d) documents 4(d)-1, 4(d)-2, 4(d)-3, etc., regardless of the three sub-categories within Item 4(d). If providing only one document, identify it as 4(c)-1 or 4(d)-1.

When submitting a document responsive to both 4(c) and 4(d), list it only once, under 4(c) or 4(d). If a document is responsive to both 4(c) and 4(d), do not cross-reference.

Privilege
Note that if the filing person withholds or redacts portions of any document responsive to Items 4(c) and 4(d) based on a claim of privilege, the person must provide a statement of reasons for non-compliance (a "privilege log") detailing the claim of privilege for each withheld or redacted document. (See § 803.3(d)).

For each document, include the:

1) title of the document;

2) its author;

3) author's title/position;

4) addressee;

5) addressee's title/position;

6) date;

7) subject matter;

8) all recipients of the original and any copies;

9) recipients' titles/positions;

10) document's present location; and

11) who has control over it.

Additionally, the filing person must state the factual basis supporting the privilege claim in sufficient detail to enable staff to assess the validity of the claim for each document without disclosing the protected information.

If a privileged document was circulated to a group, such as the Board or an investment committee, the name of the group is sufficient, but the filing person should be prepared to disclose the names and titles/positions of the individual group members, if requested. If the claim of privilege is based on advice from inside and/or outside counsel, the name of the inside and/or outside counsel providing the advice (and the law firm, if applicable) must be provided. If several lawyers participated in providing advice, identifying lead counsel is sufficient. In identifying who controls a document, the name of the law firm is sufficient.

When creating a privilege log, use a separate numbering system for withheld documents, such as P-1, P-2, etc. Redacted documents should also be listed in a separate log that complies with § 803.3(d).

Item 4(c)
Provide all studies, surveys, analyses and reports which were prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition with respect to market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets.

Item 4(d)
Item 4(d)(i)
Provide all Confidential Information Memoranda prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) of the UPE of the acquiring or acquired person or of the acquiring or acquired entity(s) that specifically relate to the sale of the acquired entity(s)

ITEM 4 cont.

or assets. If no such Confidential Information Memorandum exists, submit any document(s) given to any officer(s) or director(s) of the buyer meant to serve the function of a Confidential Information Memorandum. This does not include ordinary course documents and/or financial data shared in the course of due diligence, except to the extent that such materials served the purpose of a Confidential Information Memorandum when no such Confidential Information Memorandum exists. Documents responsive to this item are limited to those produced up to one year before the date of filing.

Item 4(d)(ii)
Provide all studies, surveys, analyses and reports prepared by investment bankers, consultants or other third party advisors ("third party advisors") for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) of the UPE of the acquiring or acquired person or of the acquiring or acquired entity(s) for the purpose of evaluating or analyzing market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets that specifically relate to the sale of the acquired entity(s) or assets. This item requires only materials developed by third party advisors during an engagement or for the purpose of seeking an engagement. Documents responsive to this item are limited to those produced up to one year before the date of filing.

Item 4(d)(iii)
Provide all studies, surveys, analyses and reports evaluating or analyzing synergies and/or efficiencies prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition. Financial models without stated assumptions need not be provided in response to this item.

END OF ITEM 4

Tip for Item 4
If there is insufficient room on the Form for a response, attach "additional pages" behind that item on the Form. (See Responses on page II).

Online Tips for Item 4(c)

Online Tips for Item 4(d)

ITEMS 5 THROUGH 7

Limited response for acquired person. For Items 5 through 7, the acquired person should limit its response in the case of an acquisition of:

1) assets, to the assets to be acquired;

2) voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such issuer; and/or

3) non-corporate interests, to the unincorporated entity(s) being acquired and all entities controlled by such unincorporated entity(s).

A person filing as both acquiring and acquired persons may be required to provide a separate response to Items 5 through 7 in each capacity so that it can properly limit its response as an acquired person. (See §§ 803.2(b) and (c)).

ITEM 5

This item requests information regarding dollar revenues. (See NAICS and NAPCS Data section on page II). All persons must submit all dollar revenues at the 6-digit NAICS industry code level. To the extent that dollar revenues are derived from manufacturing operations (NAICS Sectors 31-33), filers must also submit revenue by 10-digit NAPCS code. Concordance tables between 2012 10-digit NAICS codes and 10-digit 2017 NAPCS codes are available at https://www.census.gov/programs-surveys/economic-census/guidance/understanding-napcs.html.

List all NAICS and NAPCS codes in ascending order.

Acquiring persons filing notification should include the total dollar revenues for all entities included within the person filing notification at the time the Form is prepared. Acquired persons filing notification should include the total dollar revenues for all entities included within the acquired entity at the time the Form is prepared. If no dollar revenues are reported, check the "None" box and provide a brief explanation.

Item 5(a)
Provide 6-digit NAICS industry data concerning the aggregate U.S. operations of the person filing notification for the most recent year in all NAICS Sectors in which the person engaged. If the dollar revenues for a non-manufacturing NAICS code totaled less than one million dollars in the most recent year, that code may be omitted from Item 5(a).

Additionally, provide 10-digit NAPCS product code data for each product code within all manufacturing NAICS Sectors (31-33) in which the person engaged in the U.S., including dollar revenues for each product manufactured outside the U.S. but sold into the U.S. Sales of any manufactured product should be reported in a manufacturing code, even if sold through a separate warehouse or retail establishment.

If such data have not been compiled for the most recent year, estimates of dollar revenues by 6-digit NAICS codes and 10-digit NAPCS codes may be provided.

Check the Overlap box for every 6-digit manufacturing and non-manufacturing NAICS code and every 10-digit NAPCS code in which both parties to the transaction generate dollar revenues.

ITEM 5 cont.

Item 5(b)
Complete only if the acquisition is the formation of a joint venture corporation or unincorporated entity. (See §§ 801.40 and 801.50). If the acquisition is not the formation of a joint venture, check the "Not Applicable" box.

Item 5(b)(i)
List the contributions that each person forming the joint venture corporation or unincorporated entity has agreed to make, specifying when each contribution is to be made and the value of the contribution as agreed by the contributors.

Item 5(b)(ii)
Describe fully the consideration that each person forming the joint venture corporation or unincorporated entity will receive in exchange for its contribution(s).

Item 5(b)(iii)
Describe generally the business in which the joint venture corporation or unincorporated entity will engage, including its principal types of products or activities, and the geographic areas in which it will do business.

Item 5(b)(iv)
Identify each 6-digit NAICS industry code in which the joint venture corporation or unincorporated entity will derive dollar revenues. If the joint venture corporation or unincorporated entity will be engaged in manufacturing, also specify each 10-digit NAICS product code in which it will derive dollar revenues.

END OF ITEM 5

Tip for Item 5
Remember, all financial information should be expressed in millions of dollars, rounded to the nearest one-tenth of a million dollars.

Online Tips for Item 5

ITEM 6

An acquired person does not complete Item 6 if the transaction involves only the acquisition of assets. If the transaction involves a mix of assets along with voting securities and/or non-corporate interests, the acquired person must complete Item 6 as related to the voting securities and non-corporate interests.

Item 6(a)
Subsidiaries of filing person. List the name, city and state/country of all U.S. entities, and all foreign entities that have sales in or into the U.S., that are included within the person filing notification. Entities with total assets of less than $10 million may be omitted. Alternatively, the filing person may report all entities within it.

Item 6(b)
Minority shareholders. For the acquired entity(s) and for the acquiring entity(s) and its UPE or, in the case of natural persons, the top-level corporate or unincorporated entity(s) within that UPE, list the name and headquarters mailing address of each shareholder that holds 5% or more but less than 50% of the outstanding voting securities or non-corporate interests of the entity, and the percentage of voting securities or non-corporate interests held by that person. (See § 801.1(c))

For limited partnerships, only the general partner(s), regardless of percentage held, should be listed.

Item 6(c)
Minority holdings. Item 6(c) requires the disclosure of holdings of 5% or more but less than 50%, of any entity(s) that derives dollar revenues in any 6-digit NAICS code reported by the other person filing notification. Holdings in those entities that have total assets of less than $10 million may be omitted.

The acquiring person may rely on its regularly prepared financials that list its investments, and those of its associates that list their investments, to respond to Items 6(c)(i) and (ii), provided the financials are no more than three months old.

If NAICS codes are unavailable, holdings in entities that have operations in the same industry, based on the knowledge or belief of the acquiring person, should be listed. In responding to Items 6(c)(i) and 6(c)(ii), it is permissible for the acquiring person to list all entities in which it or its associate(s) holds 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity. Holdings in those entities that have total assets of less than $10 million may be omitted.

Item 6(c)(i)
Minority holdings of filing person. If the person filing notification holds 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity, list the issuer and percentage of voting securities held, or in the case of an unincorporated entity, list the unincorporated entity and the percentage of non-corporate interests held.

The acquiring person should limit its response, based on its knowledge or belief, to entities that derived dollar revenues in the most recent year from operations in industries within any 6-digit NAICS industry code in which the acquired entity(s) or assets also derived dollar revenues in the most recent year.

The acquired person should limit its response, based on its knowledge or belief, to entities that derive dollar revenues in the

ITEM 6 cont.

same 6-digit NAICS industry code as the acquiring person.

Item 6(c)(ii)
Minority holdings of associates.
This item should only be completed by the acquiring person.
Based on the knowledge or belief of the acquiring person, for each associate (see § 801.1(d)(2)) of the acquiring person holding:

1) 5% or more but less than 50% of the voting securities or non-corporate interests of the acquired entity(s); and/or

2) 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity that derived dollar revenues in the most recent year from operations in industries within any 6-digit NAICS industry code in which the acquired entity(s) or assets also derived dollar revenues in the most recent year;

list the associate, the issuer or unincorporated entity and the percentage held.

END OF ITEM 6

Tip for Item 6(c)
Remember, if NAICS codes are unavailable, holdings in entities that have operations in the same industry, based on the knowledge or belief of the acquiring person, should be listed.

Online Tips for Item 6

ITEM 7

If, to the knowledge or belief of the person filing notification, the acquiring person, or any associate (see § 801.1(d)(2)) of the acquiring person, derived any amount of dollar revenues (even if omitted from Item 5) in the most recent year from operations:

1) in industries within any 6-digit NAICS industry code in which any acquired entity that is a party to the acquisition also derived any amount of dollar revenues in the most recent year; or

2) in which a joint venture corporation or unincorporated entity will derive dollar revenues;

then for each such 6-digit NAICS industry code follow the instructions below for this section.

Note that if the acquired entity is a joint venture, the only overlaps that should be reported are those between the assets to be held by the joint venture and any assets of the acquiring person or its associates not contributed to the joint venture.

Also, if the acquiring person reports an associate overlap only, the acquired person does not need to respond to Item 7.

Item 7(a)
Industry Code Overlap Information
Provide the 6-digit NAICS industry code and description for the industry, and indicate whether the overlap is from the person, an associate or both.

Item 7(b)
Item 7(b)(i)
If the UPE of the other person(s) filing notification derived dollar revenues in the same 6-digit industry code(s) listed in Item 7(a), list the name of that UPE and the name of the entity(s) within that UPE that actually derived those dollar revenues, if different from the entity(s) listed in Item 3(a).

Item 7(b)(ii)
This item should only be completed by the acquiring person.
List the name of each associate of the acquiring person that also derived dollar revenues through a controlled operating company(s) in the 6-digit industry and, if different, the name of the entity(s) that actually derived those dollar revenues.

Item 7(c)
Geographic Market Information
Use the 2-digit postal codes for states and territories and provide the total number of states and territories at the end of the response.

Note that except in the case of those NAICS industries in the Sectors and Subsectors mentioned in Item 7(c)(iv)(b), the person filing notification may respond with the word "national" if business is conducted in all 50 states.

Item 7(c)(i)
NAICS Sectors 31-33
For each 6-digit NAICS industry code within NAICS Sectors 31-33 (manufacturing industries) listed in Item 7(a), list the relevant geographic information in which, to the knowledge or belief of the person filing the notification, the products in that 6-digit NAICS industry code produced by the person filing notification are sold without a significant change in their form (whether they are sold by the person filing notification or by others to whom such products have been sold or resold). Except for industries covered

ITEM 7 cont.

by Item 7(c)(iv)(b), the relevant geographic information is all states or, if desired, portions thereof.

Item 7(c)(ii)
NAICS Sector 42
For each 6-digit NAICS industry code within NAICS Sector 42 (wholesale trade) listed in Item 7(a), list the states or, if desired, portions thereof in which the customers of the person filing notification are located.

Item 7(c)(iii)
NAICS Industry Group 5241
For each 6-digit NAICS industry code within NAICS Industry Group 5241 (insurance carriers) listed in Item 7(a), list the state(s) in which the person filing notification is licensed to write insurance.

Item 7(c)(iv)(a)
Other NAICS Sectors
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, list the states or, if desired, portions thereof in which the person filing notification conducts such operations.

11	agriculture, forestry, fishing and hunting
21	mining
22	utilities
23	construction
48-49	transportation and warehousing
511	publishing industries
515	broadcasting
517	telecommunications
71	arts, entertainment and recreation

Item 7(c)(iv)(b)
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, provide the address, arranged by state, county and city or town, of each establishment from which dollar revenues were derived in the most recent year by the person filing notification.

2123	nonmetallic mineral mining and quarrying
32512	industrial gases
32732	concrete
32733	concrete products
44-45	retail trade, except 442 (furniture and home furnishings stores), and 443 (electronics and appliance stores)
512	motion picture and sound recording industries
521	monetary authorities - central bank
522	credit intermediation and related activities
532	rental and leasing services
62	health care and social assistance
72	accommodations and food services, except 7212 (recreational vehicle parks and recreational camps), and 7213 (rooming and boarding houses)
811	repair and maintenance, except 8114 (personal and household goods repair and maintenance)
812	personal and laundry services

Item 7(c)(iv)(c)
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, list the states or, if desired, portions thereof in which the person filing notification conducts such operations.

442	furniture and home furnishings stores
443	electronics and appliance stores
516	internet publishing & broadcasting
518	internet service providers
519	other information services
523	securities, commodity contracts and other financial investments and related activities
5242	insurance agencies and brokerages, and other insurance related activities
525	funds, trusts and other financial vehicles
53	real estate and rental and leasing
54	professional, scientific and technical services
55	management of companies and enterprises
56	administrative and support and waste management and remediation services
61	educational services
7212	recreational vehicle parks and recreational camps
7213	rooming and boarding houses
813	religious, grantmaking, civic, professional, and similar organizations
8114	personal and household goods repair and maintenance

Item 7(d)
This item should only be completed by the acquiring person. Use the geographic markets listed in Items 7(c)(i) through 7(c)(iv) to respond to this item, providing the information for associates of the acquiring person. Provide separate responses for each associate of the acquiring person and, if different, the controlled operating company(s) that actually derived the dollar revenues.

END OF ITEM 7

Online Tips for Item 7

ITEM 8

This item should only be completed by the acquiring person. Determine each 6-digit NAICS industry code listed in Item 7(a), in which the acquiring person derived dollar revenues of $1 million or more in the most recent year and in which either:

1) the acquired entity derived dollar revenues of $1 million or more in the recent year (or in the case of the formation of a joint venture corporation or unincorporated entity, the joint venture corporation or unincorporated entity reasonably can be expected to derive dollar revenues of $1 million or more); or

2) in the case of acquired assets, to which dollar revenues of $1 million or more were attributable in the most recent year.

For each such 6-digit NAICS industry code, list all acquisitions of entities or assets deriving dollar revenues in that 6-digit NAICS industry code made by the acquiring person in the five years prior to the date of the instant filing, even if the transaction was non-reportable. List only acquisitions of 50% or more of the voting securities of an issuer or 50% or more of non-corporate interests of an unincorporated entity that had annual net sales or total assets greater than $10 million in the year prior to the acquisition, and any acquisitions of assets valued at or above the statutory size-of-transaction test at the time of their acquisition.

This item pertains only to acquisitions of U.S. entities/assets and foreign entities/assets with sales in or into the U.S., i.e., with dollar revenues that would be reported in Item 5.

For each such acquisition, supply:

1) the 6-digit NAICS industry code (by number and description) identified above in which the acquired entity derived dollar revenues;

2) the name of the entity from which the assets, voting securities or non-corporate interests were acquired;

3) the headquarters address of that entity prior to the acquisition;

4) whether assets, voting securities or non-corporate interests were acquired; and

5) the consummation date of the acquisition.

END OF ITEM 8

CERTIFICATION

See § 803.6 for requirements.

The certification must be notarized or use the language found in 28 U.S.C. § 1746 relating to unsworn declarations under penalty of perjury.

PRIVACY ACT STATEMENT

Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. Our authority to collect Social Security numbers is 31 U.S.C. § 7701. The primary use of information submitted on this Form is to determine whether the reported merger or acquisition may violate the antitrust laws. Taxpayer information is collected, used, and may be shared with other agencies and contractors for payment processing, debt collection and reporting purposes. Furnishing the information on the Form is voluntary. Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to the amount listed in 16 C.F.R. §1.98(a) per day.

We also may be unable to process the Form unless you provide all of the requested information.

DISCLOSURE NOTICE

Public reporting burden for this report is estimated to vary from 8 to 160 hours per response, with an average of 37 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this report, including suggestions for reducing this burden to:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024

and

Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Under the Paperwork Reduction Act, as amended, 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 operative OMB control number, 3084-0005, appears within the Notification and Report Form and these Instructions.

END OF FORM INSTRUCTIONS

BILLING CODE 6750–01–C
[FR Doc. 2019–13225 Filed 6–26–19; 8:45 am]
BILLING CODE 6750–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141 and 385

[Docket No. RM19–12–000; Order No. 859]

Revisions to the Filing Process for Commission Forms

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting eXtensible Business Reporting Language (XBRL) as the standard for filing the Commission Form Nos. 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 6–Q, 60, and 714. The use of XBRL will make the information in these forms easier for filers to submit and data users to analyze, and assist in automating regulatory filings. The Commission believes that transitioning from the current Visual FoxPro system to XBRL will decrease the costs, over time, of preparing the necessary data for submission and complying with future changes to filing requirements set forth by the Commission. In addition, the Commission is revising its regulations to require filers of Form No. 1–F to file their report in electronic media.

DATES: This rule is effective August 26, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Hudson (Technical Information), Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6620, *Robert.Hudson@ferc.gov.* Michael Chase, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6205, *Michael.Chase@ferc.gov.*

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1. The Commission is adopting eXtensible Business Reporting Language (XBRL) as the standard for filing the Commission's Form Nos. 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 6–Q, 60, and 714 (VFP Forms or Commission Forms). The Commission concludes that adoption of XBRL will make the information in these forms easier for filers to submit and data users to analyze, and assist in automating regulatory filings. The use of XBRL also will increase efficiency and decrease the costs, over time, of preparing the necessary data for submission and complying with future changes to filing requirements set forth by the Commission. In addition, the Commission is revising its regulations to require Form No. 1–F filers to file their report in electronic media pursuant to 18 CFR 385.2011.

I. Background

2. Under the Commission's regulations, certain entities are required to report information to the Commission by filing one or more forms.[1] Currently, this information is transmitted to the Commission using a Commission-distributed software application called Visual FoxPro (VFP). Each entity is required to gather its relevant financial and other data and enter the data into VFP on its own computer system. The entity then uses the VFP software to transmit the information to the Commission. Microsoft Corporation, the developer of the VFP software, no longer supports this application. As a result, on April 25, 2015, the Commission issued an order announcing its intention to replace the current VFP filing format for the VFP Forms with an eXtensible Markup Language (XML)-based filing format.[2] In the April 2015 Order, the Commission stated that XML is the current industry standard for the submission of electronic data. In support of this proposed change, the Commission stated that the XML data format has significant advantages over other approaches because it is non-proprietary and would establish a single standard for nearly all Commission forms, while also providing consistency with the Commission's current electronic tariff (eTariff) filings and the Electric Quarterly Report (EQR) systems.[3] In the April 2015 Order, the Commission directed Commission staff to seek the assistance of the North American Energy Standards Board (NAESB) [4] in the process of developing standards for the submission of the VFP Forms to the Commission.[5] NAESB facilitated 18 meetings to discuss the transitioning of the forms to the XML process. In addition to these meetings, Commission staff analyzed different methods for

[1] *See* 18 CFR 141.1 (requiring annual filing of FERC Form No. 1, Annual report of Major electric utilities, licensees and others); 18 CFR 141.2 (requiring annual filing of FERC Form No. 1–F, Annual report for Nonmajor public utilities and licensees); 18 CFR 260.1 (requiring annual filing of FERC Form No. 2, Annual report for Major natural gas companies); 18 CFR 260.2 (requiring annual filing of FERC Form No. 2–A, Annual report for Nonmajor natural gas companies); 18 CFR 141.400 and 18 CFR 260.300 (requiring quarterly filing of FERC Form No. 3–Q, Quarterly financial report of electric utilities, licensees, and natural gas companies); 18 CFR 357.2 (requiring annual filing of FERC Form No. 6, Annual Report of Oil Pipeline Companies); 18 CFR 357.4 (requiring quarterly filing of FERC Form No. 6–Q, Quarterly report of oil pipeline companies); 18 CFR 141.51 (requiring annual filing of FERC Form No. 714, Annual Electric Balancing Authority Area and Planning Area Report); and 18 CFR 366.23 and 18 CFR 369.1 (requiring annual filing of FERC Form No. 60, Annual reports of centralized service companies).

[2] *Electronic Filing Protocols for Commission Forms,* 151 FERC ¶ 61,025 (2015) (April 2015 Order).

[3] *Id.* P 5.

[4] NAESB serves as a forum for the development and promotion of standards for the wholesale and retail natural gas and electric industries. In response to the Commission's request on this matter, NAESB performed specific outreach to the oil pipeline industry to include participation from that sector.

[5] April 2015 Order, 151 FERC ¶ 61,025 at P 10.

collecting forms information with other federal agencies.

II. Notice of Proposed Rulemaking

3. On January 17, 2019, the Commission issued a Notice of Proposed Rulemaking in this proceeding, proposing to adopt XBRL as the standard for filing Commission Forms.[6] The Commission stated that the XBRL standard includes all the advantages of the XML format, such as its non-proprietary nature, its efficient sharing of data across different information systems, and its ability to include identified proprietary formats (*e.g.,* PDF, Microsoft Word, etc.), while also structuring the data with tags that utilize standard taxonomies to capture the inherent characteristics of the information as well as the value of the data.[7] The Commission noted that the XBRL standard is required for filing forms by a number of other federal agencies, including the U.S. Securities and Exchange Commission, the Department of Energy, and the Federal Financial Institutions Examination Council.[8] The Commission stated that XBRL is an international standard that enables the reporting of comprehensive, consistent, interoperable data that allows industry and other data users to automate submission, extraction, and analysis.[9] The Commission also stated that the use of XBRL would facilitate the implementation of changes to its reporting requirements by enabling future changes without the need for costly development procedures.[10] The Commission sought comment generally on the proposed transition from VFP to XBRL and specifically on the time period of historical VFP Form data that should be converted by the Commission to XBRL upon launch of the new XBRL system.[11]

III. Discussion

4. Nine commenters [12] filed comments in response to the NOPR, broadly supporting the use of XBRL to replace the current software for filing Commission Forms. The commenters generally agree that using XBRL to file Commission Forms would be superior to the current VFP-based filing format or a customized XML-based format. No commenters provided any alternative to XBRL or opposed the Commission's proposal to replace VFP with XBRL as the standard for submitting Commission Forms. Based on the need to transition to a new filing format and the comments received in response to the NOPR, the Commission will adopt the XBRL standard for filing Commission Form Nos. 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 6–Q, 60, and 714.

5. The Commission intends to make the data from the XBRL filings available to the public, as it does now for the VFP-filed Commission Forms, and provide a system that will allow for easier downloading of the data. The Commission will convert the XBRL data to a human-readable form for each company, similar to how the VFP Forms are currently published in the Commission's eLibrary system. The Commission also will create a database that parties can use to search the forms data and download the information.

6. The Commission intends to proceed with the development and implementation of the XBRL standard using the following process. After publication of this final rule, the Commission will make available a draft of the XBRL taxonomy and other related documents. After public release of these items, Commission staff will convene technical conference(s) to discuss the taxonomy and other related documents, any technical concerns, and any issues related to the transition, including the implementation schedule. At the conclusion of the technical conference(s), the Commission will continue to collect comments. Following review of those comments, the Commission will issue an order adopting the final taxonomy, protocols, and an implementation guide, and establishing an implementation schedule. Industry participants will be afforded reasonable time to develop their software and the Commission will make available a platform for the testing of the filers' submissions.

A. Process for Implementing the XBRL-Based Solution

1. Timeline and Structure

a. Comments

7. In providing support for the Commission's proposed use of XBRL for filing Commission Forms, the commenters raise issues for Commission consideration to ensure a smooth transition from VFP to XBRL, including recommendations for the timing of implementing XBRL as the standard and how much historical data the Commission should initially make available upon conversion to XBRL. In its comments, National Grid recommends that the Commission set at least one technical conference to obtain stakeholder input on any revisions that should be made to the Commission's XBRL software.[13] AOPL requests that the implementation schedule allow time for sufficient technical conferences to ensure issues are adequately vetted and addressed.[14]

8. AGA recommends that the Commission develop a compliance timeline and structure that are not burdensome to either filers or reviewers of the filings.[15] AGA notes the Commission should provide sufficient time for software evaluation, development, contracting, implementation, and testing. EEI encourages the Commission to ensure that adequate time and resources are dedicated to implementing the new XBRL-based Commission Forms filing process and notes that the initial reporting period should afford some flexibility to account for unanticipated technical issues that may arise, including the ability to continue to use VFP, if necessary, and a willingness to provide extensions of time in case of unanticipated technical challenges.[16] EEI states that this accommodation is needed because the NOPR does not contemplate a gradual phase-in of the XBRL system.[17]

9. National Grid urges the Commission to take expedited action to develop the XBRL system to minimize the use of the legacy VFP system.[18] National Grid also recommends that the Commission implement a one-year safe harbor period to allow filing entities to use the legacy VFP software if problems are encountered with adopting the new format.[19]

10. EEI requests that the Commission provide a minimum of 18 months from the final rule for the industry to develop and implement the new software.[20] AGA recommends that the Commission adopt a two- to three-year XBRL transition period, while also permitting early implementation for companies that can implement the XBRL system in

[6] *Revisions to the Filing Process for Commission Forms,* Notice of Proposed Rulemaking, 166 FERC ¶ 61,027 (2019) (NOPR).

[7] *Id.* P 8.

[8] *Id.* P 9 & n.12.

[9] *Id.* P 9.

[10] *Id.* P 15.

[11] *Id.* P 20.

[12] American Gas Association (AGA); the Association of Oil Pipe Lines (AOPL); Donnelly Financial Solutions; the Edison Electric Institute (EEI); Interstate Natural Gas Association of America (INGAA); National Grid USA (National Grid); Systrends USA; Washington Utilities and Transportation Commission (WUTC); and XBRL US, Inc. (XBRL US). In addition, the Midcontinent Independent System Operator, Inc. filed a motion to intervene in this proceeding.

[13] National Grid Comments at 6.

[14] AOPL Comments at 4.

[15] AGA Comments at 2.

[16] EEI Comments at 4–5.

[17] *Id.* at 5.

[18] National Grid Comments at 3.

[19] *Id.* at 4.

[20] EEI Comments at 4–5.

less time.[21] To aid the XBRL transition, AGA suggests that a ''staggered approach'' could be adopted in place of, or in addition to, a delayed mandate with early adoption process. Specifically, AGA proposes that the Commission select a date for pipelines to file their Form No. 2-As in the required XBRL filing format that falls after the date that the Form No. 2 filers are required to make their filings. AGA suggests that this staggered approach would allow the XBRL software vendors and service providers to better allocate resources to support the XBRL implementation for all companies.[22] As an alternative to the two- to three-year extension of the compliance deadline, AGA suggests that the Commission establish a formal grace period, possibly for 30 days, for all filings requiring the XBRL filing format during a two-year phase-in period.[23] In addition, AGA recommends that the Commission not require interested entities to use special software to access and view the filed financial data, rather suggesting that information filed with the Commission be accessible and readable. AGA states that interested persons should have the ability to download the information in PDF form or via other common electronic means.

11. Some commenters request that the Commission implement a testing period for the new XBRL standard. For example, AOPL states it anticipates its members will want opportunities to participate in a testing interface with the new XBRL filing method in advance of implementation.[24] Similarly, EEI asks that the Commission provide filers with the opportunity to participate in testing the revisions to the filing process and the XBRL system itself, in advance of the technical conference(s), by providing as much additional information as possible to participants regarding its proposal to allow a more granular understanding of the XBRL process and system.[25] XBRL US recommends that that the Commission provide guidance and training to filers.[26]

12. AGA cautions the Commission that its members will not only need to determine how to comply with any new requirements, if applicable, but also potentially need to review the forms filed by the interstate pipelines from which the utilities receive service to ensure that the XBRL versions are accurate and consistent with historical data. AGA requests that the Commission afford customers and interested persons sufficient opportunity to review the filings, determine whether any substantive changes have been made, and raise concerns.[27] AGA requests that the Commission not make any determination in this proceeding that would limit the ability of companies to use the Commission's forms for state compliance purposes. AGA notes that various state commissions have either adopted the forms for their own purposes or permit entities to file information at the state level consistent with the Commission's forms and methods to comply with state requirements.[28]

b. Commission Determination

13. As stated above, after publication of this final rule, the Commission will release a draft XBRL taxonomy and other related documents.[29] Following the release of the draft taxonomy, the Commission will convene staff-led technical conference(s) to enable interested industry members, vendors, and the public to discuss and propose revisions to the draft taxonomy, along with other important components of the XBRL system. In response to comments by AGA, National Grid, AOPL, and EEI, the technical conference(s) will serve as the forum to discuss any issues related to the transition, including the implementation schedule, the idiosyncrasies of specific forms, how footnotes will be programmed, and how ''cellnotes'' will be treated in the conversion of historical VFP Form data. The Commission intends to provide a reasonable amount of time for issues to be vetted and addressed in the technical conference(s). At the conclusion of the technical conference process, the Commission will continue to solicit comments and, after reviewing those comments, the Commission will issue an order adopting the final taxonomy, protocols, implementation guide and other documents, and establishing an implementation schedule.

14. In response to comments by EEI and AGA concerning the compliance timeline and structure, the Commission plans to allow a reasonable period of time following the technical conference process for software evaluation, development, implementation and testing, while also attempting to minimize the burden on filers and reviewers of the filings, to the extent possible. However, as explained in the NOPR, because Microsoft Corporation no longer supports VFP, and its continued use has resulted in compatibility and maintenance difficulties for the Commission and some filers, the Commission will strive to fully transition to XBRL and retire VFP as soon as practicable. Given the importance of ensuring that the data collected through Commission Forms is uniform and available in the same format at the same time, we do not anticipate that a one-year safe harbor period to continue allowing filers to use the VFP software after the new XBRL system is implemented, as suggested by National Grid, will be warranted. Moreover, contrary to EEI's suggestion, we do not anticipate allowing the continued use of VFP after the implementation of XBRL. Following discussions at the technical conference(s), including about the implementation date for XBRL, the Commission will issue an order with the final implementation schedule and process. To the extent a filer encounters technical difficulties in filing Commission Forms using the new XBRL system after deployment, that filer will be free to seek an extension of time for compliance.

15. In addition, as requested by AGA, AOPL, and EEI, the Commission plans to provide an opportunity for interested industry members to test a version of the XBRL system before implementing the new XBRL system. The technical conference(s) will be open to the public and the Commission encourages all interested entities, including vendors, to participate in the upcoming technical conference(s) and to test the system. We reiterate that in this proceeding we are not changing the information to be collected in Commission Forms. All information currently collected in Commission Forms will continue to be collected; however, where it will be collected and how it will be validated and displayed will change through the adoption of the XBRL system.[30] We will

[21] AGA Comments at 5.

[22] *Id.*

[23] *Id.* at 5–6.

[24] AOPL Comments at 4.

[25] EEI Comments at 4.

[26] XBRL US Comments at 5–6.

[27] AGA Comments at 5.

[28] *Id.* at 7.

[29] As explained in the NOPR, the use of XBRL results in the creation of a taxonomy. Taxonomies are files containing relevant business terminology, their meanings, their data types, relationships among terms, and the rules or formulas that files for submission must follow. NOPR, 166 FERC ¶ 61,027 at P 14. Taxonomies are not permanent documents, but rather are code that describes elements that can be used in other programs and software. The taxonomy contains all the information needed to create a form submission.

[30] As stated in the NOPR, the proposed XBRL-based FERC Form Nos. 1, 1–F, and 3–Q electric will incorporate energy storage-related data which the Commission required be submitted under Order No. 784, but had not been included in the VFP Forms due to the technical limitations of VFP addressed with this final rule. *See Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies,*

not require the use of special software to access the data and we will ensure there is the ability to download the information in a human-readable form, as suggested by AGA.

16. While recognizing XBRL US's recommendation that the Commission provide guidance and training to filers, the Commission will provide guidance on how to use the new XBRL-based filing system through documentation, but the Commission does not anticipate that it will itself provide training on the new system. Any guidance documents will be published online and made available in draft form for review before final publication.

17. When the Commission receives the forms in XBRL format, it will make those forms available in a human-readable version, similar to how they are currently published in the Commission's eLibrary system. Therefore, an entity interested in reviewing forms after they have been submitted in XBRL will be able to do so. As a result, the Commission does not believe, contrary to AGA's request for additional time to review Commission Form submissions, that conversion to XBRL warrants more time to review these filings because the current proceeding is not changing the information collected in Commission Forms.

2. XBRL Taxonomy

a. Comments

18. Most commenters emphasize their need for a comprehensive review of the proposed XBRL taxonomy prior to any technical conference(s). INGAA states it is crucial for the Commission to ensure adequate transition time once the taxonomy is finalized.[31] EEI states it prefers that the taxonomy and mapping be predetermined for each form, noting that the current format of each form should dictate the common taxonomy and mapping for that form and that the footnotes to the financial statements also should be filed as a single block of text.[32] AOPL suggests that the Commission develop a taxonomy that has all necessary customization to accommodate the unique requirements of the respective forms, including the Form Nos. 6 and 6–Q filed by oil pipelines.[33] AOPL also states its members will be interested during the technical conferences in understanding how the draft taxonomy addresses tagging within footnotes and the ability to use ''cellnotes'' in Form Nos. 6 and 6–Q, and how they will be treated in the Commission's conversion of historical VFP Form data to XBRL.[34] AOPL suggests that the Commission consider development of document and/or workbook templates that track the display of the existing Form Nos. 6 and 6–Q for ease of reviewing form submissions and to help lessen the burden of XBRL implementation.[35] Systrends USA requests that the Commission provide a submission portal so that third-party software can transfer the completed Commission Forms directly from an application to the Commission, similar to the end-user submission portal designed for EQR that uses a web service to upload the document.[36]

19. WUTC states that the Commission should be the leader in establishing a regulatory taxonomy, and suggests that development of any draft taxonomy be conducted in concert with the states and the National Association of Regulatory Utility Commissioners (NARUC), and include the capacity for state-specific data along with Commission-based interstate operational and financial data.[37] According to WUTC, without a Commission-developed taxonomy that incorporates state requirements, the states would be required to recreate new taxonomies which would not necessarily be readable by other state agencies.[38]

20. As to how much historical data should be converted to the new system to coincide with the launch, INGAA supports the NOPR's proposal to incorporate the prior three years of VFP Form data from the current VFP system.[39] By contrast, EEI suggests that the transfer of historical data should be deferred entirely until after the successful launch of the XBRL system.[40]

21. With respect to the involvement of NAESB in the technical conference(s), INGAA supports the idea that NAESB be involved with the staff-led technical conference, as this will allow all interested industry members to discuss and propose revisions to the Commission's draft taxonomy in consultation with NAESB. INGAA notes that NAESB's involvement will also provide interested industry members with an opportunity to propose revisions to the Commission's draft taxonomy before it is finalized.[41] However, EEI notes that, to the extent staff-led technical conference(s), or any other aspects of the implementation of XBRL are hosted or otherwise coordinated by NAESB, they should not be limited to NAESB members, nor should participants be required to pay fees to NAESB, in order to have input or the ability to vote on any proposals.[42] EEI states that this will ensure that all stakeholders impacted by the proposal will have the opportunity to participate and provide comment on any proposal.[43]

b. Commission Determination

22. The Commission plans to address all technical details of the XBRL system in its draft taxonomy and other documents released prior to the technical conference(s) to encourage input and discussion on their components and implementation. Accordingly, we find Systrends USA's comments requesting a submission portal[44] and XBRL US's recommendation to use automated validation rules and implement a process to conduct public reviews of new taxonomy releases[45] to be premature. If necessary, the Commission will address technical topics such as these during the technical conference(s). Future changes to the taxonomy and related code can be made under the Secretary of the Commission's delegated authority to make such changes.[46] Before the Commission implements any such changes, notice of the proposed change will be provided sufficiently in advance to notify companies and provide them time to comply with the changes to the taxonomy and related code.

23. Regarding WUTC's suggestion that the development of any draft taxonomy be conducted in concert with state commissions and NARUC, the Commission encourages state utility commissions to participate in the technical conference(s). With respect to

Order No. 784, 144 FERC ¶ 61,056 (2013). *See also Accounting and Reporting Guidance for New Electric Storage Technologies,* Docket No. AI14–1–000, at 1–2 (Feb. 20, 2014). Other similar changes made to the data to be collected and reported in Commission Forms that have been previously approved by the Commission but that could not be reported due to the limitations of VFP, if any, will be included among the data collected using the new XBRL system.

[31] INGAA Comments at 2.

[32] EEI Comments at 3.

[33] AOPL Comments at 3.

[34] *Id.* at 3–4.

[35] *Id.* at 4.

[36] Systrends USA Comments at 1.

[37] WUTC Comments at 2–3.

[38] *Id.* at 2–3.

[39] INGAA Comments at 2.

[40] EEI Comments at 6.

[41] INGAA Comments at 2.

[42] EEI Comments at 3–4.

[43] *Id.*

[44] Systrends USA Comments at 1.

[45] XBRL US Comments at 5–6.

[46] In particular, § 375.302(z) of the Commission's regulations authorizes the Secretary of the Commission or designee to ''[i]ssue instructions pertaining to allowable electronic file and document formats . . . and procedural guidelines for submissions via the internet, on electric media, or via other electronic means.'' 18 CFR 375.302(z).

WUTC's suggestion that the Commission's taxonomy incorporate state requirements, we do not plan to incorporate state requirements into the Commission-developed taxonomy. Incorporating a diverse array of state requirements into the Commission's taxonomy would lead to potential challenges and delays in implementing and maintaining the new system. However, XBRL is extensible in nature and filings can be created to meet particular state commission requirements without affecting the Commission's requirements. Furthermore, because the Commission is not revising the substance of the required filings, it does not need to take into account state compliance purposes in this proceeding, as suggested by AGA.

24. With regard to converting historical data, the new XBRL system and the conversion of historical data to XBRL will be developed concurrently. Therefore, at this time, contrary to EEI's suggestion, the Commission does not anticipate deferring the transfer of historical data until after the XBRL system is launched. If the conversion of historical data delays the development of the new XBRL system, then the Commission may decide to defer the transfer of historical data until after the launch of the XBRL system.

25. This proceeding will continue to be open to all interested industry members, vendors, and the public. The Commission directs its staff to initiate technical conference(s) and to lead the transition effort and welcomes input from all interested parties. The Commission appreciates the assistance and input that NAESB has provided to date in facilitating meetings to discuss the transition and sees value in continuing to work with NAESB and its members, as appropriate, to facilitate interaction with filers and users about the new XBRL system.

B. Regulatory Text Revisions

26. With the exception of Form No. 1–F, current regulations already provide for the filing of Form Nos. 1, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 6–Q, 60, and 714 in electronic format according to the instructions for each form and filing. The Commission sees no need for further regulatory text changes pertaining to these forms. Upon completion of the technical conference process, however, the Commission will issue an order revising the filing format instructions for the forms to accord with the results of the technical conference(s). These instructions will cover only the format for making the electronic flings and will not include any revisions to the substance of the required filings, which the Commission will make when necessary in appropriate separate proceedings. By this final rule, the Commission is revising its regulations to require Form No. 1–F filers to submit Form No. 1–F in electronic format rather than filing an original and copies of the form on paper, as is currently required. The Commission is therefore revising § 141.2(b)(1)(i) of the Commission's regulations [47] and Rule 2011 of its Rules of Practice and Procedure [48] to require Form No. 1–F filers to submit their reports using electronic media as prescribed in Rule 2011.

IV. Information Collection Statement

27. The collections of information for this final rule are being submitted to OMB for review under section 3507(d) of the Paperwork Reduction Act (PRA).[49] The PRA requires each federal agency to seek and obtain Office of Management and Budget (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB's regulations require approval of certain information collection requirements imposed by agency rules.[50]

28. The Commission solicited public comments regarding the accuracy of the burden estimates and any suggested methods for minimizing respondents' burden. Specifically, the Commission asked that any revised burden or cost estimates submitted by commenters be supported by sufficient detail to understand how the estimates are generated. No comments were filed raising any objection to the burden estimates provided in the NOPR. Accordingly, we will use that same burden estimate in this final rule.

29. The revisions in this final rule update the filing process for regulated entities required to file Commission Forms. The information collected in Commission Forms is required to be submitted to the Commission annually or quarterly under existing regulations and reporting requirements adopted under the Federal Power Act (FPA), the Natural Gas Act (NGA), the Interstate Commerce Act (ICA), and the Public Utility Holding Company Act of 2005 (PUHCA 2005). Commission Forms would continue to be submitted to the Commission under these existing regulations and reporting requirements. The new and amended regulations and reporting requirements adopted in this final rule will require regulated entities to furnish the information collected in Commission Forms using tags in XBRL-Related Documents.[51] The specified financial and operational information already is required to be collected and filed with the Commission pursuant to existing periodic and annual report requirements. Under this final rule, the information would need to be filed with the Commission using XBRL. The Commission anticipates that the revisions to the filing process for Commission Forms, once effective, would reduce ongoing regulatory burdens.[52]

30. The collections of information related to this final rule include the following Commission Forms. FERC Form No. 1 (OMB Control No. 1902–0021), FERC Form No. 2 (OMB Control No. 1902–0028), and FERC Form No. 6 (OMB Control No. 1902–0022) prescribe the information that major electric utilities, licensees, and others; major natural gas companies; and oil pipeline companies, respectively, must disclose annually about their finances and operations. FERC Form No. 1–F (OMB Control No. 1902–0029) and FERC Form No. 2–A (OMB Control No. 1902–0030) prescribe the information that nonmajor electric utilities and licensees; and nonmajor natural gas companies, respectively, must disclose annually about their finances and operations. FERC Form No. 3–Q (OMB Control No. 1902–0205) prescribes information that electric utilities, licensees, and natural gas companies must disclose quarterly about their finances and operations. FERC Form No. 6–Q (OMB Control No. 1902–0206) prescribes information that oil pipeline companies must disclose quarterly about their finances and operations. FERC Form No. 714 (OMB Control No. 1902–0140) prescribes information that certain electric transmitting utilities operating balancing authority areas or planning areas are required to file annually. FERC Form No. 60 (OMB Control No. 1902–0215) prescribes information that centralized service companies must disclose annually about their finances and operations.

31. The following estimates of reporting burden are related only to this

[47] 18 CFR 141.2(b)(1)(i).

[48] 18 CFR 385.2011.

[49] 44 U.S.C. 3507(d).

[50] 5 CFR 1320.11.

[51] XBRL-Related Documents for purposes of this rulemaking encompass documents, code, and any other file related to presenting information in XBRL that are part of the filing submission.

[52] Burden is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

final rule and include the costs to comply with the Commission's directives in this final rule. The compliance burden estimates for the revisions to the filing process for Commission Forms are based on several assumptions and unique assessments for each form. However, all regulated entities required to submit Commission Forms would have to map the reporting information to the Commission's standard XBRL taxonomy and create a final submission file(s). We estimate that filers would incur the following average burden hours:

- XBRL Form Nos. 1, 1–F, 3–Q electric, 2, 2–A, 3–Q natural gas, 6, and 6–Q [53]
  - Burden hours to tag in XBRL:
    - 100 hours to prepare and submit the first filing using XBRL; and
    - 14 hours for each subsequent filing in XBRL.
- Form No. 60
  - Burden hours to tag in XBRL:
    - 20 hours to prepare and submit the first filing made in XBRL; and
    - 3 hours for each subsequent filing.
- Form No. 714
  - Burden hours to tag in XBRL:
    - 15 hours to prepare and submit the first filing made in XBRL; and
    - 2 hours for each subsequent filing.

32. *Public Reporting Burden:* The Commission's burden estimates are for a one-time implementation of the transition to XBRL adopted in this final rule, and an ongoing estimate for maintenance of the XBRL reporting system. The following estimates of reporting burden are related only to this final rule and anticipate the costs to filers for compliance with the final rule.

RM19–12–000 Final Rule
One-Time Implementation Burden

Requirement	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [54] (4)	Total annual burden hours & cost [55] (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
Form No. 1	207	1	207	100 hrs.; $6,931	20,700 hrs.; $1,434,717	$6,931.
Form No.1–F	5	1	5	100 hrs.; $6,931	500 hrs.; $34,655	$6,931.
Form No. 3–Q electric	212	3	636	No Change [56]	No Change	No Change.
Form No. 2	92	1	92	100 hrs.; $6,931	9,200 hrs.; $637,652	$6,931.
Form No. 2–A	73	1	73	100 hrs.; $6,931	7,300 hrs.; $505,963	$6,931.
Form No. 3–Q natural gas	165	3	495	No Change	No Change	No Change.
Form No. 6	244	1	244	100 hrs.; $6,931	24,400 hrs.; $1,691,164	$6,931.
Form No. 6–Q	244	3	732	No Change	No Change	No Change.
Form No. 60	39	1	39	20 hrs.; $1,386.20.	780 hrs.; $54,062	$1,386.20.
Form No. 714	176	1	176	15 hrs.; $1,039.65.	2,640 hrs.; $182,977	$1,039.65.
Total for Implementation Burden.			[57] 836		65,520 hrs.; $4,541,190	

RM19–12–000 Final Rule
Annual Ongoing System Maintenance Burden

Requirement	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [58] (4)	Total annual burden hours & cost [59] (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
Form No. 1	207	1	207	14 hrs.; $970.34	2,898 hrs.; $200,860	$970.34.
Form No.1–F	5	1	5	14 hrs.; $970.34	70 hrs.; $4,852	$970.34.
Form No. 3–Q electric	212	3	636	No Change	No Change	No Change.
Form No. 2	92	1	92	14 hrs.; $970.34	1,288 hrs.; $89,271	$970.34.
Form No. 2–A	73	1	73	14 hrs.; $970.34	1,022 hrs.; $70,835	$970.34.
Form No. 3–Q natural gas	165	3	495	No Change	No Change	No Change.
Form No. 6	244	1	244	14 hrs.; $970.34	3,416 hrs.; $236,763	$970.34.
Form No. 6–Q	244	3	732	No Change	No Change	No Change.
Form No. 60	39	1	39	3 hrs.; $207.93	117 hrs.; $8,109	$207.93.

[53] The internal burden hours for tagging Form Nos. 1 and 3–Q electric are combined because the annual information reported in Form No. 1 is a compilation of the information reported in the prior three quarters in Form Nos. 3–Q electric in addition to the fourth quarter. Similarly, we have combined the number of internal burden hours for tagging the Form Nos. 2 and 3–Q natural gas and the Form Nos. 6 and 6–Q, respectively, because the annual Form Nos. 2 and 6 are based on a compilation of the information reported in the prior three quarters in Form Nos. 3–Q natural gas and 6–Q in addition to the fourth quarter.

[54] The average burden and cost per response is calculated using the hourly wage figures described in detail below.

[55] Every figure in this column is rounded to the nearest dollar.

[56] There is no change to the internal burden hours for filing Form Nos. 3–Q electric, 3–Q natural gas, and 6–Q because the burden hours associated with these quarterly forms are included in the burden hours calculated for filing Form Nos. 1, 2, and 6.

[57] This total number of responses does not include the responses for Form Nos. 3–Q electric, 3–Q natural gas, or 6–Q because the burden hours for tagging Form Nos. 1, 2, and 6 include the number of hours required to tag the quarterly responses. The quarterly filings are generally a subset of the annual filings.

RM19–12–000 FINAL RULE—Continued
ANNUAL ONGOING SYSTEM MAINTENANCE BURDEN

Requirement	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [58] (4)	Total annual burden hours & cost [59] (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
Form No. 714	176	1	176	2 hrs.; $138.62	352 hrs.; $24,397	$138.62.
Total for Ongoing Burden			[60] 836		9,163 hrs.; $635,087	

The Commission's estimates for the hourly wage figure (as related to the implementation and ongoing burden estimate) are based on the Bureau of Labor Statistics data (for the Utilities sector, at *http://www.bls.gov/oes/current/naics2_22.htm,* plus benefits information at *http://www.bls.gov/news.release/ecec.nr0.htm*). The salaries (plus benefits) for the eight occupational categories are:

- *Management (Occupation Code: 11–0000):* $94.28/hour
- *Information Security Analysts (Occupation Code:* 15–1122): $60.90/hour
- *Legal (Occupation Code: 23–0000):* $143.68/hour
- *Office and Administrative Support:* $41.34/hour
- *Computer and Information Systems Manager (Occupation Code: 11–3021):* $96.51
- *Management Analyst (Occupation Code:* 13–1111): $63.32/hour
- *Computer and Information Systems Analyst (Occupation Code:* 15–1120): $66.47/hour
- *Accountants and Auditors (Occupation Code:* 13–2011): $56.59/hour

The average hourly cost for all eight of these categories is calculated assuming the following weights in correspondence to effort applied by each respective occupation:

- *Management (Occupation Code:* 11–0000): 5%
- *Information Security Analysts (Occupation Code:* 15–1122): 5%
- *Legal (Occupation Code: 23–0000):* 5%
- *Office and Administrative Support:* 10%
- *Computer and Information Systems Manager (Occupation Code:* 11–3021): 10%
- *Management Analyst (Occupation Code:* 13–1111): 5%
- *Computer and Information Systems Analyst (Occupation Code:* 15–1120): 35%
- *Accountants and Auditors (Occupation Code: 13–2011):* 25%

Overall, the average hourly cost uses the following calculation with all seven occupations and their respective weights included:

[($94.28/hour * 0.05) + ($60.90/hour * 0.05) + ($143.68/hour * 0.05) + ($41.34/hour * 0.1) + ($96.51/hour * 0.1) + ($63.32/hour * 0.05) + ($66.47/hour * 0.35) + ($56.59/hour * 0.25)] ÷ 8 = $69.31.

The number of responses related to both the implementation and ongoing burden is 836 responses.[61]

The implementation burden will be 65,520 hours for Year 1.

The ongoing burden in Years 2 and 3 will be 9,163 hours per year.

The responses and burden for Years 1–3 for both the implementation and ongoing burden are as follows:

836 responses/year;

[(65,520 hours for Year 1) + (9,163 hours for Year 2) + (9,163 hours for Year 3)] ÷ 3 years = 27,949 hours/year (annual average for Years 1–3).

33. *Out-of-pocket expenses:* We estimate that filers would incur the following out-of-pocket expenses for software, consulting, or filing agent services in the Years 2 and 3 (following the first year of implementation):

- XBRL Form Nos. 1, 1–F, 3–Q electric, 2, 2–A, 3–Q natural gas, 6, and 6–Q:
  - Out-of-pocket cost for software and filing agent services: $4,912 for each filing.
  - Total out-of-pocket cost for software and filing agent services per year: (621 respondents) * ($4,912 for each filing) = $3,050,352.
- Form No. 60:
  - Out-of-pocket cost for software and filing agent services: $982 for each filing.
  - Total out-of-pocket cost for software and filing agent services per year: (39 respondents) * ($982 for each filing) = $38,298.
- Form No. 714
  - Out-of-pocket cost for software and filing agent services: $737 for each filing.
  - Total out-of-pocket cost for software and filing agent services per year: (176 respondents) * ($737 for each filing) = $129,712.

34. Based on the number of filers we expect to be subject to the requirements, the number of filings that we expect those filers to make and the burden hours and out-of-pocket cost estimates described, we estimate that in total for all filers, the average yearly burden of the requirements over the first three years would be 27,949 internal hours per year and $2,145,575 in out-of-pocket expenses per year. This would be incurred by an average of 836 filers for an average yearly burden per filer of 33.4 internal hours and $2,566 in out-of-pocket expenses over Years 1–3.

Titles: Form No. 1 (Annual Report of Major Electric Utilities, Licensees and Others); Form No. 1–F (Annual Report for Nonmajor Public Utilities and Licensees); Form No. 3–Q electric (Quarterly Financial Report of Electric Utilities, Licensees and Natural Gas Companies); Form No. 2 (Annual Report for Major Natural Gas Companies); Form No. 2–A (Annual Report for Non-major Natural Gas Companies); Form No. 3–Q gas (Quarterly Financial Report of Electric Utilities, Licensees and Natural Gas Companies); Form No. 6 (Annual Report of Oil Pipeline Companies); Form No. 6–Q (Quarterly Financial

[58] The average burden and cost per response is calculated using the hourly wage figures described in detail below.

[59] Every figure in this column is rounded to the nearest dollar.

[60] This total number of responses does not include the responses for Form Nos. 3–Q electric, 3–Q natural gas, or 6–Q because the burden hours for tagging Form Nos. 1, 2, and 6 include the number of hours required to tag the quarterly responses. The quarterly filings are generally a subset of the annual filings.

[61] This total number of responses does not include the responses for Form Nos. 3–Q electric, 3–Q natural gas, or 6–Q because the burden hours for tagging Form Nos. 1, 2, and 6 include the number of hours required to tag the quarterly responses. The quarterly filings are generally a subset of the annual filings.

Report of Oil Pipeline Companies); Form No. 60 (Annual Reports of Centralized Service Companies); Form No. 714 (Annual Electric Balancing Authority Area and Planning Area Report).

Action: Revision of Currently Approved Collections of Information.

OMB Control Nos.: 1902–0021 (Form No. 1), 1902–0029 (Form No. 1–F), 1902–0028 (Form No. 2), 1902–0030 (Form No. 2–A), 1902–0205 (Form No. 3–Q), 1902–0022 (Form No. 6), 1902–0206 (Form No. 6–Q), 1902–0215 (Form No. 60), and 1902–0140 (Form No. 714).

Respondents: Public utilities, licensees, interstate natural gas companies, oil pipeline companies, centralized service companies, Balancing Authorities, or other for profit and/or not for profit institutions.

Frequency of Responses: Annually or quarterly.

Necessity of the Information: The Commission requires that the information collected in Form Nos. 1, 1–F, 3–Q electric, 2, 2–A, 3–Q natural gas, 6, 6–Q, 60, and 714 be submitted in an updated electronic format that is compatible with current technology and ensures access to the information required to be collected.

Internal Review: The Commission has reviewed the reporting requirements related to Commission Forms and made a determination that revising the filing process for Commission Forms will ensure the Commission has the necessary data to carry out its statutory mandates, while reducing unnecessary burden on industry. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimate associated with the information requirements.

35. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873]. Please send comments concerning the collection of information and the associated burden estimates to the Commission, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov.* Comments submitted to OMB should include Docket Number RM19–2–000 and any related information collection and its respective OMB Control Number [Form No. 1 (1902–0021), Form No. 1–F (1902–0029), Form No. 2 (1902–0028), Form No. 2–A (1902–0030), Form No. 3–Q (1902–0205), Form No. 6 (1902–0022), Form No. 6–Q (1902–0206), Form No. 60 (1902–0215), and Form No. 714 (1902–0140)].

V. Environmental Analysis

36. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[62] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[63] The actions taken in this final rule fall within the categorical exclusions in the Commission's regulations for rules regarding information gathering, analysis, and dissemination.[64] Accordingly, no environmental assessment is necessary and none has been prepared for this rule.

VI. Regulatory Flexibility Act

37. The Regulatory Flexibility Act of 1980 (RFA)[65] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to perform this sort of analysis if the proposed activities within the final rule would not have such an effect.

38. Approximately 212 electric utility, licensees, and other companies are required to file the Form Nos. 1 and 3–Q electric, or Form No. 1–F, and therefore are subject to the requirements adopted by this rule. Of those filers, the Commission estimates approximately 40 will be small as defined by SBA regulations.[66] Approximately 244 oil pipeline companies are required to file the Form Nos. 6 and 6–Q, and therefore are subject to the requirements of this final rule. Of those oil pipeline filers, the Commission estimates approximately 23 percent will be small, as currently defined for ''All Other Pipeline Transportation'' companies (NAICS code 486990) as a company that, in combination with its affiliates, has total annual receipts of $37.5 million or less. Approximately 165 interstate natural gas pipelines are required to file the Form Nos. 2 and 3–Q natural gas, or Form No. 2–A, and therefore are subject to the requirements adopted by this rule. Most of the natural gas pipelines regulated by the Commission do not fall within the RFA's definition of a small entity, which is currently defined for natural gas pipelines (NAICS code 486210) as a company that, in combination with its affiliates, has total annual receipts of $27.5 million or less. For the year 2018, eleven companies not affiliated with larger companies had annual revenues in combination with its affiliates of $27.5 million or less and therefore could be considered a small entity under the RFA. This represents about seven percent of the total potential respondents that may have a significant burden imposed on them.

39. Approximately 39 holding companies currently file Form No. 60. Commission staff estimates that these companies are not likely to fall within the RFA's definition of small[67] because holding companies of public utilities or natural gas pipelines are generally not small businesses. Finally, there are approximately 176 balancing authorities (NAICS code 221121) that are required to file Form No. 714. Of those balancing authorities, 33 percent (or approximately 58) are estimated to fall within the RFA's definition of small.

40. Accordingly, the Commission finds that the revised requirements set forth in this final rule will not have a significant economic impact on a substantial number of small entities, and no regulatory flexibility analysis is required.

VII. Document Availability

41. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through FERC's Home Page (*http://www.ferc.gov*)

[62] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[63] 18 CFR 380.4.

[64] 18 CFR 380.4(a)(2)(ii) and 380.4(a)(5).

[65] 5 U.S.C. 601–12.

[66] The small business size standards are provided in 13 CFR 121.201. In 13 CFR 121.201, the SBA uses the North American Industry Classification System (NAICS) codes.

[67] 5 U.S.C. 601(3) (citing to section 3 of the Small Business Act, 15 U.S.C. 632). Section 3 of the Small Business Act defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. 15 U.S.C. 632. The Small Business Size Standards component of the NAICS defines, for example, a small electric utility as one that, including its affiliates, is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and whose quantity of employees falls under a certain threshold dependent on the type of utility and its applicable NAICS code.

and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington DC 20426.

42. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

43. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202)502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

VIII. Effective Date and Congressional Notification

44. These regulations are effective August 26, 2019. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this rule as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

List of Subjects

18 CFR Part 141

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Issued: June 20, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission amends parts 141 and 385 of chapter I, title 18 of the *Code of Federal Regulations,* as follows.

PART 141—STATEMENTS and REPORTS (SCHEDULES)

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 15 U.S.C. 79; 15 U.S.C. 717–717z; 16 U.S.C. 791a–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.2.

■ 2. Amend § 141.2 by revising paragraph (b)(1)(i) to read as follows:

§ 141.2 FERC Form No. 1–F, Annual report for Nonmajor public utilities and licensees.

* * * * *

(b) * * *

(1) * * *

(i) *Generally.* Each Nonmajor and each Nonoperating (formerly designated as Nonmajor) public utility and licensee as defined in Part 101 of this chapter, shall prepare and file with the Commission FERC Form No. 1–F as prescribed in § 385.2011 of this chapter and as indicated in the General Instructions set out in this form, and must be properly completed and verified. Filing on electronic media pursuant to § 385.2011 of this chapter is required.

* * * * *

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825v, 2601–2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988); 28 U.S.C. 2461 note (1990); 28 U.S.C. 2461 note (2015).

■ 4. Amend § 385.2011 by adding paragraph (a)(8) and revising paragraph (c)(3) to read as follows:

§ 385.2011 Procedures for filing on electronic media (Rule 2011).

* * * * *

(a) * * *

(8) FERC Form No. 1–F, Annual report for Nonmajor public utilities and licensees.

* * * * *

(c) * * *

(3) With the exception of the FERC Form Nos. 1, 1–F, 2, 2–A, 6, 60, and 714, the electronic media must be accompanied by the traditional prescribed number of paper copies.

* * * * *

[FR Doc. 2019–13588 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0126; FRL–9995–67–Region 5]

Air Plan Approval; Indiana; SO_2 Emission Limitations for United States Steel-Gary Works

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a March 6, 2018 request by the Indiana Department of Environmental Management (IDEM) to revise its State Implementation Plan (SIP) for the United States Steel-Gary Works coke plant. The submission involves the removal of sulfur dioxide (SO_2) emission limitations for the coke plant at the United States Steel-Gary Works (US Steel-Gary Works). The coke plant permanently ceased operation on March 30, 2015. The submission also contains several other administrative changes. The notice of proposed rulemaking (NPRM) associated with this final action was published on February 13, 2019. EPA received several comments.

DATES: This final rule is effective on July 29, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0126. 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 Emily Crispell, Environmental Scientist, at (312) 353–8512 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Emily Crispell, Environmental Scientist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8512, *crispell.emily@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 and EPA Responses
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On March 30, 2015, US Steel-Gary Works permanently ceased the operation of its coke plant. IDEM has verified that the coke plant units were decommissioned and permanently shut down. IDEM then removed the coke plant units from US Steel Gary-Works Part 70 operating permit (IDEM permit number 089–37337–00121 and 089–35392–00121). IDEM has also revised the SO_2 SIP rules for US Steel-Gary Works, which are currently codified at 326 Indiana Administrative Code (326 IAC) 7–4.1–20, by removing the SO_2 emission limitations applicable to the coke plant operation which allowed SO_2 emissions from the coke plant. SO_2 emission limitations which were not applicable to the coke plant operation were retained. US Steel-Gary Works would be required to reapply for a Title V operating permit to reopen the coke plant facility. Administrative changes such as renumbering were also made. EPA proposed approval of the SIP on February 13, 2019, and started a 30-day public comment period on the proposal. 84 FR 3740.

II. Public Comments and EPA Responses

The public comment period on EPA's February 13, 2019 NPRM closed on March 15, 2019. EPA received four comments. One of the comments was not relevant to the proposed action and three were relevant and adverse. EPA's response to the comments are as follows:

Comment 1: The commenter stated that SO_2 is harmful to the environment. The commenter also noted that it is a good idea to have emission limitations on large companies. The commenter further stated that SO_2 is one of the main reasons for acid rain, which can harm infrastructure and wildlife.

EPA Response 1: The environmental effects information provided by the commenter is not in dispute in this rulemaking. This rulemaking instead addresses whether IDEM's SIP revision is adequate to meet the requirements of Clean Air Act (CAA) section 110(l) which provide that EPA shall not approve a SIP revision if the plan would interfere with any applicable requirement concerning attainment of the National Ambient Air Quality Standards (NAAQS) and Reasonable Further Progress (as defined in Section 171 of the CAA), or any other applicable requirement of the CAA. EPA proposed to find that IDEM's SIP revision is consistent with CAA section 110(l) because the changes to the facility will result in a decrease in SO_2 emissions in excess of 3,792 tons per year. *See* 84 FR 3741. US Steel-Gary Works will still retain enforceable SO_2 emissions limits from operating scenario b of the original rule for its remaining operating emissions units. The effect of removing the limits that applied to the coke plant (and of retiring the permit terms that authorized such emissions described in IDEM permit number 089–37337–00121 and 089–35392–00121) is to eliminate the allowable coke plant SO_2 emissions that were previously authorized.

Comment 2: The commenter stated that numerous studies have shown the harmful health effects of SO_2 on humans and animals, including respiratory problems and fatality when inhaled in large quantities. The commenter also claimed that the wording of the revision was vague, stating that an overall reduction in SO_2 would be allowed, but without a concrete value. The commenter also stated that the rule is unenforceable and lacks specificity.

EPA Response 2: The NPRM specifically states that changes to the facility will result in a decrease in SO_2 emissions in excess of 3,792 tons per year. 84 FR 3741. Concerning the enforceability of the emission limits at US Steel-Gary Works, the changes to and approval of the rule into the SIP removes the previously allowable levels of SO_2 emissions from the now-shutdown coke plant. This, combined with the removal of permit terms allowing coke plant SO_2 emissions, has the effect of not allowing any SO_2 emissions to occur from the coke plant. If the coke plant were to come back into operation, before it could have any SO_2 emissions it would have to obtain regulatory and/or permit terms that would make such emissions permissible at all and set new emission limits that are both state and federally enforceable. Regarding the commenter's statement about the health effects, EPA finds that this SIP revision provides for a reduction in excess of 3,792 tons per year in allowable SO_2 emissions and does not interfere with Indiana's ability to attain or maintain the NAAQS which are protective of public health.

Comment 3: The commenter stated that there should be no tolerances for SO_2 emissions, and that SO_2 emission limitations should not be removed. The commenter noted that SO_2 is partly responsible for acid rain, which is one of the main reasons that the CAA was amended. The commenter added that companies should have SO_2 limitations and that the removal of SO_2 standards would be ''disastrous'' to our environment. The commenter also believes that EPA should stop issuing permits that allow facilities to emit SO_2 and EPA should research technology to produce power or products without emitting harmful pollutants.

EPA Response 3: This action removes references to emission limitations for decommissioned emissions units associated with the coke plant at US Steel-Gary Works which were permanently shut down on March 30, 2015. By removing the limits for the shutdown coke plant units and by surrendering its permit terms for those emission units, US Steel-Gary Works is no longer allowed to emit SO_2 from those coke plant emission units without obtaining enforceable operating permits. By removing those emissions limits US Steel-Gary Works will reduce allowable emissions of SO_2 by approximately 3792.2 tons per year. This rulemaking does not increase any allowable emissions at US Steel-Gary Works. All remaining emissions units at US Steel-Gary Works, which were not associated with the coke plant, are retaining enforceable emissions limits from operating scenario b of the original rule.

The commenter's statement about the removal of the SO_2 standards being disastrous to the environment is unrelated to this rulemaking. The standards for SO_2 are regulated under the NAAQS. Regarding the commenter's statement that EPA should stop issuing permits that allow facilities to emit SO_2, the CAA title V part 70 permitting program allows states to issue legally enforceable operating permits that are compliant with the NAAQS. Lastly, the commenter stated that EPA should research clean energy technology. EPA provides grants to institutions researching clean energy technology and EPA's clean energy programs can be found on this website *https://www.epa.gov/energy/clean-energy-programs.*

III. What action is EPA taking?

EPA is approving IDEM's March 6, 2018 submittal as a revision to its existing SIP for US Steel-Gary Works. Specifically, EPA is approving revisions to Indiana rule 326 IAC 7–4.1–20 ''U.S. Steel-Gary Works sulfur dioxide emission limitations''.

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 Indiana 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 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.[1]

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 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 26, 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, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 13, 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 § 52.770, the table in paragraph (c) is amended under ''Article 7. Sulfur Dioxide Rules,'' ''Rule 4.1. Lake County Sulfur Dioxide Emission Limitations,'' by revising the entry for ''7–4.1–20'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Article 7. Sulfur Dioxide Rules				

[1] 62 FR 27968 (May 22, 1997).

EPA—APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Rule 4.1. Lake County Sulfur Dioxide Emission Limitations				
*	*	*	*	*
7–4.1–20	U.S. Steel-Gary Works sulfur dioxide emission limitations.	2/21/2018	6/27/2019, [insert **Federal Register** citation]	
*	*	*	*	*

* * * * *

[FR Doc. 2019–13494 Filed 6–26–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 19–118; RM–11838; DA 19–553]

Television Broadcasting Services Buffalo, New York

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Nexstar Broadcasting, Inc. (Nexstar), licensee of television station WNLO(TV) channel 32, Buffalo, New York (WNLO), and WUTV Licensee, LLC (WUTV Licensee), the licensee of television station WUTV(TV), channel 36, Buffalo, New York, the Commission has before it a notice of proposed rulemaking proposing the substitution of channels for DTV station WNLO (currently channel 32) and WUTV (currently channel 36). WUTV would continue to operate from its existing pre-auction location and WNLO would move the Nexstar shared facilities in the site previously vacated by WIVB–TV (Buffalo, New York (CBS) (WIVB), the station with which it is sharing. The channel substitution serves the public interest because it would allow for a more efficient allocation of UHF television channels and resolve significant over-the-air reception problems in WIVB's prior service area.

DATES: Effective June 27, 2019.

FOR FURTHER INFORMATION CONTACT: Varsha Mangel, Media Bureau, at (202) 418–0073, or *Varsha.Mangel@fcc.gov.*

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking published on May 7, 2019 (84 FR 19897). This is a synopsis of the Commission's *Report and Order,* MB Docket No. 19–118; RM–11838; DA 19–553, adopted June 12, 2019, and released June 12, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW, Washington, DC 20554, or online at *http://apps.fcc.gov/ecfs/.* To request materials in accessible formats (Braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

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

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

Final Rule

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

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments, is amended under New York by revising the entry for ''Buffalo'' to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
New York.	
* * * * *	
Buffalo	14, 32, 33, 36, 38, 39, *43, 49
* * * * *	

[FR Doc. 2019–13129 Filed 6–26–19; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 84, No. 124
Thursday, June 27, 2019

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

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2018–0047]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)–022 Electronic Visa Update System (EVUS)

AGENCY: Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) is giving concurrent notice of a reissued system of records pursuant to the Privacy Act of 1974 for the ''Department of Homeland Security/U.S. Customs and Border Protection (CBP)–022 Electronic Visa Update System (EVUS) System of Records and this proposed rulemaking. DHS/CBP previously issued a Final Rule to exempt this system of records from certain provisions of the Privacy Act of 1974 on November 25, 2016, and codified in the Code of Federal Regulations. This regulation remains in effect until a new Final Rule becomes effective. DHS/CBP is reissuing a Notice of Proposed Rulemaking to expand the applicability of the previously issued exemptions from the Privacy Act of 1974 to account for modified routine uses and expanded categories of individuals described in the concurrently issued SORN.

DATES: Comments must be received on or before July 29, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0047, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

For general questions please contact: Debra L. Danisek, (202) 344–1610, *Privacy.CBP@cbp.dhs.gov,* CBP Privacy Officer, Privacy and Diversity Office, 1300 Pennsylvania Ave. NW, Washington, DC 20229.

For privacy issues please contact: Jonathan R. Cantor, (202–343–1717), *Privacy@hq.dhs.gov,* Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DHS/CBP proposes to concurrently modify the DHS System of Records titled, ''DHS/CBP–022 Electronic Visa Update System (EVUS) System of Records'' and issue this notice of proposed rulemaking to exempt portions of the system of records from one or more provision of the Privacy Act of 1974 because of criminal, civil, and administrative enforcement requirements.

This system of records notice (SORN) describes the collection, use, maintenance, and dissemination of records pertaining to eligible international travelers who: (1) Hold a passport that was issued by an identified country approved for inclusion in the EVUS program, and (2) have been issued a U.S. nonimmigrant visa of a designated category seeking to travel to the United States. The system of records will also cover records of other persons, including U.S. citizens and lawful permanent residents, whose names are provided to DHS as part of a nonimmigrant alien's EVUS enrollment. DHS/CBP ensures a visa holder's information remains current by requiring nonimmigrant aliens holding passports of identified countries containing U.S. nonimmigrant visas of a designated category with multiple year validity to update their EVUS information. After issuance of a visa, nonimmigrant aliens subject to EVUS requirements need to successfully enroll in EVUS online every two years to ensure their visa remains valid for travel to the United States.

DHS/CBP vets the EVUS applicant's information against selected DHS and other federal agency databases to enhance DHS's ability to determine whether the applicant poses a security risk to the United States or is otherwise ineligible to travel and enter the United States. For instance, DHS/CBP vets against the following DHS databases, and their associated SORNs: TECS (not an acronym) (DHS/CBP–011 U.S. Customs and Border Protection TECS, December 19, 2008, 73 FR 77778), and the Automated Targeting System (ATS) (DHS/CBP–006 Automated Targeting System, May 22, 2012, 77 FR 30297). ATS retains a copy of EVUS enrollment data to identify EVUS enrollees who may pose a security risk to the United States. All EVUS vetting results, and derogatory information, are stored in ATS and covered by the ATS SORN.

Further, as explained in the concurrent notice of the updated EVUS SORN, DHS/CBP is modifying this SORN to (1) clarify that the EVUS enrollment information includes questions necessary to evaluate whether a covered alien's travel to the United States poses a law enforcement or security risk, and to make administrative changes to remove references to the specific EVUS application questions and data elements; (2) provide additional transparency that vetting results are retained in ATS; (3) expand the previously issued exemptions to clarify that DHS/CBP is exempting certain portions of records in this system from provisions of the Privacy Act of 1974 because of criminal, civil, and administrative enforcement requirements; and (4) to add new Routine Uses and clarify previously issued ones.

Due to the expansion of exemptions previously published for this system of records, DHS is issuing this Notice of Proposed Rulemaking (NPRM) concurrent with the SORN to exempt the system of records from certain provisions of the Privacy Act of 1974. These records are exempt from 5 U.S.C.

552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (5), and (8); (f); and (g) of the Privacy Act of 1974, as amended, pursuant 5 U.S.C. 552a(j)(2). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3); (d)(1), (d)(2), (d)(3), and (d)(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Such exempt records or information may be law enforcement or national security investigation records, law enforcement activity and encounter records, or terrorist screening records. DHS needs these exemptions in order to protect information relating to law enforcement investigations from disclosure to subjects of investigations and others who could interfere with investigatory and law enforcement activities. Specifically, the exemptions are required to: Preclude subjects of investigations from frustrating the investigative process; avoid disclosure of investigative techniques; protect the identities and physical safety of confidential informants and of law enforcement personnel; ensure DHS's and other federal agencies' ability to obtain information from third parties and other sources; protect the privacy of third parties; and safeguard sensitive information.

Despite the exemptions taken on this system of records, DHS/CBP is not taking any exemption from subsection (d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (authorized to travel, pending, or not authorized to travel). However, pursuant to 5 U.S.C. 552a(j)(2), DHS/CBP plans to exempt such information in this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities. Nonetheless, DHS will examine each request on a case-by-case basis, and, after conferring with the appropriate component or agency, may waive applicable exemptions in appropriate circumstances and where it would not appear to interfere with or adversely affect the law enforcement or national security investigation.

DHS/CBP previously issued a Final Rule to exempt this system of records from certain provisions of the Privacy Act of 1974 on November 25, 2016 (81 FR 85105). These regulations remain in effect until a new Final Rule becomes effective. Once a Final Rule becomes effective, DHS will add this exemption to Appendix C to 6 CFR part 5, DHS Systems of Records Exempt from the Privacy Act.

II. Privacy Act

The Privacy Act of 1974 embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individual's records. The Privacy Act of 1974 applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act of 1974, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act of 1974.

The Privacy Act of 1974 allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend Chapter I of Title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for part 5 is revised to read as follows:

Authority: 6 U.S.C. 101 *et seq.;* Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301.

■ 2. In appendix C to part 5, revise paragraph 20 to read as follows:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

20. The Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)–022 Electronic Visa Update System (EVUS) System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/CBP–022 Electronic Visa Update System (EVUS) System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; national security and intelligence activities. This system of records covers information collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other Federal, state, local, tribal, foreign, or international government agencies. As part of the process of determining EVUS eligibility or admissibility to the United States, CBP collects two types of data for which it claims different exemptions.

(a) CBP will not assert any exemption to limit an individual from accessing or amending his or her record under subsection 552a(d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (approval or denial). However, pursuant to 5 U.S.C. 552a(j)(2), CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities, and thus, the Secretary of Homeland Security has exempted such records covered by this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(i) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(ii) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(iii) From subsection (g) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

(b) Additionally, this system contains law enforcement and other derogatory records or information recompiled from or created from information contained in other systems of records that are exempt from certain provisions of the Privacy Act, and possibly relied upon as the basis for denial of an EVUS application. For these records or information only, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (c)(4); (d)(1)–(4); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), and (e)(8); (f); and (g). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3); (d)(1)–(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(i) From subsection (c)(3) and (c)(4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(ii) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, and to avoid detection or apprehension. From subsection (d) (Amendment to Records) because amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(iii) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(iv) From subsection (e)(2) (Collection of Information from Individuals) because requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of the investigation, thereby interfering with that investigation and related law enforcement activities.

(v) From subsection (e)(3) (Notice to Subjects) because providing such detailed information could impede law enforcement by compromising the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(vi) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, potential witnesses, and confidential informants.

(vii) From subsection (e)(5) (Collection of Information) because with the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with subsection (e)(5) would preclude DHS agents from using their investigative training and exercise of good judgment to both conduct and report on investigations.

(viii) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(ix) From subsection (g) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–13643 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2018–0045]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)–009 Electronic System for Travel Authorization (ESTA) System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) is giving concurrent notice of a reissued system of records pursuant to the Privacy Act of 1974 for the ''Department of Homeland Security/U.S. Customs and Border Protection (CBP)–009 Electronic System for Travel Authorization (ESTA) System of Records and this proposed rulemaking. DHS/CBP previously issued a Final Rule to exempt this system of records from certain provisions of the Privacy Act on August 31, 2009, and codified in the Code of Federal Regulations. This Final Rule remains in effect until a new Final Rule becomes effective. DHS/CBP is reissuing a Notice of Proposed Rulemaking to expand the applicability of the previously issued exemptions from the Privacy Act to account for the expanded categories of individuals and record source categories described in the concurrently issued SORN.

DATES: Comments must be received on or before July 29, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0045, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

For general questions please contact: Debra L. Danisek, (202) 344–1610, *Privacy.CBP@cbp.dhs.gov,* CBP Privacy Officer, Privacy and Diversity Office, 1300 Pennsylvania Ave. NW, Washington, DC 20229.

For privacy issues please contact: Jonathan R. Cantor, (202–343–1717), *Privacy@hq.dhs.gov,* Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DHS/CBP proposes to concurrently modify the DHS System of Records titled, ''DHS/CBP–009 Electronic System for Travel Authorization (ESTA) System of Records'' and issue this notice of proposed rulemaking to exempt portions of the system of records from one or more provision of the Privacy Act because of criminal, civil, and administrative enforcement requirements. This system of records notice (SORN) describes DHS/CBP's collection and maintenance of records that pertain to eligible international travelers who wish to travel to the United States under the Visa Waiver Program (VWP) and have applied for an ESTA travel authorization and persons whose information is provided in response to an ESTA application or Form I–94W questions. DHS/CBP developed ESTA, a web-based system, in 2008 to determine the eligibility of foreign nationals to travel to the United States under the VWP. Using the ESTA website, applicants submit biographic information and answer questions that permit DHS to determine eligibility for travel under the VWP, including whether the applicant poses a law enforcement or security risk.

DHS/CBP vets the ESTA applicant's information against selected DHS and other Federal agency databases to enhance DHS's ability to determine whether the applicant poses a security risk to the United States or is otherwise eligible to travel to and enter the United States under the VWP. The ESTA eligibility determination is made prior to an alien arriving for inspection in the United States. All ESTA vetting results and derogatory information are stored in the Automated Targeting System (ATS), and covered by the ATS SORN, DHS/CBP–006 Automated Targeting System, 77 FR 30297 (May 22, 2012). Further, as explained in the concurrent notice of the updated ESTA SORN, DHS/CBP is expanding the categories of individuals to clarify the use of ESTA at all ports of entry. In addition, DHS/CBP has modified the ESTA SORN to clarify and expand several previously issued routine uses. Thus, to account for the expanded categories of individuals, record source categories and routine uses described in the concurrently issued SORN, and to clarify that this system contains records or information recompiled from or created from information contained in other systems of records that are exempt from certain provision of the Privacy Act, DHS/CBP is reissuing a Notice of Proposed Rulemaking (NPRM) to expand the applicability of the previously issued exemptions from the Privacy Act.

Additionally, this new NPRM makes clear that this system could cover law enforcement and other derogatory records or information recompiled from or created from information contained in other systems of records that are exempt from certain provisions of the Privacy Act. These records are exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (5), and (8); (f); and (g) of the Privacy Act of 1974, as amended, pursuant 5 U.S.C. 552a(j)(2). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3); (d)(1), (d)(2), (d)(3), and (d)(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Such exempt records or information may be law enforcement or national security investigation records, law enforcement activity and encounter records, or terrorist screening records. DHS needs these exemptions in order to protect information relating to law enforcement investigations from disclosure to subjects of investigations and others who could interfere with investigatory and law enforcement activities. Specifically, the exemptions are required to: Preclude subjects of investigations from frustrating the investigative process; avoid disclosure of investigative techniques; protect the identities and physical safety of confidential informants and of law enforcement personnel; ensure DHS's and other federal agencies' ability to obtain information from third parties and other sources; protect the privacy of third parties; and safeguard sensitive information.

Despite the exemptions taken on this system of records, DHS/CBP is not taking any exemption from subsection (d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (authorized to travel, pending, or not authorized to travel). However, pursuant to 5 U.S.C. 552a(j)(2), DHS/CBP plans to exempt such information in this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities. Nonetheless, DHS will examine each request on a case-by-case basis, and, after conferring with the appropriate component or agency, may waive applicable exemptions in appropriate circumstances and when it would not appear to interfere with or adversely affect the law enforcement or national security investigation.

DHS/CBP previously issued a Final Rule to exempt this system of records from certain provisions of the Privacy Act on August 31, 2009 (74 FR 45069). These exemptions remain in effect until a new Final Rule becomes effective. Once a Final Rule becomes effective, DHS will add this exemption to Appendix C to 6 CFR part 5, DHS Systems of Records Exempt from the Privacy Act.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individual's records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

The Privacy Act allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend Chapter I of Title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for part 5 is revised to read as follows:

Authority: 6 U.S.C. 101 *et seq.;* Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301.

■ 2. In appendix C to part 5, revise paragraph 20 to read as follows:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

20. The Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)–009 Electronic System for Travel Authorization (ESTA) System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/CBP–009 Electronic System for Travel Authorization (ESTA) System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; national security and intelligence activities. This system of records covers information collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies. As part of the process of determining ESTA eligibility or admissibility to the United States under the Visa Waiver Program, CBP collects two types of data for which it claims different exemptions.

(a) CBP will not assert any exemption to limit an individual from accessing or amending his or her record under subsection 552a(d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (approval or denial). However, pursuant to 5 U.S.C. 552a(j)(2), CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities, and thus, the Secretary of Homeland Security has exempted such records covered by this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(i) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(ii) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(iii) From subsection (g) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

(b) Additionally, this system contains law enforcement and other derogatory records or information recompiled from or created from information contained in other systems of records that are exempt from certain provisions of the Privacy Act. For these records or information only, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (c)(4); (d)(1)–(4); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5) and (e)(8); (f); and (g). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3); (d)(1)–(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(i) From subsection (c)(3) and (c)(4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(ii) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, and to avoid detection or apprehension. From subsection (d) (Amendment to Records) because amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(iii) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(iv) From subsection (e)(2) (Collection of Information from Individuals) because requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of the investigation, thereby interfering with that investigation and related law enforcement activities.

(v) From subsection (e)(3) (Notice to Subjects) because providing such detailed information could impede law enforcement by compromising the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(vi) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, potential witnesses, and confidential informants.

(vii) From subsection (e)(5) (Collection of Information) because with the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with subsection (e)(5)

would preclude DHS agents from using their investigative training and exercise of good judgment to both conduct and report on investigations.

(viii) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(ix) From subsection (g) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–13647 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0486; Product Identifier 2019–NM–061–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A318–112, –121, and –122; A319–111, –112, –115, –131, –132, and –133; A320–214, –216, –232, –233, –251N, and –271N; and A321–211, –212, –213, –231, –232, –251N, –253N, –271N, and –272N airplanes. This proposed AD was prompted by reports of missing or loosened fasteners on connecting brackets of overhead stowage compartments (OHSC) and pivoting OHSC (POHSC). This proposed AD would require modification of the OHSC and POHSC attachments, as specified in a European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 12, 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, 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–2019–0486; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is 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

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0486; Product Identifier 2019–NM–061–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0069, dated March 28, 2019 (''EASA AD 2019–0069'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A318–112, –121, and –122; A319–111, –112, –115, –131, –132, and –133; A320–214, –216, –232, –233, –251N, and –271N; and A321–211, –212, –213, –231, –232, –251N, –253N, –271N, and –272N airplanes. The MCAI states:

> During routine inspections, several screws were found missing or loose on the interconnecting brackets of certain overhead stowage compartments (OHSC) and pivoting OHSC (POHSC). Investigations and a sampling program have shown that loosening of fasteners can be generated by a relative movement of the OHSC/POHSC and vibrations inside the aeroplane, by elastic deformation of the aeroplane body and by take-off and landing manoeuvres.
>
> This condition, if not corrected, could lead to detachment of an OHSC/POHSC, possibly resulting in injury to aeroplane occupants.
>
> To address this potential unsafe condition, Airbus issued the original issue of the applicable SB [service bulletin], providing modification instructions to improve the robustness of the OHSC and POHSC. Prompted by new findings, the applicable SBs have been later issued, including additional work and associated instructions.
>
> For the reasons described above, this [EASA] AD requires modification of the OHSC and POHSC attachments.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0069 describes procedures for modification of the OHSC and POHSC attachments. EASA AD 2019–0069 also describes an inspection for discrepancies (additional work) and corrective actions. The inspection includes checks of the dimensions of the threaded pins against tolerances and checks for damage. Corrective actions include replacing threaded pins and nuts and repairing damage. 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 our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0069 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0069 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0069, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0069 that is required for compliance with EASA AD 2019–0069 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0486 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 1,464 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 42 work-hours × $85 per hour = $3,570	$3,950	Up to $7,520	Up to $11,009,280.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 19 work-hours × $85 per hour = Up to $1,615	(*)	Up to $1,615.*

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

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2019–0486; Product Identifier 2019–NM–061–AD.

(a) Comments Due Date

We must receive comments by August 12, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A318–112, –121, and –122; A319–111, –112, –115, –131, –132, and –133; A320–214, –216, –232, –233, –251N, and –271N; and A321–211, –212, –213, –231, –232, –251N, –253N, –271N, and –272N airplanes, certificated in any category, as identified in European Aviation Safety Agency (EASA) AD 2019–0069, dated March 28, 2019 (''EASA AD 2019–0069'').

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by reports of missing or loosened fasteners on connecting brackets of overhead stowage compartments (OHSC) and pivoting OHSC (POHSC). We are issuing this AD to address loosening of the OHSC or POHSC fasteners. This condition, if not corrected, could lead to detachment of an OHSC or POHSC, possibly resulting in injury to airplane occupants and/or impeding egress during an emergency evacuation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0069.

(h) Exceptions to EASA AD 2019–0069

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0069 refers to its effective date, this AD requires using the effective date of this AD.

(2) For purposes of determining compliance with the requirements of this AD: Paragraph (1) of EASA AD 2019–0069 applies to all airplanes except for airplanes identified by paragraph (2) of EASA AD 2019–0069.

(3) The ''Remarks'' section of EASA AD 2019–0069 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2019–0069 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2019–0069, 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 2019–0069 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0486.

(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 18, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13420 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM19–10–000]

Transmission Planning Reliability Standard TPL–001–5

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to approve Reliability Standard TPL–001–5 (Transmission System Planning Performance Requirements). The North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization, submitted the proposed Reliability Standard for Commission approval to address: Reliability issues concerning the study of single points of failure of protection systems; and Commission directives regarding planned maintenance outages and stability analysis for spare equipment strategy. In addition, the Commission proposes to direct NERC to modify the Reliability Standards to require corrective action plans for protection system single points of failure in combination with a three-phase fault if planning studies indicate potential cascading.

DATES: Comments are due August 26, 2019.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process,

see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Eugene Blick (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (301) 665–1759, *eugene.blick@ferc.gov*.

Bob Stroh (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8473, *robert.stroh@ferc.gov*.

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215(d)(2) of the Federal Power Act (FPA), the Commission proposes to approve Reliability Standard TPL–001–5 (Transmission System Planning Performance Requirements).[1] The North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO), submitted proposed Reliability Standard TPL–001–5 for Commission approval to address: reliability issues concerning the study of single points of failure of protection systems discussed in Order No. 754; and directives from Order No. 786 regarding planned maintenance outages and stability analysis for spare equipment strategy.[2]

2. Proposed Reliability Standard TPL–001–5 is one of two transmission planning Reliability Standards containing requirements for planning authorities and transmission planners to develop studies of their portions of the bulk electric system. Proposed Reliability Standard TPL–001–5 establishes transmission system planning performance requirements within the planning horizon to promote a bulk electric system that will operate reliably over a broad spectrum of system conditions and following a wide range of probable contingencies. NERC states that the revisions in the proposed Reliability Standard are intended to enhance requirements for the study of protection system single points of failure.[3]

3. Proposed Reliability Standard TPL–001–5 requires each planning authority and transmission planner to perform an annual planning assessment of its portion of the bulk electric system considering a number of system conditions and contingencies. The proposed Reliability Standard employs a risk-based approach to the study of contingencies and the types of corrective action that are required if the entity's system cannot meet the specified performance requirements.[4] For scenarios considered to be more commonplace (*i.e.,* planning events), the planning entity must develop a corrective action plan if it determines through studies that its system would experience performance issues. For the scenarios considered to be less commonplace, but which could result in potentially severe impacts such as cascading (*i.e.,* extreme events), the planning entity must conduct a comprehensive analysis to understand both the potential impacts on its system and the types of actions that could reduce or mitigate those impacts.[5]

4. Proposed Reliability Standard TPL–001–5 contains revisions to both the planning event (Category P5) and extreme events (Stability 2.a–h)—identified in Table 1 (Steady State and Stability Performance Planning Events and Steady State and Stability Performance Extreme Events) and the associated footnote 13—to provide for more comprehensive study of the potential impacts of protection system single points of failure.[6] Planning entities would be required to take action, consistent with currently-effective Reliability Standard TPL–001–4 requirements, to address system performance issues identified as a result of these studies. Additionally, the proposed Reliability Standard addresses the two Commission directives in Order No. 786. Accordingly, pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve proposed Reliability Standard TPL–001–5 because it is responsive to the Commission's directives and improves upon the currently-effective Reliability Standard by enhancing requirements for the study of protection system single points of failure.

5. Non-redundant protection systems can also misoperate when faced with a three-phase fault. Because three-phase faults are more serious than single-phase-to-ground faults, the consequences can be more severe, including cascading. However, rather than require a corrective action plan to address such events, proposed Reliability Standard TPL–001–5 only requires an evaluation of possible actions designed to reduce the likelihood or mitigate their consequences and adverse impacts.[7] NERC has not adequately justified categorizing protection system single points of failure in combination with a three-phase fault as an ''extreme event'' that only requires study, but not a corrective action plan, when there is the potential for cascading. We are not persuaded that such events do not necessitate corrective action plans because of their alleged rarity, particularly because their potential impacts may result in cascading. Thus, pursuant to section 215(d)(5) of the FPA, we also propose to direct that NERC develop modifications to the Reliability Standards to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading.[8]

I. Background

A. Section 215 and Mandatory Reliability Standards

6. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently.[9] Pursuant to section 215 of the FPA, the Commission established a process to

[1] 16 U.S.C. 824o(d)(2) (2012).

[2] *Interpretation of Transmission Planning Reliability Standard* Order No. 754, 136 FERC ¶ 61,186 at P 19 (2011); *Transmission Planning Reliability Standards,* Order No. 786, 145 FERC ¶ 61,051, at PP 40, 89 (2013).

[3] A protection system ''single point of failure'' refers to a non-redundant component of a protection system that, if it failed, would affect normal clearing of faults. NERC Petition at 4.

[4] NERC defines ''Corrective Action Plan'' as, ''A list of actions and an associated timetable for implementation to remedy a specific problem.'' Glossary of Terms Used in NERC Reliability Standards (May 13, 2019) (NERC Glossary).

[5] NERC defines ''Cascading'' as, ''The uncontrolled successive loss of System Elements triggered by an incident at any location. Cascading results in widespread electric service interruption that cannot be restrained from sequentially spreading beyond an area predetermined by studies.'' NERC Glossary.

[6] Proposed Reliability Standard TPL–001–5 includes an expanded list of protection system components for single points of failure studies. The selected list of components account for: (1) Those failed non-redundant components of a protection system that may impact one or more protection systems; (2) the duration that faults remain energized until delayed fault clearing; and (3) the additional system equipment removed from service following fault clearing depending on the specific failed non-redundant component of a protection system. NERC Petition at 16.

[7] NERC, Informational Filing, Docket No. RM10–06–000, at 10 (filed March 15, 2012) (2012 Informational Filing). A three-phase fault can originate as a single-line-to-ground (SLG) fault as ''it is not uncommon for a SLG fault to evolve to a multi-phase fault.'' *Id.*

[8] 16 U.S.C. 824o(d)(5).

[9] *Id.* 824o(e).

select and certify an ERO,[10] and subsequently certified NERC.[11]

B. Order No. 754

7. In Order No. 754, which approved an interpretation of Reliability Standard TPL–002–0, Requirement R1.3.10, the Commission determined that ''there may be a system protection issue that merits further exploration by technical experts'' and that there is ''an issue concerning the study of the non-operation of non-redundant primary protection systems; *e.g.,* the study of a single point of failure on protection systems.'' [12] To address this concern, the Commission directed ''Commission staff to meet with NERC and its appropriate subject matter experts to explore the reliability concern, including where it can best be addressed, and identify any additional actions necessary to address the matter.'' [13] The Commission also directed NERC ''to make an informational filing . . . explaining whether there is a further system protection issue that needs to be addressed and, if so, what forum and process should be used to address that issue and what priority it should be accorded relative to other reliability initiatives planned by NERC.'' [14]

8. In October 2011, Commission staff hosted a technical conference on single points of failure, which resulted in four consensus points and the following problem statement: ''The group perceives a reliability concern regarding the comprehensive assessment of potential protection system failures by registered entities. The group agrees on the need to study if a [reliability] gap exists regarding the study and resolution of a single point of failure on protection systems.'' [15] One outcome of the 2011 technical conference, as described in the 2012 Informational Filing, was that NERC would issue a data request to aid in assessing whether single points of failure in protection systems pose a reliability concern. To that end, the NERC Board of Trustees subsequently approved a request for data under the NERC Rules of Procedure.[16] Over the next two years, NERC collected data from transmission planners. Using the collected data, two subcommittees of the NERC Planning Committee, the System Protection and Control Subcommittee (SPCS) and the System Analysis and Modeling Subcommittee (SAMS), conducted an assessment of protection system single points of failure. The study examined in detail the protection systems related to nearly 4,000 buses. The findings were presented in a September 2015 report that concluded that single points of failure on protection systems posed a reliability risk that warranted further action.[17] The SPCS/SAMS Report recommended, after considering a variety of alternatives, that NERC modify Reliability Standard TPL–001–4 to best align with the Order No. 754 directives and maximize reliability of protection system performance. In particular, the SPCS/SAMS Report recommended that three-phase faults involving protection system failures be assessed as an extreme event in Reliability Standard TPL–001–4, as follows:

> Additional emphasis in planning studies should be placed on assessment of three-phase faults involving protection system single points of failure. This concern (the study of protection system single points of failure) is appropriately addressed as an extreme event in TPL–001–4 Part 4.5. From TPL–001–4, Part 4.5: If the analysis concludes there is Cascading caused by the occurrence of extreme events, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences and adverse impacts of the event(s) shall be conducted.[18]

C. Order No. 786

9. In Order No. 786, the Commission approved the currently-effective version of the transmission system planning standard, Reliability Standard TPL–001–4. In that Order, the Commission also issued several directives to NERC, including two relating to future standard modifications that are addressed in proposed Reliability Standard TPL–001–5. First, the Commission expressed concern that the six-month outage duration threshold in Reliability Standard TPL–001–4, Requirement R1 could exclude planned maintenance outages of significant facilities from future planning assessments.[19] The Commission determined that planned maintenance outages of less than six months in duration may result in relevant impacts during one or both of the seasonal off-peak periods, and that prudent transmission planning should consider maintenance outages at those load levels when planned outages are performed to allow for a single element to be taken out of service for maintenance without compromising the ability of the system to meet demand without loss of load. The Commission further determined that a properly planned transmission system should ensure the known, planned removal of facilities (*i.e.,* generation, transmission or protection system facilities) for maintenance purposes without the loss of nonconsequential load or detrimental impacts to system reliability such as cascading, voltage instability or uncontrolled islanding. The Commission directed NERC to modify the Reliability Standards to address this concern.

10. Second, while stating that NERC had met the Commission's Order No. 693 directive to include a spare equipment strategy for steady state analysis in Reliability Standard TPL–001–4, the Commission determined that a spare equipment strategy for stability analysis was not addressed in the standard. The Commission stated that a similar spare equipment strategy for stability analysis should exist that requires studies to be performed for P0, P1, and P2 categories with the conditions that the system is expected to experience during the possible unavailability of the long lead time equipment. Rather than direct a change at that time, however, the Commission directed NERC to consider the issue during the next review cycle of Reliability Standard TPL–001–4.[20]

D. NERC Petition and Proposed Reliability Standard TPL–001–5

11. On December 7, 2018, NERC submitted proposed Reliability Standard TPL–001–5 for Commission approval.[21] NERC maintains that the proposed Reliability Standard addresses potential system contingencies including the protection system single point of failure issue and Order No. 786 directives.

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[10] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, 114 FERC ¶ 61,104, *order on reh'g,* Order No. 672–A, 114 FERC ¶ 61,328 (2006).

[11] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[12] Order No. 754, 136 FERC ¶ 61,186 at P 19.

[13] *Id.* P 20.

[14] *Id.*

[15] NERC, Order No. 754 Single Point of Failure Technical Meeting Notes at 8 (October 24–25, 2011).

[16] 2012 NERC Informational Filing at 7 (stating that the data request ''is based on an approach that utilizes . . . a three-phase (3Ø) fault and assesses simulated system performance against performance measures'').

[17] NERC, Order No. 754 Assessment of Protection System Single Points of Failure Based on the Section 1600 Data Request at 11 (September 2015) (SPCS/SAMS Report).

[18] *Id.*

[19] Order No. 786, 145 FERC ¶ 61,051 at PP 40–45.

[20] *Id.* PP 88–89.

[21] Proposed Reliability Standard TPL–001–5 is not attached to this notice of proposed rulemaking (NOPR). The proposed Reliability Standard is available on the Commission's eLibrary document retrieval system in Docket No. RM19–10–000 and on the NERC website, *www.nerc.com.*

With regard to protection system single points of failure, NERC indicates that Table 1 of the proposed Reliability Standard describes system performance requirements for a range of potential system contingencies required to be evaluated by the planner. Table 1 includes three parts: (1) Steady State & Stability Performance Planning Events, (2) Steady State & Stability Performance Extreme Events, and (3) Steady State & Stability Performance Footnotes. Table 1 describes system performance requirements for a range of potential system contingencies required to be evaluated by the planner. The table categorizes the events as either ''planning events'' or ''extreme events.'' The table lists seven contingency planning events (P1 through P7) that require steady-state and stability analysis as well as five extreme event contingencies: three for steady-state and two for stability. NERC asserts that proposed Reliability Standard TPL–001–5 also includes certain modifications to better ensure that planning entities are performing a more complete analysis of potential protection system single points of failure on their systems and taking appropriate action to address these concerns. NERC explains that the proposed Reliability Standard contains revisions to both the Table 1 planning event (Category P5) and extreme events (Stability 2.a–h) and the associated footnote 13 to provide for more comprehensive study of the potential impacts of protection system single points of failure.

12. NERC states that if the study of a protection system single point of failure for a single-line-to-ground fault (*i.e.,* Category P5 event) results in cascading, a corrective action plan is required.[22] NERC considers this a relatively commonplace scenario, and it explains that an entity would be required to develop a corrective action plan if it determines that its system would be unable to meet the performance requirements of Table 1 for the Category P5 event.

13. In contrast, NERC proposes revisions to Table 1 to include the study of a protection system single point of failure in combination with a three-phase fault as an extreme event, which does not require a corrective action plan. NERC avers in its petition that the three-phase fault scenario is much rarer (compared to the single-line-to-ground fault). According to NERC, like the other extreme events in the proposed Reliability Standard, this scenario, while rare, could result in more significant impacts to an entity's system.[23] Under this approach, NERC asserts that, if an entity determines that its system will experience cascading as a result of a three-phase fault scenario, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences of the event will be conducted but a corrective action plan is not required.

14. Based on a historical analysis of NERC data on protection system misoperations, NERC asserts that the expected likelihood of a three-phase fault event occurring and resulting in the most severe impacts would be small. NERC states that it reviewed over 12,000 protection system misoperations in its Misoperation Information Data Analysis System (MIDAS) database reported since 2011, of which only 28 involved three-phase faults. Of those, NERC states that 10 involved breakers that failed to operate, and the remaining 18 involved breakers that were slow to operate.[24] NERC explains that a failure to operate potentially indicates instances of a protection system single point of failure. While the potential for severe impacts from such events remains, NERC states that none of the 10 failure to trip scenarios reported since 2011 resulted in events that reached the threshold for reporting under Reliability Standard EOP–004 (Event Reporting).[25] With regard to the Order No. 786 directives, NERC states that proposed Reliability Standard TPL–001–5 provides for a more complete consideration of factors for selecting which known outages will be included in near-term transmission planning horizon studies.

II. Discussion

15. Pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve proposed Reliability Standard TPL–001–5 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. The proposed Reliability Standard will improve Bulk-Power System reliability by requiring enhanced transmission system planning with regard to the study of protection system single points of failure in combination with a single-line-to-ground fault, as discussed in Order No. 754. The Commission also proposes to approve the associated violation risk factors, violation severity levels and implementation plan.

16. With respect to the Order No. 786 directives, regarding planned maintenance outages and stability analysis for spare equipment strategy, the Commission proposes to determine that the revisions satisfy the directives. First, proposed Reliability Standard TPL–001–5 provides for a more complete consideration of factors for selecting which known outages will be included in near-term transmission planning horizon studies. In particular, the modifications reflected in proposed Reliability Standard TPL–001–5 address the Commission's concern that the exclusion of known outages of less than six months in currently-effective Reliability Standard TPL–001–4 could result in outages of significant facilities not being studied. Second, the proposed Reliability Standard modifies requirements for stability analysis to require an entity to assess the impact of the possible unavailability of long lead time equipment, consistent with the entity's spare equipment strategy.

17. In addition, the Commission, pursuant to section 215(d)(5) of the FPA, proposes to direct that NERC develop modifications to the Reliability Standards because certain protection system single points of failure may not be fully addressed even with the implementation of proposed Reliability Standard TPL–001–5. As discussed below, the Commission is concerned that the proposed Reliability Standard does not require responsible entities to develop corrective action plans to address protection system single points

[22] Proposed TPL–001–5 Reliability Standard, Table 1 (Steady State and Stability Performance Planning Events), Category P5 requires the study of a single-line-to-ground faulted element (*e.g.,* generator, transmission circuit or transformer) along with a failure to operate of a non-redundant component of the protection system (*i.e.,* a single point of failure) protecting the faulted element.

[23] *See Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 118 FERC ¶ 61,218, at P 1826, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007) (describing extreme events as ''events resulting in loss of two or more elements or Cascading'' that do not require a corrective action plan rather than assigning a quantitative probability to the event).

[24] NERC Petition at 26, n.55 (''The ERO began to collect misoperations data in a common format beginning in 2011. Applicable entities are currently required to report information on Protection System misoperations to NERC pursuant to a request for data or information under Section 1600 of the NERC Rules of Procedure approved by the NERC Board of Trustees on August 14, 2014. Previously, the PRC–004 standard contained requirements for misoperation reporting.''); *see also North American Electric Reliability Corp.,* 151 FERC ¶ 61,129, at P 6 (2015) (''PRC–004–3, and the parallel Section 1600 Data Request provides means to accomplish this systematic analysis and correction'').

[25] Reliability Standard EOP–004–3 (Event Reporting), Attachment 1: Reportable Events, contains a list of various thresholds for reporting certain events to NERC. Examples of reporting thresholds include: Loss of firm load for 15 minutes or more if 300 MW or greater for entities with a previous year's demand of at least 3,000 MW, or 200 MW or greater for all other entities, and total generation loss within one minute 2,000 MW or greater for entities in the Eastern or Western Interconnection, or 1,000 MW for entities in the ERCOT or Quebec Interconnection.

of failure in combination with a three-phase fault if planning studies indicate potential cascading. Accordingly, the Commission proposes to direct that NERC develop modifications to the Reliability Standards to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading.

A. The Record Indicates There Is a Reliability Gap for a Protection System Single Point of Failure in Combination With a Three-Phase Fault

18. While protection system single points of failure in combination with a three-phase fault must be studied under the proposed Reliability Standard to determine the impact of failure, the Commission believes that the record may not support NERC's contention that corrective action plans should not be required even when studies of the event indicate the potential for cascading. Specifically, NERC asserts that protection system single points of failure in combination with a three-phase fault is an extreme event that does not require a corrective action plan, even in cases where the study results indicate potential cascading. NERC claims that protection system single points of failure in combination with a three-phase fault are rare and, ''[l]ike all of the 'extreme events' scenarios in this [TPL–001 Standard risk-based] framework, the impacts of a protection system single point of failure in combination with a three phase fault could be severe in some cases, but are very unlikely.'' [26] Based on the present record, it is unclear whether such contingencies are as rare as NERC maintains.

19. A 2009 NERC Industry Advisory reported three system disturbances that occurred during a five-year period that were initiated by a protection system single point of failure in combination with a single-line-to-ground fault.[27] According to the Industry Advisory and supporting documentation, all three events evolved into either a multi-phase fault or a three-phase fault with cascading.[28] Moreover, in the 2012 Informational Filing, NERC reported that it is not uncommon for a single-line-to-ground fault to evolve into a multi-phase fault, and NERC stated that studies solely on single-line-to-ground faults may understate the reliability risk of single points of failure of protection systems.[29] As mentioned below, the NERC standard drafting team pointed to the likelihood of a single-line-to-ground fault evolving into a multi-phase fault when responding to stakeholder comments that a single-line-to-ground fault was a rare event.

20. NERC indicates that it reviewed over 12,000 protection system misoperations and determined that only 28 involved three-phase faults from 2011 through 2018. However that averages to approximately one three-phase fault event every three months. NERC, moreover, indicates that ten of those 28 misoperations involved breakers that failed to operate that could reasonably be assumed to be representative of protection system single points of failure, which averages to about one event every 8 months.[30] Although we recognize that three-phase faults constitute a relatively small subset of all protection system operations, under the following measure of one protection system single point of failure every 8 months, the occurrence of three-phase faults with misoperations could reasonably be viewed as regular occurrences. Thus, based on the information currently before us, we are not persuaded by NERC's analysis that three-phase faults are rare events that should be categorized with other extreme events in proposed Reliability Standard TPL–001–5 and should be studied but not have corrective action plans.

21. The record of development for proposed Reliability Standard TPL–001–5 also supports our concerns with the absence of a corrective action plan requirement. The development record evidences a standard drafting team repeatedly expressing concerns regarding the reliability risks of three-phase faults involving protection system single points of failure. Indeed, the standard drafting team evaluated and initially adopted more robust options to mitigate protection system single points of failure in combination with three-phase faults if studies indicated cascading, including requiring a corrective action plan or some variation of a corrective action plan.

22. In the first draft of proposed Reliability Standard TPL–001–5, the standard drafting team included a draft requirement (Requirement R4.6) that would have addressed protection system single points of failure in combination with a three-phase fault, including a specific requirement for the development of a corrective action plan.[31] After reviewing the unofficial comments on the proposal, the standard drafting team provided the following response:

> The [standard drafting team (SDT)] recognized that the industry comments . . . were particularly negative. The SDT would like to address the most common comment received: Requiring Corrective Action Plans as part of Requirement R4.6 goes beyond the scope of the SAR, was not part of the recommendations from the SPCS/SAMS report titled ''Order No. 754 Assessment of Protection System Single Points of Failure Based on the Section 1600 Data Request'', and/or is not justifiable given the low likelihood of occurrence. . . . While it is clear that a [single point of failure (SPF)] for a Protection System component may lead to significantly longer Delayed Clearing and notably worse system response than typically analyzed breaker failure conditions, the industry has indicated that the probability of simultaneous SPF occurrence with a bolted three-phase fault is low. Therefore the SDT has restored the assessment of SPF for a Protection System component with a three-phase fault to language consistent with TPL–001–4 Requirement 4.5.[32]

While the standard drafting team agreed to remove the corrective action plan provision in response to the stakeholder comments, the following language from the standard drafting team's response stressed the reliability concerns posed by protection system single points of failure in combination with a three-phase fault, and suggested that the related risks are ''underappreciated'':

> The SPF for a Protection System component is an important topic that, the SDT believes, may involve risks that are underappreciated. The SDT considered using Corrective Action Plan changes in proposed Requirement 4.6 or a new Table 1 Planning Events Category P8 to emphasize the importance of this issue, but given the industry comments and lack of a FERC directive did not ''raise the bar'' at this time. The SDT would like to document an important considerations (sic) it considered, that the fault conditions and system performance requirement, referred to as Performance Measure, of the Order 754 data

[26] NERC Petition at 26.

[27] NERC, Industry Advisory: Protection System Single Point of Failure (March 30, 2009) (2009 NERC Industry Advisory).

[28] *Id.* at 2 (''Three system disturbances were caused by failure of a single component (lockout or auxiliary relay) of a protection system.'').

[29] 2012 NERC Informational Filing at 3, 10 (''identif[ying] five events between 2004 and 2010 in which a single point of failure on a protection system caused, in whole or in part, an event on the Bulk-Power System . . .'').

[30] NERC Petition at 26–27. NERC stated that none of the ten failure to trip scenarios reached the threshold for reporting under Reliability Standard EOP–004. Although NERC did not offer further explanation, system conditions such as off-peak load conditions could have contributed to whether Reliability Standard EOP–004 thresholds were met.

[31] NERC Petition, Ex. G (Summary of Development and Complete Record of Development) at page 372–373 of pdf (''If the analysis concludes there is Cascading caused by the occurrence of Table 1 extreme events listed in the stability column for events 2e–2h, a Corrective Action Plan shall be developed.'').

[32] *Id.* at page 810 of pdf.

request were very similar to those of Extreme Events of TPL–001–4 Table 1, namely three-phase fault application and conditions that can indicate Cascading. The primary conclusive finding of the SPCS/SAMS report was: ''analysis of the data demonstrates the existence of a reliability risk associated with single points of failure in protection systems that warrants further action.'' Further, the SPCS/SAMS report concluded that: ''additional emphasis in planning studies should be placed on assessment of three-phase faults involving protection system single points of failure.'' [33]

The standard drafting team's above response acknowledged the importance of a corrective action plan and noted conclusive findings of the SPCS/SAMS report that the reliability risk associated with protection system single points of failure warrants further action. The standard drafting team, nonetheless, indicated that ''lacking a FERC directive'' it would remove the corrective action plan provision.

23. The standard drafting team then developed a second draft of proposed Reliability Standard TPL–001–5. The second draft did not require a corrective action plan by name. Rather, the standard drafting team developed and submitted for ballot a new provision requiring that, when system studies show that a protection system single points of failure in combination with a three-phase fault results in system cascading, the entity must take specific actions, namely ''listing system deficiencies, the associated actions needed to prevent the system from Cascading and the associated timetable for implementation.'' [34] Further, the proposed provision would require follow-up in annual planning assessments for ''continued validity and implementation status.''

24. The standard drafting team developed a technical rationale document that accompanied the second draft of the proposed Reliability Standard.[35] In the draft technical rationale document, the standard drafting team explained the technical basis for draft Requirement R4.2.2:

> Given the risk to BES reliability, additional emphasis in planning studies should be placed on assessment of three-phase faults involving Protection System SPF. This concern (the study of Protection System SPF) is appropriately addressed as an extreme event in TPL–001–4, Requirement R4, Part 4.2. While less probable than single-phase-to-ground faults, *three-phase faults typically initiate as single-phase-to-ground and often evolve into three-phase faults,* leading to Delayed Fault Clearing scenarios more severe than the Table 1 P5 event. Therefore, TPL–001–4, Requirement R4, Part 4.5, which specifies that an evaluation of possible mitigating actions be conducted if analysis concludes there is cascading caused by the occurrence of this extreme event, *is inadequate to address the risk of Protection System component SPF to the reliability of the BES.*[36]

Again, the standard drafting team expressed its concerns regarding the reliability risks associated with a protection system single point of failure in combination with a three-phase fault. The standard drafting team addressed the stakeholder comments regarding the perceived low risk of such conditions by pointing out that ''[w]hile less probable than single-phase-to-ground faults, three-phase faults typically initiate as single-phase-to-ground and often evolve into three-phase faults, leading to Delayed Fault Clearing scenarios more severe than the Table 1 P5 event.'' [37] Further, the standard drafting team noted the inadequacy of simply conducting an ''evaluation'' as set forth in the relevant provision of the current Reliability Standard.[38]

25. The standard drafting team developed a third draft of the proposed Reliability Standard. This third draft removed the more robust provision (proposed Requirement R4.2.2) in favor of the currently proposed language in Requirement 4.2, which requires that ''[i]f the analysis concludes there is Cascading caused by the occurrence of extreme events, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences of the event(s) shall be conducted.'' Significantly, however, in the draft technical rationale document associated with the second draft of the proposed Reliability Standard, the standard drafting team stated that merely requiring that ''an evaluation of possible mitigating actions be conducted if analysis concludes there is cascading caused by the occurrence of this extreme event, *is inadequate to address the risk of Protection System component SPF to the reliability of the BES.*'' [39]

26. The standard development history discussed above therefore supports our concern that there is a potential reliability gap with respect to the proposed Reliability Standard's treatment of protection system single points of failure in combination with a three-phase fault.[40]

B. Commission Proposal

27. The Commission, pursuant to section 215(d)(5) of the FPA, proposes to direct that NERC develop modifications to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading. While we do not propose to prescribe how NERC should respond to the proposed directive, we discuss below certain possible alternatives.

28. NERC could address the proposed directive by modifying the current Category P5 proposal for single-line-to-ground faults (that already includes a P5 corrective action plan) to include language, such as, a footnote stating that the simulation of Delayed Fault Clearing must consider that a single-line-to-ground faulted condition may evolve to all three-phases before protection system action operates to clear the fault. Alternatively, NERC could modify the Reliability Standard to have a new Category planning event that would require a corrective action plan for the study of a protection system single point of failure in combination with a three-phase fault if the study indicates cascading.[41]

29. In addition, we recognize that during the standard drafting process for proposed Reliability Standard TPL–001–5 some stakeholders were concerned with incurring significant costs to mitigate protection system single points of failure in combination with a three-phase fault, while others stated that such actions do not usually incur significant costs.[42] While we are aware of the potential for increased cost under this proposal, we understand that there are likely cost-effective actions that could be taken to mitigate a protection system single point of failure in combination with a three-phase fault.

[33] *Id.*

[34] *Id.* at page 824 of pdf (proposed Requirement 4.2.2).

[35] *Id.* at page 942 of pdf.

[36] *Id.* at page 950–951 of pdf (emphasis added).

[37] *Id.*

[38] The second draft of Reliability Standard TPL–001–5, was voted down by stakeholders, with stakeholders suggesting the removal of Requirement R4.2.2 again suggesting that three-phase fault followed by a protection failure is a low probability event. *Id.* at page 1327 of pdf.

[39] *Id.* at page 951 of pdf (emphasis added).

[40] The standard development record indicates several stakeholder comments in support of a corrective action plan requirement for protection system single points of failure in combination with a three-phase fault that was proposed in the third draft. For example, one commenter suggested ''the best way to achieve this [corrective action plan] requirement is through the creation of a P8 [new category planning event] contingency rather than extreme events.'' Another commenter stated it ''does not believe though that the language . . . goes far enough . . . and believes a corrective action plan should be required.'' *Id.* at pages 2283, 2291, 2415, and 2424 of pdf.

[41] *See id.* at page 1506 and 1746 of pdf.

[42] *See, e.g., id.* at page 1016 (Seattle City Light), 1019 (Arizona Public Service), 1044 (Northeast Power Coordinating Council), 1048 (Eversource Energy), 1331 and 1333 (Standard Drafting Team Response to Commenters) of pdf.

For example, a corrective action plan to eliminate a single point of failure of protection system could add a redundant lockout relay in the control circuitry of a protection system, which would eliminate occurrence of those events reported in the 2009 NERC Industry Advisory.[43] As another option, an entity could add control center monitoring and reporting functions to a DC battery bank or to a communication system of a communication-aided protection scheme so that system operators are aware of their failure.[44] To better understand the potential for increased costs and other implementation issues, the Commission seeks comment on how many corrective action plans are expected for protection system single points of failure in combination with a three-phase fault if study results indicate cascading.

30. To ensure no delay and to align the effective date of the proposed directive with the current implementation plan of proposed Reliability Standard TPL–001–5, the Commission proposes to direct that NERC address the directive within one year of the effective date of a final rule.[45] The Commission seeks comments on its proposals.

III. Information Collection Statement

31. The FERC–725N information collection requirements contained in this notice of proposed rulemaking are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[46] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[47] Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

32. The Commission bases its paperwork burden estimates on the changes in paperwork burden presented by proposed Reliability Standard TPL–001–5. The NERC Compliance Registry, as of May 10, 2019, identifies approximately 144 planning coordinators and transmission planners in the United States that are subject to mandatory compliance with this proposed Regulatory Standard. Of the 144 entities 62 of the entities are registered as both transmission planners and planning coordinators. The register indicates there are seven entities registered as planning coordinators and 137 entities registered as transmission planners.

33. *Burden Estimate:*[48] The estimated burden and cost for the requirements contained in this proposed rule follows:

RM19–10–000 NOPR—FERC–725N

[Mandatory reliability standards: Reliability standard TPL–001–5]

Areas of modification	Number of respondents	Annual number of responses[49] per espondent	Total number of responses	Average burden & cost per response[50]	Total annual burden hours & total annual cost
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Single Point of Failure (one-time).	[51] 206 (PC/TP)	1	206	16 hrs. (reporting: 12 hrs.; recordkeeping: 4 hrs.); $880.	3,296 hrs; $181,280.
Spare Equipment Strategy (one-time).	206 (PC/TP)	1	206	4 hrs. (reporting: 2 hrs.; recordkeeping: 2 hrs.); $220.	824 hrs; $45,320.

[43] NERC Petition at 20 (''most, if not all, constituent parts of the control circuitry are generally unmonitored, may fail, and may remain undetected until periodic testing is conducted. This is particularly significant for non-redundant auxiliary relays or lockout relays within the control circuitry because they may be used for multiple functions. . . .''). In addition, the standard drafting team stated that ''[i]t is emphasized that Footnote 13 does not prescribe any level of redundancy . . . . If, after proper consideration and simulation, required System performance is achieved, then there may be no impetus to make non-redundant components of a Protection System redundant. On the other hand, after proper consideration and simulation it is demonstrated that required System performance is not achieved, making non-redundant components of a Protection System redundant may be but one of many alternatives for corrective actions to obtain required System performance.'' *Id.,* Ex. G at page 162 of pdf.

[44] NERC Petition at 18–19 (stating that ''[f]ootnote 13 provides that certain non-redundant components that are both monitored and reported at a Control Center would not need to be considered as part of planning studies. This includes the communications systems identified in footnote 13.b. The standard drafting team considered that the monitoring and reporting of a non-redundant component to a centralized location (*i.e.,* the Control Center) would facilitate prompt identification and correction of abnormal conditions to minimize the exposure to and consequence of the failed component . . . Similar to footnote 13.b, monitoring and reporting the status of the DC supply to a centralized location [*i.e.,* footnote 13.c] can be considered a sufficient alternative to physical redundancy if the result is prompt notification and remediation which minimizes the exposure to and consequence of DC supply failure'').

[45] NERC Petition, Exhibit B (Implementation Plan) at 2.

[46] 44 U.S.C. 3507(d) (2012).

[47] 5 CFR 1320.11 (2018).

[48] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[49] We consider the filing of an application to be a ''response.''

[50] Hourly costs are based on the Bureau of Labor Statistics (BLS) figures for May 2017 (Sector 22, Utilities) for wages (*https://www.bls.gov/oes/current/naics2_22.htm*) and benefits for December 2019 (*https://www.bls.gov/news.release/ecec.nr0.htm*). We estimate that an Office and Administrative Support (Occupation code: 43–0000) would perform the functions associated with recordkeeping requirements, at an average hourly cost (for wages and benefits) of $41.34. The functions associated with reporting requirements, we estimate, would be performed by an Electrical Engineer (Occupation code: 17–2051) at an average hourly cost of $68.10 including wages and benefits. These occupational categories' wage figures are averaged and weighted equally as follows: ($41.34 hour + 68.10 hour) ÷ 2 = $54.72/hour. The resulting wage figure is rounded to $55.00/hour for use in calculating wage figures in the NOPR in Docket No. RM19–10–000.

[51] Entity count based on May 10, 2019 NERC Registration: 7 entities register as Planning Coordinators (PC), 137 entities register as Transmission Planners (TP), and 62 entities register as both PCs and TPs.

RM19–10–000 NOPR—FERC–725N—Continued

[Mandatory reliability standards: Reliability standard TPL–001–5]

Areas of modification	Number of respondents (1)	Annual number of responses[49] per espondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response[50] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)
Plan Maintenance Outage (one-time).	206 (PC/TP)	1	206	16 hrs. (reporting: 12 hrs.; recordkeeping: 4 hrs.) $880.	3,296 hrs; $181,280.
Total			618		7,416 hrs; $407,880.

This notice of proposed rulemaking will not significantly change existing burdens on an ongoing basis. The Commission estimates a one-time burden increase for Year 1 only because Year 1 represents a one-time task not repeated in subsequent years.

The one-time burden for FERC–725N information collection can be averaged over three years:

- 7,416 hours ÷ 3 = 2,472 (rounded) hours/year over three years.

34. *Title:* FERC–725N, Mandatory Reliability Standards: Transmission Planning (TPL) Reliability Standards.

Action: Proposed revision to FERC–725N information collection.

OMB Control No.: 1902–0264.

Respondents: Businesses or other for-profit institutions; not-for-profit institutions.

Frequency of Responses: One Time.

Necessity of the Information: This notice of proposed rulemaking proposes to approve the requested modifications to a Reliability Standard pertaining to transmission planning. As discussed above, the Commission proposes to approve proposed Reliability Standard TPL–001–5 pursuant to section 215(d)(2) of the FPA because it improves upon the currently-effective Reliability Standard TPL–001–4.

Internal Review: The Commission has reviewed proposed Reliability Standard TPL–001–5 and made a determination that its action is necessary to implement section 215 of the FPA. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

35. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873].

36. For submitting comments concerning the collection(s) of information and the associated burden estimate(s), please send your comments to the Commission, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20503, [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–0710, fax: (202) 395–7285]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov.* Comments submitted to OMB should include Docket Number RM19–10–000 and FERC–725N (OMB Control No. 1902–0264).

IV. Environmental Analysis

37. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[52] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[53] The actions proposed herein fall within this categorical exclusion in the Commission's regulations.

V. Regulatory Flexibility Act Analysis

38. The Regulatory Flexibility Act of 1980 (RFA)[54] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities.[55] The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[56] The SBA revised its size standard for electric utilities (effective January 22, 2014) to a standard based on the number of employees, including affiliates (from the prior standard based on megawatt hour sales).[57]

39. Proposed Reliability Standard TPL–001–5 is expected to impose an additional burden on 206 entities[58] (planning coordinators and transmission planners).

40. Of the 206 affected entities discussed above, we estimate that approximately 10 percent of the affected entities are small entities. We estimate that each of the 21 small entities to whom the proposed modifications to proposed Reliability Standard TPL–001–5 apply will incur one-time costs of approximately $1,980 per entity to implement the proposed Reliability Standard. We do not consider the estimated costs for these 21 small entities to be a significant economic impact. Accordingly, we propose to certify that proposed Reliability Standard TPL–001–5 will not have a significant economic impact on a substantial number of small entities.

VI. Comment Procedures

41. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due August 26, 2019. Comments must refer to Docket No.

[52] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[53] 18 CFR 380.4(a)(2)(ii) (2018).

[54] 5 U.S.C. 601–612 (2012).

[55] *Id.* 601–12.

[56] 13 CFR 121.101 (2018).

[57] *Id.* 121.201.

[58] Public utilities may fall under one of several different categories, each with a size threshold based on the company's number of employees, including affiliates, the parent company, and subsidiaries. For the analysis in this NOPR, we are using a 500 employee threshold due to each affected entity falling within the role of Electric Bulk Power Transmission and Control (NAISC Code: 221121).

RM19–10–000, and must include the commenter's name, the organization they represent, if applicable, and address.

42. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

43. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

44. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

45. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

46. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number of this document, excluding the last three digits, in the docket number field.User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: June 20, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13582 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 273

[190D0102DR/DS5A300000/DR.5A311.IA000119]

RIN 1076–AF24

Education Contracts Under Johnson-O'Malley Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: Under the Johnson O'Malley (JOM) Act, the Bureau of Indian Education (BIE) provides assistance, through contracts, for Indian students attending public schools and non-sectarian private schools. Congress recently updated the JOM Act with the JOM Supplemental Indian Education Program Modernization Act (JOM Modernization Act). This proposed rule would implement the JOM Act, as amended, to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract, to clarify the funding formula and process to ensure full participation of contracting parties, and to otherwise reconcile and modernize the rules to comport with the activities of the contracting parties under the Act, as amended.

DATES: Please submit comments by August 26, 2019.

ADDRESSES: You may submit comments by any of the following methods:

—*Federal rulemaking portal: http://www.regulations.gov.* The rule is listed under the agency name ''Bureau of Indian Affairs.''

—*Email: consultation@bia.gov.* Include the number 1076–AF24 in the subject line of the message.

—*Mail:* Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, U.S. Department of the Interior, 1849 C Street NW, MIB–4660–MS, Washington, DC 20240. Include the number 1076–AF24 in the subject line of the message.

—*Hand delivery:* Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, U.S. Department of the Interior, 1849 C Street NW, MS 4660, Washington, DC 20240. Include the number 1076–AF24 in the subject line of the message.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and search for Docket Number BIA–2018–0002. We cannot ensure that comments received after the close of the comment period (see **DATES**) will be included in the docket for this rulemaking and considered.

Comments on the information collections contained in this proposed regulation (see ''Paperwork Reduction Act'' section, below) are separate from those on the substance of the rule. Send comments on the information collection burden to OMB by facsimile to (202) 395–5806 or email to the OMB Desk Officer for the Department of the Interior at *OIRA_DOCKET@omb.eop.gov.* Please send a copy of your comments to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Please see ''V. Tribal Consultation'' of this preamble for addresses of Tribal consultation sessions on this proposed rule.

FOR FURTHER INFORMATION CONTACT: Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; *elizabeth.appel@bia.gov.*

SUPPLEMENTARY INFORMATION:

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A. Indian Student Eligibility
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2. March 2018 Proposed Rule: Comments and Responses
3. Proposed Revisions to Indian Student Eligibility Requirements
B. Funding Formula
C. Other Reconciliation and Modernization
III. Subpart-by-Subpart Summary of Proposed Changes
IV. Crosswalk of Proposed Changes
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VI. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866 and 13563)
B. Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)
C. Regulatory Flexibility Act
D. Small Business Regulatory Enforcement Fairness Act
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I. Consultation With Indian Tribes (E.O. 13175)
J. Paperwork Reduction Act
K. National Environmental Policy Act
L. Effects on the Energy Supply (E.O. 13211)
M. Clarity of This Regulation
N. Public Availability of Comments

I. Background

The JOM Act authorizes the Secretary of the Interior (Secretary) to enter into contracts with States, schools, and private nonsectarian organizations, and to expend appropriated funds in support of Indian students under such contracts. *See,* 25 U.S.C. 5341 *et seq.* Federally recognized Indian Tribes and Tribal organizations are also eligible to apply for JOM contracts. Contracts under JOM contain educational objectives that adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives. *See,* 25 U.S.C. 5345. The regulations at 25 CFR part 273 implement this authority. The regulations at 25 CFR part 273 became effective in 1975 and the rule has been in effect over 40 years without substantial changes. In 2018, Congress updated the JOM Act with the JOM Modernization Act. This proposed rule, if adopted, would update 25 CFR part 273 to implement the JOM Modernization Act and make other changes necessary to update the rule, as described below.

II. Overview of Proposed Rule

The JOM Modernization Act requires the BIE to revise the existing regulations at 25 CFR part 273, to:

1. Determine how the regulatory definition of ''eligible Indian student'' may be revised to clarify eligibility requirements for contracting parties under the Act;

2. Determine, as necessary, how the funding formula described in § 273.31 may be clarified and revised to ensure full participation of contracting parties and provide clarity on the funding process under the Act; and

3. Reconcile and modernize the rule to comport with the activities of the contracting parties under the Act.

The proposed rule includes changes to meet these requirements. Specifically, the proposed rule would:

- Revise who is an eligible Indian student;
- Clarify how funds can be used;
- Describe how a new contracting party can enter into contracts;
- Revise what requirements do not apply to Tribal organizations;
- Revise the funding formula to reflect how it is currently calculated;
- Clarify the annual reporting requirements;
- Clarify the contract renewal process;
- Add a new subpart J—Responsibility and Accountability, to address the Secretary's reporting requirements and compliance with Paperwork Reduction Act; and
- Clarify appeals processes.

Other technical edits would:

- Revise the rule generally to meet plain language requirements;
- Add, delete, and revise definitions to provide clarity;
- Divide long sections into shorter sections to provide clarity; and
- Update citations and remove citations that no longer apply.

The BIE has proposed changes that reflect the need to update Part 273 and to incorporate the new requirements of the JOM Modernization Act. The BIE welcomes comments on those subparts that are new and on the substantive changes to the current rule, including: Terms and definitions; eligible entities; eligible students; funding formula; annual reporting requirements; contract renewal process; and appeals. The following provides more background and detail on these proposed changes.

A. Indian Student Eligibility

On March 21, 2018, the Bureau of Indian Education (BIE) proposed a rule to update one section of the JOM regulations regarding when Indian students are eligible for benefits of JOM education contracts, to delete the requirement that the Indian student must have ¼ or more degree of Indian blood. *See* 83 FR 12301. BIE received six relevant comment submissions on the proposed rule, which are summarized below. During this time, the JOM Modernization Act was also moving through Congress and ultimately became law on December 31, 2018. *See* Public Law 115–404. The JOM Modernization Act requires rulemaking on the same topic as the March 2018 proposed rule: Student eligibility for the benefits of JOM education contracts. BIE is now taking a new look at its March 2018 proposed rule based on comments received and proposing a new rule to address both the eligibility qualifications and the other requirements of the JOM Modernization Act.

1. History of Indian Student Eligibility for Benefits of JOM Education Contracts

In 1957, the Bureau of Indian Affairs (BIA) published a rule, then at 25 CFR 33.4 (Contracts with public schools), which allowed for the expenditure of monies under contracts for the education of ''Indian children of one-fourth or more degree Indian blood.'' *See* 22 FR 10533 (December 24, 1957). In 1974, BIA finalized a rule updating part 33 and defining ''Indian'' at § 33.1(g) as an individual of one-fourth or more degree of Indian blood and a member of a Tribe, band, or other organized group of Indians, including Alaska Natives, which is recognized by the Secretary as being eligible for BIA Services. *See* 39 FR 30114 (August 21, 1974). In 1975, BIA replaced part 33 with part 273 and made changes in accordance with the Johnson O'Malley Act, 25 U.S.C. 452–456, as amended by the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). *See* 40 FR 51282, 51286 (November 4, 1975).[1] In the new § 273.12, BIA listed the eligibility criteria for students as one-fourth or more degree Indian blood and recognized by the Secretary as being eligible for Bureau Services. *See* 40 FR 51303, 51305 (November 4, 1975).

The eligibility provision has not been updated in the regulations since 1975. Prior to the 1990's, the Department implemented this regulation to require one-fourth or more degree Indian blood. In 1990, the U.S. District Court for the District of Nevada stated that this regulatory requirement was too restrictive. *See, Nevada Urban Indians, Inc.* v. *United States,* CV–N–90–238 BRT (September 12, 1990). In 1991, the Director of the then-Office of Indian Education Programs (the predecessor office to BIE), issued a memorandum to all Education Line Officers and JOM Coordinators stating that to be eligible for JOM services, the recipient must be:

- A member of, or at least a one-fourth degree Indian blood descendent of, a member of an Indian Tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians; and
- Reside on or near an Indian reservation or meet the criteria for attendance at a Bureau off-reservation boarding school.

In April 2015, BIE held a series of Tribal consultation sessions to address remaining confusion when counting eligible students and proposed various options for revision to allow greater flexibility. Most Tribal participants supported an option that would delete the word ''and'' from § 273.12, allowing for eligibility for students who are either Tribal members or have one-fourth degree Indian blood.

2. March 2018 Proposed Rule: Comments and Responses

The March 2018 proposed rule would have revised § 273.12 of the regulations

[1] *Note:* The BIA originally proposed replacing part 33 with part 403, but at the request of the Office of the Federal Register, ultimately redesignated part 33 as part 273. *See* 40 FR 40982 (September 4, 1975).

to define as eligible students only those students who are members of a federally recognized Tribe and delete the provision stating that students must also have one-fourth or more degree Indian blood. The March 2018 proposed rule stated that the Department does not require a certain degree of Indian blood and, as such proposed to delete the requirement for a blood degree quantum.

BIE received six relevant comment submissions on the proposed rule. Three of the submissions, including one from a Tribe, generally supported the proposed rule. Another commenter supported the rule, but questioned whether there are statistics showing that the blood requirement has not been in use over the past 27 years. The other comments are summarized here.

Comment 1: Delay the rulemaking until passage of the Johnson O'Malley Modernization Act. A few commenters noted that legislation requiring Interior to conduct a new student count and addressing the same topic as the March 2018 rule was pending in Congress. One commenter specifically suggested delaying the rulemaking as the JOM Modernization Act was moving through Congress because that Act requires a rulemaking that would be duplicative of the proposed rule.

Response: BIE accepted this comment, delaying further action on the March 2018 proposed rule until the Act became law in December 2018 and is now proposing a new rule that takes into account both the requirements of the JOM Modernization Act and comments received on the March 2018 proposed rule.

Comment 2: Retain the current regulation requiring a student to be both a member of a federally recognized Tribe and one-fourth degree of Indian blood or more. One Tribal commenter interpreted the current regulatory language as requiring both Tribal membership and one-fourth degree of Indian blood or more. According to that Tribal commenter, removing the one-fourth blood quantum requirement would increase the number of eligible students from 271,884 (the last national count of students funded through JOM, done in 1995) to over 1 million students. The Tribe's primary concern is that the funding per student will decrease to an unacceptable level.

Response: BIE does not currently require both membership and a one-fourth degree blood quantum because the U.S. District Court for the District of Nevada stated that requiring a student to meet both these requirements for eligibility was too restrictive. *See, Nevada Urban Indians, Inc.* v. *United States,* CV–N–90–238 BRT (September 12, 1990). In accordance with the requirements of the JOM Modernization Act, BIE will conduct an updated count of eligible Indian students to provide accuracy for Congress to determine the appropriate per-student funding amount.

Comment 3: Allow Indian students to be eligible for benefits of a JOM contract if they are a member of a federally recognized Tribe or, in the alternative, are of one-fourth degree of Indian blood or more. The National Indian Education Association (NIEA) pointed out in its comments that thousands of Native students have at least one-fourth blood quantum and currently participate in JOM programs, but are not Tribal members due to enrollment requirements (*e.g.,* requirements that prevent enrollment until a certain age). The NIEA further noted that Tribes have the flexibility to provide services to students that are either enrolled in a Tribe or are descendants with at least one-fourth blood quantum. These students are eligible to attend BIE schools and participate in other Bureau-funded programs. The NIEA therefore recommended that the regulations reflect this approach of including students with at least one-fourth degree blood quantum as eligible for the benefits of JOM contracts, regardless of whether such students are Tribal members, both to align the regulations with current practice and to provide parity with other Bureau-funded programs.

Response: The rule being proposed today would incorporate this change by defining an eligible student as one who is a member of, or is at least one-fourth degree Indian blood descendant of a member of a federally recognized Tribe. This new proposed rule will clarify that a student who is not enrolled in a federally recognized Tribe (*e.g.,* due to enrollment requirements) is still eligible if the student has documentation of descendancy indicating at least one-fourth Indian blood from federally recognized Tribe. This new proposed rule better aligns with eligibility requirements for Indian students in other BIE programs, such as the Indian Student Equalization Program (ISEP). The ISEP, which applies to BIE-funded schools, requires an eligible Indian student to be a member of, or at least one-fourth degree Indian blood descendant of a member of, a Tribe that is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians, as well as residing on or near a reservation, or meets the criteria for attendance at a Bureau off-reservation home-living school. *See* 25 U.S.C. 2007(f).

Comment 4: Clarify what it means to be eligible for Bureau services the definition of eligible students. A few commenters noted the importance of clarity in the eligibility requirements. One commenter stated that the rule should specify the requirements for a student to be ''recognized by the Secretary as being eligible for Bureau services.''

Response: BIE is addressing this comment by using language in the proposed rule that now refers to membership in a federally recognized Tribe. The Secretary publishes on an annual basis a list of Indian entities recognized and eligible to receive services from BIA under the 1994 Lists Act. *See, e.g.,* 84 FR 1200 (February 1, 2019). This list is the list of federally recognized Tribes. Individuals are then eligible for Bureau services by virtue of the individual's membership in a federally recognized Tribe. The proposed rule would clarify this portion of the eligibility criteria.

3. Proposed Revisions to Indian Student Eligibility Requirements

This proposed rule would establish clearer eligibility requirements for Indian students to obtain the benefits of a JOM contract by specifying that a student either must be a member of a federally recognized Tribe or at least one-fourth degree Indian blood descendant of a member of a federally recognized Tribe. *See* § 273.112 of the proposed rule.

B. Funding Formula

Within the current rule, the funding formula is the number of eligible Indian students multiplied by 25 percent of whichever is higher: The State average per pupil operating cost or National average per pupil operating cost. Since 1988, BIE has been using a funding formula that relies on data from the U.S. Department of Education on the State annual cost per pupil and the National annual cost per pupil to determine a weight factor. The weight factor is then used to calculate funding, subject to a minimum weight factor.

The JOM Modernization Act requires the BIE determine ''as necessary,'' how the funding formula may be ''clarified and revised'' to ensure full participation of contracting parties and provide clarity on the funding process. The BIE proposes to revise the funding formula to reflect the formula used since 1988, to ensure full participation of contracting parties. The revised language will provide clarity on what source is used to determine the initial

calculations, how the calculation is made to determine a weight factor by State, and how the minimum weight factor is to be used should the calculated weight factor for the State fall below the minimum. The funding formula for contracts will be based on the calculated weight factor and the number of eligible Indian students to be served by the contract.

The JOM Modernization Act, Section 7(e)(1)(A), includes a ''hold harmless'' provision that remains in effect for four years, which states that any existing contracting party may not receive an amount that is less than the amount that that party received for the fiscal year preceding the date of enactment of the Act. After expiration of the four years, the Act provides that no contractor may receive more than a 10 percent decrease from the amount received in the prior year. The BIE is not able to recommend a new funding formula without decreasing the funds made available to existing contracting parties; additionally, after four years it is possible that existing contractors may receive reductions in funding even beyond the FY 2017 levels. The BIE welcomes comments on this matter for any recommendations on how to revise the funding formula proposed in the rule to support all existing contracting parties receiving funding for JOM programs. Under the rule as proposed the funding formula at § 273.31 will be at § 273.140.

C. Other Reconciliation and Modernization

The JOM Modernization Act requires BIE to otherwise reconcile and modernize the rules to comport with the activities of the contracting parties. After a thorough review of the current rule, there were areas that clearly required a revision. The revisions being proposed are, among other things, intended to make the regulations more user-friendly through plain language.

III. Subpart-by-Subpart Summary of Proposed Changes

A. Subpart A—General Provisions and Definitions

In subpart A, the BIE proposes to continue to address the substance of each of the existing sections (purpose and scope, definitions, revision or amendment of regulations, and policy of maximum Indian participation) with updates. For example, BIE proposes to split the purpose and scope section into several sections; add, revise, and remove definitions; and change requirements for revising or amending the regulations to provide that the Bureau will follow the Administrative Procedure Act. The BIE proposes to add a section on how the Secretary will ensure full geographic coverage and full participation to address a requirement in the JOM Modernization Act that the Secretary consult with eligible entities that have not previously participated in the JOM program.

B. Subpart B—Program Eligibility & Applicability

The proposed subpart B addresses the same topics of eligible applicants (but proposes updating the term to refer to ''eligible entities'' to reflect the language of the JOM Modernization Act) and eligible students as the current subpart B, but proposes moving the other subpart B topics to subparts C, D and E. The proposed subpart B would also address what funds may be used under JOM contracts and what programs may be contracted under the JOM Act. The BIE proposes to revise the description of ''eligible students'' to reflect information collected during previous Tribal consultations sessions and add examples of how JOM contract funds can be used. The BIE further proposes to clarify which provisions Tribal organizations are subject to (*see* proposed § 273.111) and clarify that Tribal organizations are not excluded from the annual reporting requirements.

C. Subpart C—Indian Education Committee

The proposed subpart C would address the Indian Education Committee, which is in current subpart B. The BIE proposes to revise the description of ''Indian Education Committee'' to include preference in committee membership be given to parents and guardians of children enrolled in a school. The BIE also proposes to remove a requirement to report to the Bureau regarding who will serve on the Indian Education Committee. The BIE proposes to add that organizational papers and by-laws of the Indian Education Committee may include additional powers and duties that would permit the Committee to, among other things, establish policy and procedures for hearing grievances.

D. Subpart D—Education Plan

The proposed subpart D would address the contents of the Education Plan (currently addressed in subpart B) and would add a section specifying that an education plan will be approved by a Regional Director (updated from ''Area Director''), under 25 U.S.C. 5345.

E. Subpart E—Contract Proposal, Review, and Approval

The BIE proposes to move provisions that are in the current subpart B regarding applications and requests to contract, contract review, and approval, to a new subpart E. This proposed subpart would include a section regarding how eligible entities who have not participated in the program in the past should submit a contract proposal. The BIE proposes to change the contract approval period from 60 days to 90 days and to indicate that contract approval and award will be made through the applicable Regional office, eliminating the need for the central office to process and approve. The change from 60 to 90 days aligns JOM contract approval with the statutory 90-day approval period for both Public Law 93–638 contracts and Public Law 102–477 plans. The proposed subpart also includes updates to outdated statutory and regulatory citations. Since the BIE is responsible for administering Indian education programming for the Department, the BIE is considering changes to this proposed rule to reflect JOM contract administration partly or entirely through the BIE as opposed to the Bureau of Indian Affairs. The BIE welcomes comments on such possible changes.

F. Subpart F—Funding Provisions

The BIE proposes to move provisions that are in current subpart C to a new subpart F. The proposed subpart would revise the funding formula to reflect current practice, with the four-year ''hold harmless'' and phased decrease approach provided by the JOM Modernization Act. This proposed subpart would also move the section on advance payments from current subpart D and revise the section on advance payments to comply with 25 U.S.C. 5324(b).

G. Subpart G—Annual Reporting Requirements

The BIE proposes to revise reporting requirements to reflect the annual student count reporting requirements of the JOM Modernization Act. As such, the BIE proposes to add sections requiring an annual report, describing what must be included in the annual report, describing what will happen if a contractor fails to submit an annual report, and identifying who will notify a contractor that they have failed to submit an annual report. The BIE also proposes to add a section explaining that the Bureau is required to provide technical assistance and training, and describing the process to request

assistance to meet annual reporting requirements. The BIE proposes to add a section describing how a decrease in the reported student count will affect future funding. The BIE proposes to include language reflective of the JOM Modernization Act defining a ''contracting party'' as an entity that has a contract through a program authorized under this Act.

H. Subpart H—General Contract Requirements

Proposed subpart H addresses many of the same topics as current subpart D. In addition to updating outdated statutory and regulatory citations, the BIE proposes to update records requirements now that contract files are to be filed under the Department Records Schedule. The BIE proposes to revise a contractor's responsibility for penalties under the Privacy Act requirements. The BIE proposes to revise who will investigate a complaint received of a Civil Rights Act violation in State school districts and provide that such investigations will be performed by the Department of Education and remove references to the Department of Justice.

I. Subpart I—Contract Renewal, Revisions, and Cancellations

Proposed subpart I would address the topics in current subpart E, but would also include new provisions adding a contract renewal process.

J. Subpart J—Responsibility and Accountability

The BIE proposes to add this subpart to meet requirements in the JOM Modernization Act which, among other things, requires the Secretary to provide an annual report to the Committee on Indian Affairs in the Senate, the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives that includes a determination on the number of eligible students served by each contracting party, recommendations on appropriate funding levels for the program based upon such determination, and an assessment of the contracts under JOM.

K. Subpart K—Appeals

The BIE proposes to change this subpart (currently at subpart F) to encourage the use of an Alternate Dispute Resolution (ADR) process that has been established by the Department of the Interior prior to filling a formal appeal. The proposed subpart would also be amended to refer to the Contracts Dispute Act of 1978, 41 U.S.C. 7101–7109, which created the Civilian Board of Contract Appeals (CBCA). The CBCA is an independent tribunal with its own formal appeal process. Additional information on the CBCA can be found at: *https://www.dbca.gov/index.html.* Tribes and Tribal organizations may bring appeals involving Self-Determination Act contracts before the CBCA under 25 U.S.C. 5331(d)–(e).

IV. Crosswalk of Proposed Changes to 25 CFR 273

The crosswalk below lists the current sections, proposed sections, and a summary of proposed substantive changes. Except in a few instances, this table does not note non-substantive changes. For example, except in the definitions sections, the crosswalk does not note terminology changes that do not substantively affect the meaning (*e.g.* replacing ''Area Director'' with ''Regional Director'' or ''Area Director or Commissioner'' with ''approving official,'' ''Bureau contracting officer'' with ''awarding official,'' ''application to contract'' with ''contract proposal'' or ''request'').

Current 25 CFR section	Proposed 25 CFR section	Summary of proposed changes
273.1(a) Purpose and Scope	273.101 What is the purpose and scope of this part?	No substantive change.
273.1(b) & (c)	.....	Combines with current 273.11(b) and (c), into proposed § 273.111.
273.1(d) & (e)	273.105 How do these regulations affect existing Tribal rights?	No substantive change.
273.2 Definitions	273.106 What key terms do I need to know?	—Deletes definitions of ''Commissioner,'' ''Public Law 93–638,'' ''Superintendent,'' and ''Assistant Secretary—Indian Affairs'' because those terms are not used. —Adds definitions for ''Academic year,'' ''Appeal,'' ''Approving official,'' ''Awarding official,'' ''Calendar year,'' ''Capital outlay,'' ''Contract,'' ''Contracting party,'' ''Contractor,'' ''Debt retirement,'' ''Director,'' ''Eligible entity,'' ''Existing contracting party,'' ''Fiscal year,'' ''Indian advisory school board,'' ''Initial contract proposal and contract proposal,'' ''Local Indian Committee,'' ''New contracting party,'' ''Public school district,'' ''Regional Director,'' ''School official or school administrator,'' ''Scope of work,'' and ''System of record.'' —Replaces definition of ''Area Director'' with a definition of ''Regional Director.'' —Revises the definitions of ''Bureau'' to refer to BIE, ''Days'' to address cases where a specified date falls on a weekend or holiday, ''Johnson-O'Malley Act'' to reflect statutory updates, and ''Supplemental programs'' to reflect updates to citations.
273.3(a) & (e) Revision or amendment of regulations.	273.102 How will revisions or amendments be made to this part?	No substantive change.
273.3(b) & (c)	.....	Deletes because this process is already required under the Administrative Procedure Act.

Current 25 CFR section	Proposed 25 CFR section	Summary of proposed changes
273.3(d)	.....	Deletes annual consultation requirement because regulation already requires consultation for revisions or amendments.
273.4 Policy of maximum Indian participation.	273.103 What is the Secretary's policy of maximum Indian participation?	No substantive change.
	273.104 How will the Secretary extend geographic coverage and enhance participation under the Johnson-O'Malley Act?	New section.
273.11(a) Eligible applicants	273.110 Who is eligible to request contracts under the Johnson-O'Malley Act?	Revises to clarify which school districts are eligible entities to contract, to define the purpose of the contracts, and to refer to requesting, rather than applying for, contracts.
273.11(b) & (c)	273.111 How do the requirements for Tribal organizations differ from those for other eligible entities?	Revises to state which provisions Tribal organizations are not subject to.
273.12 Eligible students	273.112 Who is an eligible Indian student under the Johnson-O'Malley Act? and 273.128 How are contracts prioritized?	Revises based on recommendations received in prior Tribal consultations.
	273.113 How can the funds be used under the Johnson-O'Malley Act?	New section.
273.13(a) & (b) Proposals eligible for contracts.	273.126 What proposals are eligible for contracts under the Johnson-O'Malley Act?	No substantive change.
273.13(c)	§ 273.129 May the Regional Director reimburse a public school district for educating non-resident Indian students?	No substantive change.
273.14 Preparing the education plan.	273.119 What is an education plan and what must it include?	Revises the introduction paragraph to include language from 25 U.S.C. 5345 and combines sections.
	273.120 Does an education plan need to be approved by the Regional Director?	New section.
	273.121 When does the Regional Director approve the education plan?	New section.
273.15(a) & (b) Establishment of Indian Education Committee.	273.115 Who determines the unique educational needs of eligible Indian students?	No substantive change.
273.15(c) & (d)	273.116 Does an Indian Education Committee need to establish procedures and report to the Regional Director?	Deletes requirement to file as soon as practicable.
273.16(a) Powers and duties of Indian Education Committee.	273.117 What are the powers and duties of the Indian Education Committee?	No substantive change.
273.16(b)	273.118 Are there additional authorities an Indian Education Committee can exercise?	No substantive change.
273.17(a) Programs approved by the Indian Education Committee.	273.114 What programs may be contracted under the Johnson-O'Malley Act?	No substantive change.
273.17(b)	273.171 Can a contractor make changes to a program approved by an Indian Education Committee?	No substantive change.
273.17(c)	273.127 Can a contract include funds to support the duties of an Indian Education Committee?	No substantive change.
273.18 Additional requirements for education plan.	.....	Combines with current section 273.14 (preparing the education plan), into proposed section 273.119.
273.19 Obtaining application forms.	273.125 How may a new contracting party enter into contract under the Johnson-O'Malley Act?	Revises language to reflect an initial contract proposal versus an application to contract.
273.20 Content of application to contract.	273.130 What is required in the contract proposal for funding?	Revises language to reflect an initial contract proposal versus an application to contract.
273.21 Tribal request for contract.	273.131 What is required for a Tribal request for a contract?	Deletes the February 1 deadline for requests to contract.
273.22(a) Application approval officials.	273.132 Who will review and approve the contract proposal?	Revises to reflect current process of Regions and Regional Director.
273.22(b)	.....	Deletes.
273.23 Submitting application to Area Office.	.....	Deletes.
273.24 Area Office review and decision.	273.133 What is the process for review and decision?	Replaces ''Part 2 of this Chapter'' with ''Subpart I of this part.''
273.25 Deadline for Area Office action.	273.134 What is the timeframe for contract decision?	Extends timeline for approval from 60 days to 90 days to allow for additional review.
273.26 Submitting application to Central Office.	.....	Deletes because proposals are submitted to Regions.
273.27 Central Office review and decisions.	.....	Deletes because proposals are submitted to Regions.
273.28 Deadline for Central Office action.	.....	Deletes because proposals are submitted to Regions.
273.29 Negotiating the contract.	273.135 Who will negotiate the contract?	No substantive change.

Current 25 CFR section	Proposed 25 CFR section	Summary of proposed changes
273.31(a) Distribution formula.	273.140 What is the funding formula to distribute funds?	Revises to reflect the current funding formula calculated by the BIE.
273.31(b)	.....	Deletes because there is no authority for exceptions in 25 U.S.C. 5342 *et. seq.*
273.32 Pro rata requirement.	273.141 Will funding be pro-rated?	No substantive change.
273.33 Use of funds for operational support.	.....	Deletes because this is already part of the definition of ''operational support.''
273.34 Use of other Federal, State and local funds.	273.143 Must other Federal, State and local funds be used?	No substantive change.
273.35 Capital outlay or debt retirement.	273.144 Can Johnson-O'Malley funds be used for Capital outlay or debt retirement?	No substantive change.
273.36 Eligible subcontractors.	273.145 How can funds be used for subcontractors?	No substantive change.
273.37 Use of funds outside of schools.	273.146 Can funds be used outside of schools?	No substantive change.
273.38 Equal quality and standards of education.	273.147 Are there requirements of equal quality and standard of education?	No substantive change.
273.41 Special program provision to be included in contract.	273.170 What special program provisions must be included in the contract?	No substantive change.
273.42 Civil Rights Act violations.	273.183 Can the Secretary investigate a potential Civil Rights Act violation?	Replaces ''Department of Health, Education and Welfare'' with ''Department of Education,'' deletes requirement for a Memorandum of Understanding between the Department of the Interior and the Department of Health, Education, and Welfare. Deletes provision regarding formal hearings.
273.43 Advance payments	273.142 Are advance payments on a contract allowed under the Johnson-O'Malley Act?	Replaces outdated citations with provision allowing Regional Director to determine installments and conditions under 25 U.S.C. 4324(b).
273.44 Use and transfer of Government property.	273.176 May there be a use and transfer of Government property?	No substantive change.
273.45(a)–(c) Indian preference.	273.174 Are there any Indian preference requirements for contracts and subcontracts?	Adds ''for the benefit of Indian students'' from 25 U.S.C. 5306(b), adds to (a) ''in connection with the administration of such contract(s)'' from 25 U.S.C. 5306(b), and deletes redundant language.
273.45(d)	273.175 How will a Tribal governing body apply Indian preference requirements for contracts and subcontracts?	Deletes language stating ''subject to the provisions of part 14H of title 41'' and ''to the extent that such requirements are not inconsistent with the purpose and intent of paragraphs (a), (b) and (c) of this section.''
273.46 Liability and motor vehicle insurance.	273.177 Who will provide liability and motor vehicle insurance?	No substantive change.
273.47 Recordkeeping	273.178 Are there contract recordkeeping requirements?	Replaces ''General Records Schedules and the Bureau Records Control Schedule'' with updated records schedule.
273.48 Audit and inspection.	273.179 Are there contract audit and inspection requirements?	Replaces ''Comptroller General and the Secretary'' with ''Regional Director.''
273.49 Freedom of Information.	273.180 Are there disclosure requirements for contracts?	No substantive change.
273.50(a) Annual Reporting	273.150 Does an existing contracting party need to submit any reports? and 273.151 What information must the existing contracting party provide in the annual report? and 273.152 When is the annual report due?	Adds three additional reporting elements as required by Public Law 115–404: General information about the contractor, general information about the number and names of the schools, and the number of eligible Indian students who were served using the amounts allocated during the previous fiscal year.
273.50(b)	.....	Deletes.
273.50(c)	273.153 Who else needs a copy of the annual report?	No substantive change.
	273.154 What will happen if the existing contracting party fails to submit an annual report?	New section.
	273.155 How will the existing contracting party know when reports are due?	New section.
	273.156 Will technical assistance be available to comply with the annual reporting requirements?	New section.
	273.157 What is the process for requesting technical assistance and/or training?	New section.
	273.158 When should the existing contracting party request technical assistance and/or training?	New section.
	273.159 If the existing contracting party reported a decrease of eligible Indian students, how will funding be reduced?	New section.
	273.160 Can the Secretary apply a ratable reduction in Johnson-O'Malley program funding?	New section.
	273.161 What is the maximum decrease in funding allowed?	New section.

Current 25 CFR section	Proposed 25 CFR section	Summary of proposed changes
273.51 Penalties	273.182 Are there penalties for misusing funds or property?	No substantive change.
273.52 State school law	273.172 May State employees enter Tribal lands, reservations or allotments?	No substantive change.
273.53 Applicable procurement regulations.	273.173 What procurement requirements apply to contracts?	Replaces ''Procurement Regulations (41 CFR part 1), as supplemented by the Interior Procurement Regulations (41 CFR part 14), and the Bureau of Indian Affairs Procurement Regulations (41 CFR part 14H), except 41 CFR part 14H–70'' with ''Acquisition Regulations at 48 CFR Part 1.''
273.54 Privacy Act requirements.	273.181 Are there Privacy Act requirements for contracts?	Updates citations, and clarifies the potential for criminal penalties for knowingly and willfully disclosing a record about an individual without the written request or consent of that individual.
	273.191 How may a contract be renewed for Johnson-O'Malley funding?	New section.
	273.192 What is required to renew a contract?	New section.
273.6 Contract revision or amendments.	273.193 May a contract be revised or amended?	No substantive change.
	273.194 Does the Indian Education Committee have authority to cancel contracts?	New section.
273.62 Cancelling a contract for cause.	273.195 May a contract be cancelled for cause?	Replaces ''subpart C of 43 CFR part 4'' for appeals with ''subpart K of this part''.
273.71 Contract Appeal and	273.206 May a contract be appealed?	Combines with current §§ 273.72 and 273.73 into proposed § 273.206.
273.72 Appeal from decision to cancel contract for cause.	.....	Combines into proposed § 273.206.
273.73 Other appeals	.....	Combines into proposed § 273.206.
	273.201 What is required for the Secretary to meet his or her reporting responsibilities?	New section.
	273.202 Does this part include an information collection?	New section.
	273.207 How does a contractor request dispute resolution?	New section.
	273.208 How does a Tribal organization request an appeal?	New section.
	273.209 How does a State, public school district, or an Indian corporation request an appeal?	New section.

III. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements. This proposed rule is also part of the Department's commitment under the Executive Order to reduce the number and burden of regulations.

B. Reducing Regulations and Controlling Regulatory Costs (E.O. 13771)

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. Therefore, E.O. 13771 does not apply to this rule.

C. Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

D. Small Business Regulatory Enforcement Fairness Act

This proposed rule is not a major rulemaking under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This proposed rule:

(a) Does not have an annual effect on the economy of $100 million or more because the funding available through JOM does not approach this amount.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions because this rule affects only certain education contracts.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises because this rule affects only certain education contracts.

E. Unfunded Mandates Reform Act

This proposed rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The

proposed rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

F. Takings (E.O. 12630)

This proposed rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630 because this rulemaking, if adopted, does not affect individual property rights protected by the Fifth Amendment or involve a compensable ''taking.'' A takings implication assessment is not required.

G. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because the rule affects only individuals' eligibility under certain education contracts. A federalism summary impact statement is not required.

H. Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of Executive Order 12988. Specifically, this proposed rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

I. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has substantial direct effects on federally recognized Indian Tribes because one portion of the criteria for eligibility of Indian students is Tribal membership. We will consult with Tribes following publication of this proposed rule. BIE consulted with Tribes on the eligibility criteria in 2015 and provided an opportunity for input on this subject following publication of the March 2018 proposed rule; however, the statutory deadline for completion of this rulemaking December 31, 2019, prevents us from further consultation prior to publication of this rule.

J. Paperwork Reduction Act

This rule contains information collections requiring approval under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* In accordance with the PRA, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues:

(1) Is the collection necessary to the proper functions of the BIE;

(2) Will this information be processed and used in a timely manner;

(3) Is the estimate of burden accurate;

(4) How might the BIE enhance the quality, utility, and clarity of the information to be collected; and

(5) How might the BIE minimize the burden of this collection of the respondents, including through the use of information technology.

Comments 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.

Abstract: The regulations at 25 CFR 273, Subpart E, implement in section 7(c) Contracting Party Student Count Reporting Compliance, of the Johnson-O'Malley Supplemental Indian Education Program Modernization Act (Pub. L. 115–404), enacted December 31, 2018. These regulations require the BIE to implement an annual reporting requirement for existing JOM contractors to report a student count served by each contracting party and for the BIE to provide an assessment on the contracts receiving JOM funds. The information received from the annual reporting requirements of the contractor will allow the Secretary to provide an annual report to the appropriate Committee and Subcommittees in the Senate and of the House of Representatives. The JOM Modernization Act indicates a ''contracting party'' is an entity that has a contract through a program authorized under this Act. It does not exclude Tribal organizations from the annual reporting requirements.

The Department is seeking approval for a new OMB Control Number.

Title of Collection: Johnson O'Malley Student Count Annual Report.

OMB Control Number: 1076–NEW.

Type of Review: New collection.

Respondents/Affected Public: Tribal organizations, States, public school districts, Indian corporations.

Total Estimated Number of Annual Respondents: 312.

Total Estimated Number of Annual Responses: 1,197.

Estimated Completion Time per Response: Ranges from 2 to 80 hours.

Total Estimated Number of Annual Burden Hours: 11,450.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Non-hour Burden Cost: $0.

K. National Environmental Policy Act

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because these are ''regulations . . . whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.'' 43 CFR 46.210(i). We have also determined that the rulemaking does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

L. Effects on the Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

M. Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and,

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you believe lists or tables would be useful, etc.

N. Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

V. Tribal Consultation

The JOM Modernization Act requires the Secretary to undertake and complete a rulemaking process, following the provisions of subchapter II of chapter 5 of title 5 of the United States Code, by December 31, 2019. The BIE will be engaging in Tribal consultation and consultation with eligible entities and interested parties. Eligible entities include existing JOM contractors and potential JOM contractors, including States, public school districts, tribal organizations, Indian corporations, and previously private schools. Interested parties include, but are not limited to, JOM Indian Education Committee members, employees of public schools serving American Indian students, urban Indian communities, parents, and students.

BIE will be hosting a listening session for interested Tribal representatives on June 24, 2019, at the National Congress of American Indians (NCAI) Mid-Year Conference in Sparks, Nevada. The BIE will also conduct the following consultations, in locations across the country that reflect the greatest number of JOM contracts.

Date	Time	Location
July 16, 2019	8 a.m.–10 a.m. (Local Time) Consultation with Tribes	Sequoyah High School, 17091 S Muskogee Ave., Tahlequah, OK 74464.
July 16, 2019	1 p.m.–3 p.m. (Local Time) Consultation with Eligible Entities.	Sequoyah High School, 17091 S Muskogee Ave., Tahlequah, OK 74464.
July 19, 2019	9:30 a.m.–11:30 a.m. (Local Time) Consultation with Tribes	Bismarck, ND—Please check *https://www.bie.edu/JOM* for specific location.
July 19, 2019	1 p.m.–3 p.m. (Local Time) Consultation with Eligible Entities.	Bismarck, ND—Please check *https://www.bie.edu/JOM* for specific location.
July 23, 2019	9 a.m.–12 p.m. (MDT) Consultation with Tribes	Please see *https://www.bie.edu/JOM* for access information.
July 23, 2019	1 p.m.–4 p.m. (MDT) Consultation with Eligible Entities	Please see *https://www.bie.edu/JOM* for access information.
July 25, 2019	9 a.m.–12 p.m. (MDT) Consultation with Tribes	Please see *https://www.bie.edu/JOM* for access information.
July 25, 2019	1 p.m.–4 p.m. (MDT) Consultation with Eligible Entities	Please see *https://www.bie.edu/JOM* for access information.

You can find additional information at the BIE JOM web page at: *https://www.bie.edu/JOM/.*

List of Subjects in 25 CFR Part 273

Government contracts, Indians—education, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Department of the Interior, Bureau of Indian Affairs, proposes to revise 25 CFR part 273 as follows:

PART 273—EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Subpart A—General Provisions and Definitions

Sec.

273.101 What is the purpose and scope of this part?
273.102 How will revisions or amendments be made to this part?
273.103 What is the Secretary's policy of maximum Indian participation?
273.104 How will the Secretary extend geographic coverage and enhance participation under the Johnson-O'Malley Act?
273.105 How do these regulations affect existing Tribal rights?
273.106 What key terms do I need to know?

Subpart B—Program Eligibility & Applicability

273.110 Who is eligible to request contracts under the Johnson-O'Malley Act?
273.111 How do the requirements for Tribal organizations differ from those for other eligible entities?
273.112 Who is an eligible Indian student under the Johnson-O'Malley Act?
273.113 How can the funds be used under the Johnson-O'Malley Act?
273.114 What programs may be contracted under the Johnson-O'Malley Act?

Subpart C—Indian Education Committee

273.115 Who determines the unique educational needs of eligible Indian students?
273.116 Does an Indian Education Committee need to establish procedures and report to the Director?
273.117 What are the powers and duties of the Indian Education Committee?
273.118 Are there additional authorities an Indian Education Committee can exercise?

Subpart D—Education Plan

273.119 What is an education plan and what must it include?
273.120 Does an education plan need to be approved by the Regional Director?
273.121 When does the Regional Director approve the education plan?

Subpart E—Contract Proposal, Review and Approval

273.125 How may a new contracting party request a contract under the Johnson-O'Malley Act?
273.126 What proposals are eligible for contracts under the Johnson-O'Malley Act?
273.127 Can a contract include funds to support the duties of an Indian Education Committee?
273.128 How are contracts prioritized?
273.129 May the Regional Director reimburse a public school district for educating non-resident Indian students?
273.130 What is required in the contract proposal for funding?
273.131 What is required for a Tribal request for a contract?
273.132 Who will review and approve the contract proposal?
273.133 What is the process for review and decision?
273.134 What is the timeframe for contract decision?
273.135 Who will negotiate the contract?

Subpart F—Funding Provisions

273.140 What is the funding formula to distribute funds?
273.141 Will funding be pro-rated?

273.142 Are advance payments on a contract allowed under the Johnson-O'Malley Act?
273.143 Must other Federal, State and local funds be used?
273.144 Can Johnson-O'Malley funds be used for capital outlay or debt retirement?
273.145 How can funds be used for subcontractors?
273.146 Can funds be used outside of schools?
273.147 Are there requirements of equal quality and standard of education?

Subpart G—Annual Reporting Requirements

273.150 Does an existing contracting party need to submit any reports?
273.151 What information must the existing contracting party provide in the annual report?
273.152 When is the annual report due?
273.153 Who else needs a copy of the annual report?
273.154 What will happen if the existing contracting party fails to submit an annual report?
273.155 How will the existing contracting party know when reports are due?
273.156 Will technical assistance be available to comply with the annual reporting requirements?
273.157 What is the process for requesting technical assistance and/or training?
273.158 When should the existing contracting party request technical assistance and/or training?
273.159 If the existing contracting party reported a decrease of eligible Indian students, how will funding be reduced?
273.160 Can the Secretary apply a ratable reduction in Johnson-O'Malley program funding?
273.161 What is the maximum decrease in funding allowed?

Subpart H—General Contract Requirements

273.170 Are there special program provisions to be included in the contract?
273.171 Can a contractor make changes to a program approved by an Indian Education Committee?
273.172 May State employees enter Tribal lands, reservations or allotments?
273.173 What procurement requirements apply to contracts?
273.174 Are there any Indian preference requirements for contracts and subcontracts?
273.175 How will a Tribal governing body apply Indian preference requirements for contracts and subcontracts?
273.176 May there be a use and transfer of Government property?
273.177 Who will provide liability and motor vehicle insurance?
273.178 Are there contract recordkeeping requirements?
273.179 Are there contract audit and inspection requirements?
273.180 Are there disclosure requirements for contracts?
273.181 Are there Privacy Act requirements for contracts?
273.182 Are there penalties for misusing funds or property?
273.183 Can the Secretary investigate a potential Civil Rights Act violation?

Subpart I—Contract Renewal, Revisions, and Cancellations

273.191 How may a contract be renewed for Johnson-O'Malley funding?
273.192 What is required to renew a contract?
273.193 May a contract be revised or amended?
273.194 Does the Indian Education Committee have authority to cancel contracts?
273.195 May a contract be cancelled for cause?

Subpart J—Responsibility and Accountability

273.201 What is required for the Secretary to meet his or her reporting responsibilities?
273.202 Does this part include an information collection?

Subpart K—Appeals

273.206 May a contract be appealed?
273.207 How does a contractor request dispute resolution?
273.208 How does a Tribal organization request an appeal?
273.209 How does a State, public school district or an Indian corporation request an appeal?

Authority: Secs. 201–203, Pub. L. 93–638, 88 Stat. 2203, 2213–2214 (25 U.S.C. 455–457), unless otherwise noted.

Subpart A—General Provisions and Definitions

§ 273.101 What is the purpose and scope of this part?

The purpose of this part is to set forth the process by which the Secretary will enter into contracts for the education of Indian students under the Johnson-O'Malley Act. Such contracts are for the purpose of financially assisting those efforts designed to meet the specialized and unique educational needs of eligible Indian students, including supplemental programs and school operational support, where such support is necessary to maintain established State educational standards.

§ 273.102 How will revision or amendments be made to this part?

Prior to making any substantive revisions or amendments to this part, the Secretary will consult with Indian Tribes and national and regional Indian organizations to the extent practicable about the need for revision or amendment and will consider their views in preparing the proposed revision or amendment. Nothing in this section precludes Indian Tribes or national or regional Indian organizations from initiating a request for revisions or amendments.

§ 273.103 What is the Secretary's policy of maximum Indian participation?

The meaningful participation in all aspects of educational program development and implementation by those affected by such programs is an essential requisite for success. Such participation not only enhances program responsiveness to the needs of those served, but also provides them with the opportunity to determine and affect the desired level of educational achievement and satisfaction which education can and should provide. Consistent with this concept, maximum Indian participation in the development, approval, and implementation of all programs contracted under this part is required.

§ 273.104 How will the Secretary extend geographic coverage and enhance participation under the Johnson-O'Malley Act?

The Secretary will, to the extent practicable, and subject to the availability of appropriations, ensure full geographic coverage and the full participation of all federally recognized Tribes and school districts, regardless of whether the school districts had entered into a contract under the Johnson-O'Malley Act before fiscal year 1995.

§ 273.105 How do these regulations affect existing Tribal rights?

Nothing in these regulations may be construed as:

(a) Affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian Tribe;

(b) Authorizing or requiring the termination, waiving, modifying, or reducing of any existing trust responsibility of the United States with respect to the Indian people;

(c) Permitting significant reduction in services to Indian people as a result of this part; or

(d) Mandating an Indian Tribe to request a contract or contracts. Such requests are strictly voluntary.

§ 273.106 What key terms do I need to know?

Terms used in this part:

Academic year means the period of the year during which students attend an educational institution.

Appeal means a request for an administrative review of an adverse Agency decision.

Approving official means the Regional Director, or Agency Superintendents (for Tribes assigned under their management), has the responsibility and

duties to review, approve or decline the contract in accordance with the Act.

Awarding official means any person who by appointment or delegation in accordance with applicable regulations has the authority to enter into and administer contracts on behalf of the United States of America and make determinations and findings with respect thereto. Pursuant to the Act, this person can be any Federal official, including but not limited to, contracting officers or awarding official technical representatives.

Bureau means the Bureau of Indian Education or Bureau of Indian Affairs, as applicable.

Calendar year means the period of 365 days (or 366 days in leap years) starting from January 1.

Capital outlay means money spent to acquire, maintain, repair, or upgrade capital asset. Capital assets, also known as fixed assets, may include machinery, land, facilities, or other business necessities that are not expended during normal use.

Contract means to transfer the funds in support of the efforts designed to meet the specialized and unique educational needs of Indian students in the Johnson-O'Malley program from the Federal Government to the contractor.

Contracting party means an entity that has a contract through a program authorized under the Johnson-O'Malley Act.

Contractor means any Tribal organization, State, school district, or Indian corporation to which a contract has been awarded.

Days means calendar days; except where a date specified in these regulations falls on a Saturday, Sunday, or a Federal holiday, the period will carry over to the next business day.

Debt retirement means the act of paying off debt completely to a lender.

Director means the Director of the Bureau of Indian Education or Bureau of Indian Affairs, as applicable.

Economic enterprise means any commercial, industrial, agricultural, or business activity that is at least 51 percent Indian owned, established or organized for the purpose of profit.

Education plan means a comprehensive plan for the programmatic and fiscal services of and accountability by a contractor for the education of eligible Indian students.

Eligible entity means a Tribal organization, State, public school district, or Indian corporation is eligible to request a contract for a supplemental or operational support program under this Act. For purposes of this part, previously private schools are considered Tribal organizations.

Existing contracting party means a contracting party that has a contract under this Act that is in effect on the date of the JOM Modernization Act (Pub. L. 115–404), enacted December 31, 2018.

Fiscal year means the period used by the Bureau for accounting and budget purposes. The Bureau's fiscal year begins October 1 and ends September 30.

Indian means a person who is a member of an Indian Tribe.

Indian Advisory School Board means an Indian advisory school board established pursuant to 25 U.S.C. 5342–5347 prior to January 4, 1975.

Indian corporation means a legally established organization of Indians chartered under State or Federal law and which is not included within the definition of ''Tribal organization''.

Indian Education Committee means one of the entities specified by § 273.115.

Indian Tribe means any Indian Tribe, band, nation, rancheria, pueblo, colony or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the U.S. Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

Initial contract proposal and *contract proposal* means a proposal for education contracts under the Johnson-O'Malley Act for the purpose of financially assisting those efforts designed to meet the specialized and unique educational needs of eligible Indian students, including programs supplemental to the regular school program and school operational support, where such support is necessary to maintain established State educational standards.

Johnson-O'Malley Act means the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452–456), and by the Act of January 4, 1975 (88 Stat. 2203), and further amended by the Johnson-O'Malley Supplemental Indian Education Program Modernization Act (Pub. L. 115–404), enacted December 31, 2018 (JOM Modernization Act).

Local Indian Committee means any committee established pursuant to 20 U.S.C. 7424(c)(4), which provides that the committee may be composed of and selected by parents and family member of Indian children; representatives of Indian Tribes or Indian lands; teachers in the schools; and if appropriate, Indian students attending secondary schools.

New contracting party means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act (Pub. L. 115–404), enacted December 31, 2018.

Operational support means those expenditures for school operational costs in order to meet established State educational standards or Statewide requirements and as specified in § 273.126.

Previously private school means a school (other than a Federal school formerly operated by the Bureau) that is operated primarily for Indian students from age 3 years through grades 12; and, which at the time of application is controlled, sanctioned, or chartered by the government body(s) of an Indian Tribe(s).

Public school district means a school district that (a) serves public elementary schools or public secondary schools; and (b) has established or will establish local committees or is using a committee or Indian advisory school board to approve supplementary or operational support programs beneficial to Indian students.

Regional Director means the Bureau of Indian Affairs Regional Director or Bureau of Indian Education Associate Deputy Director, as applicable.

Reservation or *Indian reservation* means any Indian Tribe's reservation, pueblo, colony, or rancheria, including former reservations in Oklahoma, Alaska Natives regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

School district or *local education agency* means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission, or similarly constituted assembly.

Scope of work means a framework document that will outline the work that will be performed under a contract and detail the expectations for the Johnson-O'Malley program.

Secretary means the Secretary of the Interior.

State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and each of the outlying areas, or any political subdivision of the 50 States.

School official or *school administrator* means a person employed by the school in an administration, supervisory, academic, or support staff position.

Supplemental program means a program designed to meet the specialized and unique educational needs of eligible Indian students that may have resulted from socio-economic conditions of the parents, from cultural or language differences or other factors. Programs may also provide academic assistance to Indian students for the improvement of student learning, increase the quality of instruction, and as provided by § 273.143(b).

System of record means a system of record that contains information that is retrieved by an individual name or other unique identifiers.

Tribal government, Tribal governing body and *Tribal Council* means the recognized governing body of an Indian Tribe.

Tribal organization means the recognized governing body of any Indian Tribe or any legally established organization of Indians or Tribes which is controlled, sanctioned, or chartered by such governing body or bodies, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

Subpart B—Program Eligibility & Applicability

§ 273.110 Who is eligible to request contracts under the Johnson-O'Malley Act?

The following entities are eligible to enter into an education contract under the Johnson-O'Malley Act for the purpose of financially assisting efforts designed to meet the specialized and unique educational needs of eligible Indian students, including supplemental programs and school operational support, where such support is necessary to maintain established State educational standards:

(a) Tribal organizations;

(b) States;

(c) Public school districts that:

(1) Serve public elementary schools or public secondary schools; and

(2) Have a local school board composed of a majority of Indians or have established or will establish an Indian Education Committee, as described in § 273.115 to approve supplementary or operational support programs beneficial to Indian students; and

(d) Indian corporations.

§ 273.111 How do the requirements for Tribal organizations differ from those for other eligible entities?

(a) States, public school districts, or Indian corporations must comply with the requirements in this part.

(b) The requirements of this part apply to Tribal organizations, except that Tribal organizations do not need to comply with:

(1) § 273.113, regarding how funds can be used under the Johnson O'Malley Act;

(2) §§ 273.120–273.121, regarding approval of an education plan by the Director;

(3) § 273.125, regarding entering into a contract as a new contracting party;

(4) §§ 273.132–273.135, regarding review, approval, and negotiation of the contract;

(5) § 273.142, regarding advance payments;

(6) Any section in subpart H—General Contract Requirements (other than the following sections, which still apply: § 273.170, regarding special program provisions to be included in a contract, § 273.172, regarding State employees' access to Tribal lands, reservations or allotments, and § 273.182, regarding penalties for misusing funds or property);

(7) Any section in subpart I—Contract Renewal, Revisions, and Cancellations (other than § 273.194, regarding the Indian Education Committee's authority to revoke contracts, which still applies);

(8) Any section in Subpart K—Appeals (other than § 273.208).

(c) The contract proposal submitted by the Tribal organization must meet the requirements in part 900 of this chapter, in addition to those in § 273.130. The requirements in part 900 of this chapter apply to contracts with Tribal organizations, except for the provisions in §§ 900.240 through 900.256 of this chapter concerning retrocession and reassumption of programs. If a Tribal organization retrocedes a contract, the Bureau will then contract with a State, public school district, or Indian corporation for the supplemental programs or operational support.

§ 273.112 Who is an eligible Indian student under the Johnson-O'Malley Act?

An Indian student is eligible for benefits provided by a Johnson O'Malley contract if the student is:

(a) From age three (3) years through grade(s) twelve (12);

(b) Is not enrolled in a Bureau or sectarian operated school; and

(c) Is either:

(1) At least one-fourth (¼) degree Indian blood descendant of a member of a federally recognized Indian Tribe; or

(2) A member of a federally recognized Tribe.

§ 273.113 How can the funds be used under the Johnson-O'Malley Act?

An eligible entity may use the funds available under the contract to provide educational benefits to eligible Indian students to:

(a) Carry out programs or expand programs in existence before the contract period that provide:

(1) Remedial instruction, counseling, and cultural programs;

(2) Selected courses related to the academic and professional disciplines; or

(3) Important needs, such as school supplies and items that enable recipients to participate in curricular and extra-curricular programs;

(b) Establish targeted and culturally sensitive dropout prevention activities; and

(c) Purchase equipment to facilitate training for professional trade skills and intensified college preparation programs.

§ 273.114 What programs may be contracted under the Johnson-O'Malley Act?

All programs contracted under this part must:

(a) Be developed and approved in full compliance with the powers and duties of the Indian Education Committee and as may be contained in the Committee's organizational documents and bylaws.

(b) Be included as a part of the education plan.

Subpart C—Indian Education Committee

§ 273.115 Who determines the unique educational needs of eligible Indian students?

When a school district to be affected by a contract(s) for the education of Indians has a local school board composed of a majority of Indians, the local school board may act as the Indian Education Committee; otherwise, the parents of Indian children may elect an Indian Education Committee from among their number or a Tribal governing body(ies) of the Indian Tribe(s) affected by the contract(s) may specify one of the following entities to serve as the Indian Education Committee:

(a) A Local Indian Committee or Committees; or

(b) An Indian Advisory School Board or Boards.

§ 273.116 Does an Indian Education Committee need to establish procedures and report to the Regional Director?

The Indian Education Committee and its members must establish procedures under which the Committee serves. Such procedures must be set forth in the Committee's organizational documents and by-laws.

(a) Each Committee must file a copy of its organizational documents and by-

laws with the Regional Director, together with a list of its officers and members.

(b) The existence of an Indian Education Committee may not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted under this part.

§ 273.117 What are the powers and duties of the Indian Education Committee?

Consistent with the purpose of the Indian Education Committee, each such Committee is vested with the authority to undertake the activities in paragraphs (a) through (d) of this section.

(a) Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this part. Such participation includes further authority to:

(1) Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs;

(2) Approve budget preparation and execution;

(3) Recommend criteria for employment in the program;

(4) Nominate a reasonable number of qualified prospective educational programmatic staff members from which the contractor would be required to select; and

(5) Evaluate staff performance and program results and recommend appropriate action to the contractor.

(b) Approve and disapprove all programs to be contracted under this part. All programs contracted require the prior approval of the appropriate Indian Education Committee.

(c) Secure a copy of the negotiated contract(s) that includes the program(s) approved by the Indian Education Committee.

(d) Recommend to the Director through the appropriate awarding official cancellation or suspension of a contract(s) that contains the program(s) approved by the Indian Education Committee if the contractor fails to permit the Committee to exercise its powers and duties.

§ 273.118 Are there additional authorities an Indian Education Committee can exercise?

The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties that would permit the Committee to:

(a) Participate in negotiations concerning all contracts;

(b) Make an annual assessment of the learning needs of Indian children in the community affected;

(c) Have access to all reports, evaluations, surveys, and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of § 273.180;

(d) Request periodic reports and evaluations regarding the Indian education program;

(e) Establish a local grievance policy and procedures related to programs in the education plan;

(f) Meet regularly with the professional staff serving Indian children and with the local education agency;

(g) Hold committee meetings on a regular basis which are open to the public; and

(h) Have such additional powers as are consistent with these regulations.

Subpart D—Education Plan

§ 273.119 What is an education plan and what must it include?

A prospective contractor in consultation with its Indian Education Committee(s) must formulate an education plan that contains educational objectives that adequately address the educational needs of the Indian students and assures that the contract is capable of meeting such objectives. The education plan must contain:

(a) The education programs developed and approved by the Indian Education Committee(s);

(b) Educational goals and objectives that adequately address the educational needs of the Indian students to be served by the contract;

(c) Procedures for addressing hearing grievances from Indian students, parents, guardians, community members, and Tribal representatives relating to the program(s) contracted. Such procedures must provide for adequate advance notice of the hearing;

(d) Established State standards and requirements that must be maintained in operating the contracted programs and services;

(e) A description of how the State standards and requirements will be maintained;

(f) A requirement that the contractor comply in full with the requirements concerning meaningful participation by the Indian Education Committee;

(g) A requirement that education facilities receiving funds be open to visits and consultations by the Indian Education Committee(s), Tribal representatives, Indian parents and guardians in the community, and by duly authorized representatives of the Federal and State Governments;

(h) An outline of administrative and fiscal management procedures to be used by the contractor;

(i) Justification for requesting funds for operational support. The public school district must establish in its justification that it meets the requirements given in § 273.126(b). The information given should include records of receipt of local, State, and Federal funds;

(j) Budget estimates and financial information needed to determine program costs to contract for services. This includes, but is not limited to, the following:

(1) State and district average operational cost per pupil;

(2) Other sources of Federal funding the applicant is receiving, the amount received from each, the programs being funded, and the number of eligible Indian students served by such funding;

(3) Administrative costs involved, total number of employees, and total number of Indian employees;

(4) Costs that parents normally are expected to pay for each school;

(5) Supplemental and operational funds outlined in a separate budget, by line item, to facilitate accountability; and

(6) Total number of employees for each special program and number of Indian employees for that program;

(k) The total enrollment of school or district, by age and grade level;

(l) The eligible Indian enrollment—total and classification by Tribal affiliation(s) and by age and grade level;

(m) The total number of school board members and number of Indian school board members;

(n) Government equipment needed to carry out the contract;

(o) The period of contract term requested;

(p) The signature of the authorized representative of applicant; and

(q) Written information regarding:

(1) Program goals and objectives related to the learning needs of potential target students;

(2) Procedures and methods to be used in achieving program objectives, including ways whereby parents, students and communities have been involved in determining needs and priorities;

(3) Overall program implementation including staffing practices, parental and community involvement, evaluation of program results, and dissemination thereof; and

(4) Determination of staff and program effectiveness in meeting the stated needs of target students.

§ 273.120 Does an education plan need to be approved by the Regional Director?

The Secretary will not enter into any contract for the education of Indians unless:

(a) The contractor has submitted an education plan to the Regional Director; and

(b) The Regional Director has determined that the education plan contains educational objectives that adequately address the educational needs of the Indian students who are to be beneficiaries of the contract, and that the contract is capable of meeting such objectives.

§ 273.121 When does the Regional Director approve the education plan?

The Regional Director approves the education plan when a contractor submits a contract proposal for funding.

Subpart E—Contract Proposal, Review, and Approval

§ 273.125 How may a new contracting party request a contract under the Johnson-O'Malley Act?

Subject to the availability of appropriations, eligible entities who have not previously entered into a contract for the Johnson-O'Malley program may submit an initial contract proposal.

§ 273.126 What proposals are eligible for contracts under the Johnson-O'Malley Act?

(a) Any proposal to contract for funding a supplemental program will be considered an eligible proposal.

(b)(1) To contract for operational support, a public school district is required to establish in the proposal that it:

(i) Cannot meet the applicable minimum State standards or requirements without such funds;

(ii) Has made a reasonable tax effort with a mill levy at least equal to the State average in support of educational programs;

(iii) Has fully utilized all other sources of financial aid, including all forms of State aid and Public Law 874 payments, and the State aid contribution per pupil is at least equal to the State average;

(iv) Has at least 70 percent eligible Indian enrollment;

(v) Has clearly identified the educational needs of the students intended to benefit from the contract;

(vi) Has made a good faith effort in computing State and local contributions without regard to contract funds pursuant to this part; and

(vii) Will not budget or project a deficit by using contract funds pursuant to this part.

(2) The requirements given in paragraph (b)(1) of this section do not apply to previously private schools.

§ 273.127 Can a contract include funds to support the duties of an Indian Education Committee?

Programs developed or approved by the Indian Education Committee may, at the option of such Committee, include funds for the performance of Committee duties to include:

(a) Members' attendance at regular and special meetings, workshops and training sessions, as the Committee deems appropriate.

(b) Other reasonable expenses incurred by the Committee in performing its primary duties, including the planning, development, implementation and evaluation of the program.

§ 273.128 How are contracts prioritized?

Priority will be given to contracts:

(a) Which would serve Indian students on or near reservations; and

(b) Where a majority of the Indian students will be members of the Tribe(s) of those reservations.

§ 273.129 May the Regional Director reimburse a public school district for educating non-resident Indian students?

The Regional Director may consider a contract proposal to reimburse a public school district for the full per capita costs of educating Indian students who meet all of the following:

(a) Are members of recognized Indian Tribes;

(b) Do not normally reside in the State in which the school district is located; and

(c) Are residing in Federal boarding facilities for the purpose of attending public schools within the school district.

§ 273.130 What is required in the contract proposal for funding?

A contract proposal must be in writing and contain the following:

(a) Name, address, and telephone number of the proposed contractor;

(b) Name, address, and telephone number of the Tribe(s) to be served by the contract;

(c) Descriptive narrative of the contract proposal;

(d) The education plan approved by the Indian Education Committee;

(e) A separate budget outlining the Johnson-O'Malley funds for operational support and/or supplemental programs, by line item, to facilitate accountability;

(f) A clear identification of what educational needs the Johnson-O'Malley funds requested for operational support will address; and

(g) Documentation of the requirements for operational support in § 273.126(b)(1).

§ 273.131 What is required for a Tribal request for a contract?

(a) An Indian Tribal governing body that desires that a contract be entered into with a Tribal organization must notify the Regional Director.

(b) The Tribal governing body has the option to contract with the State, public school district, or Indian corporation.

§ 273.132 Who will review and approve the contract proposal?

Each approving official within each Bureau Region is authorized to approve the contract(s) submitted by the State, public school district, or Indian corporation to provide services to Indian children within that approving official's region.

§ 273.133 What is the process for review and decision?

Upon receiving a contract proposal, the approving official will:

(a) Notify the applicant in writing that the contract proposal has been received, within 14 days after receiving the contract proposal.

(b) Review the contract proposal for completeness and request, within 20 days after receiving the contract proposal, any additional information from the applicant which will be needed to reach a decision.

(c) On receiving the contract proposal for operational support, make a formal written determination and findings supporting the need for such funds. In arriving at such a determination, the approving official must be assured that each local education agency has made a good faith effort in computing State and local contributions without regard to funds requested.

(d) Assess the completed contract proposal to determine if the proposal is feasible and if the proposal complies with the appropriate requirements of the Johnson-O'Malley Act and this part.

(e) Approve or disapprove the contract proposal after fully reviewing and assessing the application and any additional information submitted by the applicant.

(f) Promptly notify the applicant in writing of the decision to approve or disapprove the contract proposal.

(g) If the contract proposal is disapproved, the notice will give the reasons for disapproval and the applicant's right to appeal pursuant to Subpart K of this part.

§ 273.134 What is the timeframe for contract decision?

The approving official will approve or disapprove the contract proposal within 90 days after the approving official receives the contract proposal and any additional information requested. The approving official may extend the 90-day deadline after obtaining the written consent of the applicant.

§ 273.135 Who will negotiate the contract?

After the approving official has approved the contract proposal, the awarding official, assisted by Bureau education personnel, will negotiate the contract.

Subpart F—Funding Provisions

§ 273.140 What is the funding formula to distribute funds?

Funds will be distributed to contractors based upon a funding formula. The funding formula is calculated using data obtained by the Department of Education from the previous year.

(a) The funding formula to determine the funding to be distributed to each contractor is the Weight Factor multiplied by the number of eligible Indian students, where the Weight Factor is:

(1) The State average cost per pupil count divided by the national average cost per pupil count; or

(2) A default weight factor of 1.3, if the calculation in paragraph (a)(1) of this section results in a weight factor of less than 1.3.

(b) Notwithstanding any other provisions of the law, Federal funds appropriated for the purpose will be allotted pro rata in accordance with the distribution method outlined in this formula.

(c) For four fiscal years following the date of enactment of the JOM Modernization Act (December 31, 2018):

(1) Existing contractors will not receive an amount that is less than the amount received for Fiscal Year 2017 (the fiscal year preceding the date of enactment of the JOM Modernization Act), unless:

(i) The existing contractor fails to submit a complete annual report;

(ii) The Secretary has found that the existing contractor has violated the terms of a contract under this part; or

(iii) The number of eligible students reported in the annual report has decreased below the number of eligible students served by the existing contractor in Fiscal Year 2017 (the fiscal year preceding the date of enactment of the JOM Modernization Act). (2) Paragraph (c)(1)(iii) of this section notwithstanding, no existing contractor will receive an amount of funding per eligible student that is less than the amount of funding per eligible Indian student that the existing contractor received for Fiscal Year 2017 (the fiscal year preceding the enactment of the JOM Modernization Act).

(d) Beginning December 31, 2022 (4 years after the December 31, 2018, date of enactment of the JOM Modernization Act), no contracting party will receive for a fiscal year more than a 10 percent decrease in funding per eligible Indian student from the previous year.

§ 273.141 Will funding be prorated?

All monies provided by a contract may be expended only for the benefit of eligible Indian students. Where students other than eligible Indian students participate in programs contracted, money expended under the contract will be prorated to cover the participation of only the eligible Indian students, except where the participation of non-eligible students is so incidental as to be *de minimis.* Such *de minimis* participation must be approved by the Indian Education Committee.

§ 273.142 Are advance payments on a contract allowed under the Johnson-O'Malley Act?

Payments to States, public school districts and Indian corporations will be made in advance or by way of reimbursement and in such installments and on such conditions as the Regional Director deems necessary to carry out the purposes of the Act.

§ 273.143 Must other Federal, State and local funds be used?

(a) Contract funds under this part supplement, and do not supplant, Federal, State and local funds. Each contract must require that the use of these contract funds will not result in a decrease in State, local, or Federal funds that would be made available for Indian students if there were no funds under this part.

(b) State, local and other Federal funds must be used to provide comparable services to non-Indian and Indian students prior to the use of contract funds.

(c) Except as hereinafter provided, the school lunch program of the United States Department of Agriculture (USDA) constitutes the only federally funded school lunch program for Indian students in public schools. Where Indian students do not qualify to receive free lunches under the National School Lunch Program of USDA because such students are non-needy and do not meet the family size and income guidelines for free USDA lunches, plans prepared pursuant to § 273.119 may provide, to the extent of funding available for Johnson-O'Malley programs, for free school lunches for those students who do not qualify for free USDA lunches but who are eligible students under § 273.112.

§ 273.144 Can Johnson-O'Malley funds be used for capital outlay or debt retirement?

In no instance may contract funds provided under this part be used as payment for capital outlay or debt retirement expenses; except that, such costs are allowable if they are considered to be a part of the full per capita cost of educating eligible Indian students who reside in Federal boarding facilities for the purpose of attending public schools.

§ 273.145 How can funds be used for subcontractors?

The Bureau may make contract funds under the Johnson-O'Malley Act available directly only to Tribal organizations, States, public school districts, and Indian corporations. However, Tribal organizations, States, public school districts, and Indian corporations receiving funds may use the funds to subcontract for necessary services with any appropriate individual, organization, or corporation.

§ 273.146 Can funds be used outside of schools?

Nothing in this part prevents the Regional Director from contracting with Indian corporations who will expend all or part of the funds in places other than the public or private schools in the community affected.

§ 273.147 Are there requirements of equal quality and standard of education?

Contracts with State education agencies or public school districts receiving funds must provide educational opportunities to all Indian children within that school district on the same terms and under the same conditions that apply to all other students as long as it will not affect the rights of eligible Indian children to receive benefits from the supplemental programs. Public school districts receiving funds must ensure that Indian children receive all aid from the State, and proper sources other than the Johnson-O'Malley contract, which other schools in the district and other school districts similarly situated in the State are entitled to receive. In no instance may there be discrimination against Indians or the schools enrolling Indians.

Subpart G—Annual Reporting Requirements

§ 273.150 Does an existing contracting party need to submit any reports?

Each existing contracting party must submit an annual report based on the JOM funding received and other contract-related reports as required by the Regional Director.

§ 273.151 What information must the existing contracting party provide in the annual report?

Existing contracting parties who receive Johnson-O'Malley funding must submit the following information in the annual report:

(a) General information about the contractor;

(b) General information about the number and names of the schools;

(c) The number of eligible Indian students who were served using amounts allocated under the contract during the previous fiscal year;

(d) An accounting of the amounts and purposes for which the contract funds were expended;

(e) Information on the conduct of the program;

(f) A quantitative evaluation of the effectiveness of the contract program in meeting the stated objectives contained in the educational plans; and

(g) A complete accounting of actual receipts at the end of the fiscal year for which the contract funds were expended.

§ 273.152 When is the annual report due?

All existing contracting parties must submit the annual report to the awarding official on or before September 15 of each year and covering the previous academic year.

§ 273.153 Who else needs a copy of the annual report?

All existing contracting parties must send copies of the annual reports to the Indian Education Committee(s) and to the Tribe(s) under the contract at the same time as the reports are sent to the awarding official.

§ 273.154 What will happen if the existing contracting party fails to submit an annual report?

Any existing contracting party that fails to submit the annual report will receive no amounts under this Act for the fiscal year following the academic year for which the annual report should have been submitted.

§ 273.155 How will the existing contracting party know when reports are due?

The awarding official will provide existing contracting parties with timely information relating to:

(a) Initial and final reporting deadlines; and

(b) The consequences of failure to comply.

§ 273.156 Will technical assistance be available to comply with the annual reporting requirements?

The Bureau will provide technical assistance and training on compliance with the reporting requirements to existing contracting parties. The Bureau will provide such technical assistance and training on an ongoing and timely basis.

§ 273.157 What is the process for requesting technical assistance and/or training?

(a) Existing contracting parties may request technical assistance and/or training by addressing the request in writing to the Regional Director.

(b) The Regional Director, or designee, will acknowledge receipt of a request for technical assistance and/or training.

(c) No later than 30 days after receiving the original request, the Regional Director will identify a point of contact and begin the process of providing technical assistance and/or training. The Regional Director and requesting contracting party will work together to identify the form, substance, and timeline for the assistance.

§ 273.158 When should the existing contracting party request technical assistance and/or training?

The existing contracting party is encouraged to request technical assistance and/or training before annual reporting requirements are due in order to avoid the consequences for failure to comply.

§ 273.159 If the existing contracting party reported a decrease of eligible Indian students, how will funding be reduced?

Except as provided in § 273.140(c)–(d) of this part, for four fiscal years following the date of enactment of the JOM Modernization Act (December 31, 2018) an existing contracting party's funding will not be reduced to a level that is less than the amount of funding per eligible Indian student that the existing contracting party received for Fiscal Year 2017 (the fiscal year preceding the date of enactment of the Johnson-O'Malley Modernization Act).

§ 273.160 Can the Secretary apply a ratable reduction in Johnson-O'Malley program funding?

If the funds available under the Johnson-O'Malley Act for a fiscal year are insufficient to pay the full amounts that all existing contracting parties are eligible to receive under for the fiscal year, the Secretary will ratably reduce those amounts for the fiscal year.

§ 273.161 What is the maximum decrease in funding allowed?

Beginning December 31, 2022 (4 years after the December 31, 2018, date of enactment of the JOM Modernization Act), no contracting party may receive for a fiscal year more than a 10 percent decrease in funding per eligible Indian student from the previous fiscal year.

Subpart H—General Contract Requirements

§ 273.170 What special program provisions must be included in the contract?

All contracts must contain the following:

(a) The education plan approved by the Indian Education Committee(s);

(b) Any formal written determination and findings made by the Regional Director supporting the need for operational support as required by § 273.133(c); and

(c) A provision that State, local, and other Federal Funds will be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson-O'Malley funds for the provision of supplementary program services to Indian children, as required in § 273.143(b).

§ 273.171 Can a contractor make changes to a program approved by an Indian Education Committee?

No program contracted may be changed from the time of its original approval by the Indian Education Committee to the end of the contract period without the prior approval, in writing, of the Indian Education Committee.

§ 273.172 May State employees enter Tribal lands, reservations or allotments?

In those States where Public Law 83–280 (18 U.S.C. 1162 and 28 U.S.C. 1360) do not confer civil jurisdiction, State employees may be permitted to enter upon Indian Tribal lands, reservations, or allotments in an official capacity in connection with a contract under this part if the duly constituted governing body of the Tribe adopts a resolution of consent for the following purposes:

(a) Inspecting school conditions in the public schools located on Indian Tribal lands, reservations, or allotments; or

(b) Enforcing State compulsory school attendance laws against Indian children, parents or persons standing in *loco parentis.*

§ 273.173 What procurement requirements apply to contracts?

States, public school districts, or Indian corporations wanting to contract with the Bureau must comply with the applicable requirements in the Federal Acquisition Regulations at 48 CFR part 1.

§ 273.174 Are there any Indian preference requirements for contracts and subcontracts?

(a) Any contract made with a State, public school district, or Indian corporation for the benefit of Indian students must require that the contractor, to the greatest extent feasible:

(1) Give preference in and opportunities for employment and training to Indians in connection with the administration of such contract(s); and

(2) Give preference in the award of subcontracts to Indian organizations and Indian-owned economic enterprises.

(b) All subcontractors employed by the contractor must, to the extent possible, give preference to Indians for employment and training and must include in their bid submission a plan to achieve maximum use of Indian personnel.

§ 273.175 How will a Tribal governing body apply Indian preference requirements for contracts and subcontracts?

A Tribal governing body may develop its own Indian preference requirements for its contracts and subcontracts.

§ 273.176 May there be a use and transfer of Government property?

(a) The use of Government-owned facilities for school purposes may be authorized when not needed for Government activities. Transfer of title to such facilities (except land) may be arranged under the provisions of the Act of June 4, 1953 (67 Stat. 41) subject to the approval of the Tribal government if such property is located on a reservation.

(b) In carrying out a contract, the Regional Director may, with the approval of the Tribal government, permit a contractor to use existing buildings, facilities, and related equipment and other personal property owned by the Bureau within its jurisdiction under terms and conditions agreed upon for their use and maintenance. The property at the time of transfer must conform to the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651). Use of Government property is subject to the following conditions:

(1) When nonexpendable Government property is turned over to public school authorities or Indian corporations under a use permit, the permittee must insure such property against damage by flood, fire, rain, windstorm, vandalism, snow, and tornado in amounts and with companies satisfactory to the Federal officer in charge of the property. In case of damage or destruction of the property by flood, fire, rain, windstorm, vandalism, snow, or tornado, the insurance money collected may be expended only for repair or replacement of property. Otherwise, insurance proceeds must be paid to the Bureau.

(2) If the public school authority is self-insured and can present evidence of that fact to the Regional Director, insurance for lost or damaged property will not be required. However, the public school authority will be responsible for replacement of such lost or damaged property at no cost to the Government or for paying the Government enough to replace the property.

(3) The permittee will maintain the property in a reasonable state of repair consistent with the intended use and educational purposes.

(c) The contractor may have access to existing Bureau records needed to carry out a contract under this part, as follows:

(1) The Bureau will make the records available subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), as amended by the Act of November 21, 1974 (Pub. L. 93–502, 88 Stat. 1561).

(2) The contractor may have access to needed Bureau records at the appropriate Bureau office for review and making copies of selected records.

(3) If the contractor needs a small volume of identifiable Bureau records, the Bureau will furnish the copies to the contractor.

§ 273.177 Who will provide liability and motor vehicle insurance?

(a) States, school districts, and Indian corporations must obtain public liability insurance under contracts entered into with the Bureau, unless the Bureau approving official determines that the risk of death, personal injury or property damage under the contract is small and that the time and cost of procuring the insurance is great in relation to the risk.

(b) Notwithstanding paragraph (a) of this section, any contract which requires or authorizes, either expressly or by implication, the use of motor vehicles must contain a provision requiring the State, school district, or Indian corporation to provide liability insurance, regardless of how small the risk.

(c) If the public school authority is self-insured and can present evidence of that fact to the approving official, liability and motor vehicle insurance will not be required.

§ 273.178 Are there contract recordkeeping requirements?

A contractor will be required to maintain a recordkeeping system that allows the Bureau to meet its legal records program requirements under the Federal Records Act (44 U.S.C. 3101 *et seq.*). Such a record system must:

(a) Fully reflect all financial transactions involving the receipt and expenditure of funds provided under the contract in a manner that will provide accurate, current and complete disclosure of financial status; correlation with budget or allowable cost schedules; and clear audit facilitating data;

(b) Reflect the amounts and sources of funds other than Bureau contract funds that may be included in the operation of the contract;

(c) Provide for the creation, maintenance, and safeguarding of records of lasting value, including those involving individual rights, such as permanent records and transcripts; and

(d) Provide for the orderly retirement of permanent records in accordance with Department Records Schedule (Bureau of Indian Affairs (075)), when there is no established system set up by the State, public school district, or Indian corporation.

§ 273.179 Are there contract audit and inspection requirements?

(a) During the term of a contract and for three (3) years after the project or undertaking is completed, the Regional Director, or any duly authorized representative, must have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records that, in the Regional Director's or representative's opinion, may be related or pertinent to the contract or any subcontract.

(b) The contractor is responsible for maintaining invoices, purchase orders, canceled checks, balance sheets and all other documents relating to financial transactions in a manner that will facilitate auditing. The contractor is responsible for maintaining files of correspondence and other documents relating to the administration of the contract, properly separated from general records or cross-referenced to general files.

(c) The contractor receiving funds is responsible for contract compliance.

(d) The records involved in any claim or expenditure that has been questioned must be further maintained until a final determination is made on the questioned expenditures.

(e) The contractor and local school officials must make available to each member of the Indian Education Committee and to members of the public upon request: All contracts, non-confidential records concerning students served by the program, reports, budgets, budget estimates, plans, and other documents pertaining to administration of the contract program in the preceding and current years. The contractor or local school official must provide, free of charge, single copies of such documents upon request.

§ 273.180 Are there disclosure requirements for contracts?

(a) Unless otherwise required by law, the Bureau may not place restrictions on contractors that will limit public access to the contractor's records except when records must remain confidential.

(b) A contractor must make all reports and information concerning the contract available to the Indian people that the contract affects. Reports and information may be withheld from disclosure only when both of the following conditions exist:

(1) The reports and information fall within one of the following exempt categories:

(i) Specifically required by statute or Executive Order to be kept secret;

(ii) Commercial or financial information obtained from a person or firm on a privileged or confidential basis; or

(iii) Personnel, medical, social, psychological, academic achievement and similar files where disclosure would be a clearly unwarranted invasion of personal privacy; and

(2) Disclosure is prohibited by statute or Executive Order or sound grounds exist for using the exemption given in paragraph (b)(1) of this section.

(c) A request to inspect or copy reports and information must be in writing and reasonably describe the reports and information requested. The request may be delivered or mailed to the contractor. Within 10 working days after receiving the request, the contractor must determine whether to grant or deny the request and immediately notify the request of the determination.

(d) The time limit for making a determination may be extended up to an additional 10 working days for good reason. The requester must be notified in writing of the extension, reasons for the extension, and date on which the determination is expected to be made.

§ 273.181 Are there Privacy Act requirements for contracts?

(a) When a contractor operates a system of records to accomplish a Bureau function, the contractor must comply with subpart K of 43 CFR part 2 which implements the Privacy Act (5 U.S.C. 552a). Examples of the contractor's responsibilities are:

(1) To continue maintaining systems of records declared by the Bureau to be subject to the Privacy Act;

(2) To make such records available to individuals involved;

(3) To disclose an individual's record to third parties only after receiving permission from the individual to whom the record pertains, and in accordance with the exceptions listed in 43 CFR 2.231;

(4) To establish a procedure to account for access, disclosures, denials, and amendments to records; and

(5) To provide safeguards for the protection of the records.

(b) The contractor may not, without prior approval of the Bureau:

(1) Discontinue or alter any established systems of records;

(2) Deny requests for notification or access of records; or

(3) Approve or deny requests for amendments of records.

(c) The contractor may not establish a new system of records without prior approval of the Department of Interior and the Office of Management and Budget.

(d) The contractor may not collect information about an individual unless it is relevant or necessary to accomplish a purpose of the Bureau as required by statute or Executive Order.

(e) The contractor is subject to 5 U.S.C. 552a(i)(1), which imposes criminal penalties for knowingly and willfully disclosing a record about an individual without the written request or consent of that individual unless disclosure is permitted under one of the exceptions.

§ 273.182 Are there penalties for misusing funds or property?

If any officer, director, agent, or employee of, or connected with, any contractor or subcontractor under this part embezzles, willfully misapplies, steals, or obtains by fraud any of the funds or property connected with the contract or subcontract, he or she will be subject to the following penalties:

(a) If the amount involved does not exceed $100, person(s) will be fined not more than $1,000 or imprisoned not more than one (1) year, or both.

(b) If the amount involved exceeds $100, person(s) will be fined not more than $10,000 or imprisoned for not more than two (2) years, or both.

§ 273.183 Can the Secretary investigate a potential Civil Rights Act violation?

In no instance may there be discrimination against Indians or schools enrolling Indians. When informed by a complainant or through its own discovery that a possible violation of title VI of the Civil Rights Act of 1964 exists within a State school district receiving funds, the Secretary will, in accordance with Federal requirements, notify the Department of Education of the possible violation. The Department Education will conduct an investigation into the matters alleged. If the report of the investigation conducted by the Department of Education discloses a failure or threatened failure to comply with this part, and if the non-compliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to contract or to continue financial assistance under the Johnson-O'Malley Act or by any other means authorized by law.

Subpart I—Contract Renewal, Revisions, and Cancellations

§ 273.191 How may a contract be renewed for Johnson-O'Malley funding?

An awarding official will notify the existing contracting party in advance of the contract's expiration and ask if the existing contracting party wants to renew the contract. The renewal must be in writing from the existing contracting party and the awarding official.

§ 273.192 What is required to renew a contract?

(a) The existing contracting party seeking to renew a contract will submit to the awarding official:

(1) A written request to renew;

(2) The current education plan approved by the Indian Education Committee, if expired;

(3) A new Tribal resolution, if the current one has expired or its terms do not address renewal;

(4) A scope of work; and

(5) A budget outlining the Johnson-O'Malley funds for operational support and/or supplemental programs, by line item, to facilitate accountability.

(b) The awarding official will send the existing contracting party an acknowledgment letter and specify if any information is required to complete renewal package.

(c) The approving official will approve or disapprove a renewal within 90 days after the approving official receives the renewal and any additional information requested. The approving official may extend the 90-day deadline after obtaining the written consent of the existing contracting party.

§ 273.193 May a contract be revised or amended?

Any contract may be revised or amended as deemed necessary to carry out the purposes of the program being contracted.

(a) A contractor may submit a written request for a revision or amendment of a contract to the awarding official.

(b) The written approval of the Indian Education Committee is required if the contract revision or amendment will alter a program that has been approved by the Indian Education Committee.

§ 273.194 Does the Indian Education Committee have authority to cancel contracts?

The Indian Education Committee may recommend to the Regional Director, through the appropriate awarding official, cancellation or suspension of a contract(s) that contains the program(s) approved by the Indian Education Committee, if the contractor fails to permit such Committee to exercise its powers and duties.

§ 273.195 May a contract be cancelled for cause?

(a) Any contract may be cancelled for cause when the contractor fails to perform the work called for under the contract or fails to permit an Indian Education Committee to perform its duties.

(b) Before cancelling the contract, the Regional Director will provide the contractor with written notice, including:

(1) The reasons why the Bureau is considering cancelling the contract; and

(2) The contractor will be given an opportunity to bring its work up to an acceptable level.

(c) If the contractor does not overcome the deficiencies in its contract performance, the Bureau will cancel the contract for cause. The Bureau will notify the contractor, in writing, of the cancellation. The notice will give the reasons for the cancellation and the right of the contractor to appeal under subpart K of this part.

(d) When a contract is cancelled for cause, the Bureau will attempt to perform the work by another contract.

(e) Any contractor that has a contract cancelled for cause must demonstrate that the cause(s) that led to the cancellation have been remedied before it will be considered for another contract.

Subpart J—Responsibility and Accountability

§ 273.201 What is required for the Secretary to meet his or her reporting responsibilities?

(a) The Secretary has the following reporting responsibilities to the Committee on Indian Affairs in the Senate; the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the Senate; the Subcommittee on Indian, Insular, and Alaska Native Affairs of the Committee on Natural Resources of the House of Representatives; and the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations of the House of Representatives:

(1) In order to provide information about the Johnson-O'Malley Program, the Bureau must obtain from all existing contracting parties the most recent determination of the number of eligible Indian students served by each contracting party.

(2) The Bureau will make recommendations on appropriate funding levels for the program based on such determination.

(3) The Bureau will make an assessment of the contracts under this Act.

(b) The Bureau will make such reports as described in subparagraph (a) of this section publically available.

§ 273.202 Does this part include an information collection?

The collections of information in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 1076–NEW. Responses is required to obtain a benefit. A Federal agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Subpart K—Appeals

§ 273.206 May a contract be appealed?

(a) A contractor may appeal:

(1) An adverse decision or action of the Bureau regarding a contract; or

(2) A decision to cancel a contract for cause.

(b) The Secretary encourages contractors to seek all means of dispute resolution before a formal appeal.

§ 273.207 How does a contractor request dispute resolution?

The contractor may request dispute resolution in writing to the Regional Director.

(a) The Bureau has in place an alternative dispute resolution (ADR) process.

(1) The ADR process is intended to be a supplement to, and not a replacement for, the normal appeal process.

(2) Participation as a complainant in the ADR process is voluntary.

(3) Should a contractor participate in an ADR process, the pre-complaint process may extend to 90 days.

(b) The ADR process may result in an informal resolution of the complaint;

(c) If the ADR process does not result in an informal resolution of the complaint, the contractor still has the right to continue to pursue an appeal.

§ 273.208 How does a Tribal organization request an appeal?

A Tribal organization may request an appeal pursuant to Part 900 of this Chapter.

§ 273.209 How does a State, public school district, or an Indian corporation request an appeal?

The State, public school district, or an Indian corporation may request an appeal by filing an appeal with the Civilian Board of Contract Appeals under the Contract Disputes Act, 41 U.S.C. 7101–7109, no later than 90 calendar days after the date the contractor receives the decision.

Dated: June 6, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–13632 Filed 6–26–19; 8:45 am]

BILLING CODE 4337–15–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4001, 4006, 4010, 4041 and 4043

RIN 1212–AB34

Miscellaneous Corrections, Clarifications, and Improvements

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is making miscellaneous technical corrections, clarifications, and improvements to its regulations on Reportable Events and Certain Other Notification Requirements, Annual Financial and Actuarial Information Reporting,

Termination of Single-Employer Plans, and Premium Rates. These changes are a result of PBGC's ongoing retrospective review of the effectiveness and clarity of its rules as well as input from stakeholders.

DATES: Comments must be submitted on or before August 26, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.* Refer to RIN 1212–AB34 in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

All submissions must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and the Regulation Identifier Number (RIN) for this rulemaking (RIN 1212–AB34). Comments received will be posted without change to PBGC's website, *http://www.pbgc.gov,* including any personal information provided. Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4040.

FOR FURTHER INFORMATION CONTACT: Stephanie Cibinic (*cibinic.stephanie@pbgc.gov*), Deputy Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–326–4400, extension 6352. TTY users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400, extension 6352.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Authority

The purpose of this regulatory action is to make miscellaneous technical corrections, clarifications, and improvements to several Pension Benefit Guaranty Corporation (PBGC) regulations. These changes are based on PBGC's ongoing retrospective review of the effectiveness and clarity of its rules, which includes input from stakeholders on PBGC's programs.

Legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA. It also comes from section 4006 of ERISA, which give PBGC the authority to prescribe schedules of premium rates and bases for the application of those rates; section 4010 of ERISA, which gives PBGC authority to prescribe information to be provided and the timing of reports; section 4041 of ERISA (Termination of Single-Employer Plans); and section 4043 of ERISA, which gives PBGC authority to define reportable events and waive reporting.

Major Provisions

The major provisions of this proposed rulemaking would amend PBGC's regulations on:

- Reportable Events and Certain Other Notification Requirements, by eliminating possible duplicative reporting of active participant reductions, clarifying when a liquidation event occurs and providing additional examples for active participant reduction, liquidation, and change in controlled group events.
- Annual Financial and Actuarial Information Reporting, by eliminating a requirement to submit individual financial information for each controlled group member, adding a new reporting waiver and clarifying others, and providing guidance on assumptions for valuing benefit liabilities for cash balance plans.
- Termination of Single-Employer Plans, by providing more time to submit a complete PBGC Form 501 in the standard termination process.
- Premium Rates, by expressly stating that a plan does not qualify for the variable rate premium exemption for the year in which it completes a standard termination if it engages in a spinoff in the same year, clarifying the participant count date special rule for transactions (*e.g.,* mergers and spinoffs), and by modifying the circumstances under which the premium is prorated for a short plan year resulting from a standard termination.

Background

The Pension Benefit Guaranty Corporation (PBGC) administers two insurance programs for private-sector defined benefit pension plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA)—one for single-employer pension plans, and one for multiemployer pension plans. The amendments proposed in this rulemaking apply primarily to the single-employer program.

This proposed rulemaking comes out of PBGC's ongoing retrospective review program to identify and ameliorate inconsistencies, inaccuracies, and requirements made irrelevant over time. It also responds to suggestions and questions from stakeholders that PBGC receives on an ongoing basis and through public outreach, such as PBGC's July 2017 ''Regulatory Planning and Review of Existing Regulations'' Request for Information.[1]

Proposed Amendments

The proposed technical and clarifying amendments and improvements to PBGC's regulations are discussed below. PBGC invites comment on these proposals.

Terminology—29 CFR Part 4001

The proposed rule would amend the general ''Definitions'' section (29 CFR 4001.2) for terms used in regulations under title IV of ERISA to include the terms ''Ultimate parent'' and ''U.S. entity.'' Those terms are currently defined in PBGC's ''Reportable Events and Certain Other Notification Requirements'' regulation (29 CFR part 4043), ''reportable events regulation,'' at §§ 4043.2 and 4043.81(c) respectively. Because proposed amendments to PBGC's Annual Financial and Actuarial Information Reporting regulation (29 CFR part 4010), ''4010 reporting regulation,'' would use those same two terms, it is appropriate to move them to the common definitions section in § 4001.2.

Reportable Events and Certain Other Notification Requirements—29 CFR Part 4043

Section 4043 of ERISA requires that PBGC be notified of the occurrence of certain ''reportable events'' that may signal financial issues with the plan or a contributing employer. The statute provides for both post-event and advance reporting. PBGC's reportable events regulation implements section 4043 of ERISA.

Reportable events include such plan events as missed contributions, insufficient funds, large pay-outs, and such sponsor events as loan defaults and controlled group changes—events that may present a risk to a sponsor's ability to continue a plan. When PBGC has timely information about a reportable event, it can take steps to encourage plan continuation. Without timely information about a reportable

[1] 82 FR 34619 (July 26, 2017).

event, PBGC typically learns that a plan is in danger only when most opportunities for protecting participants and the pension insurance system have been lost.

On September 11, 2015, PBGC issued a final rule,[2] the ''2015 Final Rule,'' implementing changes to the reportable events regulation. The rule revised longstanding procedures governing when administrators and sponsors of single-employer defined benefit pension plans are required to report certain events to PBGC. The major changes in the 2015 Final Rule tied reporting waivers more closely to situations where a contributing sponsor is at risk of not being able to continue to maintain a plan (*i.e.,* risk of default), revisions to definitions and descriptions of several reportable events, and new requirements on electronic filing. The goal of the 2015 Final Rule was to ease reporting requirements where notice to PBGC is unnecessary but to allow for possible earlier PBGC intervention where there is an opportunity to help sponsors maintain a plan or otherwise preserve benefits for participants.

Since publication of the 2015 Final Rule, PBGC has further identified some opportunities to improve the reportable events and notification requirements by filling in gaps where guidance is needed, simplifying or removing language, codifying policies, and providing examples.

Commercial Measures Criterion

Section 4043.9(e) of the reportable events regulation describes the commercial measures waiver that is available for certain events.[3] This waiver is available where a company that is a contributing sponsor of a plan has adequate capacity to meet its obligations as evidenced by satisfying a combination of certain criteria. Among the criteria listed, the commercial measures criterion requires that the company's probability of default on its financial obligations be no more than 4 percent over the next 5 years or 0.4 percent over the next year, as ''determined on the basis of widely available financial information on the company's credit quality.''

The preamble to the 2015 Final Rule made clear that the commercial measures criterion was to be met by looking to third party information and not, for example, information that a company itself generates but that might be considered ''widely available'' because the information is posted on the company's website.[4] However, the regulatory text in the 2015 Final Rule did not explicitly mention third party information. To remove any ambiguity, the proposed rule would amend § 4043.9 to make clear that a plan must use third party financial information to satisfy the criterion for the company financial soundness safe harbor.

Active Participant Reduction

Under § 4043.23 of the reportable events regulation, an active participant reduction reportable event generally occurs when, as a result of a single-cause event or through normal attrition of employees (described below), the number of active participants in a plan is reduced below 80 percent of the number at the beginning of the year (one-year lookback) or below 75 percent of the number at the beginning of the prior year (two-year lookback). The regulation distinguishes between reductions caused by single cause events and normal attrition events. If active participants cease to be members of a plan's controlled group due to a single cause event, such as a reorganization or layoff, the plan administrator and contributing sponsor must file a notice with PBGC within 30 days after the threshold is breached, unless a waiver applies. Conversely, if the active participant reduction is caused by the normal comings and goings of employees or other smaller scale reductions (*i.e.,* normal attrition), notice of the event is extended until the premium filing due date for the plan year following the event year.

Since publication of the 2015 Final Rule, PBGC has received questions from practitioners, including in a comment to its 2017 RFI on Regulatory Planning and Review of Existing Regulations (see the ''Background'' section of this preamble), about whether a plan administrator or contributing sponsor that files a single-cause event notice must also file an attrition event notice at a later date due to the same active participant reduction. Upon review, PBGC recognizes that § 4043.23 could be interpreted in this manner, though this was not PBGC's intent.

To address this issue, PBGC proposes to amend § 4043.23(a)(2) by altering the current method of counting active participants after the end of the plan year in determining whether an attrition event has occurred by taking into account the number of active participants that had already been the subject of a single-cause event report in the same plan year. Thus, to determine whether an attrition event has occurred, the number of active participants who ceased to be active and were covered by a single-cause event reported in the same year would be included in the year-end count. This proposed new method of counting would prevent duplicative reporting by disregarding the earlier single-cause event if already reported to PBGC.

The proposed rule also would make clear that multiple single-cause events during the plan year must be reported separately. Thus, each time a new single-cause event results in an active participant reduction greater than 20 percent over the number of active participants at the beginning of the plan year, a new Form 10 would be required to be filed. PBGC is making this clarification because PBGC believes that dramatic reductions due to different events in the same year could signal that the plan sponsor's ability to maintain the plan is rapidly deteriorating.

For further explanation, the proposed rule includes examples in the regulatory text of the interplay between single-cause and attrition events, as well as a single-cause event that occurs over a period of time.

The proposed rule would make non-substantive changes to the formula for counting a single-cause event in § 4043.23(a)(1) that PBGC believes is clearer, more aligned to the proposed language in § 4043.23(a)(2) described above, and easier to use.

To further reduce burden, the proposed rule would eliminate the two-year lookback requirement. With a few years' experience under the 2015 Final Rule, PBGC has concluded that the one-year/80 percent test provides sufficient information and undertaking the additional burden of conducting the two-year/75 percent lookback is not necessary. Thus, the language regarding the two-year lookback in § 4043.23(a)(1) and (2) would be removed under the proposed rule. To address the statutory requirement, the proposed rule would waive notice of the two-year lookback provided under section 4043(c)(3) of ERISA.

Other proposed changes to § 4043.23 include amending the current definition of ''active participant.'' The current definition provides that an active participant means, among other things, a participant who ''is receiving compensation for work performed,'' but does not address whether a participant becomes inactive if the participant leaves a controlled group member for employment by another member of the same controlled group. The proposed rule would clarify that a participant is

[2] 80 FR 54980 (Sept. 11, 2015).

[3] The five events are as follows: Active participant reduction, substantial owner distributions, controlled group changes, extraordinary dividends, and benefit liabilities transfers.

[4] See 80 FR 54986.

active if the participant receives compensation from any member of the plan's controlled group for work performed for any member of the plan's controlled group. The proposal thus would remove any ambiguity in the determination rules if the participant is employed by any member within the same controlled group.

Finally, PBGC proposes to clarify that reporting an active participant reduction under § 4043.23 would be disregarded if the reduction was already reported under section 4062(e) and/or 4063(a) of ERISA. The current regulation provides that a reduction in the number of active participants may be disregarded if the reduction is timely reported to PBGC under section 4063(a) of ERISA but does not specify when the report must be made in relation to a Form 10 Report under § 4043.23 for the disregard provision to be available. PBGC's intent in providing the waiver was to prevent duplicative reporting for the same event where notice had previously been filed. To codify PBGC's intent, the proposed rule would clarify that reporting a reduction in the number of active participants under § 4043.23 may be disregarded if the reduction is reported under section 4062(e) and/or 4063(a) of ERISA before the filing of a notice is due under § 4043.23.

Inability To Pay Benefits When Due

In general, a reportable event occurs under § 4043.26 of the reportable events regulation when a plan fails to make a benefit payment timely or when a plan's liquid assets fall below the level needed for paying benefits for six months. The 2015 Final Rule modified § 4043.26(a)(1)(iii) so that a plan is not treated as having a ''current inability'' to pay benefits when due if, among other things, the failure to pay is caused solely by ''any other administrative delay, including the need to verify a person's eligibility for benefits, to the extent that the delay is for less than the shorter of two months or two full benefit payment periods.'' In modifying the regulation, the 2015 Final Rule inadvertently imposed a time limit for verification of a person's eligibility for benefits. PBGC recognizes that employers may need more than the specified time limit to verify a person's eligibility for benefits and that such a circumstance is not indicative of a possible need for plan termination.

To resolve this issue, PBGC proposes to amend § 4043.26 to clarify that an inability to pay benefits when due caused by the need to verify eligibility is not subject to the time limit imposed for other administrative delays.

Change in Contributing Sponsor or Controlled Group

Under § 4043.29 of the reportable events regulation, a reportable event occurs for a plan when there is a transaction that results, or will result, in one or more persons' ceasing to be members of the plan's controlled group. PBGC has continued to receive inquiries about when a reportable event is triggered under § 4043.29. For instance, although the heading of § 4043.29 includes ''a change in contributing sponsor,'' the regulatory text does not. A 1996 rulemaking added a new reportable event for transactions that result in any person ceasing to be a member of the plan's controlled group, amending the then existing regulation that required reporting only if there was a change in the contributing sponsor.[5] The 1996 rule, a product of negotiated rulemaking, left out a specific reference to contributing sponsors, though PBGC did not intend that changes in contributing sponsors would no longer be reportable.

Thus, PBGC proposes to modify the event definition to make clear that reporting would be required when a transaction results in one or more persons ceasing to be either a contributing sponsor of a plan, or a member of the plan's controlled group (other than by merger involving members of the same controlled group). The current exception to the reporting requirement for transactions that will solely result in a reorganization involving a mere change in identity, form, or place or organization (however effected), would apply under the proposed rule to only ''change in controlled group'' transactions. A reorganization such as this that involves a controlled group member that is not a contributing sponsor does not pose a significant risk to the pension insurance system. However, PBGC does need to know about any change to a contributing sponsor, since it is a contributing sponsor that primarily supports the pension plan.

The proposed rule also would revise the first example in the existing regulation to provide greater clarity on the timing of, and responsibility for, filing a report. In addition, the proposed rule would add two new examples—one regarding dissolution of a controlled group member and one describing a merger of controlled group members. These examples illustrate some common situations implicated by the requirements in § 4043.29.[6]

Liquidation

Section 4043.30(a)(1) of the reportable events regulation states that a reportable event occurs for a plan when a member of the plan's controlled group ''is involved in any transaction to implement its complete liquidation (including liquidation into another controlled group member).'' In discussing this provision with practitioners over the years, it has become clear that this event description could benefit from greater clarity and precision, particularly with respect to what ''involved in any transaction to implement'' a liquidation means and when the event was triggered.

One liquidation scenario that commonly causes confusion involves a company that ceases operations and sells substantially all of its assets over a period of time. The company continues to sponsor a plan but with no business income, benefits stop accruing and no further plan contributions from the company are made. The result is a ''wasting trust'' where assets are depleted over time to make pension payments but no new contributions are made for future payment obligations. PBGC observes that because the plan has not been terminated, the company does not realize a reportable event has occurred. Although a cessation of business operations is not in and of itself a liquidation, because the cessation is tied to a sale of substantially all of the business' assets, with the intent to settle remaining obligations, PBGC views a cessation in this context as part of the liquidation process.

When a company fails to notify PBGC that the company ceased business operations and began a liquidation, PBGC encounters greater difficulties in effectively intervening to protect plan assets and participant benefits, thereby increasing the potential for decreased employer funding for the plan and greater potential strain on the pension insurance system. In some cases, PBGC did not become aware of the process of liquidation until years later, when the

[5] *See* Reportable Events; Annual Report, 61 FR 38409 (July 24, 1996) for a description of the amendment, which was adopted without modification in the final rule (61 FR 63988 (Dec. 2, 1996)).

[6] These examples also incidentally illustrate the importance to PBGC of identifying whether value is leaving the controlled group in analyzing whether a transaction poses a risk to the plan and the pension insurance system. When value (*e.g.,* business or revenue generating assets of a sponsor) leaves a controlled group, the loss may raise a concern about the ability of a sponsor to make contributions to, or otherwise be able to maintain, a plan. The example on dissolution of a controlled group reflects value leaving the controlled group while the example on a merger of controlled group members reflects value remaining in the controlled group (hence PBGC's interest in being notified in the former situation but not the latter).

best opportunity for protecting plan assets and participant benefits had passed. Liquidations of the type that concern PBGC may take a myriad of forms and be implemented over long periods of time.

To alleviate confusion and improve precision, PBGC proposes to clarify the definition of liquidation to state that a liquidation event occurs when a member of the plan's controlled group ''resolves to cease all revenue-generating business operations, sell substantially all its assets, or otherwise effect or implement its complete liquidation (including liquidation into another controlled group member) by decision of the member's board of directors (or equivalent body such as the managing partners or owners) or other actor with the power to authorize such cessation of operations or a liquidation.'' Hence, a cessation of operations, such as the example above, would trigger a reportable event under § 4043.30. The proposed rule includes the word ''revenue-generating'' to qualify a cessation of business operations in acknowledgement of the fact that various administrative activities may continue during the winding down of a business. The use of the word ''revenue-generating'' is therefore designed to capture the fact that a company is not earning revenue to enable it to support the pension plan.

The decision to liquidate can have serious implications for participants and the pension insurance system. Given that PBGC's success in such cases is often directly correlated with reporting an event when there is still time to preserve plan assets, PBGC believes triggering a reporting obligation to the time a decision by the person(s) or body (such as a board of directors) that has the authority to determine that a company will liquidate will be most protective of participants and the pension insurance system. Since a liquidation may or may not involve a formal plan, a written agreement to sell assets to a single buyer, or a series of sales over time to maximize proceeds, the language in the proposed rule represents as close as possible to a uniform trigger for reporting of liquidation events. PBGC believes that in the vast majority of cases, the decision to liquidate must go through a formal approval or authorization process. Even in cases where the plan sponsor is a company owned by a single person and board formalities do not exist, a moment occurs when that owner has made the decision to move forward with a liquidation. This decision is the common point of departure for liquidations to move forward. For reference and further clarity, PBGC has included in the proposed rule three additional examples, regarding a liquidation within a controlled group, occurring by cessation of operations, and through an asset sale.

Companies that liquidate as a result of insolvency are required to report both events to PBGC under § 4043.30 and § 4043.35 of the reportable events regulation. However, given the similarities between the two events, PBGC believes that reporting to PBGC under either section (instead of both) would be sufficient notification. Thus, PBGC is proposing an additional waiver that would provide relief from the possibility of duplicative reporting under a § 4043.30 liquidation or a § 4043.35 insolvency. The proposed rule would provide parallel waivers in both § 4043.30 and § 4043.35 to clarify that notice would be waived if notice has already been provided to PBGC for the same event under the former section.

PBGC does not intend to compel public company sponsors to disclose liquidations on a Form 10 before notifying the public. Thus, the proposed rule includes an extension under § 4043.30(c) to file the post-event reportable events notice until the earlier of the timely filing of an SEC Form 8–K disclosing the event or the issuance of a press release discussing it.

PBGC specifically requests comment on whether PBGC should make this extension available for foreign private issuers and if so, how. For example, should the regulation allow an extension to file a reportable events notice involving a foreign private issuer that is a plan sponsor until the earlier of the timely filing of a Form 6–K disclosing the event or the issuance of a press release discussing it, even if the country of incorporation for the foreign private issuer would not require reporting as timely as is required on a Form 8–K for the same event had the issuer been a U.S. filer? [7]

Public Company Waiver

Five reportable events [8] may be waived if any contributing sponsor of the plan (before the transaction that caused the event) is a public company, and the contributing sponsor timely files a SEC Form 8–K disclosing the event under an item of the Form 8–K, except under Item 2.02 (Results of Operations and Financial Condition) or in financial statements under Item 9.01 (Financial Statements and Exhibits). As explained in the 2015 Final Rule, PBGC found that SEC filings provide timely and adequate information to PBGC with respect to the five events because these events are either required to be reported under a specific Form 8–K item or because they are material information for investors. Therefore, PBGC didn't need to compel reporting of these events under the reportable events regulation.

The proposed rule does not make any changes to the public company waiver. However, in response to questions from practitioners since publication of the 2015 Final Rule, PBGC requests comment on whether the waiver should be expanded to apply in situations where a parent company timely files a Form 8–K but is not a contributing sponsor to the plan. Specifically, would the Form 8–K filing by a parent company that isn't a contributing sponsor provide adequate information to PBGC with respect to each of the five events to which the waiver applies?

Annual Financial and Actuarial Information Reporting—29 CFR Part 4010

Section 4010 of ERISA requires the reporting of actuarial and financial information by controlled groups with single-employer pension plans that have significant funding problems. It also requires PBGC to provide an annual summary report to Congress containing aggregate information filed with PBGC under that section. PBGC's ''4010 reporting regulation'' (29 CFR part 4010) implements section 4010 of ERISA.

Definitions

Section 4010.2 of PBGC's 4010 reporting regulation contains the terms used in part 4010 and their definitions. The proposed rule would amend this ''Definitions'' section to include the term ''Foreign entity,'' which is used in proposed amendments to § 4010.9 describing the financial information a filer is required to provide to PBGC. The proposed definition is similar to the definition of ''Foreign entity'' in § 4043.2 of PBGC's reportable events regulation. The only difference is that ''information year'' replaces ''date the reportable event occurs'' in part (3) of the definition so that part (3) is satisfied for 4010 purposes if one of three tests are met for the fiscal year that includes the information year.

[7] For more information on Securities and Exchange Commission filing obligations for foreign private issuers, see the discussion at *https://www.sec.gov/divisions/corpfin/internatl/foreign-private-issuers-overview.shtml* (including Form 6–K under section III.B.3. Periodic and Ongoing Reporting Obligations; Other Reports).

[8] These five post-event filings are (1) active participant reduction, (2) distribution to a substantial owner, (3) change in contributing sponsor or controlled group, (4) extraordinary dividend or stock redemption, and (5) transfer of benefit liabilities.

The proposed rule also would add to the list of common terms referenced in § 4010.2 the two terms it would define in the general definitions section of PBGC's regulations (§ 4001.2). As explained above, under ''Terminology—29 CFR part 4001,'' those terms would be ''Ultimate parent,'' and ''U.S. entity.''

Filers

Section 4010.4 of the 4010 reporting regulation prescribes who is a filer. Paragraph (e) of this section explains how reporting is applicable to plans to which special funding rules apply. This paragraph provides that except in connection with the actuarial valuation report, the special funding rules under sections 104 and 402(b) of PPA (applicable to multiple employer plans of cooperatives and charities, and plans of commercial passenger airlines and airline caterers, respectively) and under the Cooperative and Small Employer Charity Pension Flexibility Act of 2013, are disregarded for all other 4010 purposes. The proposed rule would remove from paragraph (e) the reference to PPA section 104 because it has expired.

Identifying Information

Section 4010.7 of the 4010 reporting regulation describes what types of identifying information each filer must provide as part of its reporting. Paragraph (a)(1) of this section specifies what information is required to be included about current members of the filer's controlled group, such as identifying the legal relationships of each controlled group member to the other members. Filers identify the legal relationships by manually entering a description, *e.g.,* parent, subsidiary, for each member. Identifying the legal relationships of controlled group members in this way can be burdensome to filers in larger controlled groups and does not provide a clear picture of the controlled group structure, frustrating the intent of this information.

The proposed rule would provide a simple method for filers in larger controlled groups to satisfy the requirement in paragraph (a) of this section. Instead of entering ''parent,'' ''subsidiary,'' or other relationship, filers with more than 10 controlled group members would submit with their filing an organizational chart or other diagram showing the relationship of the controlled group members to each other. PBGC's understanding is that most filers have such diagrams. Also, filers may already include such diagrams in reportable events filings (29 CFR part 4043) to satisfy the requirement specified in those instructions for a description of the controlled group structure. PBGC believes that requiring a diagram for these larger groups would be less burdensome to provide and would more clearly show the controlled group structure.

Plan Actuarial Information

Section 4010.8 of the 4010 reporting regulation prescribes the plan actuarial information a filer must provide. Paragraph (d)(2) of this section sets the actuarial assumptions and methods to use for determining a plan's benefit liabilities. PBGC has heard from practitioners that the assumptions in paragraph (d)(2) as they apply to cash balance pension plans are not clear and don't specify how these plans should convert a lump sum payment (which is the assumption used by most cash balance plans) to an annuity form. The proposed rule would provide needed guidance with respect to cash balance plans on these assumptions and make a change in the paragraph's overall structure to improve clarity.

The proposed rule would reorganize § 4010.8(d)(2) and combine the actuarial assumptions under paragraphs (d)(2)(i) through (ii) of this section into a table. The table would include as number (5) the assumptions to use for valuing benefit liabilities for cash balance plans. Cash balance plan filers must convert account balances to annuity forms of payment using the rules under section 411(b)(5)(B)(vi) of the Code and 26 CFR 1.411(b)(5)–1(e)(2) that specify the interest crediting rate and annuity conversion rate upon plan termination. In other words, for purposes of reporting benefit liabilities, a cash balance plan would be treated as if terminated and lump sums converted to annuity payments using the assumptions in the applicable U.S. Department of the Treasury regulation cited to above.

The proposed edits to paragraph (d)(3) of this section focus on improved readability and conformed citations to ERISA and the Code.

Financial Information

Section 4010.9 of the 4010 reporting regulation prescribes the financial information a filer must submit to PBGC for each member of the filer's controlled group. Paragraph (b) of this section permits a filer to submit consolidated financial statements if the financial information of a controlled group member is combined with the information of other members in a consolidated statement. However, if consolidated information is reported, paragraph (b)(2) requires that revenues, operating income, and net assets for each controlled group member also be reported.

In PBGC's 2017 Request for Information (RFI) on Regulatory Planning and Review of Existing Regulations (noted in the ''Background'' section of this preamble), a commenter stated that some filers have difficulty trying to identify and collect the three types of information under § 4010.9(b)(2) for each controlled group member and recommended that PBGC modify the regulation to request this detailed information only when necessary as part of reviewing the plan and controlled group financial statements. PBGC considered the comment, and after reviewing the information it collects for 4010 purposes, PBGC believes it can adequately assess risks to participants and plans without this detailed information, and by using additional ''off-the-shelf'' information as noted in the following paragraph. Therefore, the proposed rule would eliminate that requirement in paragraph (b)(2) of § 4010.9.

PBGC proposes to make another change to paragraph (b) of this section to clarify what financial information must be provided for controlled group members that are U.S. entities where the ultimate parent is a foreign entity. In addition to the consolidated statements for the whole controlled group, the filer must submit financial information on only the U.S. entities that are members of the controlled group. This information could be submitted in consolidated statements. Otherwise, the filer must provide the separate audited (or unaudited) financial statements (or tax returns if financial statements are not available) for controlled group members that are U.S. entities.

Lastly, § 4010.9 allows filers to direct PBGC to where PBGC can find required financial information that is publicly available (in lieu of submitting that information to PBGC). Paragraph (d) of this section on ''submission of public information'' provides that a filer may submit a statement indicating when the financial information was made available to the public and where PBGC may obtain it. In PBGC's experience, these statements have led to general websites, but not specific web pages where the information required to be reported can be found. Therefore, the proposed rule would clarify how to indicate where public financial information is located. The clarification would state that filers provide the web address (URL) and title of the web page. The example in paragraph (d) of a Securities and Exchange Commission filing is clarified accordingly.

Waivers

Reporting under section 4010 of ERISA is required if any one of three conditions is met. However, PBGC can waive reporting under its 4010 reporting regulation and does so in three situations (with discretion to waive in others) under § 4010.11 of the regulation.

A condition triggering reporting is that the funding target attainment percentage (FTAP) at the end of the preceding plan year, of a plan maintained by the contributing sponsor or any member of its controlled group, is less than 80 percent (the ''80-percent FTAP Gateway Test''). Section 303(d)(2) of ERISA and section 430(d)(2) of the Code provide that in determining the FTAP of a plan for a plan year, plan assets are reduced by the amount of the plan's funding balance. Plan sponsors are permitted under section 303(f) of ERISA and section 430(f) of the Code to make certain elections to use, increase, or reduce a funding balance effective at the beginning of the plan year. Because of timing, a funding balance election that is made late may be the sole cause of a plan having a 4010 FTAP of less than 80 percent. Practitioners have asked if PBGC would recognize for purposes of the 80-percent FTAP Gateway Test an untimely funding balance election.

In response, and based on a review of its experience, PBGC proposes to recognize a late funding balance election for this purpose. The proposed waiver would clarify that reporting is not required where a plan makes a late election to reduce a funding balance, and the plan's FTAP for 4010 purposes would have been greater than or equal to 80 percent had the election been timely made.

PBGC also proposes to modify two of the existing three reporting waivers in § 4010.11 of the regulation. PBGC automatically waives reporting where: (a) The aggregate funding shortfall is not in excess of $15 million; (b) the aggregate participant count is less than 500; or (c) the sole reason filing would otherwise be required is because of either a statutory lien resulting from missed contributions over $1 million or outstanding minimum funding waivers exceeding the same amount, provided the missed contributions or applications for minimum funding waivers were previously reported to PBGC.

Practitioners have raised with PBGC that, while it is clear under the 80-percent FTAP Gateway Test that only plans maintained by the controlled group on the last day of the information year are considered in determining whether that test is met, the same is not clear under § 4010.11 in determining whether either of the first two waivers apply. Without specifying ''on the last day of the information year,'' the language of the aggregate funding shortfall waiver in paragraph (a) and the waiver for smaller plans in paragraph (b) of § 4010.11, could be interpreted to mean that plans maintained at any time during the plan year must be included in the determination of whether the waiver applies. This is not the interpretation that PBGC intended or believes is reasonable in light of the standard in the 80-percent FTAP Gateway Test. PBGC agrees that a clarification would be helpful. Therefore, the proposed rule would modify paragraphs (a) and (b) of § 4010.11 to insert ''on the last day of the information year.''

Practitioners have also asked when at-risk assumptions are to be used to calculate the funding target (see section 303(i) of ERISA and section 430(i) of the Code for special rules for at-risk plans) for purposes of the 4010 funding shortfall and waiving reporting where a plan's aggregate funding shortfall is $15 million or less. In response, the proposed rule would revise paragraph (a)(1)(i) of § 4010.11 to provide that a plan is not required to use at-risk retirement and form of payment assumptions to determine the funding target used to calculate the 4010 funding shortfall unless the plan is in ''at-risk status'' for funding purposes. This follows a similar clarification that had been made to the rules describing assumptions for determining the premium funding target under PBGC's premium rates regulation, § 4006.4(b)(3).

Termination of Single-Employer Plans—29 CFR Part 4041

A single-employer plan covered by PBGC's insurance program may be voluntarily terminated only in a standard or distress termination. The rules governing voluntary terminations are in section 4041 of ERISA and PBGC's regulation on Termination of Single-Employer Plans (29 CFR part 4041), ''termination of single-employer plans regulation.''

Post-Distribution Certification

ERISA requires the plan administrator of a plan terminating in a standard termination to certify to PBGC that the plan's assets have been distributed to pay all benefits under the plan. Certification under section 4041(b)(3)(B) of ERISA must be made within 30 days after the final distribution of assets is completed.

Section 4041.29 of the termination of single-employer plans regulation requires plans to submit by the 30-day statutory deadline a ''post-distribution certification'' (*i.e.,* PBGC Form 501). PBGC has heard from practitioners that it is sometimes challenging to collect all of the information required to be submitted as an attachment to Form 501 within the prescribed timeframe (*e.g.,* documentation that benefit obligations were settled for all participants including copies of cancelled checks in the case of lump sum distributions) and have asked whether PBGC could extend the certification deadline.

While PBGC cannot extend a statutory deadline, the proposed rule would amend paragraph (a) of § 4041.29 to provide an alternative filing option for plan administrators who need more time to complete the PBGC Form 501. This proposed alternative would permit a plan administrator to submit a completed PBGC Form 501 within 60 days after the last distribution date for any affected party if the plan administrator certifies to PBGC that all assets have been distributed in accordance with section 4044 of ERISA and 29 CFR part 4044 (in an email or otherwise, as would be described in the instructions to the Form 501) within 30 days after the last distribution date for any affected party.

Paragraph (b) of this section and paragraph (d)(2) of § 4041.30 (requests for deadline extensions) would be revised accordingly to account for the proposed changes to § 4041.29(a).

Premium Rates—29 CFR Part 4006

Under sections 4006 and 4007 of ERISA, plans covered by the termination insurance program under title IV of ERISA must pay premiums to PBGC. Section 4006 of ERISA deals with premium rates, including the computation of premiums, and PBGC's regulation on Premium Rates in 29 CFR part 4006, ''premium rates regulation,'' implements section 4006 of ERISA.

Determination of Unfunded Vested Benefits—Plans to Which Special Funding Rules Apply

Section 4006.4 of the premium rates regulation, which provides rules for determining unfunded vested benefits, states in paragraph (f) that plans subject to special funding rules must disregard those rules and determine unfunded vested benefits for premium purposes in the same manner as all other plans. Section 4006.4(f) refers to the special funding rules under sections 104, 105, 106, and 402(b) of the Pension Protection Act of 2006, Public Law 109–280 (PPA), that are applicable to

multiple employer plans of cooperatives and charities, PBGC settlement plans, plans of government contractors, and plans of commercial passenger airlines and airline caterers.

The proposed rule would remove references to PPA sections 104, 105, and 106 because those provisions have expired. It would add a reference to subsequent law that permanently established special funding rules for multiple employer plans maintained by certain cooperatives and charities (the Cooperative and Small Employer Charity Pension Flexibility Act of 2013, Pub. L. 113–97).

Variable-Rate Premium Exemptions; Plans Terminating in Standard Terminations

In general, a single-employer plan pays a variable-rate premium (VRP) for the plan year ten-and-a-half months after the plan year begins based on the level of the plan's underfunding at the beginning of the plan year. In 2014, as part of PBGC's regulatory review process, PBGC amended its premium rates regulation to provide for a VRP exemption for the year in which a plan completes a standard termination. PBGC adopted this exemption because it did not seem appropriate to require a terminating plan to pay a VRP based on the underfunding at the beginning of the year when, by the time the premium was due (or shortly thereafter), the sponsor had fully funded the plan and distributed all accrued benefits (*i.e.,* purchased annuities or paid lump sums) and PBGC coverage had ceased.[9]

PBGC has received questions from practitioners as to whether a plan qualifies for this ''final year'' exemption if a large number of participants are spun off to a new plan or transferred to another existing plan during the year in which the termination is completed. It has been suggested that, if the exemption applies, a plan sponsor could significantly reduce its VRP because the transferor plan would not owe any VRP for its final year and the transferee plan would owe, at most, a pro-rata VRP for the plan year in which the transfer occurs.[10] However, the VRP exemption does not apply in this type of transaction because the benefits of most of the participants who were in the plan at the beginning of the year would not be fully funded or paid in full, and for those participants, PBGC coverage would still be in effect. PBGC added language to the 2018 premium filing instructions to highlight to filers that the VRP exemption does not apply in such cases.

In light of these questions, PBGC is proposing to amend § 4006.5(a)(3) of the premium rates regulation to expressly state that a plan does not qualify for the VRP exemption for the year in which a plan completes a standard termination if the plan engages in a spinoff during the premium payment year. The proposed rule would make an exception where the spinoff is de minimis pursuant to the regulations under section 414(l) of the Internal Revenue Code (the Code), *i.e.,* generally fewer than 3 percent of the assets are spun off.

To distinguish cases where the termination has not yet been completed, the proposed changes would move the exemption for certain plans in the process of completing a standard termination initiated in a prior year from § 4006.5(a)(3) to § 4006.5(a)(4) of the premium rates regulation.

Participant Count Date; Certain Transactions

To determine the flat-rate premium for a plan year, participants are counted on the ''participant count date,'' generally the day before the plan year begins. Changes in the participant count during the plan year do not affect that year's flat-rate premium. Under the premium rates regulation, a special rule (§ 4006.5(e)) shifts the participant count date to the first day of the plan year in specified situations that take place at the beginning of a plan year so that the change in participant count is recognized immediately (rather than a year later). Situations where the special rule applies include:

- The first plan year a plan exists.
- A plan year in which a plan is the transferor plan in the case of a beginning of year non-de minimis spinoff.
- A plan year in which a plan is the transferee plan in the case of a beginning of year non-de minimis merger.

For example, consider a scenario where Plan A, a calendar year plan, spins off a group of participants (and the corresponding assets and liabilities) into new Plan B at the beginning of Plan A's 2018 plan year (assume the spinoff is not de minimis). Because of the special rule, both plans count participants on the first day of the year which means Plan B owes a 2018 flat-rate premium on behalf of the transferred participants, but Plan A does not.

PBGC has received questions from practitioners as to whether the special rule applies to the transferee plan in a situation where spun off participants are transferred to an existing plan instead of a new plan. These practitioners believed the premium filing instructions could be interpreted to provide that the special rule does not apply to the transferee plan in this plan-to-plan transfer. However, that interpretation would lead to an inconsistent result.

For example, assume that instead of spinning off participants into a new plan, Plan A (in the above example) had transferred those participants to a pre-existing Plan C (also a calendar year plan) at the beginning of Plan C's 2018 plan year. As noted above, the special rule would apply to Plan A, so Plan A would not include the transferred participants in its participant count. But, if the special rule does not apply to Plan C (*i.e.,* to the transferee plan), Plan C would count participants on the day before the transfer. That would mean that neither Plan A nor Plan C would owe flat-rate premiums on behalf of the transferred participants for 2018.

PBGC is proposing to amend the special rule in paragraph (e) of § 4006.5 to clarify that, in such plan-to-plan transfers, the participant count date of the transferee plan shifts to the first day of its plan year. As a result, it is clear that the transferee plan would owe flat-rate premiums on behalf of the transferred participants. This provision generally would operate where both plans have the same plan year and the transfer takes place at the beginning of the plan year.

As noted above, the special rule also applies where a plan is the transferee plan in the case of a beginning-of-year non-de minimis merger. For example, if two calendar year plans merge at the beginning of 2018, the surviving plan's participant count date is shifted to January 1, 2018. As a result, the surviving plan owes 2018 flat-rate premiums on behalf of the participants who were previously in the transferor plan.

PBGC exempted de minimis mergers from this special rule because PBGC felt the burden resulting from shifting the participant count date was not justified in the case of a de minimis merger because the number of participants for whom neither plan would owe a flat-rate premium would be relatively small (*i.e.,* the regulations under section 414(l) of the Code provide that a merger is de minimis where the liabilities of the

[9] Before 2014, the standard termination VRP exemption in § 4006.5(a)(3) was available only if the proposed date of termination was in a prior year, but the plan had not yet completed the close-out by the end of that year. The 2014 change expanded that exemption to include plans that are able to complete the termination within one plan year. *See* 79 FR 13547, 13553 (March 11, 2014).

[10] If the transferee plan is an existing plan, the additional underfunding resulting from the transfer would not be reflected in its VRP because underfunding for VRP purposes is measured at the beginning of the year. If the transferee plan is a new plan, it would owe only a pro-rata VRP (see § 4006.5(f)(1)).

smaller plan are less than 3 percent of the assets of the larger plan).

PBGC has received questions from practitioners as to whether this de minimis exemption applies where the surviving plan is the smaller plan. It has been suggested that, if the exemption applies, a plan sponsor could avoid paying flat-rate premiums on behalf of the large plan participants simply by merging it into a much smaller plan. In one case, a consultant reported that a plan sponsor was considering a strategy to establish a new plan covering only a few employees so that it could merge a large plan into the new small plan at the beginning of the next year and avoid paying flat-rate premiums on behalf of the large plan participants. These results are inconsistent with the intent of the special rule and de minimis exception.

Because of these questions, PBGC is proposing to clarify that the special rule in paragraph (e) of this section applies in the case of a beginning-of-year merger where a large plan is merged into a smaller plan. This clarification maintains the de minimis exception where a smaller plan merges into a larger plan.

Premium Proration for Certain Short Plan Years

The special rule in § 4006.5(f) of PBGC's premium rates regulation allows plan administrators to pay prorated VRP and flat-rate premiums for a short plan year and lists the four circumstances that would create a short year. One of those circumstances is where the plan's assets are distributed pursuant to the plan's termination. For example, if a plan distributed its assets in a standard termination with a final short plan year covering nine months (*i.e.,* 75 percent of a full year), the calculated premium would be reduced by 25 percent.

This rule makes sense where all accrued benefits are distributed (*i.e.,* purchased annuities or paid lump sums) and PBGC's coverage ends. However, where a completed termination is preceded in the same year by a spinoff of a group of the plan's participants to another plan, the transferred participants remain in the insurance program and PBGC coverage of their benefits is still in effect. It has been suggested that a plan sponsor could use this rule to significantly reduce its premium obligation for the year simply by transferring most of its participants to another plan early in the plan year and then terminating what's left of the transferor plan (and, thus, owing only a pro-rata premium for its final short plan year).

In view of these considerations, PBGC is proposing to change the circumstances under which the premium is prorated for a short plan year resulting from a standard termination. The proposed rule would provide that premiums are not prorated for the year in which the plan completes a final distribution of assets in a standard termination if the plan engages in a spinoff in that same year, unless the spinoff is de minimis pursuant to the regulations under section 414(l) of the Code, *i.e.,* generally fewer than 3 percent of the assets are spun off.

In the same paragraph, the proposed rule replaces the words ''excess assets'' with ''residual assets under section 4044(d) of ERISA'' to be consistent with the statutory language.

Executive Orders 12866, 13563, and 13771

PBGC has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Accordingly, this proposed rule is exempt from Executive Order 13771, and the Office of Management and Budget has not reviewed it under Executive Order 12866.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity).

Although this is not a significant regulatory action under Executive Order 12866, PBGC has examined the economic and policy implications of this proposed rule. Most of the proposed amendments clarify regulations and remove outdated provisions, which are neutral in their impact. A few would minimally affect the time and cost of reporting for plans and sponsors, which is discussed in the Paperwork Reduction Act section below.

Section 6 of Executive Order 13563 requires agencies to rethink existing regulations by periodically reviewing their regulatory program for rules that ''may be outmoded, ineffective, insufficient, or excessively burdensome.'' These rules should be modified, streamlined, expanded, or repealed as appropriate. PBGC has identified technical corrections, clarifications, and improvements to some of its regulations and have included those amendments in this proposed rulemaking. PBGC expects to propose periodic rulemakings of this nature to revise its regulations as necessary for minor technical corrections and clarifications to rules.

Regulatory Flexibility Act

The Regulatory Flexibility Act [11] imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present a final regulatory flexibility analysis at the time of the publication of the final rule describing the impact of the rule on small entities and seeking public comment on such impact. Small entities include small businesses, organizations, and governmental jurisdictions.

Small Entities

For purposes of the Regulatory Flexibility Act requirements with respect to this proposed rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This is substantially the same criterion PBGC uses in other regulations [12] and is consistent with certain requirements in title I of ERISA [13] and the Code,[14] as well as the definition of a small entity that the Department of Labor has used for purposes of the Regulatory Flexibility Act.[15]

Thus, PBGC believes that assessing the impact of this final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration [16] under the Small Business Act. Therefore, PBGC requests comments on the appropriateness of the size standard used in evaluating the impact of the amendments in this proposed rule on small entities.

[11] 5 U.S.C. 601 *et seq.*

[12] *See, e.g.,* special rules for small plans under part 4007 (Payment of Premiums).

[13] *See, e.g.,* section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

[14] *See, e.g.,* section 430(g)(2)(B) of the Code, which permits single-employer plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

[15] *See, e.g.,* DOL's final rule on Prohibited Transaction Exemption Procedures, 76 FR 66637, 66644 (Oct. 27, 2011).

[16] *See,* 13 CFR 121.201.

Certification

Based on its definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act that the amendments in this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above under ''Executive Orders 12866, 13563, and 13771,'' some of the proposed amendments reduce requirements for plans and sponsors, including for small plans, resulting in administrative savings or have a very minimal cost impact as discussed in the Paperwork Reduction Act section below. Most of the amendments clarify regulations and remove outdated provisions, which are neutral in their impact. Accordingly, as provided in section 605 of the Regulatory Flexibility Act, sections 603 and 604 do not apply.

Paperwork Reduction Act

PBGC is submitting changes to the information requirements under this proposed rule to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act (PRA). 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. Most of the changes PBGC expects to make are revisions to filing instructions, where necessary or helpful, to incorporate the clarifications in the proposed rule. Therefore, PBGC estimates the proposed rule would have a minimal impact on the hour and cost burden of reporting as described below.

Reportable Events Regulation

The collection of information in part 4043 is approved under control number 1212–0013 (expires February 28, 2022). The current information collection requirements in part 4043 have an estimated annual hour burden of approximately 1,855 hours and a cost burden of $439,500.

PBGC's instructions for Form 10 and Form 10-Advance would be updated to describe, as necessary or helpful, the clarifications that would be made by the proposed rule. The clarifications incorporated in the instructions would replace or augment existing language but would not create additional filing burden. However, the proposed rule would reduce reporting of active participant reduction events by eliminating the two-year lookback requirement. PBGC estimates that the approximately 180 filings it receives for active participant reduction events per year would be reduced by approximately 38 percent. Therefore, PBGC estimates that the total average annual hour burden under the proposed rule would be approximately 1,641 hours and the cost burden $388,890.

Annual Financial and Actuarial Information Reporting Regulation

The collection of information in part 4010 is approved under control number 1212–0049 (expires May 31, 2022). The current information collection requirements have an estimated annual hour burden of 532 hours and a cost burden of $12,871,040.

PBGC's 4010 reporting e-filing instructions would be updated, as necessary or helpful, to describe the clarifications that would be made by the proposed rule. The clarifications incorporated in the instructions would replace existing language, and therefore would not create additional filing burden in these instances.

However, PBGC estimates that the proposed rule would reduce filer burden by eliminating the requirement of § 4010.9(b)(2) to provide the revenues, operating income, and net assets for each controlled group member if a filer is submitting consolidated financial information. (See Question 2 on Schedule F, Section II, of the e-4010 module of PBGC's e-filing portal on *www.pbgc.gov*.) PBGC estimates that approximately 62 percent of a projected 560 filers per year (347.2 filers) are required to file Question 2 financial information. Based on estimates of the average hour and cost burden of this requirement, PBGC estimates that by eliminating it, the proposed rule would reduce total average annual filer burden by approximately 17 hours and $7,742. Therefore, PBGC estimates the aggregate annual hour burden under the proposed rule would be approximately 515 hours and the cost burden $12,863,298.

Termination of Single-Employer Plans Regulation

The collection of information in part 4041 is approved under control number 1212–0036 (expires March 31, 2021). The current information collection requirements in part 4041 (which includes standard and distress terminations) have an estimated annual hour burden of 29,890 hours and a cost burden of $5,963,400.

The proposed rule would revise § 4041.29 to provide plan administrators of plans terminating in a standard termination the option of more time to complete a PBGC Form 501. PBGC estimates up to 5 minutes of time—for those plan administrators who would choose this option—to review the instructions and send an email to PBGC's standard termination filings email address to certify that distributions have been made timely. There is no change in the information requirements contained in the PBGC Form 501.

PBGC estimates that approximately 25 percent of standard termination filers per year would choose this option. With a projected average increase in standard terminations over the current inventory, the total additional average hourly burden for this information collection would be approximately 31 hours (25 percent of 1,503 plans = 375 plans × 5 minutes per plan (0.083 hours) = 31 hours). While PBGC projects this minimal additional time to review and send an email under the proposed new option, overall compliance for plan administrators would be eased by extending the time to file.

Premium Rates Regulation

The collection of information with respect to premiums is approved under control number 1212–0009 (expires June 30, 2021). PBGC's Comprehensive Premium Filing Instructions would be updated to reflect the changes made by the proposed rule to the premium provisions. The updates incorporated in the instructions would replace existing language and therefore would not create additional filing burden.

List of Subjects

29 CFR Part 4001

Business and industry, Organization and functions (Government agencies), Pension insurance, Pensions, Small businesses.

29 CFR Part 4006

Employee benefit plans, Pension insurance.

29 CFR Part 4010

Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4041

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4043

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, PBGC proposes to amend 29 CFR parts 4001, 4006, 4010, 4041, and 4043 as follows:

PART 4001—TERMINOLOGY

■ 1. The authority citation for part 4001 continues to read as follows:

Authority: 29 U.S.C. 1301, 1302(b)(3).

■ 2. Amend § 4001.2 by adding in alphabetical order, the definitions ''U.S. entity'' and ''Ultimate parent'' to read as follows:

§ 4001.2 Definitions.

* * * * *

U.S. entity means an entity subject to the personal jurisdiction of the U.S. district courts.

Ultimate parent means the parent at the highest level in the chain of corporations and/or other organizations constituting a parent-subsidiary controlled group.

* * * * *

PART 4006—PREMIUM RATES

■ 3. The authority citation for part 4006 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

■ 4. Amend § 4006.4 by revising paragraph (f) to read as follows:

§ 4006.4 Determination of unfunded vested benefits.

* * * * *

(f) *Plans to which special funding rules apply.* The following statutory provisions are disregarded for purposes of determining unfunded vested benefits (whether the standard premium funding target or the alternative premium funding target is used):

(1) Section 402(b) of the Pension Protection Act of 2006, Public Law 109–280, dealing with certain frozen plans of commercial passenger airlines and airline caterers.

(2) Section 306 of ERISA and section 433 of the Code, dealing with certain defined benefit pension plans maintained by certain cooperatives and charities.

■ 5. In § 4006.5:

■ a. Revise paragraphs (a) and (a)(3);

■ b. Redesignate paragraph (a)(4) as paragraph (a)(5);

■ c. Add a new paragraph (a)(4); and

■ d. Revise paragraphs (e) and (f)(3).

The revisions and addition read as follows:

§ 4006.5 Exemptions and special rules.

(a) *Variable-rate premium exemptions.* A plan described in any of paragraphs (a)(1) through (5) of this section is not required to determine or report its unfunded vested benefits under § 4006.4 and does not owe a variable-rate premium under § 4006.3(b).

* * * * *

(3) *Certain plans completing a standard termination.* A plan is described in this paragraph if it—

(i) Makes a final distribution of assets in a standard termination during the premium payment year, and

(ii) Did not engage in a spinoff during the premium payment year, unless the spinoff is de minimis pursuant to the regulations under section 414(l) of the Code.

(4) *Certain plans in the process of completing a standard termination initiated in a prior year.* A plan is described in this paragraph if—

(i) The plan administrator has issued notices of intent to terminate the plan in a standard termination in accordance with section 4041(a)(2) of ERISA;

(ii) The proposed termination date set forth in the notice of intent to terminate is before the beginning of the premium payment year; and

(iii) The plan ultimately makes a final distribution of plan assets in conjunction with the plan termination.

* * * * *

(e) *Participant count date; certain transactions.* (1) The participant count date of a plan described in paragraph (e)(2) or (3) of this section is the first day of the premium payment year.

(2) With respect to a transaction where some, but not all, of the assets and liabilities of one plan (the ''transferor plan'') are transferred into another plan (the ''transferee plan'')—

(i) The transferor plan if the spinoff is not de minimis and is effective at the beginning of the transferor plan's premium payment year; and

(ii) The transferee plan if the transferor plan meets the criteria in paragraph (e)(2)(i) of this section and the transfer occurs at the beginning of the transferee plan's premium payment year.

(3) With respect to a merger effective at the beginning of the premium payment year, the transferee plan if—

(i) The merger is not de minimis; or

(ii) The assets of the transferee plan immediately before the merger are less than the total assets transferred to the transferee plan in the merger.

(4) For purposes of this paragraph (e), ''de minimis'' has the meaning described in regulations under section 414(l) of the Code (for single-employer plans) or in part 4231 of this chapter (for multiemployer plans).

(f) * * *

(3) *Distribution of assets.* The plan's assets (other than any residual assets under section 4044(d) of ERISA) are distributed pursuant to the plan's termination, but only if the plan did not engage in a spinoff during the plan year, unless the spinoff is de minimis pursuant to the regulations under section 414(l) of the Code.

* * * * *

PART 4010—ANNUAL FINANCIAL AND ACTUARIAL INFORMATION REPORTING

■ 6. The authority citation for part 4010 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1310.

■ 7. In § 4010.2:

■ a. Amend the introductory text by removing ''and'' and adding at the end of the sentence '', ultimate parent, and U.S. entity''.

■ b. Add, in alphabetical order, the definition ''Foreign entity'' to read as follows:

§ 4010.2 Definitions.

* * * * *

Foreign entity means a member of a controlled group that—

(1) Is not a contributing sponsor of a plan;

(2) Is not organized under the laws of (or, if an individual, is not a domiciliary of) any state (as defined in section 3(10) of ERISA); and

(3) For the fiscal year that includes the information year, meets one of the following tests—

(i) Is not required to file any United States Federal income tax form;

(ii) Has no income reportable on any United States Federal income tax form other than passive income not exceeding $1,000; or

(iii) Does not own substantial assets in the United States (disregarding stock of a member of the plan's controlled group) and is not required to file any quarterly United States income tax returns for employee withholding.

* * * * *

■ 8. Amend § 4010.4 by revising paragraph (e) to read as follows:

§ 4010.4 Filers.

* * * * *

(e) *Certain plans to which special funding rules apply.* Except for purposes of determining the information to be submitted under § 4010.8(h) (in connection with the actuarial valuation report), the following statutory provisions are disregarded for purposes of this part:

(1) Section 402(b) of the Pension Protection Act of 2006, Public Law 109–280, dealing with certain frozen plans of commercial passenger airlines and airline caterers.

(2) Section 306 of ERISA and section 433 of the Code, dealing with certain defined benefit pension plans maintained by certain cooperatives and charities.

■ 9. Amend § 4010.7 by revising paragraph (a) to read as follows:

§ 4010.7 Identifying information.

(a) *Filers.* Each filer is required to provide, in accordance with the instructions on PBGC's website, *http://www.pbgc.gov,* the following identifying information with respect to each member of the filer's controlled group (excluding exempt entities)—

(1) *Current members; individual member information.* For each entity that is a member of the controlled group as of the end of the filer's information year—

(i) The name, address, and telephone number of the entity;

(ii) The nine-digit Employer Identification Number (EIN) assigned by the IRS to the entity (or if there is no EIN for the entity, an explanation); and

(iii) If the entity became a member of the controlled group during the information year, the date the entity became a member of the controlled group.

(2) *Current members; legal relationships of members.* If, as of the end of the filer's information year, the filer's controlled group consists of—

(i) More than ten members, an organization chart or other diagram showing the members of the filer's controlled group as of the end of the filer's information year and the legal relationships of the members to each other.

(ii) Ten or fewer members, the legal relationship of each entity to the plan sponsor (for example, parent, subsidiary).

(3) *Former members.* For any entity that ceased to be a member of the controlled group during the filer's information year, the date the entity ceased to be a member of the controlled group and the identifying information required by paragraph (a)(1) of this section as of the day before the entity left the controlled group.

* * * * *

■ 10. Amend § 4010.8 by revising paragraphs (d)(2) and (3) to read as follows:

§ 4010.8 Plan actuarial information.

* * * * *

(d) * * *

(2) *Actuarial assumptions and methods.* The value of benefit liabilities must be determined using the rules in paragraphs (d)(2)(i) through (iii) of this section.

(i) *Benefits to be valued.* Benefits to be valued include all benefits earned or accrued under the plan as of the end of the plan year ending within the information year and other benefits payable from the plan including, but not limited to, ancillary benefits and retirement supplements, regardless of whether such benefits are protected by the anti-cutback provisions of section 411(d)(6) of the Code.

(ii) *Actuarial assumptions.* The value of benefit liabilities must be determined using the actuarial assumptions described in the following table:

TABLE 1 TO PARAGRAPH (d)(2)(ii)

Actuarial assumptions table to paragraph (d)(2)(ii) of this section

Assumptions:	As prescribed in accordance with	
Interest	§ 4044.52(a).	
Form of payment	§ 4044.51.	
Expenses	§ 4044.52(d).	
Decrements:		
• Mortality	§ 4044.53.	
• Retirement	§§ 4044.55–4044.57.	
• Other (*e.g.,* turnover, disability)	Either Option 1 or Option 2—	
	Option 1: Disregard (*i.e.,* assume 0% probability of decrements other than mortality or retirement occurring).	*Option 2:* Use the same assumptions as used to determine the minimum required contribution under section 303 of ERISA and section 430 of the Code for the plan year ending within the filer's information year. If there is no distinction between termination and retirement assumptions, reflect only rates for ages before the Earliest PBGC Retirement Date (as defined in § 4022.10 of this chapter).
Cash balance plan account conversions	Section 204(b)(5)(B)(vi) of ERISA and section 411(b)(5)(B)(vi) of the Code (which deal with the interest crediting rate and annuity conversion rates), as if the plan terminated on the last day of the plan year ending within the filer's information year.	

(iii) *Future service.* Future service expected to be accrued by an active participant in an ongoing plan during future employment (based on the assumptions used to determine benefit liabilities) must be included in determining the earliest and unreduced retirement ages used to determine the expected retirement age and in determining an active participant's entitlement to early retirement subsidies and supplements at the expected retirement age. See the examples in paragraph (e) of this section.

(3) *Special actuarial assumptions for exempt plan determination.* Solely for purposes of determining whether a plan is an exempt plan for an information year, the value of benefit liabilities may be determined by substituting the retirement age assumptions in paragraph (d)(2) of this section for the retirement age assumptions used by the plan for minimum funding purposes for the plan year ending within the information year without regard to the at-risk assumptions of section 303(i) of ERISA and section 430(i) of the Code.

* * * * *

■ 11. Amend § 4010.9 by removing ''Web site'' and adding in its place ''website'' in paragraph (a) and revising paragraphs (b), (d), and (e) to read as follows:

§ 4010.9 Financial information.

* * * * *

(b) *Consolidated financial statements.* If the financial information of a controlled group member is combined with the information of other group members in consolidated financial statements, a filer may provide the following financial information in lieu of the information required in paragraph (a) of this section—

(1) The audited consolidated financial statements for the controlled group for the filer's information year or, if the audited consolidated financial statements are not available by the date specified in § 4010.10(a), unaudited consolidated financial statements for the fiscal year ending within the information year; and

(2) If the ultimate parent of the controlled group is a foreign entity, financial information on the U.S. entities (other than an exempt entity) that are members of the controlled group. The information required by this paragraph (b)(2) may be provided in the form of consolidated financial statements if the financial information of each controlled group member that is a U.S. entity is combined with the information of other group members that are U.S. entities. Otherwise, for each U.S. entity that is a controlled group member, provide the financial information required in paragraph (a) of this section.

* * * * *

(d) *Submission of public information.* If any of the financial information required by paragraphs (a) through (c) of this section is publicly available, the filer, in lieu of submitting such information to PBGC, may include a statement with the other information that is submitted to PBGC indicating when such financial information was made available to the public and where PBGC may obtain it (including the URL and title of the web page if applicable). For example, if the controlled group member has filed audited financial statements with the Securities and Exchange Commission, it need not file the financial statements with PBGC but instead can identify the SEC filing and the URL and title of the SEC web page where the filing can be retrieved as part of its submission under this part.

(e) *Inclusion of information about non-filers and exempt entities.* Consolidated financial statements provided pursuant to paragraph (b) of this section may include financial information of persons who are not controlled group members (*e.g.,* joint ventures) or are exempt entities.

■ 12. In § 4010.11:

■ a. Revise paragraphs (a) and (a)(1);

■ b. Add ''on the last day of the information year'' after the words ''controlled group'' in the first sentence in paragraph (b)(1);

■ c. Redesignate paragraph (d) as paragraph (e); and

■ d. Add a new paragraph (d).

The revisions and addition read as follows:

§ 4010.11 Waivers.

(a) *Aggregate funding shortfall not in excess of $15 million waiver.* Unless reporting is required by § 4010.4(a)(2) or (3), reporting is waived for a person (that would be a filer if not for the waiver) for an information year if, for the plan year ending within the information year, the aggregate 4010 funding shortfall for all plans (including any exempt plans) maintained by the person's controlled group on the last day of the information year (disregarding those plans with no 4010 funding shortfall) does not exceed $15 million, as determined under paragraphs (a)(1) and (2) of this section.

(1) *4010 funding shortfall; in general.* A plan's 4010 funding shortfall for a plan year equals the funding shortfall for the plan year as provided under section 303(c)(4) of ERISA and section 430(c)(4) of the Code, with the following exceptions:

(i) The funding target used to calculate the 4010 funding shortfall is determined without regard to the interest rate stabilization provisions of section 303(h)(2)(C)(iv) of ERISA and section 430(h)(2)(C)(iv) of the Code, and except for a plan that is in at-risk status for minimum funding purposes for the plan year ending within the filer's information year, without regard to the rules in section 303(i)(1) of ERISA and section 430(i)(1) of the Code.

(ii) The value of plan assets used to calculate the 4010 funding shortfall is determined without regard to the reduction under section 303(f)(4)(B) of ERISA and section 430(f)(4)(B) of the Code (dealing with reduction of assets by the amount of prefunding and funding standard carryover balances).

* * * * *

(d) *4010 funding target attainment percentage below 80 percent because of late election to waive a funding balance.* If reporting is required solely under § 4010.4(a)(1), reporting is waived for a person (that would be a filer if not for the waiver) for an information year if, for the plan year ending within the information year, for any plan (including an exempt plan) maintained by the members of the contributing sponsor's controlled group with a 4010 funding target attainment percentage below 80 percent, each such plan—

(1) Would have had a 4010 funding target attainment percentage for that plan year of 80 percent or more if a timely election to reduce a funding balance pursuant to section 303(f)(5) of ERISA and section 430(f)(5) of the Code had been made; and

(2) Such an election was made after the applicable deadline and before the due date of the 4010 filing.

* * * * *

PART 4041—TERMINATION OF SINGLE-EMPLOYER PLANS

■ 13. The authority citation for part 4041 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344, 1350.

■ 14. Revise § 4041.29 to read as follows:

§ 4041.29 Post-distribution certification.

(a) *Filing requirement.* The plan administrator must either—

(1) Within 30 days after the last distribution date for any affected party, file with PBGC a post-distribution certification (PBGC Form 501), completed in accordance with the instructions thereto; or

(2)(i) Within 30 days after the last distribution date for any affected party, certify to PBGC, in the manner prescribed in the instructions to PBGC Form 501, that the plan assets have been distributed as required, and

(ii) Within 60 days after the last distribution date for any affected party, file a post-distribution certification (PBGC Form 501), completed in accordance with the instructions thereto.

(b) *Assessment of penalties.* PBGC will assess a penalty for a late filing under paragraph (a) of this section only to the extent the completed PBGC Form 501 is filed more than 90 days after the distribution deadline (including extensions) under § 4041.28(a).

■ 15. Amend § 4041.30 by revising paragraph (d)(2) to read as follows:

§ 4041.30 Requests for deadline extensions.

* * * * *

(d) * * *

(2) *Post-distribution deadlines.* Extend the filing deadline under § 4041.29(a).

PART 4043—REPORTABLE EVENTS AND CERTAIN OTHER NOTIFICATION REQUIREMENTS

■ 16. The authority citation for part 4043 continues to read as follows:

Authority: 29 U.S.C. 1083(k), 1302(b)(3), 1343.

§ 4043.2 [Amended]

■ 17. Amend § 4043.2 by removing ''and'' and adding in its place '',

ultimate parent, and U.S. entity'' in the introductory text, and removing the definition ''*U.S. entity.*''

§ 4043.3 [Amended]

■ 18. Amend § 4043.3(c) by removing ''Web site'' and adding in its place ''website''.

§ 4043.9 [Amended]

■ 19. Amend § 4043.9(e)(2)(i) by adding ''third party'' after ''available''.

■ 20. Revise § 4043.23 to read as follows:

§ 4043.23 Active participant reduction.

(a) *Reportable event.* A reportable event occurs for a plan:

(1) *Single-cause event.* (i) On each date in a plan year when, as a result of a new single cause, the ratio of the aggregate number of individuals who ceased to be active participants because of that single-cause, to the number of active participants at the beginning of such plan year, exceeds 20 percent.

(ii) Examples of single-cause events include a reorganization or restructuring, the discontinuance of an operation or business, a natural disaster, a mass layoff, or an early retirement incentive program.

(2) *Attrition event.* At the end of a plan year if the sum of the number of active participants covered by the plan at the end of such plan year, plus the number of individuals who ceased to be active participants during the same plan year that are reported to PBGC under paragraph (a)(1) of this section, is less than 80 percent of the number of active participants at the beginning of such plan year.

(b) *Determination rules*—(1) *Determination dates.* The number of active participants at the beginning of a plan year may be determined by using the number of active participants at the end of the previous plan year, and the number of active participants at the end of a plan year may be determined by using the number of active participants at the beginning of the next plan year.

(2) *Active participant.* ''Active participant'' means a participant who—

(i) Is receiving compensation from any member of the plan's controlled group for work performed for any member of the plan's controlled group;

(ii) Is on paid or unpaid leave granted for a reason other than a layoff;

(iii) Is laid off from work for a period of time that has lasted less than 30 days; or

(iv) Is absent from work due to a recurring reduction in employment that occurs at least annually.

(3) *Employment relationship.* For purposes of determining whether a participant is an active participant, a participant does not cease to be active if the person leaves employment with one member of a plan's controlled group to become employed by another controlled group member.

(c) *Reductions due to cessations and withdrawals.* For purposes of paragraph (a) of this section, a reduction in the number of active participants is to be disregarded to the extent that it—

(1) Is attributable to an event described in sections 4062(e) or 4063(a) of ERISA, and

(2) Is timely reported to PBGC under section 4062(e) and/or section 4063(a) of ERISA prior to the timely filing of the notice required by paragraph (a) of this section.

(d) *Waivers*—(1) *Small plan.* Notice under this section is waived if the plan had 100 or fewer participants for whom flat-rate premiums were payable for the plan year preceding the event year.

(2) *Low-default-risk.* Notice under this section is waived if each contributing sponsor of the plan and the highest level U.S. parent of each contributing sponsor are low-default-risk on the date of the event.

(3) *Well-funded plan.* Notice under this section is waived if the plan is in the well-funded plan safe harbor for the event year.

(4) *Public company.* Notice under this section is waived if any contributing sponsor of the plan before the transaction is a public company and the contributing sponsor timely files a SEC Form 8–K disclosing the event under an item of the Form 8–K other than under Item 2.02 (Results of Operations and Financial Condition) or in financial statements under Item 9.01 (Financial Statements and Exhibits).

(5) *Statutory events.* Notice is waived for an active participant reduction event described in section 4043(c)(3) of ERISA except to the extent required under this section.

(e) *Extension—attrition event.* For an event described in paragraph (a)(2) of this section, the notice date is extended until the premium due date for the plan year following the event year.

(f) *Examples*—(1) *Determining whether a single-cause event occurred (Example 1).* A calendar-year plan had 1,000 active participants at the beginning of the current plan year. As the result of a business unit being shut down, 160 participants are permanently laid off on July 30. Prior to July 30, and as part of the course of regular business operations, some active participants terminated employment, some retired and some new hires became covered by the plan. Because reductions due to attrition are disregarded for purposes of determining whether a single-cause event has occurred, it is not necessary for the sponsor to tabulate an exact active participant count as of July 30. Rather, the relevant percentage for determining whether a single-cause event occurred is determined by dividing the number of active participants laid-off as a result of the business unit shut down to the beginning of year active participant count. Because that ratio is less than 20 percent (*i.e.,* 160/1,000 = .16, or 16 percent), a single-cause event under paragraph (a)(1) of this section did not occur on July 30. However, if, as a result of the business unit shutdown, additional layoffs occur later in the same year, a single-cause event may subsequently be triggered (See Example 3).

(2) *Determining whether an attrition event occurred in year when a single-cause event occurred (Example 2).*—(i) Assume the same facts as in Example 1 except that the number of active participants laid off on July 30 was 230 and thus, a single-cause event occurred. Further, assume that the event was timely reported to PBGC (*i.e.,* on or before August 30). Lastly, assume the active participant count as of year-end is 600.

(ii) To prevent duplicative reporting (*i.e.,* to ensure that the participants who triggered a single-cause reporting requirement do not also trigger an attrition event), the 230 participants who triggered that single-cause reporting requirement are not taken into account for purposes of determining whether an attrition event occurred. This is accomplished by increasing the year-end count by 230. Therefore, the applicable percentage for the attrition determination is 83 percent (*i.e.,* (600 + 230)/1,000 = .83). Because 83 percent is greater than 80 percent, an attrition event has not occurred.

(3) *Single-cause event spread out over multiple dates (Example 3).* (i) Assume the same facts as in Example 1 except that the layoffs resulting from the business unit shut down are spread out over several months. The following table summarizes the applicable calculations:

TABLE 1 TO PARAGRAPH (f)(3)

Single-cause event spread out over multiple dates			
Date	Number laid-off	Aggregate reduction	Applicable percentage
February 1	50	50	50/1,000 = 5 percent.
May 15	50	100	100/1,000 = 10 percent.
September 1	110	210	210/1,000 = 21 percent.
November 1	40	250	250/1,000 = 25 percent.

(ii) A single-cause event occurs on September 1 because that is the first time the applicable percentage exceeds 20 percent. This event must be reported by October 1. The November 1 layoff does not trigger a subsequent single-cause event because the layoff does not amount to an additional 20 percent decline in active participants. However, they will be considered in the determination of whether an attrition event occurs at year-end as explained in paragraph (f)(3)(iii) of this section.

(iii) As illustrated in paragraph (f)(2) of this section (Example 2), for purposes of determining whether an attrition event has occurred, the year-end count is increased by the number of participants that triggered a single-cause event. In this case, that number is 210. The fact that an additional 40 active participants were laid off as a result of the business unit shut down after the single-cause event occurred does not affect the calculation because it was not already reported to PBGC. For example, if the year-end active participant count is 560, the number that gets compared to the beginning-of-year active participant count is 770 (*i.e.,* 560 + 210 = 770). Because 770 is less than 80 percent of 1,000, an attrition event has occurred and must be reported.

(4) *Multiple single-cause events in same plan year (Example 4).* Assume the same facts as in Example 1 except that the July 30 shutdown of the business unit resulted in 205 layoffs on that date. A single-cause event occurred and is timely reported. Later in the same plan year, the company announces an early retirement incentive program and 210 employees participate in the program with the last employees participating in the program retiring on November 15 of the plan year. A new single-cause event has occurred as of November 15 resulting in a reporting obligation of the active participant reduction due to the retirement incentive program (210/1,000 = 21 percent).

■ 21. Amend § 4043.26 by revising paragraph (a)(1) to read as follows:

§ 4043.26 Inability to pay benefits when due.

(a) * * *

(1) *Current inability.* A plan is currently unable to pay benefits if it fails to provide any participant or beneficiary the full benefits to which the person is entitled under the terms of the plan, at the time the benefit is due and in the form in which it is due. A plan is not treated as being currently unable to pay benefits if its failure to pay is caused solely by—

(i) A limitation under section 436 of the Code and section 206(g) of ERISA (dealing with funding-based limits on benefits and benefit accruals under single-employer plans),

(ii) The need to verify a person's eligibility for benefits,

(iii) The inability to locate a person, or

(iv) Any other administrative delay, to the extent that the delay is for less than the shorter of two months or two full benefit payment periods.

* * * * *

§ 4043.29 Change in contributing sponsor or controlled group.

■ 22. Amend § 4043.29 by revising paragraphs (a) and (c) to read as follows:

(a) *Reportable event.* (1) A reportable event occurs for a plan when there is a transaction that results, or will result, in one or more persons' ceasing to be a—

(i) Contributing sponsor of the plan, or

(ii) Member of the plan's controlled group (other than by merger involving members of the same controlled group).

(2) For purposes of this section, the term ''transaction'' includes, but is not limited to, a legally binding agreement, whether or not written, to transfer ownership, an actual transfer of ownership, and an actual change in ownership that occurs as a matter of law or through the exercise or lapse of pre-existing rights. Whether an agreement is legally binding is to be determined without regard to any conditions in the agreement. A transaction that does not involve a change in contributing sponsor described in this paragraph (a) is not reportable if it will result solely in a reorganization involving a mere change in identity, form, or place of organization, however effected.

* * * * *

(c) *Examples.* The following examples assume that no waiver applies.

(1) *Controlled group breakup.* Company A (the contributing sponsor of Plan A), and Company B (the contributing sponsor of Plan B) are in the same controlled group with Parent Company AB. On March 31, Parent Company AB and Company C enter into an agreement to sell the stock of Company B to Company C, a company outside of the controlled group. The transaction will close on August 31 and Company B will continue to maintain Plan B. Both Company A (Plan A's contributing sponsor) and the plan administrator of Plan A are required to report that Company B will leave Plan A's controlled group. Company B (Plan B's contributing sponsor) and the plan administrator of Plan B are required to report that Company A and Parent Company AB are no longer part of Plan B's controlled group. Both reports are due on April 30, 30 days after they entered into the agreement to sell Company B.

(2) *Change in contributing sponsor.* Plan Q is maintained by Company Q. Company Q enters into a binding contract to sell a portion of its assets and to transfer employees participating in Plan Q, along with Plan Q, to Company R, which is not a member of Company Q's controlled group. There will be no change in the structure of Company Q's controlled group. On the effective date of the sale, Company R will become the contributing sponsor of Plan Q. A reportable event occurs on the date of the transaction (*i.e.,* the date the binding contract was executed), because as a result of the transaction, Company Q (and any other member of its controlled group) will cease to be a member of Plan Q's controlled group. The event is not reported before the notice date. If on the notice date the change in the contributing sponsor has not yet become effective, Company Q has the reporting obligation. If the change in the contributing sponsor has become effective by the notice date, Company R has the reporting obligation.

(3) *Dissolution of controlled group member.* Company A (which maintains Plan A) and Company B are in the same

controlled group with Parent Company AB. Pursuant to an asset sale agreement, Company B sells its assets to a company outside of the controlled group. After the sale, Company B will be dissolved and no longer operating. Since Company B will no longer be a member of Plan A's controlled group, a reportable event occurs on the date Company B enters into the asset sale agreement. Note that this event may also be required to be reported as a liquidation event under 29 CFR 4043.30.

(4) *Merger of controlled group members.* Company A (which maintains Plan A) and Company B are in the same controlled group with Parent Company AB. Parent Company AB decides to merge the operations of Company B into Company A. Although Company B will no longer be a member of Plan A's controlled group, no report is due given Company B is merging with Company A.

■ 23. Revise § 4043.30 to read as follows:

§ 4043.30 Liquidation.

(a) *Reportable event.* A reportable event occurs for a plan when a member of the plan's controlled group—

(1) Resolves to cease all revenue-generating business operations, sell substantially all its assets, or otherwise effect or implement its complete liquidation (including liquidation into another controlled group member) by decision of the member's board of directors (or equivalent body such as the managing partners or owners) or other actor with the power to authorize such cessation of operations, sale, or a liquidation, unless the event would be reported under paragraph (a)(2) or (3) of this section;

(2) Institutes or has instituted against it a proceeding to be dissolved or is dissolved, whichever occurs first; or

(3) Liquidates in a case under the Bankruptcy Code, or under any similar law.

(b) *Waivers*—(1) *De minimis 10-percent segment.* Notice under this section is waived if the person or persons that liquidate under paragraph (a) of this section do not include any contributing sponsor of the plan and represent a de minimis 10-percent segment of the plan's controlled group for the most recent fiscal year(s) ending on or before the date the reportable event occurs.

(2) *Foreign entity.* Notice under this section is waived if each person that liquidates under paragraph (a) of this section is a foreign entity other than a foreign parent.

(3) *Reporting under insolvency event.* Notice under this section is waived if reporting is also required under § 4043.35(a)(3) or (4) and notice has been provided to PBGC for the same event under that section.

(c) *Public company extension.* If any contributing sponsor of the plan is a public company, notice under this section is extended until the earlier of—

(i) The date the contributing sponsor timely files a SEC Form 8–K disclosing the event under an item of the Form 8–K other than under Item 2.02 (Results of Operations and Financial Condition) or in financial statements under Item 9.01 (Financial Statements and Exhibits); or

(ii) The date when a press release with respect to the liquidation described under paragraph (a) of this section is issued.

(d) *Examples*—(1) *Liquidation within a controlled group.* Plan A's controlled group consists of Company A (its contributing sponsor), Company B, Company Q (the parent of Company A and Company B). Company B represents the most significant portion of cash flow for the controlled group. Company B experiences an unforeseen event that negatively impacts operations and results in an increase in debt. The controlled group liquidates Company B by ceasing all operations, settling its debts, and merging any remaining assets into Company Q. (For purposes of this example, it does not matter under which subparagraph of paragraph (a) of this section reporting is triggered). The transaction is to be treated as a tax-free liquidation for tax purposes. Both Company A (Plan A's contributing sponsor) and the plan administrator of Plan A are required to report that Company B will liquidate within the controlled group.

(2) *Cessation of Operations.* Plan A is sponsored by Company A. The owners of Company A decide to cease all revenue-generating operations. Certain administrative employees will wind down the business and continue to be employed until the wind down is complete, which could take several months. Company A is required to report a liquidation reportable event 30 days after the decision is made to cease all revenue-generating operations.

(3) *Sale of Assets.* Plan A is sponsored by Company A. In a meeting of the Board of Directors of Company A, the Board resolves to sell all the assets of Company A to Company B. Under the asset sale agreement with Company B, Company B will not assume Plan A; Company A expects to undertake a standard termination of Plan A. Company A is required to report a liquidation event 30 days after the Board resolved to sell the assets of Company A.

■ 24. Amend § 4043.35 by adding paragraph (b)(3) to read as follows:

§ 4043.35 Insolvency or similar settlement.

* * * * *

(b) * * *

(3) *Liquidation event.* Notice under paragraph (a)(3) or (4) of this section is waived if reporting is also required under § 4043.30 and notice has been provided to PBGC for the same event under that section.

§ 4043.81 [Amended]

■ 25. Amend § 4043.81 by removing paragraph (c).

Issued in Washington, DC by.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0125; FRL–9995–69–Region 5]

Air Plan Approval; Ohio; Revisions to NO_X SIP Call and CAIR Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve under the Clean Air Act (CAA) a request from the Ohio Environmental Protection Agency (Ohio EPA) to revise the Ohio State Implementation Plan (SIP) to incorporate revisions to Ohio Administrative Code (OAC) Chapter 3745–14 regarding the Nitrogen Oxides (NO_X) SIP Call and the removal of OAC Chapter 3745–109 regarding the Clean Air Interstate Rule (CAIR). This SIP revision would ensure continued compliance by Electric Generating Units (EGUs) and large non-EGUs with the requirements of the NO_X SIP Call.

DATES: Comments must be received on or before July 29, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0125 at *https://www.regulations.gov,* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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 *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, *svingen.eric@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. What is the background of this SIP submission?
II. What is EPA's analysis of this SIP submission?
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is the background of this SIP submission?

Under CAA section 110(a)(2)(D)(i)(I), called the good neighbor provision, states are required to address interstate transport of air pollution. Specifically, the good neighbor provision provides that each state's SIP must contain provisions prohibiting emissions from within that state from contributing significantly to nonattainment of the National Ambient Air Quality Standards (NAAQS), or interfering with maintenance of the NAAQS, in any other state.

On October 27, 1998, EPA published the NO_X SIP Call, which required eastern states, including Ohio, to submit SIPs that prohibit excessive emissions of ozone season NO_X by implementing statewide emissions budgets (63 FR 57356). The NO_X SIP Call addressed the good neighbor provision for the 1979 ozone NAAQS and was designed to mitigate the impact of transported NO_X emissions, one of the precursors of ozone. EPA developed the NO_X Budget Trading Program, an allowance trading program that states could adopt to meet their obligations under the NO_X SIP Call. This trading program allowed certain sources to participate in a regional cap and trade program: EGUs with capacity greater than 25 megawatts; and large non-EGUs, such as boilers and turbines, with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr). The NO_X SIP Call also identified potential reductions from Portland cement kilns and stationary internal combustion engines. In fulfillment of the requirements of the NO_X SIP Call, Ohio EPA promulgated OAC Chapter 3745–14 which, among other things, required EGUs and large non-EGUs in the state to participate in the NO_X Budget Trading Program. On August 5, 2003, EPA published an action approving this initial version of OAC Chapter 3745–14 into the Ohio SIP (68 FR 46089). EPA has subsequently approved revised portions of OAC Chapter 3745–14 into the SIP, with the most recent revision published on November 14, 2013 (78 FR 68367).

On May 12, 2005, EPA published CAIR, which required eastern states, including Ohio, to submit SIPs that prohibited emissions consistent with annual and ozone season NO_X budgets and annual sulfur dioxide (SO_2) budgets (70 FR 25152). CAIR addressed the good neighbor provision for the 1997 ozone NAAQS and 1997 fine particulate matter ($PM_{2.5}$) NAAQS and was designed to mitigate the impact of transported NO_X emissions, a precursor of ozone as well as $PM_{2.5}$, as well as transported SO_2 emissions, another precursor of $PM_{2.5}$. Like the NO_X SIP Call, CAIR also established several trading programs that states could use as mechanisms to comply with the budgets. When the CAIR trading program for ozone season NO_X was implemented beginning in 2009, EPA discontinued administration of the NO_X Budget Trading Program, but the requirements of the NO_X SIP Call continued to apply. To meet the requirements of CAIR, Ohio EPA promulgated OAC Chapter 3745–109, which required EGUs to participate in the CAIR annual SO_2 and annual and ozone season NO_X trading programs. Participation by EGUs in the CAIR trading program for ozone season NO_X addressed the state's obligation under the NO_X SIP Call for those units. Ohio EPA also opted to incorporate large non-EGUs previously regulated under OAC Chapter 3745–14 into OAC Chapter 3745–109, to meet the obligations of the NO_X SIP Call with respect to those units through the CAIR trading program as well. On September 25, 2009, EPA published an action approving OAC Chapter 3745–109 into the Ohio SIP (74 FR 48857).

The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR in 2008, but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina* v. *EPA,* 531 F.3d 896, modified, 550 F.3d 1176 (2008). The ruling allowed CAIR to remain in effect temporarily until a replacement rule consistent with the court's opinion was developed. While EPA worked on developing a replacement rule, the CAIR program continued as planned with the NO_X annual and ozone season programs beginning in 2009 and the SO_2 annual program beginning in 2010.

On August 8, 2011, acting on the D.C. Circuit's remand, EPA published the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and to address the good neighbor provision for the 1997 ozone NAAQS, the 1997 $PM_{2.5}$ NAAQS, and the 2006 $PM_{2.5}$ NAAQS (76 FR 48208). Through Federal Implementation Plans (FIPs), CSAPR required EGUs in eastern states, including Ohio, to meet annual and ozone season NO_X budgets and annual SO_2 budgets implemented through new trading programs. CSAPR also contained provisions that would sunset CAIR-related obligations on a schedule coordinated with the implementation of the CSAPR compliance requirements. Participation by a state's EGUs in the CSAPR trading program for ozone season NO_X generally addressed the state's obligation under the NO_X SIP Call for EGUs. However, CSAPR did not initially contain provisions allowing states to incorporate large non-EGUs into that trading program to meet the requirements of the NO_X SIP Call for non-EGUs.

CSAPR was intended to become effective January 1, 2012; however, the timing of CSAPR's implementation was impacted by subsequent litigation in which the D.C. Circuit stayed implementation of the rule pending judicial review. *See* Per Curium Order, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (December 30, 2011), ECF No. 1350421. After subsequent litigation,[1] the court granted EPA's

[1] *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 31 (D.C. Cir. 2012) (*EME Homer City I*) (vacating and remanding CSAPR); *EPA* v. *EME Homer City Generation,* L.P. 572 U.S. 489 (2014) (reversing the D.C. Circuit decision and remanding for further proceedings).

motion to lift the stay [2] and, on December 3, 2014, EPA issued an interim final rule, setting the updated effective date of CSAPR as January 1, 2015 (79 FR 71663). In accordance with the interim final rule, EPA stopped administering the CAIR trading programs with respect to emissions occurring after December 31, 2014, and EPA began implementing CSAPR on January 1, 2015.[3]

On October 26, 2016, EPA published the CSAPR Update, which established a new ozone season NO_X trading program for EGUs in eastern states, including Ohio, to address the good neighbor provision for the 2008 ozone NAAQS (81 FR 74504). As under CSAPR, participation by a state's EGUs in the new CSAPR trading program for ozone season NO_X generally addressed the state's obligation under the NO_X SIP Call for EGUs. The CSAPR Update also expanded options available to states for meeting NO_X SIP Call requirements for large non-EGUs by allowing states to incorporate those units into the new trading program.

After evaluating the various options available following CSAPR Update, Ohio EPA chose to meet the ongoing NO_X SIP Call requirements for existing and new large non-EGUs by modifying its existing regulations at OAC Chapter 3745–14 to make the portion of the budget assigned to large non-EGUs under that program enforceable without an allowance trading mechanism.

Specifically, while Ohio rescinded portions of its NO_X Budget Trading Program rules under OAC Chapter 3745–14 pertaining to individual unit allowance allocations and trading, the state retained and amended the provisions of those rules pertaining to applicability, the statewide emissions budgets for EGUs and large non-EGUs, and monitoring and reporting under 40 CFR part 75. Ohio also retained a provision of the trading program rules exempting EGUs covered by a more recent ozone season NO_X trading program from coverage under the state's amended program, but updated the provision to base the exemption on participation in the CSAPR Update trading program for ozone season NO_X instead of the corresponding CAIR trading program. In addition, Ohio retained other rules under OAC Chapter 3745–14 addressing NO_X emissions from cement kilns and stationary internal combustion engines outside the NO_X Budget Trading Program. Finally, Ohio also rescinded its CAIR trading program rules in OAC Chapter 3745–109 in full.

As described in its February 5, 2018 submission, Ohio EPA invited public comments regarding its changes to OAC Chapter 3745–14 and OAC Chapter 3745–109. Ohio EPA received one supportive comment, as well as one adverse comment regarding Ohio's retention of part 75 monitoring requirements.

On March 8, 2019, EPA finalized updates to the NO_X SIP Call rules to allow states to meet the NO_X SIP Call's monitoring requirements using approaches other than part 75 monitoring (84 FR 8422). Ohio's February 5, 2018, submission predates EPA's updates to the NO_X SIP Call's monitoring requirements, and, therefore, does not include changes that allow its sources to meet the NO_X SIP Call's monitoring requirements using approaches other than part 75 monitoring. EPA is assisting Ohio EPA with preparing a revised submission that would make other monitoring approaches available to Ohio sources, and EPA will address such a submission in a future rulemaking.

II. What is EPA's analysis of this SIP submission?

Ohio's February 5, 2018 submission requests that EPA update Ohio's SIP to reflect the revised rules at OAC Chapter 3745–14 and the rescission of rules at OAC Chapter 3745–109. Additionally, this submission includes a demonstration under Section 110(l) of the CAA intended to show that this SIP revision does not interfere with any applicable CAA requirement.

A. Revised and Rescinded State Rules

Given EPA's replacement of CAIR with CSAPR and EPA's discontinuation of administration of the NO_X Budget Trading Program, Ohio updated its NO_X SIP Call rules at OAC Chapter 3745–14 to address the NO_X SIP Call's requirements with respect to existing and new large non-EGUs in a manner that does not rely on the administration of a trading program. Ohio also rescinded its CAIR rules at OAC Chapter 3745–109. Both sets of rule changes have a state-effective date of January 28, 2018. Ohio's February 5, 2018, submission includes a request that EPA approve these updated rules into its SIP.

The state regulations addressing the NO_X SIP Call were formerly established at OAC rules 3745–14–01 through 3745–14–12. Because EPA discontinued administration of this trading program in 2009, Ohio has rescinded certain portions of these rules that can no longer be implemented. Specifically, Ohio rescinded OAC rules 3745–14–02, 3745–14–05, 3745–14–06, 3745–14–07, 3745–14–09, and 3745–14–10 pertaining to individual unit allowance allocations, trading, opt-in, and other non-implementable provisions under the NO_X Budget Trading Program. However, for purposes of continued compliance with the requirements of the NO_X SIP Call, Ohio retained and amended OAC rules 3745–14–01, 3745–14–03, 3745–14–04, and 3745–14–08 pertaining to applicability, the statewide emissions budgets for EGUs and large non-EGUs, and part 75 monitoring and reporting under the former trading program. Ohio also retained OAC rules 3745–14–11 and 3745–14–12 regarding cement kilns and stationary internal combustion engines outside the former trading program. The state's amendments to OAC rule 3745–14–01 require Ohio EPA to ensure that the statewide budget for large non-EGUs will continue to be met in the absence of a trading program mechanism. Table 1 presents a summary of Ohio's revisions to OAC Chapter 3745–14.

TABLE 1—REVISIONS TO OAC CHAPTER 3745–14

Rule	Title	Action
3745–14–01	Definitions and General Provisions	Amended.
3745–14–02	The NO_X Authorized Account Representatives	Rescinded.
3745–14–03	The NO_X Budget Permit Requirements	Amended.
3745–14–04	Compliance Certification	Amended.
3745–14–05	NO_X Allowance Allocations	Rescinded.

[2] Per Curium Order, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014) ECF No. 1518738. The D.C. Circuit subsequently issued its decision on remand from the Supreme Court, largely affirming CSAPR but remanding certain states budgets to EPA for reconsideration. *EME Homer City Generation, L.P.* v. *EPA,* No. 795 F.3d 118 (*EME Homer City II*).

[3] EPA solicited comment on the interim final rule and subsequently issued a final rule affirming the amended compliance schedule after consideration of comments received. 81 FR 13275 (March 14, 2016).

TABLE 1—REVISIONS TO OAC CHAPTER 3745–14—Continued

Rule	Title	Action
3745–14–06	The NO_X Allowance Tracking System	Rescinded.
3745–14–07	NO_X Allowance Transfers	Rescinded.
3745–14–08	Monitoring and Reporting	Amended.
3745–14–09	NO_X Budget Opt-in Units	Rescinded.
3745–14–10	Alternative Compliance Plans	Rescinded.
3745–14–11	Portland Cement Kilns	No change.
3745–14–12	Stationary Internal Combustion Engines	No change.

Specifically, these amendments include: Moving the statewide NO_X budgets for large EGUs and large non-EGUs from OAC rule 3745–14–05, which is being rescinded, to OAC rule 3745–14–01; adding provisions requiring Ohio EPA to conduct an annual review to determine if the statewide budget for large non-EGUs is met, and providing procedures should the budget be exceeded; removing unit allowance allocation and trading provisions; specifying non-EGU NO_X budget units subject to OAC Chapter 3745–14; updating the applicability exception for EGUs to reference CSAPR instead of CAIR; removing the retired unit exemption, as it is no longer applicable; removing unnecessary definitions; adding a definition for ''designated representative''; replacing ''NO_X budget trading program'' with ''NO_X budget program'' to reflect the absence of trading; replacing ''NO_X Authorized Account Representative'' with ''designated representative'', the term used in part 75 monitoring; updating referenced material; eliminating requirements for a NO_X budget permit to be included as a complete and segregable portion of a title V or non-title V permit; requiring the owner or operator of a NO_X budget unit to submit an application for a title V or non-title V operating permit for each subject source; revising compliance certification provisions to remove unnecessary provisions; eliminating the requirement for the compliance certification to be submitted to EPA; updating monitoring and reporting provisions, most notably to remove unnecessary references to opt-in permits and early reduction credits; and eliminating NO_X budget opt-in provisions, as they are no longer applicable.

Further, the state's regulations for participation in the CAIR trading programs for SO_2 and annual and ozone season NO_X were formerly established at OAC Chapter 3745–109. Because EPA discontinued administration of the CAIR trading programs after 2014, Ohio has rescinded these rules that can no longer be implemented.

First, EPA proposes to approve the rescission of the trading program-related portions of Ohio's NO_X Budget Trading Program rules and all of Ohio's CAIR trading program regulations. Because EPA no longer administers the NO_X Budget Trading Program and the CAIR trading programs, and therefore Ohio's own regulations related to these trading programs cannot be implemented, removing the trading program provisions of Ohio's NO_X SIP Call rules and all of the CAIR rules from the state's SIP will have no consequences for any source's operations or emissions or for the attainment and maintenance of the NAAQS in any area, now or in the future. Accordingly, removal of these rules does not impact the state's continued compliance with section CAA 110(a)(2)(D)(i)(I) for any NAAQS.

Further, EPA proposes to find that Ohio's revisions to OAC rules 3745–14–01, 3745–14–03, 3745–14–04, and 3745–14–08 are consistent with Ohio's obligation to demonstrate continued compliance with NO_X SIP Call requirements for large non-EGUs and EPA's discontinuation of the trading program under the NO_X SIP Call. Under the ongoing requirements of the NO_X SIP Call, the Ohio SIP must: (1) Include enforceable control measures for ozone season NO_X mass emissions from existing and new large EGUs and large non-EGUs and (2) require those sources to monitor and report ozone season NO_X emissions, which may be in accordance with part 75. See 40 CFR 51.121(f)(2) and (i).

With respect to the NO_X SIP Call requirement that the state have enforceable control measures to limit ozone season NO_X, Ohio is currently subject to the Federal CSAPR Update trading program for ozone season NO_X that addresses these requirements for existing and new EGUs, but because Ohio's non-EGUs are not subject to that CSAPR trading program, the state must meet this requirement for non-EGUs through other SIP provisions. Ohio's revisions to OAC rule 3745–14–01 prohibit ozone season NO_X emissions from existing and new large non-EGUs from exceeding 4,028 tons, the portion of the state's NO_X SIP Call budget assigned to large non-EGUs. Under the revisions at OAC rule 3745–14–01, Ohio will conduct an annual review to ensure that the most recent ozone season emissions from large non-EGUs remain below the statewide budget. Emissions reported to EPA from the state's large non-EGUs for the 2018 ozone season were 543 tons, well below this limit.

As to the requirement for sources to monitor and report ozone season NO_X emissions under the NO_X SIP Call, these SIP revisions would preserve the state's current requirements for existing and new EGUs and non-EGUs to monitor and report their ozone season NO_X emissions, as required under the NO_X SIP Call. Ohio's revisions at OAC Chapter 3745–14 continue to require that non-EGUs monitor and report ozone season NO_X emissions under part 75, and the state's EGUs are subject to equivalent monitoring requirements under the CSAPR federal trading programs. Thus, the revisions to OAC Chapter 3745–14 and removal of OAC Chapter 3745–109 proposed for approval into the SIP in this action will not substantively alter the current monitoring requirements for any EGUs or large non-EGUs in the state covered by the NO_X SIP Call. If, as anticipated, Ohio EPA submits to EPA a SIP revision that would make other monitoring approaches available to large non-EGUs, the monitoring requirements under the NO_X SIP Call will be the subject of a future rulemaking.

As revised, OAC rules 3745–14–01, 3745–14–03, 3745–14–04 and 3745–14–08 meet the state's ongoing obligations under the NO_X SIP Call with respect to existing and new large non-EGUs. Specifically, the revised rules meet the requirement under 40 CFR 51.121(f)(2) for enforceable limits on the units' collective emissions of ozone season NO_X mass emissions and the requirement under 40 CFR 51.121(i)(1) for monitoring sufficient to ensure compliance with those limits. The state's EGUs are currently complying with their analogous NO_X SIP Call requirements through participation in

the CSAPR Update trading program for ozone season NO_X.

EPA is proposing to find that Ohio EPA's revisions at OAC Chapter 3745–14 and removal of OAC Chapter 3745–109 are consistent with applicable requirements under the CAA and the NO_X SIP Call, and EPA is therefore proposing to approve these changes into the Ohio SIP.

Additionally, the revisions at OAC rules 3745–14–01, 3745–14–03, and 3745–14–08 include minor amendments that were effective in 2015 and 2018 but were not submitted for SIP approval because they were not substantive changes. EPA's approval of Ohio's revised rules with state-effective date January 28, 2018, would also approve these minor amendments into the SIP. These revisions include: Updating hyperlinks and references, correcting typographical and formatting errors, and clarifying procedures for permit applications.

B. Section 110(l) Demonstration

Ohio EPA's submission includes a demonstration intended to show that its SIP revision is approvable under Section 110(l) of the CAA; such a demonstration is sometimes called an anti-backsliding demonstration. Section 110(l) provides that EPA cannot approve a SIP revision if the revision would interfere with any applicable CAA requirement. EPA will approve a SIP revision that removes or modifies control measures in the SIP only after the state has demonstrated that such removal or modification would not interfere with attainment and maintenance of the NAAQS, reasonable further progress (RFP), or any other applicable requirement of the CAA. EPA generally considers whether the SIP revision would preserve or improve the status quo in air quality.

In this action, EPA is proposing to approve Ohio's request to approve updated rules related to the NO_X SIP Call into its SIP and to approve removal of CAIR rules from its SIP. This proposed action would remove from the SIP certain provisions relating to the NO_X Budget Trading Program and replace those provisions with new rules at OAC Chapter 3745–14 that address the NO_X SIP Call's requirements with respect to existing and new large non-EGUs in a manner that does not rely on the administration of a trading program. It would also remove the CAIR rules at OAC Chapter 3745–109.

For the reasons explained below, EPA's proposed action to update the provisions relating to the NO_X Budget Trading Program and NO_X SIP call is in accordance with CAA section 110(l). As explained above, EPA has not implemented the NO_X Budget Trading Program since 2009 and it could not be implemented in the future. Moreover, this action would only remove the provisions that implement the trading program. It would neither alter the NO_X SIP Call emission budgets that limit emissions in the state nor alter the requirement for sources to monitor and report ozone season NO_X emissions under the NO_X SIP Call. This action would also add to the SIP a new enforceable measure to replace the defunct NO_X Budget Trading Program and ensure compliance with the NO_X SIP Call budgets. This new measure is quantifiable, permanent, enforceable and contemporaneous. Importantly, the new measure ensures compliance with the existing NO_X SIP Call budgets and thus will preserve the status quo in air quality. For these reasons, we conclude that the revisions will not interfere with attainment and maintenance of the NAAQS, RFP, or any other applicable requirement of the CAA.

Additionally, EPA's proposed action to remove the CAIR rules at OAC Chapter 3745–109 is consistent with the requirements of CAA 110(l). As explained above, EPA has not administered the CAIR trading programs since 2015, when the CSAPR trading programs replaced the CAIR trading programs. Likewise, the related provisions in Ohio's SIP have not been implemented since 2015 and cannot be implemented now or in the future. As such, removing the CAIR rules from the state's SIP will have no consequences for any source's operations or emissions.

Current emission levels in Ohio further demonstrate that the CAIR trading programs are not influencing and would not influence affected sources' operations. As shown in Table 2 below, current emissions levels are significantly below the CAIR budgets even while the CAIR trading programs are no longer being implemented.

TABLE 2—COMPARISON OF OHIO CAIR BUDGETS AND 2018 EMISSIONS, IN TONS [1]

Emissions type	CAIR Phase 1 budget	CAIR Phase 2 budget	2018 Emissions
NO_X ozone season	49,694	43,975	17,949
NO_X annual	108,667	90,556	50,629
SO_2 annual	333,520	233,464	86,570

[1] Ohio's budgets under CAIR are from EPA's approval of OAC Chapter 3745–109 into the SIP on September 25, 2009 (74 FR 48857). Ozone season NO_X budgets under CAIR are the combined EGU and non-EGU budgets. Emissions data from 2018 are from EPA's Air Markets Program Database at *https://ampd.epa.gov.*

Importantly, EPA was obligated by the D.C. Circuit remand of CAIR to promulgate a new rule to replace CAIR. EPA addressed this judicial remand with the promulgation of CSAPR. EGUs in Ohio are subject to FIPs requiring the sources to participate in annual NO_X, annual SO_2, and ozone season NO_X[4] Federal trading programs under CSAPR and the CSAPR Update that limit emissions from such sources in the state. EGUs continue to be subject to part 75 monitoring requirements under the current CSAPR trading program rules.

For the reasons explained above, EPA is proposing to approve Ohio EPA's SIP submission under section 110(l) of the CAA.

III. What action is EPA taking?

EPA is proposing to approve Ohio EPA's request to modify its SIP to include the revisions at OAC Chapter 3745–14 and to remove OAC Chapter 3745–109.

IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with

[4] The D.C. Circuit ultimately remanded Ohio's CSAPR Phase 2 budget for ozone season NO_X, finding that the rulemaking record did not support EPA's determination of a transport obligation under the 1997 ozone NAAQS for Ohio. *EME Homer City Generation, L.P.,* v. *EPA,* 795 F.3d 118, 129–30 (2015). In response, EPA withdrew Ohio's remanded budget in the CSAPR Update rulemaking; concurrently, however, EPA promulgated a new emission budget to address the 2008 ozone NAAQS, which replaced the invalidated CSAPR budget intended to address the 1997 ozone NAAQS. 81 FR 74524. Thus, EGUs in Ohio remain subject to a CSAPR trading program for ozone-season NO_X.

requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference OAC rules 3745–14–01, 3745–14–03, 3745–14–04, and 3745–14–08, with a state effective date of January 28, 2018. 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).

Also in this document, as described in the proposed amendments to 40 CFR part 52 set forth below, the EPA is proposing to remove provisions of the EPA-Approved Illinois Regulations and Statutes from the Illinois State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 13, 2019.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2019–13640 Filed 6–26–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0064; FRL–9995–24–Region 8]

South Dakota; Proposed Approval of Revisions to the State Air Pollution Control Rules and to the Permitting Rules for the Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) and Operating Permit Program revisions submitted by the State of South Dakota on October 23, 2015, related to South Dakota's Air Pollution Control Program. The October 23, 2015 submittal revises certain definitions in the Prevention of Significant Deterioration (PSD) permitting rules and general definition section related to greenhouse gases (GHGs). In this rulemaking, we are proposing action on portions of the October 23, 2015 submittal, which were not acted on in our previous final rulemaking published on October 13, 2016. The effect of this rulemaking is to ensure that certain definitions in South Dakota's PSD rules are in compliance with the federal PSD requirements. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 29, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0064 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: Kevin Leone, Air Quality Planning Branch, EPA, Region 8, Mailcode 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

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

I. Background

On June 3, 2010 (75 FR 31514), the EPA published a final rule, known as the GHG Tailoring Rule, which, with respect to the CAA PSD permitting program, phased in permitting requirements for GHG emissions from stationary sources. Under its interpretation of the CAA at the time, the EPA determined it was necessary to avoid an unmanageable increase in the number of sources that would be required to obtain PSD permits under the CAA because the sources emitted or had the potential to emit GHGs at or above the applicable major source and major modification thresholds. In Step 1 of the GHG Tailoring Rule, the EPA limited application of PSD requirements to sources only if they were subject to PSD ''anyway'' due to the emissions of other non-GHG pollutants. These sources were referred to as ''anyway'' sources. In Step 2 of the GHG Tailoring Rule, the EPA applied the PSD permitting requirements under the CAA to sources that were classified as major based solely on their GHG emissions or potential to emit GHGs, and to modifications of otherwise major sources that require a PSD permit because they increased only GHG emissions above the level in the EPA regulations.

On June 23, 2014, the United States Supreme Court addressed the application of PSD and Title V permitting requirements to GHG emissions. *Utility Air Regulatory Group* v. *Environmental Protection Agency,* 134 S.Ct. 2427 (2014). The Supreme Court held that the EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source (or a modification thereof) and thus required to obtain a PSD or title V permit. With respect to PSD, the Court also held that the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs (anyway sources), contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT).

In accordance with the Supreme Court decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (the D.C. Circuit) issued an amended judgment effectively vacating the regulations that implemented Step 2 of the EPA's GHG Tailoring Rule. *Coalition for Responsible Regulation* v. *EPA,* 606 F. App'x. 6, at 7–8 (D.C. Cir. April 10, 2015) (Amended Judgment). With respect to PSD, Step 2 applied to sources that emitted only GHGs at or above the thresholds triggering the requirement to obtain a PSD permit. The Amended Judgment preserves, without the need for additional rulemaking by the EPA, the application of the BACT requirement to GHG emissions from Step 1 or ''anyway sources.'' With respect to PSD Step 2 sources, the D.C. Circuit's Amended Judgment vacated the regulations at issue in the litigation, including 40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v), ''to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emission increase from a modification.'' The Amended Judgment further ordered that: ''the regulations under review be vacated to the extent they require a stationary source to obtain a title V permit solely because the source emits or has the potential to emit greenhouse gases above the applicable major source thresholds.''

In accordance with the D.C. Circuit's Amended Judgment, on August 19, 2015 (80 FR 50199), the EPA published a final rulemaking titled: ''Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Vacated Elements.'' In this rulemaking, the EPA removed GHG Tailoring Rule Step 2 PSD permitting requirements in 40 CFR 51.166(b)(48)(v) and 40 CFR 52.21(b)(49)(v) from the CFR.

As mentioned, the Amended Judgment specifically ordered that certain EPA regulations under review (including 40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v)) be vacated. In the EPA's final rulemaking titled ''Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements,'' which was published on August 19, 2015 (80 FR 50199), we state:

> This final action removes from the CFR several provisions of the PSD and title V permitting regulations that were originally promulgated as part of the Tailoring Rule and that the D.C. Circuit specifically identified as vacated in the Coalition Amended Judgment. Because the D.C. Circuit specifically identified the Tailoring Rule Step 2 PSD permitting requirements in 40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v) and the regulations that require the EPA to consider further phasing-in the GHG permitting requirements at lower GHG emission thresholds in 40 CFR 52.22, 70.12 and 71.13 as vacated, the EPA is taking the ministerial action of removing these provisions from the CFR.
>
> EPA further states:
>
> The EPA intends to further revise the PSD and title V regulations to fully implement the Coalition Amended Judgment in a separate rulemaking. This future rulemaking will include revisions to additional definitions in the PSD regulations.

South Dakota's PSD preconstruction permitting program consists of sections 74–36–09–01 through 74–36–09–03. The State's submittal incorporated by reference as of October 23, 2015, the revisions to remove the GHG Tailoring Rule Step 2 PSD permitting requirements in 40 CFR 52.21(b)(49)(v) from their state implementation plan (SIP) in 74:36:09:02(7)–(9) (removing 40 CFR 52.21(b)(49)(v) as well as the references to 40 CFR 52.21(b)(49)(v)). These revisions were approved in 81 FR 70626 and published on October 13, 2016 (see docket).

In this action we propose to approve two additional revisions contained in the State's 2015 submittal: South Dakota's revision to the definition of ''subject to regulation'' in 74:36:01:01(73) [1] and the addition of the new provision in 74:36:09–02(10).[2] In our October 13, 2016 action, we did not act on South Dakota's revisions in 74:36:01:01(73) because it revises the definition of ''regulated NSR pollutant'' and 74:36:09(02)(10) revises language in § 52.21(b)(49)(iv)(b) related to ''regulated NSR pollutant.'' The EPA determined that it was not appropriate to act on any revisions related to definitions as a result of the court's decision at that time because, as mentioned above, the EPA's final rulemaking titled ''Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements'' stated that a future rulemaking will include revisions to additional definitions in the PSD regulations.

On October 3, 2016, the EPA proposed the additional definition

[1] The State's proposed rule changes appear in the document titled ''Appendix A, Proposed Amendment to ARSD 74–36—Air Pollution Control Program'', which is in the Docket. Appendix A, p. A–14, PDF p. 431.

[2] Appendix A, p. A–175, PDF p. 330.

revisions in ''Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program.'' 81 FR 68110. In the 2016 action, the EPA proposed to revise certain definitions in the PSD permitting regulations to fully implement the Amended Judgment. Specifically, we proposed the following.

- The first revision would revise the definitions of ''major stationary source'' and ''major modification'' by repealing all parts of the definition of ''subject to regulation'', except for the first paragraph, which simply serves to codify our interpretation of the term ''subject to regulation.'' Thus, this rulemaking simply proposed retention of the first paragraph in the definition of ''subject to regulation'' at 40 CFR 51.166(b)(48) and 52.21(b)(49) and proposed adding a sentence explaining that pollutants subject to regulation include, but are not limited to, greenhouse gases.
- The second revision would establish a freestanding definition of the term ''greenhouse gases'' at 40 CFR 51.166(b)(31) and 52.21(b)(32). Previously, the definition of this pollutant was located within the definition of ''subject to regulation'' and the EPA simply proposed to move the language that defined GHGs into an independent definition for the term ''greenhouse gases,'' including the method to compute tons per year CO_2 equivalent emissions (CO_2e). We explained that this proposed change to the EPA's definition of GHG in the PSD permitting rules does not change the meaning of the term, as it will be the exact same language as in the existing regulations.[3]

Because South Dakota's revisions are consistent with the D.C. Circuit's amended judgement, the EPA's October 3, 2016, proposed rulemaking does not need to be finalized in order for us to approve South Dakota's revisions.

II. The EPA's Evaluation

A. Chapter 74:36:01:01—Definitions

We are proposing approval to the changes in 74:36:01:01(73). Chapter 74:36:01:01 defines the terms used throughout Article 74:36—Air Pollution Control Program. The State updated 74:36:01:01(73) to reflect the D.C. Circuit's Amended Judgment. In particular, South Dakota modified the definition of ''subject to regulation'' by striking the reference to the definition of ''subject to regulation'' in the part 70 rules (40 CFR 70.2) and replacing it with: ''Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Greenhouse gases are not subject to regulation unless a PSD preconstruction permit is issued regulating greenhouse gases in accordance with chapter 74:36:09.''

The State's definition of ''subject to regulation'' retains the first paragraph in § 52.21(b)(49), which codifies the interpretation of the term ''subject to regulation,'' which has the effect of revising the definitions of ''major stationary source'' and ''major modification.'' In adopting only the first paragraph of § 52.21(b)(49), the State's definition excludes the exceptions to the definition of ''subject to regulation'' provisions in 40 CFR 52.21(b)(49)(i)–(iv). Those provisions are relevant for the PSD program and are found elsewhere in the State's PSD rules.[4] The State also added the following sentence to the end of the definition of ''subject to regulation'': ''[g]reenhouse gases are not subject to regulation unless a PSD preconstruction permit is issued regulating greenhouse gases accordance with chapter 74:36:09.'' We propose to approve this additional sentence because we do not believe it would reduce the stringency of the SIP definition of ''subject to regulation,'' as compared to the revised definitions in our ''Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Vacated Elements'' rulemaking, and because it is consistent with the Amended Judgment.

Additionally, the State's revision to 74:36:01:01(73) removed and replaced the reference in that section to the definition of ''subject to regulation'' in 40 CFR 70.2, which we propose to approve in light of the Amended Judgment, which, in effect, ordered the vacatur of the requirement in the part 70 regulations that a stationary source obtain a title V permit solely because it emits or has the potential to emit GHGs above the title V major source threshold. This modification is approvable because it is consistent with the Amended Judgment, which describes the CAA permitting authority regarding GHG emissions, and thus we do not believe it would reduce the stringency of the definition in the SIP compared with the federal definitions of ''subject to regulation'' found in § 51.166(b)(48), § 52.21(b)(49), and § 70.2.

B. Chapter 74:36:09—Prevention of Significant Deterioration

We are proposing approval to the addition of 74:36:09:02(10). Chapter 74:36:09 is South Dakota's PSD preconstruction program for major sources located in areas of the State that are designated attainment for the federal national ambient air quality standards (NAAQS) identified in 74:36:02, which adopts the EPA's PSD rules in 40 CFR 52.21 by reference, noting certain differences. The EPA approved the PSD preconstruction permitting program in South Dakota's SIP. South Dakota's October 23, 2015 submittal added 74:36:09:02(10) as an additional difference from the federal rules, which states that for the purposes of this section, 40 CFR 52.21(b)(49)(iv)(b), the term ''also will have an emissions increase of a regulated NSR pollutant'' means ''also will have a major modification of a regulated NSR pollutant that is not GHGs.'' This provision amends one of the exceptions to the definition of ''subject to regulation'' in the State's PSD rules (''Beginning January 2, 2011, the pollutant GHGs is subject to regulation if: . . . [t]he stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO_2e or more''). The State's change was not included in either of the EPA's recent actions to amend the PSD applicability rules for GHG emissions (80 FR 50199 and 81 FR 68110, described above). Nevertheless, we propose to approve the change because it is consistent with the intent of our

[3] We note that EPA's proposed rulemaking covered additional revisions, which are not relevant to the State's submission. EPA has not finalized this proposal.

[4] Our October 13, 2016 final action (81 FR 70626) approved the following exception to the State's adoption by reference of the PSD rules. 74:36:09:02(7)–(9), adopts by reference the term ''Subject to regulation'' in 40 CFR 52.21(b)(49), which includes § 52.21(b)(49)(i)–(iv) and conforming amendments, but not § 52.21(b)(49)(v). We note that our 2016 final action did not include a revision the EPA proposed in response to the Amended Judgment that adds a sentence to the end of the first paragraph of 40 CFR 52.21(b)(49) (''Pollutants subject to regulation include, but are not limited to, greenhouse gases as defined in paragraph (b)(32) of this section''). 81 FR 68143. Even if EPA were to finalize its proposal, we do not believe this additional sentence is needed in the South Dakota regulations because the definition applies to all sources, including non-PSD sources, and ''Subject to regulation'' for purposes of PSD is adopted by reference elsewhere in the State's rules.

federal rules since the regulatory definition of ''major modification'' found at [insert either 40 CFR 52.21(b)(2)(i) or South Dakota's equivalent rule provision] is essentially equivalent in meaning to the term ''emissions increase'' as it is defined at 40 CFR 52.21(b)(49)(iii). This change reflects the D.C. Circuit's Amended Judgment in that 74:36:09:02(10) merely emphasizes that a source has to trigger PSD for a non-GHG pollutant before GHGs can become subject to regulation. This modification is approvable because it does not reduce the stringency of the federal definition of ''subject to regulation'' found in § 51.166(b)(48) and § 52.21(b)(49).

III. Proposed Action

For the reasons described in section II of this proposed rulemaking, the EPA is proposing to approve the revisions submitted by South Dakota on October 23, 2015, which were not acted on in 81 FR 70626. Our action is based on an evaluation of South Dakota's revisions against the requirements of CAA sections 110(a)(2)(c) and 502(b), and regulatory requirements under 40 CFR 51.160–164, 40 CFR 51.166, 40 CFR 52.21, 40 CFR part 70 and the D.C. Circuit's Amended Judgment.

IV. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress (RFP) toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and public hearing.

The South Dakota SIP revisions that the EPA proposes to approve do not interfere with any applicable requirements of the Act. The revisions to the Administrative Rules of South Dakota (ARSD) 74:36:09:02(10) and 74:36:01(73) submitted by South Dakota on October 23, 2015, ensure South Dakota's PSD program is in compliance with the federal PSD requirements. Therefore, CAA section 110(l) requirements are satisfied.

V. Incorporation by Reference

In this rule, the EPA proposes to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA proposes to incorporate by reference the ARSD rules promulgated in 74:36, as described in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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 the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the 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 in 40 CFR Part 52

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

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

Dated: June 21, 2019.

Debra H. Thomas,

Regional Administrator, Region 8.

[FR Doc. 2019–13636 Filed 6–26–19; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 84, No. 124
Thursday, June 27, 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 24, 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 and other forms of information technology.

Comments regarding this information collection received by July 29, 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 20503. 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) 720–8681.

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.

Forest Service

Title: Fire and Aviation Management Medical Qualifications Program.

OMB Control Number: 0596–0164.

Summary of Collection: The Protection Act of 1922 (16 U.S.C. 594) authorizes the Forest Service (FS) to fight fires on National Forest System lands. Title 5 CFR, Part 339, authorizes the FS to establish medical qualification standards and require pre-appointment medical examinations, regular recurring periodic examinations after appointment, and whenever there is a direct question about a firefighter's continued ability to meet the medical qualification standards. The information collected pertains to an individual's health status and health history. The collection of this information and use thereof are consistent with the provisions of 5 U.S.C. 552a (Privacy Act of 1974).

Need and Use of the Information: Individuals seeking recertification or employment as a new firefighter with the FS or Department of Interior (DOI) must complete the Health Screening Questionnaire (HSQ). FS and DOI will collect information from potential applicants using forms FS–5100–30, Work Capacity Test Informed Consent and FS–5100–31, Health Screening Questionnaire. Applicants will also need to complete the Wildland Firefighter Medical Qualifications Program Medical Exam and a Self-Certification Statement and Blood Pressure Check. Wildland firefighters perform long hours of arduous labor in adverse conditions. The information collected is used to determine whether an individual being considered for a position can carry out those duties in a manner that will not place the candidate or coworkers unduly at risk due to inadequate physical fitness and health. If the information is not collected, the Government's liability risk is high, special needs of an individual may not be known, or the screening of an applicant's physical suitability would be greatly inhibited.

Description of Respondents: Individuals or households.

Number of Respondents: 34,637.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 10,488.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–13732 Filed 6–26–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 24, 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 29, 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: School Nutrition and Meal Cost Study-II (SNMCS–II).

OMB Control Number: 0584–NEW.

Summary of Collection: Section 28(a) of the Richard B. Russell National School Lunch Act authorizes the USDA Secretary to conduct performance assessments of the school meal programs, including the nutritional quality of the meals and the costs of producing them. The SNMCS–II will provide a comprehensive picture of the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) and will provide critical information about the nutritional quality, cost, and acceptability of school meals seven years after major reforms began being phased in during the 2012–2013 school year. This study is broken down into two sub-studies: The ''mainland study'' and the ''outlying areas cost study'' and has four broad objectives including (1) describing the School Food Authority (SFA) and school environment, food service operating policies and practices, student participation, and other characteristics of schools and SFAs participating in NSLP and SBP, (2) determining the food and nutrient content of school meals and afterschool snacks and the overall nutritional quality of these meals and snacks; (3) determining the cost to produce reimbursable school lunches and breakfasts, including indirect and local administrative costs, and examining the ratio of revenues to costs; and (4) describing student characteristics, participation, student/parent satisfaction, plate waste, and students' dietary intakes. This study will update previous data collected during SY 2014–2015 for the School Nutrition and Meal Cost Study (SNMCS–I).

Need and Use of the Information: This voluntary study will collect data from state agencies, school food authorities, local education authorities, schools, food service management companies, students, and parents/guardians. The data collected from the ''mainland study'' will provide Federal, State, and local policymakers with current information about how federally sponsored school meal programs are operating. The findings from SNMCS–II will be compared to those from SNMCS–I to explore trends in food service operations, the nutrient content of school meals, meal costs and revenues, and student participation, plate waste, and dietary intakes. The study will also examine relationships among the key domains, especially among nutritional quality, cost, and student participation. Data collected from the ''outlying areas cost study'' will estimate the costs of producing reimbursable school meals in Alaska, Guam, Hawaii, Puerto Rico, and the United States Virgin Islands, and will examine the relationship of costs to revenues in these States and Territories.

Description of Respondents: State, Local, or Tribal Government; profit/non-profit businesses; and individuals/households.

Number of Respondents: 14,355.

Frequency of Responses: Reporting: One Time Only.

Total Burden Hours: 26,438.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–13689 Filed 6–26–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Total Amounts of Fiscal Year 2020 WTO Tariff-Rate Quotas for Raw Cane Sugar and Certain Sugars, Syrups and Molasses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the Department of Agriculture (the Secretary) announces the establishment of the Fiscal Year (FY) 2020 (October 1, 2019–September 30, 2020) in-quota aggregate quantity of raw cane sugar at 1,117,195 metric tons raw value (MTRV), and the establishment of the FY 2020 in-quota aggregate quantity of certain sugars, syrups, and molasses (also referred to as refined sugar) at 192,000 MTRV.

DATES: The aforementioned in-quota aggregate quantities are established as of June 27, 2019.

ADDRESSES: U.S. Department of Agriculture, Foreign Agricultural Service, Import Policies and Export Reporting Division, Stop 1021, 1400 Independence Avenue SW, Washington, DC 20250–1021.

FOR FURTHER INFORMATION CONTACT: Souleymane Diaby, (202) 720–2916, *Souleymane.Diaby@fas.usda.gov.*

SUPPLEMENTARY INFORMATION: The provisions of paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the U.S. Harmonized Tariff Schedule (HTS) authorize the Secretary to establish the in-quota tariff-rate quota (TRQ) amounts (expressed in terms of raw value) for imports of raw cane sugar and certain sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties during each fiscal year. The Office of the U.S. Trade Representative (USTR) is responsible for the allocation of these quantities among supplying countries and areas.

Section 359(k) of the Agricultural Adjustment Act of 1938, as amended, requires that at the beginning of the quota year the Secretary of Agriculture establish the TRQs for raw cane sugar and refined sugars at the minimum levels necessary to comply with obligations under international trade agreements, with the exception of specialty sugar.

The Secretary's authority under paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the U.S. Harmonized Tariff Schedule (HTS) and Section 359(k) of the Agricultural Adjustment Act of 1938, as amended, has been delegated to the Under Secretary for Trade and Foreign Agricultural Affairs (7 CFR 2.26).

Notice is hereby given that I have determined, in accordance with paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the HTS and section 359(k) of the 1938 Act, that an aggregate quantity of up to 1,117,195 MTRV of raw cane sugar may be entered or withdrawn from warehouse for consumption during FY 2020. This is the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements. I have further determined that an aggregate quantity of 192,000 MTRV of sugars, syrups, and molasses (refined sugar) may be entered or withdrawn from warehouse for consumption during FY 2020. This quantity includes the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements, 22,000 MTRV, of which 20,344 MTRV is established for any sugars, syrups and molasses, and 1,656 MTRV is reserved for specialty sugar. An additional amount of 170,000 MTRV is added to the specialty sugar TRQ for a total of 171,656 MTRV.

Because the specialty sugar TRQ is first-come, first-served, tranches are needed to allow for orderly marketing throughout the year. The FY 2020 specialty sugar TRQ will be opened in five tranches. The first tranche, totaling 1,656 MTRV, will open October 1, 2019. All specialty sugars are eligible for entry under this tranche. The second tranche of 50,000 MTRV will open on October 9, 2019. The third tranche of 55,000 MTRV will open on January 22, 2020. The fourth tranche of 35,000 MTRV will open on April 15, 2020. The fifth

tranche of 35,000 MTRV will open on July 15, 2020. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

* Conversion factor: 1 metric ton = 1.10231125 short tons.

Dated: June 13, 2019.

Ted A. McKinney,

Under Secretary, Trade and Foreign Agricultural Affairs.

[FR Doc. 2019–13653 Filed 6–26–19; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0075]

Notice of Availability of an Environmental Assessment and Finding of No Significant Impact for the Biological Control of Brazilian Peppertree

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a final environmental assessment and finding of no significant impact relative to the release of *Calophya latiforceps* and *Pseudophilothrips ichini* for the biological control of Brazilian peppertree, a significant invasive weed, within the contiguous United States. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared.

FOR FURTHER INFORMATION CONTACT: Dr. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, Permitting and Compliance Coordination, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2327, email: *Colin.Stewart@usda.gov.*

SUPPLEMENTARY INFORMATION: Brazilian peppertree (*Schinus terebinthifolia*) is an evergreen perennial shrub or small tree found in various southern States but grows primarily in Florida. This noxious weed poses a serious threat to biodiversity in many ecosystems and invades areas such as canal banks, fallow farmlands, and natural communities.

On February 27, 2019, we published in the **Federal Register** (84 FR 6355–6356, Docket No. APHIS–2018–0075) a notice [1] in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the release of *Calophya latiforceps* and *Pseudophilothrips ichini* for the biological control of Brazilian peppertree within the contiguous United States.

We solicited comments on the EA for 30 days ending March 29, 2019. We received 129 comments by that date. Our responses to the comments are included in the final EA.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *C. latiforceps* and *P. ichini* for the biological control of Brazilian peppertree within the contiguous United States. The finding, which is based on the EA, reflects our determination that release of the *C. latiforceps* and *P. ichini* will not have a significant impact on the quality of the human environment. Concurrent with this announcement, we will issue a permit for the release of *C. latiforceps* and *P. ichini* for the biological control of Brazilian peppertree.

The EA and FONSI may be viewed on the *Regulations.gov* website (see footnote 1). Copies of the EA and FONSI are also available for public inspection at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

[1] To view the notice, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0075.*

Done in Washington, DC, this 21st day of June 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–13705 Filed 6–26–19; 8:45 am]

BILLING CODE 3410–34–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, July 8–10, 2019, at the times and location listed below.

DATES: The schedule of events is as follows:

Monday, July 8, 2019

10:30 a.m.–11:30 a.m.—Technical Programs Committee
11:30 a.m.–Noon—Ad Hoc Committee on Design Guidance
3:00 p.m.–4:30 p.m.—Ad Hoc Committee on Frontier Issues

Tuesday, July 9, 2019

3:30 p.m.–4:00 p.m.—Planning and Evaluation Committee

Wednesday, July 10, 2019

11:30 a.m.–Noon—Budget Committee
1:30 p.m.–3:00 p.m.—Board Meeting

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW, Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, July 10, the Access Board will consider the following agenda items:

- Approval of March 13, 2019 draft meeting minutes (vote)
- Ad Hoc Committee Reports: Design Guidance; Frontier Issues
- Technical Programs Committee
- Planning and Evaluation Committee
- Budget Committee
- Election Assistance Commission Report

- Executive Director's Report
- Public Comment (final 15 minutes of the meeting)

Members of the public can provide comments either in-person or over the telephone during the final 15 minutes of the Board meeting on Wednesday, July 10, 2019. Any individual interested in providing comment is asked to pre-register by sending an email to *bunales@access-board.gov* with the subject line ''Access Board meeting—Public Comment'' with your name, organization, state, and topic of comment included in the body of your email. All emails to register for public comment must be received by Wednesday, July 3. Commenters will be provided with a call-in number and passcode before the meeting. Commenters will be called on in the order by which they are pre-registered. Due to time constraints, each commenter is limited to two minutes. Commenters on the telephone will be in a listen-only capacity until they are called on.

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings.

Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

You may view the Wednesday, July 10, 2019 meeting through a live webcast from 1:30 p.m. to 3:00 p.m. at: *www.access-board.gov/webcast.*

David M. Capozzi,

Executive Director.

[FR Doc. 2019–13671 Filed 6–26–19; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Applicants for the Appointment to the United States-India CEO Forum

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice announces membership opportunities for the appointment of two additional U.S. representatives to the existing U.S. Section of the U.S.-India CEO Forum. The U.S. Department of Commerce is seeking applicants from the aerospace/defense and healthcare sectors. On April 20, 2018, the Department of Commerce published through a **Federal Register** Notice a ''Request for Applicants for the Appointment to the United States-India CEO Forum'' (FR Doc. 2018–07236), which announced membership opportunities for the appointment of up to 20 representatives to the U.S. Section of the Forum, and the Secretary of Commerce subsequently appointed 19 members to the U.S. Section for a two-year term beginning on October 11, 2018. With an additional two appointments, the U.S. Section will have up to 21 members. The newly recruited members will serve for the remainder of the original two-year term.

DATES: Applications should be received by no later than August 2, 2019.

ADDRESSES: Please send requests for consideration to Noor Sclafani at the Office of South Asia, U.S. Department of Commerce, either by email at *noor.sclafani@trade.gov* or by mail to U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 2037, Washington, DC 20230.

FOR FURTHER INFORMATION, CONTACT: Noor Sclafani, International Trade Specialist, Office of South Asia, U.S. Department of Commerce, telephone: (202) 482–1421.

SUPPLEMENTARY INFORMATION: Established in 2005, the U.S.-India CEO Forum brings together leaders of the respective business communities of the United States and India to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries, and to communicate their joint recommendations to the U.S. and Indian governments.

The Forum has U.S. and Indian private and public sector co-chairs. The Secretary of Commerce serves as the U.S. Government chair. The Forum includes U.S. and Indian private sector members, who are divided into two sections. Upon the recruitment of two additional members, the U.S. Section will consist of up to 21 members representing the views and interests of the private sector business community in the United States. Each government appoints the members of its respective Section. The Secretary of Commerce appoints the U.S. Section and the U.S. Section's private sector co-chair. The Forum allows private sector members to develop and provide recommendations to the two governments and their senior officials that reflect private sector views, needs, concerns, and suggestions about the creation of an environment in which their respective private sectors can partner, thrive, and enhance bilateral commercial ties to expand trade and economic links between the United States and India. The Forum works in tandem with, and provides input to, the government-to-government U.S.-India Commercial Dialogue.

The Department of Commerce is seeking U.S. industry candidates for membership in the aerospace/defense and healthcare sectors. Each candidate must be the Chief Executive Officer or President (or have a comparable level of responsibility) of a U.S.-owned or controlled company that is incorporated in and has its main headquarters located in the United States and is currently conducting business in both countries. A candidate must be a U.S. citizen or otherwise legally authorized to work in the United States and must be able to travel to India and locations in the United States to attend Forum meetings as well as U.S. Section meetings. The candidate may not be a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended. Applications for membership in the U.S. Section by eligible individuals will be evaluated based on the following criteria:

- A demonstrated commitment by the individual's company to the Indian market either through exports or investment.
- A demonstrated strong interest in India and its economic development.
- The ability to offer a broad perspective and business experience to the discussions.
- The ability to address cross-cutting issues that affect the entire business community.
- The ability to initiate and be responsible for activities in which the Forum will be active.
- If applicable, prior participation by the applicant in the U.S. Section of the Forum.

The evaluation of applications for membership in the U.S. Section will be undertaken by a committee of staff from multiple U.S. Government agencies. The U.S. Section of the Forum includes members who represent a diversity of business sectors and geographic locations. The addition of representatives from the aerospace/defense and healthcare sectors will increase the commercial diversity of the U.S. Section. To the extent possible, the U.S. Section should include members from small, medium, and large firms.

U.S. Section members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all

travel and related expenses associated with their participation, including attendance at Forum and Section meetings. Only appointed members may participate in official Forum meetings; substitutes and alternates may not participate. U.S. Section members serve for two-year terms but may be reappointed.

To be considered for membership in the U.S. Section, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above: Name and title of the individual requesting consideration; name and address of company's headquarters; location of incorporation; size of the company; size of company's export trade, investment, and nature of operations or interest in India; and a brief statement describing the candidate's qualifications that should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. Candidates that have previously been members of the U.S. Section need only provide a letter expressing their interest in re-applying and indicating any changes to the application materials previously supplied. All candidates will be notified once selections have been made.

Dated: June 24, 2019.

Valerie Dees,

Director of the Office of South Asia.

[FR Doc. 2019–13737 Filed 6–26–19; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–826]

Certain Hot-Rolled Steel Flat Products From the Republic of Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that certain hot-rolled steel flat products from the Republic of Turkey (Turkey) were not sold at less than normal value during the period of review (POR), March 22, 2016 through September 30, 2017.

DATES: Applicable June 27, 2019.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On November 14, 2018, Commerce published the *Preliminary Results* of this review in the **Federal Register**.[1] We invited interested parties to comment on the *Preliminary Results.* Between December 14 and 21, 2018, Commerce received timely filed briefs and rebuttal briefs from the petitioners[2] and Colakoglu Metalurji A.S. and Colakoglu Dis Ticaret A.S (collectively, Colakoglu).[3]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[4] Commerce tolled all such deadlines by 40 days, and if the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Furthermore, on both April 9, 2019, and May 22, 2019, Commerce extended the deadline for these final results.[5] Accordingly, the revised deadline for these final results is June 21, 2019.

These final results cover 11 producers or exporters of the subject merchandise as listed in the ''Final Results of the Review'' section of this notice. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The merchandise covered by the order is certain hot-rolled steel flat products. For a complete description of the scope of this order, *see* the Issues and Decision Memorandum.[7]

Final Determination of No Shipments

In the *Preliminary Results,* Commerce determined that Gazi Metal Mamulleri Sanayi Ve Ticaret A.S. (Gazi), Toscelik Profile and Sheet Ind. Co. (a.k.a. Toscelik Profil ve Sac endustrisi A.S.) and Tosyali Holding A.S. (collectively, Toscelik), and Eregli Demir ve Celik Fabrikalari T.A.S. and Iskenderun Iron and Steel Works Ltd. (a.k.a. Iskenderun Demir ve Celik A.S.) (collectively, Erdemir) had no shipments of the subject merchandise during the POR. As no party has identified any record evidence which would call into question these preliminary findings, we continue to find that Gazi, Toscelik, and Erdemir made no shipments of subject merchandise during the POR. Accordingly, consistent with our practice, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of subject merchandise associated with these companies consistent with Commerce's reseller policy.[8]

Analysis of the Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum, which is hereby adopted with this notice. A list of these issues is attached in an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement

[1] *See Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017,* 83 FR 56805 (November 14, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] The petitioners are ArcelorMittal USA LLC, AK Steel Corporation, Nucor Corporation, California Steel Industries, Steel Dynamics, Inc., Thomas Steel Strip Corporation, and United States Steel Corporation (collectively, the petitioners).

[3] *See* Petitioners' Letter, ''Certain Hot-Rolled Steel Flat Products from Turkey—Petitioners' Case Brief Regarding Colakoglu,'' dated December 14, 2018; *see also* Colakoglu's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Colakoglu's Case Brief,'' dated December 14, 2018; Petitioners' Letter, ''Certain Hot-Rolled Steel Flat Products from Turkey—Petitioners' Rebuttal Brief Regarding Colakoglu,'' dated December 21, 2018; and Colakoglu's Letter, ''Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Colakoglu's Rebuttal Brief,'' dated December 21, 2018.

[4] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[5] *See* Memorandum, ''Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2016–2017,'' dated April 9, 2019; *see also* Memorandum, ''Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2016–2017,'' dated May 22, 2019.

[6] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*).

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from Republic of Turkey 2016–2017,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy*).

and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the *Preliminary Results*

Based on our analysis of the comments received, we made certain changes to the *Preliminary Results.* For a full discussion of these changes, *see* the Issues and Decision Memorandum.

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' However, section 735(c)(5)(B) of the Act states that if the weighted-average dumping margins for all individually examined exporters or producers are zero or *de minimis* or based entirely on facts available, then Commerce may use ''any reasonable method'' to establish the all-others rate, including averaging the weighted-average dumping margins for the individually examined companies.

Consistent with section 735(c)(5)(B) of the Act, we have determined that a reasonable method for determining the weighted-average dumping margin for each of the non-selected companies is to use the weighted-average dumping margin calculated for the sole mandatory respondent (*i.e.,* Colakoglu) in this administrative review. Although the weighted-average dumping margin calculated for Colakoglu is zero, it is the only rate calculated in this review and, thus, Commerce has determined the weighted-average dumping margin for the non-examined companies to be zero.[9]

Final Results of the Review

Commerce determines that the following weighted-average dumping margins exist for the period March 22, 2016 through September 30, 2017:

Producer or exporter	Weighted-average dumping margin (percent)
Colakoglu Metalurji A.S. and Colakoglu Dis Ticaret A.S	0.00
Agir Haddecilik A.S	0.00
Habas Industrial and Medical Gases Production Industries Inc	0.00
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi	0.00
MMK Atakas Metalurji	0.00
Ozkan Iron and Steel Ind	0.00

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the publication date of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this administrative review in the **Federal Register**.

For Colakoglu and for each of the non-examined companies identified above, we will instruct CBP to liquidate its entries during the POR imported by the importers identified in its questionnaire responses without regard to antidumping duties because each company's weighted-average dumping margin in these final results is zero.[10]

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Gazi, Toscelik, Erdemir, and any other company upon which we examined in this administrative review (*i.e.,* Colakoglu) for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[11]

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For the companies identified above in the Final Results of Review section, the cash deposit rates will be equal to the weighted-average dumping margins established in the final results of this review, except where the weighted-average dumping margin is *de minimis* (*i.e.,* less than 0.5 percent) the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 6.41 percent, the all-others rate established in the LTFV investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement

[9] *See Certain Lined Paper Products from India: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 23017 (May 21, 2019).

[10] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103, 8103 (February 14, 2012).

[11] For a full discussion of this practice, *see Assessment Policy.*

[12] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016).

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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5) of Commerce's regulations.

Dated: June 21, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Final Determination of No Shipments
V. Changes Since the Preliminary Results
VI. Discussion of Issues
Comment 1: Home Market Sales with Incomplete Matching Control Numbers
Comment 2: Home Market Gross Unit Price Currency
Comment 3: Home Market Credit Expense Adjustment
Comment 4: Quarterly Cost
Comment 5: Costs Recovery Test
Comment 6: Duty Drawback
Comment 7: U.S. Date of Sale
Comment 8: Constructed Export Price (CEP) Offset
Comment 9: SAS Programing Errors
VII. Recommendation

[FR Doc. 2019–13728 Filed 6–26–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR011

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; Applications for four new scientific research permits, seven permit renewals and two permit modifications.

SUMMARY: Notice is hereby given that NMFS has received 13 scientific research permit application requests relating to Pacific salmon, steelhead, and green sturgeon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on July 29, 2019.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent by email to *nmfs.wcr-apps@noaa.gov.* Include the permit number in the subject line of email.

FOR FURTHER INFORMATION CONTACT: Shivonne Nesbit, Portland, OR at (503) 231–6741 or by email: *Shivonne.Nesbit@noaa.gov.* Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

- Chinook salmon (*Oncorhynchus tshawytscha*): Threatened California Coastal (CC); endangered Sacramento River winter-run (SRWR); threatened Central Valley spring-run (CVSR).
- Coho salmon (*O. kisutch*): Threatened Southern Oregon/Northern California Coast (SONCC); endangered Central California Coast (CCC).
- Steelhead (*O. mykiss*): Threatened Northern California (NC); threatened Central California Coast (CCC); threatened California Central Valley (CCV).
- North American green sturgeon (*Acipenser medirostris*): Threatened southern distinct population segment (sDPS).

Background

Permit 13791–6M

The U.S. Fish and Wildlife Service (FWS) is seeking to modify a 5-year permit that currently allows them to take juvenile CVSR and SRWR Chinook salmon, juvenile CCV steelhead and juvenile green sturgeon in the lower Sacramento and San Joaquin Rivers and SF estuary, CA . The purposes of the research are to assess (1) abundance, temporal and spatial distribution, and survival of salmonids, (2) occurrence and habitat use of fishes within the Liberty Island and Cache Slough Complex, (3) relative gear efficiency for fish survey nets, and also the distribution of Delta smelt, (4) littoral habitat use of juvenile Chinook salmon within the Delta, (5) abundance and distribution of Delta smelt, (6) length at date race criteria of winter run sized and larger Chinook salmon, (7) winter and spring run sized Chinook salmon floodplain usage in the Yolo bypass, and (8) salmonid genetic monitoring. The FWS proposes to capture fish with seines (beach and purse), nets (fyke and gill), boat and backpack electroshocking, trawls (midwater and bottom), and with rotary screw traps. The FWS would also observe fish during snorkel and spawning ground surveys. A subset of the captured fish would be anesthetized, measured, weighed, tagged (acoustic or PIT), dye injected (tattoo, photonic) have a tissue sample taken, allowed to recover, and released. This modification is requested because the original permit application did not include take of adult salmon. The FWS is requesting take for adult SRWR and CVSR Chinook salmon, and CCV steelhead. While the FWS does not target adult fish, encounters with adult fish have occurred. The researchers would avoid adult salmonids, but some may be encountered as an unintentional result of sampling.

14808–4M

The California Department of Fish and Wildlife (CDFW) is seeking to modify a 5-year permit that currently allows them to take juvenile and adult SRWR and CVSR Chinook salmon, CCV steelhead and green sturgeon in the Central Valley of CA. The purposes of the research are to (1) monitor the outmigration of juvenile salmonids on a real-time basis, (2) provide daily

summaries of timing, abundance and size distribution of salmonids in the Sacramento River, (3) provide timing information to water agencies for better management decisions, (4) examine how environmental conditions (flow, temperature, turbidity) affect the downstream movement of juvenile salmonids, and (5) provide recommendations for the development of steelhead monitoring programs to assess restoration and recovery goals. The objectives of the steelhead monitoring program are to (1) estimate steelhead population abundance with estimated levels of precision in the Central Valley, (2) examine trends in steelhead abundance in the Central Valley, and (3) identify the spatial distribution of steelhead in the Central Valley to identify their current range and observe changes over time. The CDFW proposes to capture fish with rotary screw traps and to observe fish at weirs, fish ladders, dams and during snorkel surveys. Captured fish would be anesthetized, measured, weighed, tagged (acoustic, Floy, Elastomer, or PIT), have a tissue sample taken, allowed to recover, and released. The modification is requested because the original permit application included an indirect mortality rate of one percent for rotary screw trapping and the application is requesting a three percent indirect mortality rate. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

15169–2R

The National Park Service (NPS) Point Reyes Station is seeking to renew for five years a research permit that currently allows them to take juvenile and adult CC Chinook salmon, CCC coho, and CCC steelhead along the central coast of California. The purposes of the research are to (1) monitor juvenile salmonid outmigration, (2) study the diet of juvenile salmonids, (3) document adult salmonid spawning, (4) study juvenile salmonid distribution and population abundance, (5) study winter habitat utilization, (6) document adult escapement, and (7) study fish movements in Tomales Bay. The NPS proposes to capture fish with nets (fyke, seine, beach), backpack electroshocking, weirs, and rotary screw traps and to observe fish during snorkel and spawning ground surveys. A subset of captured fish would be anesthetized, measured, weighed, tagged (acoustic, FLOY or PIT), dye injected (tattoo, photonic) have a tissue sample taken, have stomachs pumped for diet analysis, allowed to recover, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

16344–3R

The Oregon State University is seeking to renew for five years a research permit that currently allows them to take juvenile listed hatchery SONCC coho in the Upper Klamath River.

The purposes of this research are to (1) determine the effects of infection by the myxozoan parasite *Ceratonova shasta* on coho salmon, and (2) estimate disease effects for each study year on the wild coho population. Juvenile coho salmon from Iron Gate and/or Trinity River hatcheries would be transported to selected locations on the Klamath River and monitored for disease after the exposure to *C. shasta.* Following exposure, all fish would be transported to the Oregon State University J. L. Fryer Aquatic Animal Health Laboratory where time to morbidity, overall morbidity and infection prevalence would be ascertained through microscopic and molecular analysis of intestinal tissues. Because all of the fish will be exposed to the parasite *C. shasta,* they can not be released after the experiments. In addition, infection prevalence data are needed which requires euthanizing all fish surviving the exposures, since surviving fish may still be infected with the parasite.

16491–3R

Fawcett Ecological Consulting is seeking to renew for five years a research permit that currently allows them to take juvenile CC Chinook salmon, CCC coho and CCC steelhead in coastal Northern California streams. The purposes of the research are to (1) monitor salmonid populations in Salmon Creek, Sonoma County, in relation to habitat restoration and coho restocking efforts, and (2) study the genetics, variability in abundance, and life histories of steelhead in small coastal streams. The applicant proposes to capture fish using beach seines and to observe fish during snorkel and spawning ground surveys. A subset of captured fish would be anesthetized, measured, weighed, tagged (FLOY), have a tissue sample taken, allowed to recover, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

16506–3R

Mike Podlech, an independent researcher, is seeking to renew for five years a research permit that currently allows him to take juvenile and adult CCC coho and steelhead in Squaw and Pescadero creeks in Sonoma and San Mateo counties. The purposes of the research are to (1) monitor CCC steelhead population trends in Squaw and Pescadero creeks, (2) assess whether previous coho salmon broodstock releases have resulted in wild progeny in Pescadero Creek, and (3) to gather population data to inform ongoing watershed restoration and salmonid recovery efforts in Pescadero Creek. The applicant proposes to capture fish with a fyke net and backpack electrofishing. A subset of the captured fish would be anesthetized, measured, weighed, have a tissue sample taken, allowed to recover, and released. The researchers would avoid adult salmonids, but some may be encountered as an unintentional result of sampling. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

17751–3R

The CDFW is seeking to renew for five years a research permit that currently allows them to take juvenile green sturgeon, adult CCV steelhead, and adult SRWR and CVSR Chinook salmon in the Sacramento-San Joaquin Delta in San Francisco Bay, CA. The purposes of the research are to (1) document juvenile green sturgeon movement, emigration patterns, and survival, and (2) to determine the timing of Pacific Ocean entry and subsequent ocean migration patterns. The applicant proposes to capture fish with a gill net. Captured green sturgeon would be anesthetized, measured, weighed, tagged (acoustic or sonic), have a tissue sample taken, allowed to recover, and released. The researchers would avoid adult salmonids, but some may be encountered as an unintentional result of sampling. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

17913–2R

Stillwater Sciences is seeking to renew for five years a research permit that currently allows them to take juvenile CCC steelhead in the Lower Tuolumne and San Joaquin rivers, CA.

The purposes of the research are to (1) provide information on the effects to fish populations from flow management of the Don Pedro Project downstream of La Grange Dam, and (2) provide information on the abundance and habitat use of non-listed fish species to evaluate the effects of past and ongoing habitat restoration and management actions. The applicant proposes to capture fish with beach seines and to observe fish during snorkel surveys.

Captured fish would be anesthetized, measured, weighed, tagged (PIT), allowed to recover, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

19400–3R

ICF Consulting is seeking to renew for five years a research permit that currently allows them to take juvenile natural and listed hatchery SRWR and CVSR Chinook salmon, CCV steelhead and juvenile green sturgeon in Suisan Bay, CA. The purposes of the research are to (1) determine the spatial and temporal distribution and abundance of juvenile Chinook salmon in shallow-water habitats and compare observed patterns to predictions from habitat suitability models, and (2) provide baseline fish and invertebrate samples for a Before-After Control-Impact (BACI) study design to assess the impact of a planned breach at the Tule Red restoration site. The applicant proposes to capture fish with seines (beach, Lampara), nets (fyke), and trawls (midwater, otter). This study would result in the capture, handle, and release of juvenile green sturgeon and intentional directed mortality of juvenile salmon for isotopic and otolith analysis.

22270

The Wiyot tribe is seeking a five-year research permit that would allow them to annually take juvenile NC steelhead in the South Fork of the Eel River, CA. The purposes of the research are to (1) to evaluate the impacts of Sacramento pikeminnow, a non-native predator, on Pacific lamprey, steelhead, and other native species, and (2) to develop and test methods for pikeminnow population suppression in terms of catch-per-unit-effort and cost-per-fish-captured. The applicant proposes to capture fish with backpack and boat electrofishing, fyke net, seine, baited frame traps, dip netting and hook-and-line and to observe fish during snorkel surveys. A subset of captured fish would be anesthetized, measured, weighed, have a tissue sample taken, allowed to recover, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

22303

The NOAA Fisheries California Central Valley office is seeking a five-year research permit that would allow them to annually take adult SRWR, CVSR, and CC Chinook salmon, subadult and adult green sturgeon. The purpose of the research is to test the use of DIDSON cameras to characterize the physical interaction between green sturgeon and the halibut bottom trawl fishery (CHBT) operating out of Half Moon and San Francisco bays. In a previous cooperative study conducted with CHBT fishermen, NOAA observers, NMFS Science Center staff, and the CDFW, satellite tags were used to measure green sturgeon post-release survival in the halibut fishery. In this study, researchers would test the use of DIDSON cameras in the CHBT nets to characterize the physical interaction between green sturgeon and CHBT nets. Study results would be used to evaluate methods to minimize gear interactions and bycatch of green sturgeon. The applicant proposes to capture fish with a bottom trawl. Captured green sturgeon would be captured, handled and released. The researchers would avoid adult salmonids, but some may be encountered as an unintentional result of sampling. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

22700

The Monterey Bay Salmon and Trout Project (MBSTP) is seeking a five-year research permit that would allow them to annually take adult CC coho and CCC steelhead in the San Lorenzo River, CA. The purpose of the research is to gather genetic and life history data on CCC steelhead. This research will contribute to large-scale salmonid monitoring programs on the San Lorenzo River that are currently being implemented by the City and County of Santa Cruz. The applicant proposes to capture fish at the Felton Diversion Facility weir. Captured adult steelhead would be measured, weighed, PIT tagged, have a tissue sample taken, allowed to recover, and released. Adult coho would be captured, handled and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

22939

Tim Salamunovich of TRPA Fish Biologist is seeking a 5-year research permit that would allow him to annually take juvenile SRWR and CVSR Chinook salmon, CCV steelhead and green sturgeon in a central valley delta wetland area known as The Big Ditch on the Peterson Ranch in eastern Solano County, California. The purpose of this research is to collect seasonal presence/absence and relative abundance data to document seasonal fish use throughout the project area in order to document the baseline conditions prior to restoration efforts. The applicant proposes to capture fish with beach seines and minnow traps. Captured fish would be anesthetized, measured, weighed, allowed to recover, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: June 21, 2019.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–13740 Filed 6–26–19; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0012, Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden. Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information. This notice solicits the second request for comments, and to allow 30 days for public comments on futures volume, open interest, price, deliveries, and purchases/sales of futures for commodities or for derivatives positions.

DATES: Comments must be submitted on or before July 29, 2019.

ADDRESSES: You may submit comments regarding any aspect of ''Futures Volume & Open Interest Collection'' directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0012.''

- *By email addressed to: OIRAsubmissions@omb.eop.gov;* or
- *By mail addressed to:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the CFTC by one of the following methods. The copies should refer to ''OMB Control No. 3038–0012.''

- Through the Commission's website at *https://comments.cftc.gov.* Please follow the instructions for submitting comments through the website;
- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; or
- By Hand Delivery/Courier to the same address as specified for mail.

Please submit your comments to the CFTC using only one method. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Adam Charnisky, Market Analyst, Division of Market Oversight, Commodity Futures Trading Commission, (312) 596–0630; email: *acharnisky@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions (OMB Control No. 3038–0012). This is a request for extension of a currently approved information collection.

Abstract: Commission Regulation 16.01 requires the U.S. futures exchanges to publish daily information on the items listed in the title of the collection. The information required by this rule is in the public interest and is necessary for market surveillance. This rule is promulgated pursuant to the Commission's rulemaking authority contained in section 5 of the Commodity Exchange Act, 7 U.S.C. 7 (2010).

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.[2] On April 22, 2019, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 84 FR 16663 (''60-Day Notice''). The Commission originally estimated that 15 entities would be affected by this rule, who would spend one hour daily on each response, 250 trading days per year, thus accumulating 3,750 hours annually in total burden hours. These numbers remain current, and the Commission did not receive any comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection as the respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 15.

Estimated Average Burden Hours per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 3,750 hours.

Frequency of Collection: Daily.

There are no known additional capital costs or operating and maintenance costs associated with this collection.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 24, 2019

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–13697 Filed 6–26–19; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

[2] The OMB control numbers for the CFTC's regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981).

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before July 29, 2019.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0009.''

• *By email addressed to: OIRAsubmissions@omb.eop.gov;* or

• *By mail addressed to:* Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the Commission) by one of the following methods. The copies should refer to ''OMB Control No. 3038–0009.''

• Through the Commission's website at *https://comments.cftc.gov.* Please follow the instructions for submitting comments through the website;

• *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; or

• By Hand Delivery/Courier to the same address as specified for mail.

Please submit your comments to the Commission using only one method. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Jonathan Lave, Associate Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5983; email: *jlave@cftc.gov.*

[1] 17 CFR 145.9.

SUPPLEMENTARY INFORMATION:

Title: Large Trader Reports (OMB Control No. 3038–0009). This is a request for extension of a currently approved information collection.

Abstract: The reporting rules covered by OMB control number 3038–0009 (''the Collection'') are structured to ensure that the Commission receives adequate information to carry out its market and financial surveillance programs. The market surveillance programs analyze market information to detect and prevent market disruptions and enforce speculative position limits. The financial surveillance programs combine market information with financial data to assess the financial risks presented by large customer positions to Commission registrants and clearing organizations.

The reporting rules are implemented by the Commission partly pursuant to the authority of sections 4a, 4c(b), 4g, and 4i of the Commodity Exchange Act (''the Act''). Section 4a of the Act permits the Commission to set, approve exchange-set, and enforce speculative position limits. Section 4c(b) of the Act gives the Commission plenary authority to regulate transactions that involve commodity options. Section 4g of the Act imposes reporting and recordkeeping obligations on registered entities and registrants (including futures commission merchants (FCMs), introducing brokers, floor brokers, or floor traders), and requires each registrant to file such reports as the Commission may require on proprietary and customer positions executed on any board of trade in the United States or elsewhere. Lastly, section 4i of the Act requires the filing of such reports as the Commission may require when positions made or obtained on designated contract markets or derivatives transaction execution facilities equal or exceed Commission-set levels.

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. On April 9, 2019, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 84 FR 14097 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to be 0.26 hour per response, on average. These estimates include the time to locate the information related to the exemptions and to file necessary exemption paperwork. There are approximately 74,418 responses annually, thus the estimated total annual burden on respondents is 19,676 hours.

Estimated Number of Respondents: 480.

Estimated Total Annual Burden Hours: 19,676 hours.

Frequency of Collection: Periodically.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: June 21, 2019.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2019–13669 Filed 6–26–19; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before July 29, 2019.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0061.''

• *By email addressed to: OIRAsubmissions@omb.eop.gov* or

• *By mail addressed to:* The Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the ''Commission'') by either of the

following methods. The copies should refer to ''OMB Control No. 3038–0061.''

• *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;

• By Hand Delivery/Courier to the same address; or

• Through the Commission's website at *http://comments.cftc.gov.* Please follow the instructions for submitting comments through the website.

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Thomas Guerin, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, (202) 734–4194; *email: tguerin@cftc.gov,* and refer to OMB Control No. 3038–0061.

SUPPLEMENTARY INFORMATION:

Title: Regulation 16.02 Daily Trade and Supporting Data Reports (OMB Control No. 3038–0061). This is a request for extension of a currently approved information collection.

Abstract: Commission Rule 16.02 requires Reporting Markets to report transaction-level trade data and related order information for each executed transaction. The Commission uses the transaction-level trade data and related order information to discharge its regulatory responsibilities, including the responsibilities to prevent market manipulations and commodity price distortions and ensure the financial integrity of its jurisdictional markets.

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. On April 1, 2019, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 84 FR 12232 (''60-Day Notice''). The Commission did not receive any comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 15.

Estimated Average Burden Hours per Respondent: 500.

Estimated Total Annual Burden Hours: 7,500.

Frequency of Collection: Daily.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: June 24, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–13696 Filed 6–26–19; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas per Diem Rates

AGENCY: Defense Human Resources Activity, Policy and Regulations Branch, Defense Travel Management Office, DoD.

ACTION: Notice of revised per diem rates in non-foreign areas outside the contiguous U.S.

SUMMARY: The Defense Travel Management Office publishes this Civilian Personnel Per Diem Bulletin Number 310. Bulletin Number 310 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2019 per diem rate review for American Samoa, Hawaii, and Midway Islands resulted in lodging and meal rate changes in certain locations.

DATES: The updated rates take effect July 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Shelly Greendyk, 571–372–1249.

SUPPLEMENTARY INFORMATION: This notice notifies the public of revisions in per diem rates prescribed by the Defense Travel Management Office for travel to non-foreign areas outside the contiguous United States. The FY 2019 per diem rate review for American Samoa, Hawaii, and Midway Islands resulted in lodging, meal and incidental rate changes in certain locations. Bulletin Number 310 is published in the **Federal Register** to ensure that Government travelers outside the Department of Defense are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see DTMO's Per Diem Rate Review Frequently Asked Questions (FAQ) page at *https://www.defensetravel.dod.mil/site/faqraterev.cfm.*

Dated: June 24, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	161	113	274	06/01/2019
ALASKA	ADAK	01/01	12/31	161	117	278	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	05/01	08/31	229	125	354	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	09/01	04/30	199	125	324	06/01/2019
ALASKA	BARROW	05/15	09/14	320	129	449	06/01/2019
ALASKA	BARROW	09/15	05/14	265	129	394	06/01/2019

[1] 17 CFR 145.9.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	BARTER ISLAND LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	BETHEL	01/01	12/31	219	101	320	06/01/2019
ALASKA	BETTLES	01/01	12/31	161	113	*274	06/01/2019
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CLEAR AB	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLDFOOT	01/01	12/31	161	93	254	06/01/2019
ALASKA	COPPER CENTER	01/01	12/31	161	115	276	06/01/2019
ALASKA	CORDOVA	01/01	12/31	140	106	246	06/01/2019
ALASKA	CRAIG	05/01	09/30	139	94	233	06/01/2019
ALASKA	CRAIG	10/01	04/30	109	94	203	06/01/2019
ALASKA	DEADHORSE	01/01	12/31	120	113	*233	06/01/2019
ALASKA	DELTA JUNCTION	01/01	12/31	161	101	262	06/01/2019
ALASKA	DENALI NATIONAL PARK	05/17	09/17	189	98	287	06/01/2019
ALASKA	DENALI NATIONAL PARK	09/18	05/16	139	98	237	06/01/2019
ALASKA	DILLINGHAM	05/01	09/30	275	113	388	06/01/2019
ALASKA	DILLINGHAM	10/01	04/30	230	113	343	06/01/2019
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	161	129	290	06/01/2019
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	06/01/2019
ALASKA	EIELSON AFB	05/16	09/15	154	100	254	06/01/2019
ALASKA	EIELSON AFB	09/16	05/15	75	100	175	06/01/2019
ALASKA	ELFIN COVE	01/01	12/31	161	113	274	06/01/2019
ALASKA	ELMENDORF AFB	05/01	08/31	229	125	354	06/01/2019
ALASKA	ELMENDORF AFB	09/01	04/30	199	125	324	06/01/2019
ALASKA	FAIRBANKS	05/16	09/15	154	100	254	06/01/2019
ALASKA	FAIRBANKS	09/16	05/15	75	100	175	06/01/2019
ALASKA	FORT YUKON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	FT. GREELY	01/01	12/31	161	101	262	06/01/2019
ALASKA	FT. RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	FT. RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	FT. WAINWRIGHT	05/16	09/15	154	100	254	06/01/2019
ALASKA	FT. WAINWRIGHT	09/16	05/15	75	100	175	06/01/2019
ALASKA	GAMBELL	01/01	12/31	161	113	274	06/01/2019
ALASKA	GLENNALLEN	01/01	12/31	161	115	276	06/01/2019
ALASKA	HAINES	01/01	12/31	107	113	220	06/01/2019
ALASKA	HEALY	06/01	08/31	189	98	287	06/01/2019
ALASKA	HEALY	09/01	05/31	139	98	237	06/01/2019
ALASKA	HOMER	05/01	09/30	189	124	313	06/01/2019
ALASKA	HOMER	10/01	04/30	129	124	253	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	JUNEAU	04/16	09/15	189	118	307	06/01/2019
ALASKA	JUNEAU	09/16	04/15	169	118	287	06/01/2019
ALASKA	KAKTOVIK	01/01	12/31	161	129	*290	06/01/2019
ALASKA	KAVIK CAMP	01/01	12/31	161	113	*274	06/01/2019
ALASKA	KENAI-SOLDOTNA	05/01	09/30	159	113	272	06/01/2019
ALASKA	KENAI-SOLDOTNA	10/01	04/30	89	113	202	06/01/2019
ALASKA	KENNICOTT	01/01	12/31	161	85	246	06/01/2019
ALASKA	KETCHIKAN	04/01	10/01	250	118	368	06/01/2019
ALASKA	KETCHIKAN	10/02	03/31	160	118	278	06/01/2019
ALASKA	KING SALMON	01/01	12/31	161	89	250	06/01/2019
ALASKA	KING SALMON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	KLAWOCK	05/01	09/30	139	94	233	06/01/2019
ALASKA	KLAWOCK	10/01	04/30	109	94	203	06/01/2019
ALASKA	KODIAK	05/01	09/30	194	109	303	06/01/2019
ALASKA	KODIAK	10/01	04/30	136	109	245	06/01/2019
ALASKA	KOTZEBUE	01/01	12/31	161	121	282	06/01/2019
ALASKA	KULIS AGS	05/01	08/31	229	125	354	06/01/2019
ALASKA	KULIS AGS	09/01	04/30	199	125	324	06/01/2019
ALASKA	MCCARTHY	01/01	12/31	161	85	246	06/01/2019
ALASKA	MCGRATH	01/01	12/31	161	113	*274	06/01/2019
ALASKA	MURPHY DOME	05/16	09/15	154	100	254	06/01/2019
ALASKA	MURPHY DOME	09/16	05/15	75	100	175	06/01/2019
ALASKA	NOME	01/01	12/31	185	118	303	06/01/2019
ALASKA	NOSC ANCHORAGE	05/01	08/31	229	125	354	06/01/2019
ALASKA	NOSC ANCHORAGE	09/01	04/30	199	125	324	06/01/2019
ALASKA	NUIQSUT	01/01	12/31	161	113	*274	06/01/2019
ALASKA	OLIKTOK LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PALMER	01/01	12/31	155	117	272	06/01/2019
ALASKA	PETERSBURG	01/01	12/31	130	108	238	06/01/2019
ALASKA	POINT BARROW LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	POINT HOPE	01/01	12/31	161	113	*274	06/01/2019
ALASKA	POINT LONELY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PORT ALEXANDER	01/01	12/31	161	113	*274	06/01/2019
ALASKA	PORT ALSWORTH	01/01	12/31	161	113	274	06/01/2019
ALASKA	PRUDHOE BAY	01/01	12/31	120	113	*233	06/01/2019
ALASKA	SELDOVIA	05/01	09/30	189	124	313	06/01/2019
ALASKA	SELDOVIA	10/01	04/30	129	124	253	06/01/2019
ALASKA	SEWARD	04/02	09/30	309	146	455	06/01/2019
ALASKA	SEWARD	10/01	04/01	80	146	226	06/01/2019

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	SITKA-MT. EDGECUMBE	04/01	09/30	245	116	361	06/01/2019
ALASKA	SITKA-MT. EDGECUMBE	10/01	03/31	200	116	316	06/01/2019
ALASKA	SKAGWAY	04/01	10/01	250	118	368	06/01/2019
ALASKA	SKAGWAY	10/02	03/31	160	118	278	06/01/2019
ALASKA	SLANA	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPARREVOHN LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPRUCE CAPE	05/01	09/30	194	109	303	06/01/2019
ALASKA	SPRUCE CAPE	10/01	04/30	136	109	245	06/01/2019
ALASKA	ST. GEORGE	01/01	12/31	161	113	274	06/01/2019
ALASKA	TALKEETNA	01/01	12/31	161	120	281	06/01/2019
ALASKA	TANANA	01/01	12/31	185	118	303	06/01/2019
ALASKA	TATALINA LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TIN CITY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TOK	04/01	09/30	105	113	218	06/01/2019
ALASKA	TOK	10/01	03/31	99	113	212	06/01/2019
ALASKA	VALDEZ	05/16	09/15	197	110	307	06/01/2019
ALASKA	VALDEZ	09/16	05/15	179	110	289	06/01/2019
ALASKA	WAINWRIGHT	01/01	12/31	275	77	352	06/01/2019
ALASKA	WAKE ISLAND DIVERT AIRFIELD	01/01	12/31	161	113	274	06/01/2019
ALASKA	WASILLA	05/01	09/29	162	94	256	06/01/2019
ALASKA	WASILLA	09/30	04/30	98	94	192	06/01/2019
ALASKA	WRANGELL	04/01	10/01	250	118	368	06/01/2019
ALASKA	WRANGELL	10/02	03/31	160	118	278	06/01/2019
ALASKA	YAKUTAT	01/01	12/31	150	111	261	06/01/2019
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	86	225	07/01/2019
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	86	225	07/01/2019
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	159	87	246	07/01/2015
GUAM	TAMUNING	01/01	12/31	159	87	246	12/01/2015
HAWAII	[OTHER]	01/01	12/31	218	149	367	07/01/2019
HAWAII	CAMP H M SMITH	01/01	12/31	177	149	326	07/01/2019
HAWAII	EASTPAC NAVAL COMP TELE AREA.	01/01	12/31	177	149	326	07/01/2019
HAWAII	FT. DERUSSEY	01/01	12/31	177	149	326	07/01/2019
HAWAII	FT. SHAFTER	01/01	12/31	177	149	326	07/01/2019
HAWAII	HICKAM AFB	01/01	12/31	177	149	326	07/01/2019
HAWAII	HILO	01/01	12/31	199	120	319	07/01/2019
HAWAII	HONOLULU	01/01	12/31	177	149	326	07/01/2019
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	120	319	07/01/2019
HAWAII	ISLE OF HAWAII: OTHER	01/01	12/31	218	156	374	07/01/2019
HAWAII	ISLE OF KAUAI	01/01	12/31	325	141	466	07/01/2019
HAWAII	ISLE OF MAUI	01/01	12/31	304	150	454	07/01/2019
HAWAII	ISLE OF OAHU	01/01	12/31	177	149	326	07/01/2019
HAWAII	JB PEARL HARBOR-HICKAM	01/01	12/31	177	149	326	07/01/2019
HAWAII	KAPOLEI	01/01	12/31	177	149	326	07/01/2019
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	141	466	07/01/2019
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	120	319	07/01/2019
HAWAII	LANAI	01/01	12/31	218	134	352	07/01/2019
HAWAII	LIHUE	01/01	12/31	325	141	466	07/01/2019
HAWAII	LUALUALEI NAVAL MAGAZINE	01/01	12/31	177	149	326	07/01/2019
HAWAII	MCB HAWAII	01/01	12/31	177	149	326	07/01/2019
HAWAII	MOLOKAI	01/01	12/31	218	106	324	07/01/2019
HAWAII	NOSC PEARL HARBOR	01/01	12/31	177	149	326	07/01/2019
HAWAII	PEARL HARBOR	01/01	12/31	177	149	326	07/01/2019
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	141	466	07/01/2019
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	177	149	326	07/01/2019
HAWAII	TRIPLER ARMY MEDICAL CENTER.	01/01	12/31	177	149	326	07/01/2019
HAWAII	WAHIAWA NCTAMS PAC	01/01	12/31	177	149	326	07/01/2019
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	149	326	07/01/2019
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	07/01/2019
NORTHERN MARIANA ISLANDS	[OTHER]	01/01	12/31	69	84	153	08/01/2017
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	130	107	237	07/01/2015
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	101	262	08/01/2017
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	69	84	153	08/01/2017
PUERTO RICO	[OTHER]	01/01	12/31	109	112	221	06/01/2012
PUERTO RICO	AGUADILLA	01/01	12/31	171	84	255	11/01/2015
PUERTO RICO	BAYAMON	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	BAYAMON	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CAROLINA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	CAROLINA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CEIBA	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	CULEBRA	01/01	12/31	150	98	248	03/01/2012
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	88	255	12/01/2015

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
PUERTO RICO	HUMACAO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	LUQUILLO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	112	221	09/01/2010
PUERTO RICO	PONCE	01/01	12/31	149	89	238	09/01/2012
PUERTO RICO	RIO GRANDE	01/01	12/31	169	123	292	06/01/2012
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	VIEQUES	01/01	12/31	175	95	270	03/01/2012
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	116	415	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	110	357	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	113	343	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	107	277	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	110	359	03/01/2017
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	110	449	03/01/2017
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	07/01/2016

* Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2019–13730 Filed 6–26–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2019–OS–0077]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Pentagon Force Protection Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 26, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Pentagon Force Protection Agency, Policy Office, 9000 Defense Pentagon, ATTN: John Rudaski, Washington, DC 20301–9000 or call (703) 695–0484.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Law Enforcement Officers Safety Act (LEOSA) Firearms Identification Cards (FICs); PA Form 105; OMB Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to obtain information from individuals to validate eligibility of separating or separated PFPA law enforcement officers applying for a LEOSA FIC, to include Defense Protective Service of other predecessor agency law enforcement officers.

Affected Public: Individuals or Households.

Annual Burden Hours: 50 minutes.

Number of Respondents: 25.

Responses per Respondent: 1.

Annual Responses: 25.

Average Burden per Response: 2 minutes.

Frequency: On occasion.

Respondents are separating or separated Pentagon Force Protection Agency, Defense Protective Service, or other predecessor agency law enforcement officers applying for an identification card identifying them as a ''qualified retired law enforcement officer'' under 18 U.S.C. 926C and DoD Instruction 5525.12, ''Implementation of the Amended Law Enforcement Officers Safety Act of 2004.''

Dated: June 21, 2019.

Morgan E. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–13655 Filed 6–26–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–28–000]

Medallion Delaware Express, LLC, Medallion Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on June 13, 2019, pursuant to Rule 207(a)(2) of the Federal

Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2018), Medallion Delaware Express, LLC (Delaware Express) and Medallion Pipeline Company, LLC (Medallion) (collectively, the Carriers) filed a declaratory order petition seeking approval of the overall tariff rate structure and terms of service, open season procedures, and proposed joint tariff service, for an expansion of the Carriers' facilities and existing integrated joint crude-oil transportation services. The expansion consists of new gathering facilities in Reeves County, Texas, to connect to the Delaware Express mainline; an expansion of the Delaware Express mainline; and an expansion of segments of the Medallion pipeline system along the existing joint tariff route, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on July 8, 2019.

Dated: June 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13722 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–28–000]

Commission Information Collection Activities (FERC–555); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of the information collections described below.

DATES: Comments on the collections of information are due August 26, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–28–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note the three collections are distinct.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Title: FERC–555 (Preservation of Records for Public Utilities and Licensees, Natural Gas and Oil Pipeline Companies).

OMB Control No.: 1902–0098.

Abstract: The Commission collects the information under the requirements of FERC–555 (Records Retention Requirements) to carry out its responsibilities in implementing the statutory provisions of Sections 301, 304 and 309 of the Federal Power Act (FPA),[1] Sections 8, 10 and 16 of the Natural Gas Act (NGA),[2] and Section 20 of the Interstate Commerce Act (ICA).[3]

The regulations for preservation of records establish retention periods, necessary guidelines, and requirements for retention of applicable records. These requirements apply to the regulated public utilities, natural gas and oil pipeline companies subject to the Commission's jurisdiction. Regulated entities use these records as the basis for required rate filings and reports to the Commission. Additionally, the Commission's audit staff will use the records during compliance reviews. The Commission's enforcement staff will also use the information during investigations. Finally, the Commission will use the records for special analyses when necessary.

On January 8, 1999 the Commission issued AI99–2–000, an Accounting Issuance providing guidance on records storage media. More specifically, the Commission gave each jurisdictional company the flexibility to select its own storage media. The storage media selected must have a life expectancy equal to the applicable record period

[1] 16 U.S.C. 825, 825c and 825h.

[2] 15 U.S.C. 717–717w.

[3] 49 U.S.C. 20.

unless the quality of the data transferred from one media to another with no loss of data would exceed the record period.

On January 27, 2000, the Commission issued a final rule amending its records retention regulations for public utilities and licensees as well as natural gas and oil pipeline companies. These changes included revising the general instructions, and shortening various records retention periods. The objective of the final rule was to reduce or eliminate burdensome and unnecessary regulatory requirements.

The Commission is not making any additional changes to the record retention requirements specified under FERC–555. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR parts 125, 225, and 356.

Type of Respondent: Electric utilities, natural gas pipelines, and oil pipelines.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–555—PRESERVATION OF RECORDS FOR PUBLIC UTILITIES AND LICENSE, NATURAL GAS AND OIL PIPELINE COMPANIES

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. and cost per response [4]	Total annual burden hours and total annual cost
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
509	1	509	5,218.14 hrs.; $417,451	2,656,034 hrs.; $212,482,720.

Additional Background. Based on the data submitted by jurisdictional filers in 2010, we provide more detail regarding how we generated burden and cost estimates. We divided the entities into three size categories based on annual revenue reported on FERC's financial forms (Form 1, Form 2/2A and Form 6).[5] As indicated in the appendix, we only received useful responses from five entities: Three large, one medium, and one small. Because of this very limited data, it should not be inferred that the average burden and cost indicated for each entity size are representative of the burden for all entities in that size category and industry. We performed the analysis in this way in order to come up with a better average to apply across all the industries. It should also be noted that it is difficult to compare across industries based on entity size. For example, the first table below indicates that a large electric utility has an annual revenue more than ten times greater than a large gas pipeline.

The first table shows the estimated size categories by industry, and the second table shows the burden and cost based on size (combining the 3 industries).

Industry and size classification	Annual revenue
Electric	
Large	>$1.15 Billion.
Medium	$310 Million to $1.15 Billion.
Small	<$310 Million.
Gas	
Large	>$100 Million.
Medium	$10 Million to $100 Million.
Small	<$10 Million.
Oil	
Large	>$50 Million.
Medium	$5 Million to $50 Million.
Small	<$5 Million.

Size	Number of entities	Average hours per entity	Total burden hours [6]
	(1)	(2)	(1) * (2)
Large	174	11,475	1,996,658
Medium	166	2,371	393,619
Small	169	1,571	265,572

[4] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $80/hour = Average cost/response. The figure is the 2019 FERC average hourly cost (for wages and benefits) of $80 (and an average annual salary of $167,091/year). Commission staff is using the FERC average salary because we consider any record retention requirements completed in response to the FERC–555 to be compensated at rates similar to the work of FERC employees.

[5] The size thresholds are estimates based on staff judgment.

[6] Due to rounding during the analysis and calculations, the total in this column does not sum to the exact figure reported shown in the summary burden table.

The total estimated annual cost burden to respondents is $212,482,720, which includes $127,433,401 for non-labor record storage costs and $85,049,319 for employee costs. The average cost per respondent is $417,451, which includes $250,360 for non-labor record storage costs and $167,091 for employee costs. All of these cost figures are based on staff analysis of the data we received in 2019.

Dated: June 21, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13721 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–1319–000.
Applicants: Golden Pass Pipeline LLC.
Description: § 4(d) Rate Filing: GPPL Pre-negotiated Section 4 Rate Filing to be effective 7/1/2019.
Filed Date: 6/17/19.
Accession Number: 20190617–5198.
Comments Due: 5 p.m. ET 7/1/19.

Docket Numbers: RP19–1320–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Amendment to NC Neg Rate Agmt (BP 46441) to be effective 6/18/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5012.
Comments Due: 5 p.m. ET 7/1/19.

Docket Numbers: RP19–1321–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2019 Eaglecrest to be effective 7/19/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5062.
Comments Due: 5 p.m. ET 7/1/19.

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 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13716 Filed 6–26–19; 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: EC19–103–000.
Applicants: Newmount Nevada Energy Investment LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Newmount Nevada Energy Investment LLC.
Filed Date: 6/18/19.
Accession Number: 20190618–5136.
Comments Due: 5 p.m. ET 7/9/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–135–000.
Applicants: Pretty Prairie Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Pretty Prairie Wind, LLC.
Filed Date: 6/18/19.
Accession Number: 20190618–5098.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: EG19–136–000.
Applicants: Crowned Ridge Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Crowned Ridge Wind, LLC.
Filed Date: 6/19/19.
Accession Number: 20190619–5091.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: EG19–137–000.
Applicants: Crowned Ridge Wind II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Crowned Ridge Wind II, LLC.
Filed Date: 6/19/19.
Accession Number: 20190619–5092.
Comments Due: 5 p.m. ET 7/10/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–646–003.
Applicants: Chambersburg Energy, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filings to be effective 12/13/2017.
Filed Date: 6/19/19.
Accession Number: 20190619–5126.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: ER18–647–003.
Applicants: Gans Energy, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filings to be effective 12/13/2017.
Filed Date: 6/19/19.
Accession Number: 20190619–5127.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: ER18–648–003.
Applicants: Springdale Energy, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filings to be effective 12/13/2017.
Filed Date: 6/19/19.
Accession Number: 20190619–5129.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: ER18–1384–003.
Applicants: Buchanan Generation, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filings to be effective 3/1/2018.
Filed Date: 6/19/19.
Accession Number: 20190619–5130.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: ER19–38–001.
Applicants: Fairless Energy, L.L.C.
Description: Compliance filing: Motion for Interim Implementation of Settlement Rates EL19–15 and ER19–38 to be effective 7/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5115.
Comments Due: 5 p.m. ET 7/10/19.

Docket Numbers: ER19–1496–001.
Applicants: AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., PJM Interconnection, L.L.C.
Description: Compliance filing: AEP submits filing in compliance with the Commission's 5/24/2019 Order to be effective 10/22/2018.
Filed Date: 6/18/19.
Accession Number: 20190618–5078.
Comments Due: 5 p.m. ET 7/9/19.

Docket Numbers: ER19–1744–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Corrections to Recollation Filing Under ER19–1744 to be effective 5/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5073.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–1752–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Corrections to Recollation Filing Under ER19–1752 to be effective 5/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5074.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–1757–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Corrections to Recollation Filing Under ER19–1757 to be effective 5/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5075.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2198–000.
Applicants: Walnut Creek Energy, LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/19/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5103.
Comments Due: 5 p.m. ET 7/9/19.
Docket Numbers: ER19–2199–000.
Applicants: kWantix Trading Fund I, LP.
Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 7/1/2019.
Filed Date: 6/18/19.
Accession Number: 20190618–5131.
Comments Due: 5 p.m. ET 7/9/19.
Docket Numbers: ER19–2200–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1895R9 Westar Energy, Inc.—Wathena NITSA NOA to be effective 9/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5028.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2201–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1978R8 Westar Energy, Inc.—Toronto NITSA NOA to be effective 9/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5030.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2202–000.
Applicants: Kansas City Power & Light Company.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule No 130 Kansas City Power & Light Company to be effective 7/31/2018.
Filed Date: 6/19/19.
Accession Number: 20190619–5044.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2203–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2045R8 Westar Energy, Inc.—Morrill NITSA NOA to be effective 9/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5045.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2204–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2066R8 Westar Energy, Inc.—Muscotah NITSA NOA to be effective 9/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5046.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2205–000.
Applicants: Tampa Electric Company.
Description: Tariff Cancellation: Cancellation of All Requirements Tariff to be effective 6/20/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5049.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2206–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2491R7 Westar Energy, Inc.—Scranton NITSA NOA to be effective 9/1/2019.
Filed Date: 6/19/19.
Accession Number: 20190619–5057.
Comments Due: 5 p.m. ET 7/10/19.
Docket Numbers: ER19–2207–000.
Applicants: Duke Energy Florida, LLC.
Description: Notice of Cancellation of 15 Conforming Jurisdictional Agreements of Duke Energy Florida, LLC.
Filed Date: 6/19/19.
Accession Number: 20190619–5114.
Comments Due: 5 p.m. ET 7/10/19.

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 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13715 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD19–6–000]

Commission Information Collection Activity (FERC–725Z); Comment Request; Revisions

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of revised information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on revisions to the information collection FERC–725Z (Mandatory Reliability Standards: IRO Reliability Standards), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due August 26, 2019.

ADDRESSES: You may submit comments (identified by Docket No. RD19–6–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–725Z (Mandatory Reliability Standards: IRO Reliability Standards).

OMB Control No.: 1902–0276.

Type of Request: Revisions to the information collection, as discussed in Docket No. RD19–6–000.

Abstract: In a joint petition dated May 30, 2019, the North American Electric Reliability Corporation (NERC) and Western Electricity Coordinating Council (WECC) requested Commission approval for proposed Reliability Standard IRO–002–6 (Reliability Coordination, Monitoring and Analysis). NERC and WECC stated that the ''proposed Reliability Standard IRO–002–6 reflects the addition of a regional Variance containing additional requirements applicable to Reliability Coordinators providing service to entities in the Western Interconnection and none of the continent-wide requirements have been changed from currently effective Reliability Standard IRO–002–5.[1]

Type of Respondents: Reliability coordinators (RC) providing service to entities in the Western Interconnection.

Estimate of Annual Burden:[2] The Commission estimates the changes in the annual public reporting burden and cost as follows.

FERC–725Z—CHANGES DUE TO DOCKET NO. RD19–6–000

Information collection requirements	Number of respondents & type of entity[3] (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response ($) (4)[4]	Total annual burden hours & total annual cost ($) (3) * (4) = (5)
Reporting and Recordkeeping Requirements (continuing in IRO–002–6 [formerly in IRO–002–5])[5].	.....	.....	.....	no change	no change.
Increases, due to the Regional Variance of IRO–002–6[6]					
Reporting (R2 & R3), in Yr. 1	2 (RC)	3	6	52 hrs.; $3,544.84	312 hrs.; $21,269.04.
Reporting (R2 & R3), in Yr. 2 & ongoing	2 (RC)	1	2	480 hrs.; $32,721.60	960 hrs.; $65,443.20.
Total Increase to FERC–725Z in Year 1.	.....	.....	.....	.....	312 hrs.; $21,269.04.
Total Increase to FERC–725Z in Year 2 and ongoing.	.....	.....	.....	.....	960 hrs.; $65,443.20.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 21, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13723 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2199–000]

kWantix Trading Fund I, LP; 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 kWantix Trading Fund I, LP's application for market-based rate authority, with an accompanying rate tariff, noting that

[1] The burden related to continent-wide Reliability Standard IRO–002–5 (Reliability Coordination, Monitoring and Analysis) is included in FERC–725Z (Mandatory Reliability Standards: IRO Reliability Standards, OMB Control No. 1902–0276).

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

[3] Our estimates are based on the joint petition which indicates at present, only one reliability coordinator, Peak Reliability, provides reliability coordinator services in the Western Interconnection. In July 2018, Peak Reliability announced that it would cease operations at the end of December 2019. Over the course of 2018 and 2019, several entities have indicated that they will seek certification to perform the reliability coordinator function for their respective footprints in the Western Interconnection. For the purposes of this information collection, the WECC RC certification status was used to estimate the number of entities within the United States making significant progress to become certified Western Interconnection reliability coordinators. The certification progress chart and schedule are posted at the following link: *https://www.wecc.org/EventAnalysisSituationalAwareness/Pages/Certification.aspx.*

[4] The hourly cost figures, for salary plus benefits, for the new standards are based on Bureau of Labor Statistics (BLS) information (at *http://www.bls.gov/oes/current/naics2_22.htm*), as of May 2018, and benefits information for December 2018 (at *https://www.bls.gov/news.release/ecec.nr0.htm*). For salary plus benefits, for reporting requirements, an electrical engineer (code 17–2071) is $68.17/hour; for the recordkeeping requirements, an information and record clerk (code 43–4199) is $40.84/hour.

[5] The reporting and recordkeeping requirements and the associated burden will continue in IRO–002–6 (burden formerly included in IRO–002–5,). The corresponding estimated burden for the 11 RCs continues to be 30 hours per response (or a total estimated burden of 330 hours).

[6] The estimated burden is for the development phase and the ongoing effort to administer/implement the variance requirements.

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 9, 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 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13720 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF14–1–003]

Southwestern Power Administration; Notice of Filing

Take notice that on June 12, 2019, Southwestern Power Administration submitted tariff filing per: 2013 Integrated System Power Rates Schedule Amendment to be effective July 1, 2019.

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 12, 2019.

Dated: June 21, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13719 Filed 6–26–19; 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: EC19–105–000.

Applicants: Diamond State Generation Partners, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Diamond State Generation Partners, LLC.

Filed Date: 6/20/19.

Accession Number: 20190620–5150.

Comments Due: 5 p.m. ET 7/11/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–140–000.

Applicants: Polaris Wind Energy LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Polaris Wind Energy LLC.

Filed Date: 6/21/19.

Accession Number: 20190621–5145.

Comments Due: 5 p.m. ET 7/12/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2498–019; ER12–2499–019; ER17–382–004; ER17–383–004; ER17–384–004; ER13–764–019; ER14–1927–007; ER18–1416–003; ER11–4055–009; ER12–1566–013; ER14–1548–012; ER16–1327–002; ER12–199–016; ER17–2141–002; ER17–2142–002; ER17–2385–002; ER11–3987–014; ER16–1325–002; ER16–1326–002; ER18–855–003; ER14–1775–007.

Applicants: Alpaugh 50, LLC, Alpaugh North, LLC, CED Ducor Solar 1, LLC, CED Ducor Solar 2, LLC, CED Ducor Solar 3, LLC, CED White River Solar, LLC, CED White River Solar 2, LLC, CED Wistaria Solar, LLC, Copper Mountain Solar 1, LLC, Copper Mountain Solar 2, LLC, Copper Mountain Solar 3, LLC, Copper Mountain Solar 4, LLC, Coram California Development, L.P., Great Valley Solar 1, LLC, Great Valley Solar 2, LLC, Great Valley Solar 3, LLC, Mesquite Solar 1, LLC, Mesquite Solar 2, LLC, Mesquite Solar 3, LLC, Panoche Valley Solar, LLC, SEP II, LLC.

Description: Updated Market Power Analysis for the Southwest Region of the Consolidated Edison, Inc. subsidiaries.

Filed Date: 6/20/19.

Accession Number: 20190620–5154.

Comments Due: 5 p.m. ET 8/19/19.

Docket Numbers: ER14–1421–002.
Applicants: Diamond State Generation Partners, LLC.
Description: Compliance filing: Informational Filing and Requests for Waiver and Expedited Consideration to be effective N/A.
Filed Date: 6/20/19.
Accession Number: 20190620–5117.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER16–999–008; ER18–920–003; ER11–2335–013.
Applicants: Greenleaf Energy Unit 1 LLC, Marco DM Holdings, L.L.C., Plum Point Services Company, LLC.
Description: Updated Market Power Analysis for the Southwest Region of Greenleaf Energy Unit 1 LLC, et al.
Filed Date: 6/20/19.
Accession Number: 20190620–5151.
Comments Due: 5 p.m. ET 8/19/19.
Docket Numbers: ER19–1920–001.
Applicants: Tampa Electric Company.
Description: Compliance filing: Amendment to Compliance Filing under Order Nos. 845 and 845A to be effective 5/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5120.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2217–000.
Applicants: Avenal Park LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/21/2019.
Filed Date: 6/20/19.
Accession Number: 20190620–5108.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2218–000.
Applicants: Sand Drag LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/21/2019.
Filed Date: 6/20/19.
Accession Number: 20190620–5109.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2219–000.
Applicants: Sun City Project LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff and Requests for Waivers to be effective 6/21/2019.
Filed Date: 6/20/19.
Accession Number: 20190620–5110.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2220–000.
Applicants: Big Sky North, LLC.
Description: § 205(d) Rate Filing: Big Sky North, LLC Co Tenancy Agreement to be effective 6/21/2019.
Filed Date: 6/20/19.
Accession Number: 20190620–5125.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2221–000.
Applicants: Avista Corporation.
Description: Compliance filing: Avista Corp OATT Request for Limited Waiver to be effective 6/21/2019.
Filed Date: 6/20/19.
Accession Number: 20190620–5126.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2222–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2829R3 Midwest Energy & Westar Energy Meter Agent Agreement to be effective 6/1/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5009.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2223–000.
Applicants: Bolt Energy, LLC.
Description: § 205(d) Rate Filing: MBR Tariff to be effective 6/12/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5031.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2224–000.
Applicants: Turtle Creek Wind Farm LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Baseline to be effective 8/20/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5032.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2225–000.
Applicants: City of Dover Delaware.
Description: Petition for Limited Waiver of Tariff Deadline, et al. of the City of Dover, Delaware.
Filed Date: 6/20/19.
Accession Number: 20190620–5152.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: ER19–2226–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: PSCo–CSU–A&R O&M–Jcksn Fllr–395–0.1.0 to be effective 6/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5064.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2227–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: UAMPS Trans IC Agmt—Purgatory Flat to be effective 6/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5101.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2228–000.
Applicants: Antelope Expansion 2, LLC.
Description: § 205(d) Rate Filing: LGIA Co-Tenancy Agreement to be effective 6/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5110.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2229–000.
Applicants: San Pablo Raceway, LLC.
Description: § 205(d) Rate Filing: LGIA Co-Tenancy Agreement to be effective 6/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5112.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2230–000.
Applicants: Polaris Wind Energy LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 8/21/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5117.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2230–001.
Applicants: Polaris Wind Energy LLC.
Description: Tariff Amendment: Supplement to Application for Market-Based Rate Authorization to be effective 8/21/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5124.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2231–000.
Applicants: Chief Conemaugh Power II, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 8/21/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5122.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2232–000.
Applicants: Chief Keystone Power II, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 8/21/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5125.
Comments Due: 5 p.m. ET 7/12/19.
Docket Numbers: ER19–2233–000.
Applicants: Smoky Mountain Transmission LLC.
Description: Compliance filing: Order Nos. 845 and 845–A Compliance Filing to be effective 5/22/2019.
Filed Date: 6/21/19.
Accession Number: 20190621–5158.
Comments Due: 5 p.m. ET 7/12/19.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC19–5–000.
Applicants: I Squared Capital.
Description: Self-Certification of FC of I Squared Capital.
Filed Date: 6/20/19.
Accession Number: 20190620–5115.
Comments Due: 5 p.m. ET 7/11/19.
Docket Numbers: FC19–6–000.
Applicants: Chenya Power Co., Ltd.
Description: Self-Certification of FC of I Squared Capital.
Filed Date: 6/21/19.
Accession Number: 20190621–5035.

Comments Due: 5 p.m. ET 7/12/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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 21, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13718 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–118–000]

Trans-Foreland Pipeline Company, LLC; Notice of Schedule for Environmental Review of the Kenai LNG Cool Down Project

On March 29, 2019, Trans-Foreland Pipeline Company, LLC filed an application in Docket No. CP19–118–000 requesting an authorization pursuant to Section 3(a) of the Natural Gas Act to construct and operate certain liquefied natural gas (LNG) facilities. The proposed project is known as the Kenai LNG Cool Down Project (Project), and would allow the Kenai LNG Plant to provide up to 7.0 million standard cubic feet per day of natural gas to Trans-Foreland's affiliated Kenai Refinery adjacent to the Kenai LNG Plant.

On April 12, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—December 13, 2019
90-day Federal Authorization Decision Deadline—March 12, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Trans-Foreland proposes to make facility modifications to bring parts of Kenai LNG Plant out of its current warm idle status to allow for the import of LNG. Trans-Foreland proposes to install, construct, and operate a new 1,000 horsepower electric-driven boil-off-gas (BOG) booster compressor unit, trim vaporizers, additional LNG transfer system valves, equipment to manage the existing BOG facilities (collectively referred to as the BOG Management System), and ancillary facilities to facilitate the import of LNG to cool down the existing LNG storage tanks and associated LNG facilities.

Background

On May 13, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Kenai LNG Cool Down Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the Alaska State Historic Preservation Office regarding the Section 106 of the National Historic Preservation Act consultation, noting that the existing LNG facilities may be a historic property. All substantive comments will be addressed in the EA.

The U.S. Coast Guard, U.S. Department of Energy, and the U.S. Department of Transportation are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP19–118), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: June 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–13717 Filed 6–26–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Central Valley Project, California-Oregon Transmission Project, Pacific Alternating Current Intertie, and Third-Party Transmission Service—Rate Order No. WAPA–185

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order extending Sierra Nevada Region's power, transmission, and ancillary services formula rates.

SUMMARY: The Under Secretary of Energy confirms, approves, and places into effect, on an interim basis, the extension of the existing Central Valley Project power, transmission, and ancillary service; California-Oregon Transmission Project transmission; Pacific Alternating Current Intertie transmission; and third-party transmission formula rates. Western Area Power Administration (WAPA) will submit them to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis. The existing formula rates are set to expire on September 30, 2019. This rate extension makes no changes to the existing formula rates and extends them through September 30, 2024.

DATES: The formula rates will be placed into effect on an interim basis on October 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sonja Anderson, Regional Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710, (916) 353–4418, e-mail: *sanderso@wapa.gov;* or Ms. Autumn Wolfe, Rates Manager, Sierra Nevada Region, (916) 353–4686, e-mail: *wolfe@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to WAPA's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. In Delegation Order No. 00–002.00Q, effective November 1, 2018, the Secretary of Energy also delegated to the Under Secretary of Energy the authority to confirm, approve, and place into effect on an interim basis power and transmission rates for WAPA. By Redelegation Order 00–002.10D, effective June 4, 2019, the Under Secretary of Energy further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. This extension is issued in accordance with the Delegation Order and DOE's rate extension procedures at 10 CFR 903.23(a).[1]

On July 14, 2016, FERC approved Rate Order No. WAPA–173: WAPA's rates for the Central Valley Project power, transmission, and ancillary service; and transmission service for California-Oregon Transmission Project, Pacific Alternating Current Intertie, and Third-Party Transmission.[2] FERC approved the rates for three years from October 1, 2016, through September 30, 2019. Under the approved formula rates, WAPA recalculates the charges and revenue requirements each year based on updated financial and operational data. The existing formula rates provide sufficient revenue to repay all annual expenses, including interest expense, and repay capital investments within the allowable periods; this ensures repayment within the cost recovery criteria set forth in DOE Order RA 6120.2. Given the pending expiration of these rates, WAPA proposed to extend them under Rate Order No. 185.[3] The rate extension makes no change to the existing formula rates and extends the rates through September 30, 2024.

Following DOE's review of WAPA's proposal,[4] I hereby confirm, approve, and place into effect Rate Order No. WAPA–185 on an interim basis. This extends, without adjustment, the existing rate schedules listed below, through September 30, 2024:

- CV–F13 (Base Resource and First Preference Power),
- CPP–2 (Custom Product Power),
- CV–T3 (Firm and Non-Firm Point-to-Point Transmission Service),
- CV–NWT5 (Network Integration Transmission Service),
- COTP–T3 (Firm and Non-Firm Point-to-Point Transmission Service),
- PACI–T3 (Firm and Non-Firm Point-to-Point Transmission Service),
- CV–TPT7 (Third-Party Transmission Service),
- CV–UUP1 (Unreserved Use Penalties),
- CV–RFS4 (Regulation and Frequency Response),
- CV–SPR4 (Spinning Reserves),
- CV–SUR4 (Supplemental Reserves),
- CV–EID4 (Energy Imbalance Service), and
- CV–GID1 (Generator Imbalance).

WAPA will submit Rate Order No. WAPA–185 and the extended rate schedules to FERC for confirmation and approval on a final basis.

Dated: June 21, 2019.

Bruce J. Walker,

Assistant Secretary.

DEPARTMENT OF ENERGY

UNDER SECRETARY

In the Matter of: Western Area Power Administration Extension for the Central Valley Project, California-Oregon Transmission Project, Pacific Alternating Current Intertie, and Third-Party Transmission Service Formula Rates.

Rate Order No. WAPA-185

ORDER CONFIRMING, APPROVING, AND PLACING THE FORMULA RATES FOR THE CENTRAL VALLEY PROJECT, CALIFORNIA-OREGON TRANSMISSION PROJECT, PACIFIC ALTERNATING CURRENT INTERTIE, AND THIRD-PARTY TRANSMISSION SERVICE FORMULA RATES INTO EFFECT ON AN INTERIM BASIS

This Rate Order extends formula rates. The extension is undertaken pursuant to section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152), which transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

By Delegation Order No. 00-037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the Administrator of the Western Area Power Administration (WAPA); (2) the authority to confirm, approve, and place into effect such rates on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. 00-002.00Q, effective November 1, 2018, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary of Energy. By Redelegation Order No. 00-002.10D, effective June 4, 2019, the Under Secretary of Energy further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. This Rate Order's extension is issued under the latter Delegation Order and DOE's rate extension procedures codified at 10 CFR 903.23(a).[1]

BACKGROUND

On July 14, 2016, FERC confirmed, approved, and placed into effect Rate Order No. WAPA-173,[2] which extended the rates listed below for three years from October 1, 2016, through September 30, 2019:

- CV-F13 (Base Resource and First Preference Power),
- CPP-2 (Custom Product Power),
- CV-T3 (Firm and Non-Firm Point-to-Point Transmission Service),
- CV-NWT5 (Network Integration Transmission Service),
- COTP-T3 (Firm and Non-Firm Point-to-Point Transmission Service),

[1] 84 FR 5347 (Feb. 21, 2019).

[2] Order Confirming and Approving Rate Schedule on Final Basis, FERC Docket No. EF16–3–000, 156 FERC ¶ 62,039 (2016). FERC originally approved the rate on December 2, 2011. Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF11–9–000, 137 FERC ¶ 62,201 (2011).

[3] 80 FR 51556 (Aug. 25, 2015).

[4] 83 FR 63857 (Dec. 12, 2018).

[1] 84 FR 5347 (Feb. 21, 2019).

[2] Order Confirming and Approving Rate Schedule on Final Basis, FERC Docket No. EF16-3-000, 156 FERC ¶ 62,039 (2016). FERC originally approved the rate on December 2, 2011. Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF11-9-000, 137 FERC ¶ 62,201 (2011).

- PACI-T3 (Firm and Non-Firm Point-to-Point Transmission Service),
- CV-TPT7 (Third-Party Transmission Service),
- CV-UUP1 (Unreserved Use Penalties),
- CV-RFS4 (Regulation and Frequency Response),
- CV-SPR4 (Spinning Reserves),
- CV-SUR4 (Supplemental Reserves),
- CV-EID4 (Energy Imbalance Service), and
- CV-GID1 (Generator Imbalance).

These rates apply to power, transmission, and ancillary services for the Central Valley Project, and transmission service for the Pacific AC Intertie, California-Oregon Transmission Project, and third party transmission. On December 12, 2018, pursuant to 10 CFR 903.23(a), WAPA filed a notice in the **Federal Register** proposing to extend, without adjustment, the above rates as Rate Order No. WAPA-185.[3] WAPA determined it was not necessary to hold public information or public comment forums on the proposed formula rate extension, but provided a 30-day consultation and comment period. The consultation and comment period ended on January 11, 2019, and WAPA received no comments on the proposed formula rate extension.

DISCUSSION

The power, transmission, and ancillary service formula rates, approved under Rate Order No. WAPA-173, expire on September 30, 2019. WAPA recalculates the charges under the existing formula rate methodologies at least annually, which provides adequate revenue to recover annual expenses, including interest expense, and repay capital investments within allowable time. This ensures repayment within the cost recovery criteria set forth in DOE Order RA 6120.2.

Rate Order No. WAPA-185 extends, without adjustment, the existing formula rates listed above, through September 30, 2024, thereby continuing to ensure project repayment within the cost recovery criteria.

ORDER

In view of the above and under the authority delegated to me, I hereby confirm, approve, and place into effect, on an interim basis, Rate Order No. WAPA-185, which extends the existing power, transmission, and ancillary services formula rates: Rate Schedules CV-F13, CPP-2, CV-T3, CV-NWT5, COTP-T3, PACI-T3, CV-TPT7, CV-UUP1, CV-SPR4, CV-SUR4, CV-RFS4, CV-EID4, and CV-GID1, through September 30, 2024. The rates will remain in effect on an interim basis until: (1) FERC confirms and approves this extension on a final basis; (2) subsequent rates are confirmed and approved; or (3) such rates are superseded.

Dated: June 21, 2019.

Bruce J. Walker,

Assistant Secretary.

[FR Doc. 2019–13714 Filed 6–26–19; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064–0001)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (3064–0001).

DATES: Comments must be submitted on or before August 26, 2019.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Counsel, (202) 898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Interagency Charter and Federal Deposit Insurance Application.

OMB Number: 3064–0001.

Form: Interagency Charter and Federal Deposit Insurance Application.

Affected Public: Banks or Savings Associations wishing to become FDIC-insured depository institutions.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection (IC) description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated number of responses	Estimated time per response (Hours)	Frequency of response	Total estimated annual burden (Hours)
Interagency Charter and Federal Deposit Insurance Application.	Reporting	Mandatory	34	1	125	On Occasion	4,250
Total Estimated Annual Burden Hours.	.....	.....	.....	.....	.....	.....	4,250

General Description of Collection: The Federal Deposit Insurance Act requires financial institutions to apply to the FDIC to obtain deposit insurance. This collection provides FDIC with the

[3] 83 FR 63857 (Dec. 12, 2018).

information needed to evaluate the applications.

Request for Comment: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC on June 24, 2019.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2019–13693 Filed 6–26–19; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 10, 2019.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Lawrence Andrew Proffitt, Gatlinburg, Tennessee;* to become the substitute trustee for the Voting Trust Agreement of Tennessee State Bancshares, Inc., Pigeon Forge, Tennessee, and thereby indirectly vote the shares of Tennessee State Bank, also of Pigeon Forge, Tennessee.

Board of Governors of the Federal Reserve System, June 24, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–13724 Filed 6–26–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 25, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Magnolia Banking Corporation, Magnolia, Arkansas;* to acquire 100 percent of the voting shares of Prescott Bancshares, Inc., Prescott, Arkansas, and thereby indirectly acquire Bank of Prescott, also of Prescott, Arkansas.

Board of Governors of the Federal Reserve System, June 24, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–13725 Filed 6–26–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of availability—new Common Formats

SUMMARY: As authorized by the Secretary of HHS, AHRQ coordinates the development of common definitions and reporting formats (Common Formats or formats) for reporting on health care quality and patient safety. The purpose of this notice is to announce the availability of *Common Formats for Surveillance—Hospital Version 0.3 Beta* for public review and comment.

DATES: Ongoing public input.

ADDRESSES: The *Common Formats for Surveillance—Hospital Version 0.3 Beta* can be accessed electronically at the following website: *http://hare.qualityforum.org/Projects/Common-Formats/Pages/default.aspx.*

FOR FURTHER INFORMATION CONTACT: Dr. Hamid Jalal, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background on Common Formats Development

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to 299b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731–70814, provide for the formation of Patient Safety Organizations (PSOs), which collect and analyze confidential and privileged information regarding the quality and safety of health care delivery that meets the definition of

PSWP. Aggregation of these data enables PSOs and others to identify and address underlying causal factors of patient safety and quality issues.

The Patient Safety Act provides for the development of standardized reporting formats using common language and definitions to ensure that health care quality and patient safety data collected by PSOs and other entities are comparable. The Common Formats facilitate aggregation of comparable data at local, PSO, regional and national levels. In addition, the formats are intended to enhance the reporting of information that is standardized both clinically and electronically.

AHRQ has developed Common Formats for three settings of care—acute care hospitals, nursing homes, and community pharmacies—for use by health care providers and PSOs. AHRQ-listed PSOs are required to collect patient safety work product in a standardized manner to the extent practical and appropriate; this is a requirement the PSO can meet by collecting such information using Common Formats. Additionally, providers and other organizations not working with an AHRQ-listed PSO can use the Common Formats in their work to improve quality and safety; however, they cannot benefit from the federal confidentiality and privilege protections of the Patient Safety Act.

Since February 2005, AHRQ has convened the Federal Patient Safety Work Group (PSWG) to assist AHRQ in developing and maintaining the Common Formats. The PSWG includes major health agencies within HHS as well as the Departments of Defense and Veterans Affairs. The PSWG helps assure the consistency of definitions/formats with those of relevant government agencies. In addition, AHRQ has solicited comments from the private and public sectors regarding proposed versions of the Common Formats through a contract, since 2008, with the National Quality Forum (NQF), which is a non-profit organization focused on health care quality. After receiving comments, the NQF solicits review of the formats by its Common Formats Expert Panel. Subsequently, NQF provides this input to AHRQ who then uses it to refine the Common Formats.

Previously, AHRQ's primary focus with the formats has been to support traditional event reporting. For the Common Formats, it should be noted that AHRQ uses the term ''surveillance'' in this context to refer to the improved detection of events and calculation of adverse event rates in populations reviewed that will allow for collection of comparable performance data over time and across populations of patients. These formats are designed to provide, through retrospective review of medical records, information that is complementary to that derived from event reporting systems. For more information on AHRQ's efforts measuring patient safety in this area, please go to: *https://www.ahrq.gov/news/blog/ahrqviews/new-system-aims-to-improve-patient-safety-monitoring.html.*

The *Common Formats for Surveillance—Hospital Version 0.3 Beta* include two general types of formats, generic and event-specific. The generic Common Formats pertain to all patient safety concerns. The event-specific Common Formats pertain to frequently-occurring and/or serious patient safety events. The *Common Formats for Surveillance—Hospital Version 0.3 Beta* event-specific formats are: Blood or Blood Product, Birth—Maternal, Birth—Neonatal, Device, Fall, Medication, Pressure Ulcer/Pressure Injury, Surgery or Anesthesia, Venous Thromboembolism, Healthcare Associated Infection (HAI)—Catheter Associated Tract Infection (CAUTI)/Clostridium Difficile—Clostridioides Infection (CDI)/Central Line Associated Blood Stream Infection (CLABSI)/Pneumonia/Surgical Site Infection (SSI)/Urinary Tract Infection (UTI), Other HAI, and Other Outcomes of Interest (OOI).

AHRQ is specifically interested in receiving feedback in order to guide the improvement of the formats. Information on how to comment on the *Common Formats for Surveillance—Hospital Version 0.3 Beta* is available at: *http://www.qualityforum.org/Project_Pages/Common_Formats_for_Patient_Safety_Data.aspx.*

Additional information about the Common Formats can be obtained through AHRQ's PSO website: *https://pso.ahrq.gov/.*

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2019–13661 Filed 6–26–19; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7054–N]

Announcement of the Advisory Panel on Outreach and Education (APOE) July 16, 2019 Meeting

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

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the APOE (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Tuesday, July 16, 2019, 8:30 a.m. to 4 p.m. eastern daylight time (e.d.t).

Deadline for Meeting Registration, Presentations, Special Accommodations and Comments: Tuesday, July 2, 2019, 5 p.m., e.d.t.

ADDRESSES: *Meeting Location:* U.S. Department of Health & Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW, Room 505A, Conference Room, Washington, DC 20201.

Presentations and Written Comments: Presentations and written comments should be submitted to: Lisa Carr, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *Lisa.Carr@cms.hhs.gov*.

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the website *https://www.eventbrite.com/e/apoe-july-16–2019-meeting-tickets-60810918093* or by contacting the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the

ADDRESSES section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lisa Carr, Designated Federal Official, Office of Communications, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *Lisa.Carr@cms.hhs.gov*.

Additional information about the APOE is available at: *http://www.cms.gov/Regulations-and-guidance/Guidance/FACA/APOE.html*. Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background and Charter Renewal Information

A. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. CMS has had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Patient Protection and Affordable Care Act (Pub. L. 111–148) and Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the Affordable Care Act) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and CHIP. Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace℠ or Marketplace℠ [2]). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace℠. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this Panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 19, 2019, and will terminate on January 19, 2021 unless renewed by appropriate action.

B. Charter Renewal

In accordance with the charter filed on January 19, 2019, the APOE was renewed. The APOE will advise the HHS and CMS on developing and implementing education programs that support individuals who are enrolled in or eligible for Medicare, Medicaid, CHIP, or health coverage available through the Health Insurance Marketplace℠ and other CMS programs about options for selecting health care coverage under these programs envisioned under health care reform to ensure improved access to quality care, including prevention services.

The scope of this Federal Advisory Committee Act (FACA) group also includes advising on education of providers and stakeholders with respect to health care reform and certain provisions of the HITECH Act enacted as part of the ARRA.

The charter will terminate on January 19, 2021, unless renewed by appropriate action. The APOE was chartered under 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. The APOE is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

In accordance with the renewed charter, the APOE will advise the Secretary of Health and Human Services and the CMS Administrator concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, the CHIP, and coverage available through the Health Insurance Marketplace℠ and other CMS programs.
- Enhancing the federal government's effectiveness in informing Medicare, Medicaid, CHIP, or the Health Insurance Marketplace℠ consumers, issuers, providers, and stakeholders, pursuant to education and outreach programs of issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, the CHIP and the Health Insurance Marketplace℠ education programs, and other CMS programs as designated.

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

[2] Health Insurance Marketplace℠ and Marketplace℠ are service marks of the U.S. Department of Health & Human Services.

• Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.

• Building and leveraging existing community infrastructures for information, counseling, and assistance.

• Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel as of May 20, 2019 are: Robert Blancato, President, Matz, Blancato & Associates; Dale Blasier, Professor of Orthopaedic Surgery, Department of Orthopedics, Arkansas Children's Hospital; Deborah Britt, Executive Director of Patient Services, Piedmont Fayette Hospital; Deena Chisolm, Associate Professor of Pediatrics and Public Health, The Ohio State University College of Medicine, The Research Institute at Nationwide Children's Hospital; Robert Espinoza, Vice President of Policy, Paraprofessional Healthcare Institute; Louise Scherer Knight, Director, Harry J. Duffey Family Patient and Family Services Program, Johns Hopkins Sidney Kimmel Comprehensive Cancer Center; Cathy Phan, Business Development Coordinator, Asian American Health Coalition dba HOPE Clinic; Kamilah Pickett, Director, Community Health Compass; Alvia Siddiqi, Medical Director, Advocate Physician Partners; and Tobin Van Ostern, Co-Founder, Young Invincibles Advisors.

II. Provisions of This Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the July 16, 2019 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (April 10, 2019) meeting
- CMS programs, initiatives, and priorities
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Security, Building, and Parking Guidelines

The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by contacting the DFO at the address listed in the **ADDRESSES** section of this notice or by telephone at the number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This meeting will be held in a federal government building, the Hubert H. Humphrey (HHH) Building; therefore, federal security measures are applicable.

The REAL ID Act of 2005 (Pub. L. 109–13) establishes minimum standards for the issuance of state-issued driver's licenses and identification (ID) cards. It prohibits federal agencies from accepting an official driver's license or ID card from a state for any official purpose unless the Secretary of the Department of Homeland Security determines that the state meets these standards. Beginning October 2015, photo IDs (such as a valid driver's license) issued by a state or territory not in compliance with the Real ID Act will not be accepted as identification to enter federal buildings. Visitors from these states/territories will need to provide alternative proof of identification (such as a valid passport) to gain entrance into federal buildings. The current list of states from which a federal agency may accept driver's licenses for an official purpose is found at *http://www.dhs.gov/real-id-enforcement-brief*.

We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

• Presentation of a government-issued photographic identification to the Federal Protective Service or Guard Service personnel.

• Inspection, via metal detector or other applicable means, of all persons entering the building. We note that all items brought into HHH Building, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting.

IV. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Authority: Sec. 1114(f) of the Social Security Act (42 U.S.C. 1314(f)), sec. 222 of the Public Health Service Act (42 U.S.C. 217a), and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR part 102–3).

Dated: June 21, 2019.

Seema Verma,

Administrator Centers for Medicare & Medicaid Services.

[FR Doc. 2019–13658 Filed 6–26–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Behavioral Interventions To Advance Self-Sufficiency Next Generation (BIAS–NG) (0970–0502)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE) in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) requests Office of Management and Budget (OMB) approval to modify the previously approved pilot generic clearance (0970–0502) to collect data as part of rapid cycle testing and evaluation, in order to inform the design of interventions informed by behavioral science and to better understand the mechanisms and effects of such interventions. Interventions have been and will continue to be developed in the program area domains of Temporary Assistance for Needy Families (TANF) and child welfare, and this revision

would also allow for collection of data in the Early Head Start/Head Start program area. These interventions are intended to improve outcomes for participants in these programs.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OPRE is conducting the Behavioral Interventions to Advance Self-Sufficiency Next Generation (BIAS–NG) project. This project uses behavioral insights to design and test interventions intended to improve the efficiency, operations, and efficacy of human services programs. The BIAS–NG project is applying and testing behavioral insights to ACF programs including TANF and Child Welfare, and intends to expand these efforts to Early Head Start/Head Start. This notice is a revision to a previously approved collection, which included data collection to design and test interventions in the TANF and Child Welfare domains. Under the approved pilot generic clearance, OPRE plans to work with approximately six sites, and will conduct one or more tests per site, for a total of approximately 9 tests of behavioral interventions. At least one of these sites will be in the newly added program area of Head Start/Early Head Start. The design and testing of BIAS–NG interventions is rapid and, to the extent possible, iterative. Each specific intervention is designed in consultation with agency leaders and launched as quickly as possible. To maximize the likelihood that the intervention produces measurable, significant, positive effects on outcomes of interest, rapid cycle evaluation techniques will be employed in which proximate outcomes will be measured to allow the research team to more quickly iterate and adjust the intervention design, informing subsequent tests. Due to the rapid and iterative nature of this work, OPRE sought and received generic clearance to conduct this research. Following standard OMB requirements for generic clearances, once instruments requiring burden are tailored to a specific site and the site's intervention, OPRE submits an individual generic information collection request under this umbrella clearance. Each request includes the individual instrument(s), a justification specific to the individual information collection, a description of the proposed intervention, and any supplementary documents. Each specific information collection includes up to two submissions: One submission for the formative stage research and another submission for any further data collection requiring burden during the testing phase. The type of information to be collected and the uses of the information is described in the supporting statements, found here: *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201707-0970-005.*

This Notice is specific to expanding the program area domains to include Early Head Start/Head Start, in addition to the previously approved domains of Child Welfare and TANF.

Respondents: (1) Program Administrators, (2) Program Staff and (3) Program Clients.

TOTAL BURDEN ESTIMATES

[TANF, CW, Third Domain]

Instrument	Previously approved respondents for TANF and CW	Total number of respondents (TANF, CW, EHS/HS)	Number of responses per respondent	Average burden hours per response	Total burden hours with 3rd Domain
Diagnosis and Design					
Administrator interviews/focus groups	24	48	1	1	48
Staff interviews/focus groups	48	378	1	1	378
Client interviews/focus groups	48	348	1	1	348
Client survey	600	840	1	.25	210
Staff Survey	120	144	1	.25	36
Evaluation					
Administrator interviews/focus groups	48	96	1	1	96
Staff interviews/focus groups	96	756	1	1	756
Client interviews/focus groups	96	696	1	1	696
Client survey	6,000	10,800	1	.25	2,700
Staff Survey	120	600	1	.25	150

Estimated Total Burden Hours: 5,418.

Authority: 42 U.S.C. 1310.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–13701 Filed 6–26–19; 8:45 am]

BILLING CODE 4184–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5372]

Marketing Clearance of Diagnostic Ultrasound Systems and Transducers; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Marketing Clearance of Diagnostic Ultrasound Systems and Transducers.'' This final guidance provides detailed recommendations for manufacturers seeking marketing clearance of diagnostic ultrasound systems and transducers, and includes guidance describing the types of modifications to a diagnostic ultrasound device for which FDA does not intend to enforce the requirement for a new premarket notification (510(k)).

DATES: The announcement of the guidance is published in the **Federal Register** on June 27, 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–2017–D–5372 for ''Marketing Clearance of Diagnostic Ultrasound Systems and Transducers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Marketing Clearance of Diagnostic Ultrasound Systems and Transducers'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Shahram Vaezy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4227A, Silver Spring, MD 20993–0002, 301–796–6242; or Keith Wear, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, Rm. 2114, Silver Spring, MD 20993–0002, 301–796–2538.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance provides detailed recommendations for manufacturers seeking marketing clearance of diagnostic ultrasound systems and transducers. This guidance supersedes FDA's guidance entitled ''Information for Manufacturers Seeking Marketing Clearance of Diagnostic Ultrasound Systems and Transducers'' dated September 9, 2008, regarding FDA's approach to the regulation of certain diagnostic ultrasound devices.

In addition to outlining regulatory approaches for certain diagnostic ultrasound devices, this guidance describes the types of modifications to a diagnostic ultrasound device for which FDA does not intend to enforce the requirement for a new 510(k). As

before, manufacturers who submit 510(k)s and receive marketing clearance will continue to be exempt from the Electronic Product Radiation Control reporting requirements in 21 CFR 1002.12, for diagnostic ultrasound devices, as described in the notice to industry entitled ''Exemption from Reporting under 21 CFR 1002'' dated February 24, 1986.[1]

FDA considered comments received on the draft guidance that appeared in the **Federal Register** of October 2, 2017 (82 FR 45856). FDA revised the guidance as appropriate in response to the comments.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on information for manufacturers seeking marketing clearance of diagnostic ultrasound systems and transducers. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Marketing Clearance of Diagnostic Ultrasound Systems and Transducers'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 560 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket Notification	0910–0120
801	Medical Device Labeling Regulations	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
1002 and 1010	Reporting and Recordkeeping for Electronic Products—General Requirements.	0910–0025
814, subpart A–E	Premarket Approval of Medical Devices	0910–0231
513(f)(2) FD&C Act	De Novo Classification Process (Evaluation of Automatic Class III Designation).	0910–0844
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756

Dated: June 21, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

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BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0075]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Experimental Study on Measuring Consumer Comprehension of Displays of Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 29, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Experimental Study on Measuring Consumer Comprehension of Displays of Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Experimental Study on Measuring Consumer Comprehension of Displays of Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke OMB Control Number 0910–NEW

[1] Available at *https://www.fda.gov/downloads/RadiationEmittingProducts/RadiationEmittingProductsandProcedures/MedicalImaging/UCM509874.pdf.*

I. Background

On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) (Tobacco Control Act) was signed into law. This law amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) and granted FDA the authority to regulate the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco products to protect the public health and to reduce tobacco use by minors. The Tobacco Control Act also gave FDA the authority to issue regulations deeming other products that meet the statutory definition of a tobacco product to be subject to chapter IX of the FD&C Act (section 901(b) of the FD&C Act (21 U.S.C. 387a(b))).

In accordance with that authority, on May 10, 2016 (81 FR 28974), FDA issued a final rule deeming all products that meet the statutory definition of tobacco product, except accessories of newly deemed tobacco products, to be subject to FDA's tobacco product authority. The deemed products include electronic nicotine delivery systems, cigars, waterpipe (hookah), pipe tobacco, nicotine gels, dissolvables that were not already subject to the FD&C Act, and other tobacco products that may be developed in the future.

Among other requirements, section 904(e) of the FD&C Act (21 U.S.C. 387d(e)) requires FDA to establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents (HPHCs), including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. Section 904(d)(1) of the FD&C Act further requires that this list be published in a format that is understandable and not misleading to a lay person (the Section 904(d) list).

FDA has undertaken a rigorous science-based research approach to ensure that the Section 904(d) list is not misleading to lay persons. As part of this research, FDA is seeking to conduct an experimental/quantitative study (4,500 online surveys), consisting of adult and youth (aged 13 to17) participants to evaluate the best way to convey information about HPHCs in tobacco products and tobacco smoke, by brand and by quantity in each brand and subbrand, in a format that is understandable and not misleading to a lay person. Participants will view sample formats and complete an online survey that will include questions regarding their understanding of the HPHC information presented to them. The purpose of the research is to gain insight on consumer comprehension of, and preferences regarding, HPHC presentations that will inform the Agency's efforts in connection with publishing the Section 904(d) list.

In the **Federal Register** of February 11, 2019 (84 FR 3188), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received comments from six individuals or organizations, three of which were PRA related.

(Comment) One comment recommended that FDA make the study design, sample formats, and all study measures available for public comment.

(Response) FDA notes that the study protocol, list formats, and the survey questionnaire are available for review upon request and are described in detail as part of the overall information collection request submitted to OMB for review.

(Comment) One comment suggested that FDA add a control group that does not view a sample format to our study design.

(Response) FDA considered the utility of adding a no-exposure control group to this study. However, FDA determined that this is not in line with the study aims. The aims of the study are derived from section 904(e) of the FD&C Act which requires FDA to publish a list of HPHCs in each brand and sub-brand of tobacco product, in a way that people find understandable and not misleading. Therefore, the proposed study will test different formats of HPHC lists to meet this statutory requirement. A condition in which people do not see a list of HPHCs in a tobacco product does not approximate real-life conditions.

(Comment) One comment suggested that FDA should clarify whether the HPHC sample formats will include smokeless brands since items in the draft survey are exclusive to cigarettes. The comment also noted that FDA should clarify whether smokeless tobacco and exclusive cigarette users will only view HPHC lists in their respective categories.

(Response) HPHC sample formats will not include smokeless brands because HPHC lists for cigarettes are the focus of the proposed study. All participants will view HPHC lists for cigarettes only to allow for a parsimonious and focused design that is adequately powered to detect effects.

(Comment) One comment suggested that FDA should use validated survey measures, establish the validity of other metrics prior to use, and consider using validated risk perception metrics.

(Response) FDA agrees that validated items should be used whenever possible. FDA engaged in a multistep process to select validated survey items for this study. First, FDA conducted a literature review and used available validated survey measures, including measures from past HPHC research (Ref. 1). However, for some outcomes (*e.g.,* knowledge about the tested format), validated measures do not exist because questions are specific to the stimuli. Second, FDA conducted qualitative research to inform our measures. Based on insights uncovered during this research, we created and modified survey items. Third, FDA conducted cognitive testing to refine the measures. It should be noted that there are many ways to measure these constructs, including harm perceptions. The harm perceptions items that FDA used are based on a systematic review that identified the most commonly measured tobacco-related health consequences in the literature (Ref. 2).

(Comment) One comment suggested that FDA should get end-user input into the development and refinement of the survey items. The comment suggested that survey items should be subject to cognitive testing, with individuals representing end users until the point of saturation is reached.

(Response) FDA agrees that it is important to test a survey before collecting responses. As part of the research program, FDA conducted 54 indepth interviews, ''Consumer Comprehension of Displays of Harmful and Potentially Harmful Constituents (HPHCs) in Tobacco Products'' (OMB control number 0910–0796), as a first step to develop items. Based on the findings from that study and a literature review to uncover validated measures, FDA developed a draft survey. Next, FDA cognitively tested the draft survey and stimuli and refined each by reducing redundant content and editing any confusing items. FDA reached saturation in both qualitative studies.

(Comment) One comment suggested that including a midpoint on some of the scales (*e.g.* ''neutral'' and ''neither agree nor disagree'') may be difficult for some respondents to understand. The comment suggested that FDA incorporate a ''don't know'' response option for some items including the HPHC general knowledge questions.

(Response) The inclusion of a ''don't know'' response on the knowledge items was made in order to best match the source of those items (Refs. 1 and 3). That is, FDA included a ''don't know'' option when the source item did so. Although it is true that individuals interpret middle options like ''neutral'' in different ways, these personal interpretations should be randomly distributed across condition and thus

not affect the comparisons among the stimuli (Ref. 4).

(Comment) One comment recommended that FDA ask several of the post-test items (*e.g.*, items 33, 34, 38) during the pre-test so that we can obtain a baseline estimate of misperceptions and determine whether there was any change in respondents' incorrect beliefs following exposure to the stimulus.

(Response) The primary purpose of this study is to test formats to see if they are understandable and not misleading. This can be achieved by comparing post-test measures of understanding and misleading across conditions and does not require a pre-test. We note that participants may have baseline misperceptions that are not accounted for in this design; however, since we are collecting data from a representative sample of people, we can account for these differences during the analysis. Further, as these items are part of a validated scale if FDA selects only a few items to ask in the pre-test, this may lead to data that is not reliable or valid. As these items are part of a larger scale that has been used and tested in previous research, only selecting a few questions may alter how participants respond to these and other questions in the survey. Also, these items have not been tested to be used alone.

(Comment) One comment suggested that FDA add an attention check and measures of believability, truthfulness, or skepticism to provide additional context for the study results.

(Response) The knowledge items in the survey are inherently an attention check because the participant can use the information in the stimulus to answer questions. Adding an attention check will not provide any additional benefit. Adding additional measures about believability, truthfulness, or skepticism are outside of the scope and purpose of this study.

(Comment) One comment suggested that FDA oversample vulnerable populations including youth, minorities, and those with low levels of education in our survey. An additional comment commended FDA for including youth aged 13 to 17 in this study as it is critically important because most tobacco consumers begin using tobacco before the age of 18. Further, including youth in the sample underscores FDA's recognition that it is possible to survey youth about the comprehension of information about tobacco without violating ethical standards.

(Response) FDA agrees, we have established quotas in the recruitment to ensure that the sample is comprised of at least 20 percent of low socioeconomic participants (income of less than $25,000 year) and at least 20 percent of adults without a high school diploma or GED. These proportions are not exclusive because low education and low socioeconomic status are strongly correlated. Further, the study sample will include approximately 1,500 adolescent tobacco users and adolescents at risk for using tobacco (ages 13 to 17).

(Comment) One comment suggested that FDA collect demographic information pertaining to race/ethnicity, age, and education level.

(Response) FDA agrees, we already plan to collect this demographic information as part of the screening procedures.

(Comment) One comment suggested that FDA ask participants where they would look for information about tobacco constituents.

(Response) FDA appreciates the suggestion. As previously mentioned in our comment responses FDA conducted 54 indepth interviews where this was assessed. There is also an item on the survey that asks, ''Where would you most like to see information on chemicals in cigarettes and cigarette smoke?'' The response options are ''on cigarette packs,'' ''in stores,'' and ''online.'' Between this item and the indepth interviews FDA conducted, this will provide FDA with adequate information on where participants would look for information about tobacco constituents.

(Comment) One comment suggested that FDA add ''to the best of your knowledge'' at the beginning of questions 6 through 10.

(Response) FDA does not believe this is necessary as these questions include a ''don't know'' response option. Further, these questions were used in previous research (Ref. 1).

(Comment) There were a few comments about the ''understanding'' section of the survey. One comment suggested that FDA add nicotine, acetone, and carbon monoxide to this section. Another comment suggested that FDA expand the ''Understanding'' section to include a section on addiction. The comment suggested that the section list specific constituents and ask participants if they cause addiction. One comment suggested that FDA modify the question that asks, ''does smoking cause addiction'' and change it to ''does smoking cigarettes cause addiction.''

(Response) FDA appreciates these suggestions. FDA declines to add additional items or modify items in the ''understanding'' section as it is consistent with prior research. Further, these items were part of cognitive testing and did not cause confusion. Prior research deliberately selected two chemicals that would be familiar to respondents (ammonia and lead) and three that would be unfamiliar (1-aminonaphthalene, acrylonitrile, and isoprene) (Ref. 1). Further, even though there is not a specific question about the link between certain chemicals and addiction, FDA assesses participants' understanding of whether smoking causes addiction in items 11 to 24.

(Comment) There were two comments that asked FDA to add additional items measuring participants behavior. One comment suggested that FDA should add additional questions so that the survey could also determine how likely someone is to not only switch brands, but also whether they are likely to quit or switch to a different product. Another comment suggested that FDA add questions to the post-test to measure the behavioral impacts of these formats including cessation intentions.

(Response) Although measuring these behavioral intentions and outcomes are interesting, these questions are outside the scope of this study. The focus of this study is to assess whether displays of HPHC information are understandable and not misleading per the statutory requirement.

(Comment) FDA received two comments that supported the collection of this information. One comment urged FDA to move forward promptly with this study.

(Response) FDA appreciates this comment and intend to move forward with the study promptly. We note that data collection will occur within 2 months following OMB approval.

(Comment) One comment noted that FDA was required to publish a list of constituents in a format that is understandable and not misleading to a lay person by June 2012. However, no such list has been published. The comment also noted that it is important for FDA to ensure that information is disclosed in a way that is not misleading.

(Response) FDA agrees that the proposed study is important to help FDA fulfill its statutory requirement. FDA has undertaken an extensive program of research to ensure that we not only publish a list of constituents in a manner that is understandable and not misleading, but also avoid any unintended consequences of such a list.

(Comment) One comment noted that FDA should make it clear that characterizations of information on the list by tobacco product manufacturers in advertising or promotional material are subject to the requirements of the

provisions of section 911 of the Tobacco Control Act (21 U.S.C. 387k) regarding modified risk claims.

(Response) Thank you for this suggestion. However, this comment is outside the scope of the present study as it is about the implementation of the public displays of HPHCs and not about testing the display.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of respondent	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Youth Screener	1,800	1	1,800	0.05	90
Youth Survey	1,500	1	1,500	0.33	500
Total Youth Hours					590
Adult Screener	3,400	1	3,400	0.05	170
Adult Survey	3,000	1	3,000	0.33	1,000
Total Adult Hours					1,170
Total Burden Hours					1,760

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

For this study, potential participants will be recruited by a market research firm that maintains an internet panel, and information will be collected through self-administered, online screening tests and surveys of youth aged 13 to17 and adults aged 18 and older. Approximately 5,200 respondents (1,800 youth and 3,400 adults) will be requested to complete a screening test to determine eligibility for participation in the study, estimated to take approximately 3 minutes (0.05 hour) per screening test, for a total of 260 hours for screening activities. Respondents who qualify for the study will be directed to the survey. Approximately 4,500 participants (1,500 youth and 3,000 adults) will complete the survey, estimated to take 20 minutes (0.33 hour) per survey, for a total of 1,500 hours for completion of both adult and adolescent samples. The length of time to complete the screening test and survey are based on the research firm's experience that panel members answer approximately 2.5 questions per minute. This data collection will take place one time in 2019. Thus, the total estimated burden is estimated to be 1,760 hours.

II. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852 and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov*. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff.

1. Byron, M.J., A.J. Lazard, E. Peters, et al. (2018). ''Effective Formats for Communicating Risks from Cigarette Smoke Chemicals.'' *Tobacco Regulatory Science, 4*(2), 16–29. doi:10.18001/TRS.4.2.2.

* 2. O'Brien, E.K., A. Persoskie, and J. Tam (2019). ''Multi-Item Measures of Tobacco Health Perceptions: A Review,'' *American Journal of Health Behavior, 43*(2), 266–278. doi:10.5993/AJHB.43.2.4.

3. Brewer, N.T., J.C. Morgan, S.A, Baig, et al. (2017). ''Public Understanding of Cigarette Smoke Constituents: Three US Surveys.'' *Tobacco Control, 26*(5), 592–599.

* 4. Nadler, J.T., R. Weston, and E.C. Voyles (2015). ''Stuck in the Middle: The Use and Interpretation of Mid-Points in Items on Questionnaires,'' *The Journal of General Psychology, 142*(2), 71–89.

Dated: June 24, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3516]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Disease Awareness and Prescription Drug Promotion on Television

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by July 29, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Disease Awareness and Prescription Drug Promotion on Television.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.* For copies of the questionnaire contact: Office of Prescription Drug Promotion (OPDP) Research Team, *DTCresearch@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Disease Awareness and Prescription Drug Promotion on Television

OMB Control Number 0910–NEW

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

FDA's Center for Drug Evaluation and Research (CDER), Office of Prescription Drug Promotion (OPDP) is responsible for ensuring that prescription drug promotional materials are truthful, balanced, and accurately communicated. This project is being proposed as part of the research program of OPDP. OPDP's research program provides scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that we believe are most central to our mission, focusing in particular on three main topic areas: Advertising features, including content and format; target populations; and research quality. Through the evaluation of advertising features we assess how elements such as graphics, format, and disease and product characteristics impact the communication and understanding of prescription drug risks and benefits; focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience; and our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response issues. This study falls under the topic of both target populations and advertising features.

Because we recognize the strength of data and the confidence in the robust nature of the findings is improved through the results of multiple converging studies, we continue to develop evidence to inform our thinking. We evaluate the results from our studies within the broader context of research and findings from other sources, and this larger body of knowledge collectively informs our policies as well as our research program. Our research is documented on our homepage, which can be found at: *https://www.fda.gov/about-fda/center-drug-evaluation-and-research/office-prescription-drug-promotion-opdp-research.* The website includes links to the latest **Federal Register** notices and peer-reviewed publications produced by our office. The website maintains information on studies we have conducted, dating back to a direct-to-consumer (DTC) survey conducted in 1999.

The present research concerns disease awareness and prescription drug promotion communications on television. When pharmaceutical companies market a new drug, they often also release disease awareness communications about the medical condition the new drug is intended to treat (Refs. 1 and 2). FDA is interested in whether and to what extent this practice may result in consumers confusing or otherwise misinterpreting the different information and claims presented in disease awareness communications and prescription drug promotion. Prior research has documented that in both print (Ref. 3) and online (Ref. 4) contexts, consumers tend to conflate the information presented in prescription drug promotional materials with information presented in disease awareness communications. Specifically, the results of these studies suggest consumers incorrectly ascribe benefits to a prescription drug as a result of being exposed to information in a disease awareness communication that broadly describes the symptoms and negative consequences of the disease. There are ways in which this effect can be attenuated. For example, prior research has indicated that greater visual distinctiveness between the two ad types can ameliorate such confusion (Ref. 3). The present research seeks to extend previous studies of print and online promotion to the context of television promotion, and broadly examine the extent to which perceptual similarity between the two communication types, as well as their temporal proximity and exposure frequency, may lead to viewer confusion and the nature of that confusion.

This research is being conducted to determine how the similarity, temporal positioning, and frequency of exposure to disease awareness communications and prescription drug television promotion impact consumer perception and understanding of the benefits and risks of a prescription drug product. These objectives will be achieved using two experimental studies. The first study will explore the impact on consumer perception and comprehension of different levels of temporal separation between the disease awareness communication and prescription drug promotion within a single period of television programming, as well as the level of similarity versus distinctiveness between these communication types. Temporal separation is defined as the spacing or proximity between the disease awareness communication and prescription drug promotion in the hour-long programming, for example, if they are shown back-to-back or if they are separated by other ads or television programming. Similarity/distinctiveness is defined by variations between the disease awareness communication and prescription drug promotion, including visual and presentation elements such as the setting, actors, and colors. The second study will experimentally examine the impact of disease awareness communication temporal separation and exposure frequency on consumer perception and comprehension. Temporal separation in this second study again refers to the spacing or proximity between the disease awareness communication and prescription drug promotion but is operationally defined as either 1 day or 1 week. Exposure frequency is defined as the number of times that participants will view the disease awareness communication, either one, three, or six times. The results of this latter study will examine the practice of ''seeding the market,'' in which pharmaceutical companies release disease awareness communications before releasing product promotion communications. Similarity versus distinctiveness will also be examined in this study.

We propose the following hypotheses for this research:

A. Study 1

H1: Increased perceptual similarity between a disease awareness communication and a prescription drug promotion will result in significantly more conflation of the information presented in both pieces.

H2: Increased temporal proximity between a disease awareness communication and a prescription drug promotion will result in significantly more conflation of the information presented in both pieces.

B. Study 2

H1: Increased frequency of exposure to a disease awareness communication before exposure to a prescription drug promotion will result in significantly more conflation of the information presented in both pieces.

H2: Increased temporal proximity between a disease awareness

communication and a prescription drug promotion will result in significantly more conflation of the information presented in both pieces.

H3: Increased perceptual similarity between a disease awareness communication and a prescription drug promotion will result in significantly more conflation of the information presented in both pieces.

In each instance, conflation is defined as the extent to which an individual remembers and attributes benefits to a product that is based on information presented in a disease awareness communication and not in the drug promotion.

To address these hypotheses, Study 1 will employ a 3x4 factorial design in which participants are randomly assigned to one disease awareness communication condition, plus one control condition where participants will not view a disease awareness communication. The extent to which the disease awareness communication is perceptually similar to the product promotion communication will vary, as will the temporal separation of the disease awareness communication and product promotion communication. Table 1 depicts our design visually.

TABLE 1—STUDY 1 EXPERIMENTAL DESIGN

Disease awareness ad	Perceptual similarity to product ad	Disease awareness and product ad temporal separation			
		Back to back	Within same commercial pod [1]	In neighboring commercial pods	In non-neighboring commercial pods
Yes	Similar. Semi-similar. Distinct.				
No	N/A.				

[1] A commercial pod refers to a group of ads into which the test ad is inserted, designed to simulate an advertising break during a television program. As depicted in table 2, by neighboring commercial pods, we mean commercial pods separated only by television programming and no other commercial pods. By non-neighboring commercial pods, we mean commercial pods separated by both television programming and one or more (one, as studied here) other commercial pods.

TABLE 2—STUDY 1 SEQUENCE

Condition	Sequence														
	6 min [1]	2 min [2]	5 min [1]	2 min [2]	5 min [1]	2 min [2]	5 min [1]	2 min [2]	6 min [1]	2 min [2]	5 min [1]	2 min [2]	5 min [1]	2 min [2]	5 min [1]
Back to back	.....	DA,P [3]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	DA, P	.....
Same pod	.....	DA, P	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	DA, P	.....
Neighboring pods	.....	DA	.....	P	.....	.....	.....	.....	.....	.....	.....	DA	.....	P	.....
Non-neighboring pods	.....	DA	.....	.....	.....	P	.....	.....	.....	DA	.....	.....	.....	P	.....
Control	.....	P	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	P	.....

[1] TV Program.
[2] Commercial Pod.
[3] DA = Disease Awareness Communication; P = Product Promotion.

Study 2 will employ a 2x2x3 factorial design in which participants are randomly assigned to one disease awareness communication condition. The varying factors in Study 2 are the temporal separation between the disease awareness and product promotion communication, the number of exposures to the disease awareness communication, and the perceptual similarity of the disease awareness communication to the product promotion communication. Table 3 visually depicts our design. Of note, to reduce the overall number of experimental conditions for Study 2, no semi-similar experimental condition is used.

TABLE 3—STUDY 2 EXPERIMENTAL DESIGN

Time delay until product ad exposure (temporal separation)	Perceptual similarity of ads	Exposures to disease awareness ad		
		One exposure	Three exposures	Six exposures
One Day	Similar			
	Distinct			
One Week	Similar			
	Distinct			

TABLE 4—STUDY 2 SEQUENCE

	Delay	Similarity	Disease awareness ad exposure phase						Product ad exposure phase						
			Day →												
			1	2	5	6	9	10	11	12	13	14	15	16	17
Six Exposures	1 day	similar	x	x	x	x	x	x	x						
		distinct	x	x	x	x	x	x	x						
	1 week	similar	x	x	x	x	x	x							x
		distinct	x	x	x	x	x	x							x

TABLE 4—STUDY 2 SEQUENCE—Continued

Three Exposures	1 day	similar				x	x	x	x						
		distinct				x	x	x	x						
	1 week	similar				x	x	x							x
		distinct				x	x	x							x
One Exposure	1 day	similar						x	x						
		distinct						x	x						
	1 week	similar						x							x
		distinct						x							x

Study 1 and 2 Sample. The targeted voluntary sample for both studies will comprise adults who self-report a current asthma diagnosis, a lifetime incidence of asthma, or experience a large number of asthma symptoms. These groups are believed to be very likely to be targeted by disease awareness and product promotion communications for asthma. The combined incidence rate of these groups is 22.2 percent (Refs. 5 and 6). In addition, several exclusion criteria are specified. These include: (1) Training or employment as a healthcare professional, (2) employment with a pharmaceutical company, an advertising agency, a market research company, or the Department of Health and Human Services, and (3) participation in market research within the past 3 months on the topic of prescription drugs. Pretest participants will also be ineligible for the main study.

Pretesting. Pretesting will take place before the main studies to evaluate the procedures used in the main studies. Each of the two pretests will have the same design as its respective main study (pretest 1 for Study 1 and pretest 2 for Study 2). The purpose of both pretests will be to: (1) Ensure that the mock stimuli are understandable, viewable, and delivering intended messages; (2) identify and eliminate any challenges to embedding the mock stimuli within the online survey; (3) ensure that survey questions are appropriate and meet the analytical goals of the research; and (4) pilot test the methods, including examining response rates and timing of survey. The two pretests will be conducted simultaneously.[1] Based on pretest findings, we will refine the mock stimuli, survey questions, and data collection process, as necessary, to optimize the full-scale study conditions.

Measurement. Our planned analyses are designed to address the key hypotheses. For both Study 1 and Study 2, we anticipate that the primary analysis will be analysis of variance to compare the main and interaction effects of the experimental factors.

The focal dependent variable will be *conflation*—a measure of memory and perceptions regarding the promoted drug relative to the information presented in the disease awareness communication. Conflation will be measured by using the number of benefits that are incorrectly attributed to the prescription drug product based on responses to a number of both open-ended and closed-ended items.

Other key dependent variables will reflect perceptions and attitudes toward the product ad. These include measures of:

1. Perception of product promotion effectiveness;
2. Behavioral intentions toward the drug;
3. Perceived efficacy of the drug; and
4. Perceived risks of the drug.

In addition to the primary variables of interest, we have also identified potential covariates that will be included in the analyses:

1. Knowledge about asthma;
2. Health literacy; and
3. Perceived ad effectiveness.

We expect that knowledge about asthma and increased health literacy may moderate any conflation that results from ad similarity, temporal proximity, and frequency of exposure. Perceptions of promotion effectiveness, on the other hand, can be examined both as an outcome/dependent variable but also as a covariate that examines involvement with the product promotion. Greater involvement may attenuate conflation in that it directs more in-depth processing of both the disease awareness communication and product promotion, and therefore more correct understanding of the claims in each (Refs. 7 to 9).

In the **Federal Register** of October 17, 2018 (83 FR 52472), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received six comments that were PRA related. Within those submissions, FDA received multiple comments that the Agency has addressed. Two additional comments were received that were not responsive to the four collection of information topics solicited and therefore are not discussed in this document.

(Comment 1) Four comments suggested that FDA provide copies of stimuli in the **Federal Register** for public comment. Relatedly, one comment requested a copy of the participant consent documents.

(Response) We have described the purpose of the study, the design, the population of interest, and have provided the questionnaire to numerous individuals upon request. Our full stimuli are under development during the PRA process. We do not make draft stimuli public during this time because of concerns that this may contaminate our participant pool and compromise the research. The consent form is available as part of the information collection submission to OMB.

(Comment 2) Three comments expressed support for FDA's determination to take an evidence-informed approach to its regulation of sponsor communications.

(Response) We appreciate this support.

(Comment 3) Three comments suggested that selecting asthma sufferers as the target population limits the applicability of the results, or that asthma sufferers' prior knowledge regarding asthma may bias their responses.

(Response) Researching each medical condition, or general population sample, requires significant resources. We are committed to conducting this research using our available resources while ensuring the integrity of the research by collecting data on a high prevalence condition (*i.e.,* >20% incidence rate) for which participants might be thought of as sufficiently representative of the average consumer, thus allowing us to draw conclusions about broad perceptual and cognitive processing outcomes.

(Comment 4) Three comments suggested that use of mock

[1] Pretesting will be preceded by cognitive interviewing, not described here. Cognitive interviews are used to probe a small sample of participants on how and why they responded to various questions as they did, resulting in strong measurement instruments.

advertisements, products, and environments do not represent what happens in the real world.

(Response) In response to **Federal Register** notices for prior research under our research program, commenters have suggested the opposite, which is that use of real materials (*i.e.,* existing drug ads) could have confounding results due to consumer familiarity with medicines and drug classes used to treat their existing condition. We sought to address this concern by utilizing realistic mock materials. Additionally, utilizing mock materials allows for precise manipulation of the stimuli fitting with our research questions and is the most common practice in the field.

(Comment 5) Two comments expressed concern about use of ''conflation'' as a dependent variable.

(Response) The present research seeks to extend previous studies of print and online promotion to the context of television promotion and as such utilizes many of the same dependent measures, including the key dependent measure of ''conflation.'' Conflation as defined in this notice reflects the key outcome of interest given the research questions posed and therefore has been retained.

(Comment 6) Two comments suggested that the open-ended response questions are open to interpretation and data variability and encouraged FDA to revise these to close-ended questions.

(Response) The purpose of the open-ended items is to measure unaided participant recall of claims made in the prescription drug promotion. These responses will be content coded using an inductive approach and numeric codes will be assigned to the open-ended responses. Quantifying open-ended responses provides structure and reduces the interpretation associated with a qualitative coding scheme. After sanitizing open-ended comments (removing obscenities, proper names, and any case-specific information), two reviewers will read the responses and develop a coding scheme to establish theme descriptions, numeric codes, and coding rules. Two coders will receive training and will code 25 percent of the responses. After achieving high inter-coder reliability (*e.g.,* κappa = .75), the remaining responses will be divided between the coders. Open-ended coding will then be merged with the data set for analysis. Additionally, we have tested these response options in cognitive interviewing and found them to be effective for their intended purpose. We have also received positive feedback on these measures from our consultations with expert peer reviewers. These measures have therefore been retained.

(Comment 7) Two comments suggested adding a control condition to Study 2 whereby participants only see the prescription drug product ad before completing the survey.

(Response) For Study 2, the primary questions are related to both frequency of exposure and delay. A control condition that features no disease awareness communications makes the delay factor redundant, and comparisons can be made between no exposure and repeated exposure. Therefore, a control condition for Study 2 is unnecessary given the current design.

(Comment 8) Two comments suggested that Studies 1 and 2 are highly similar and thus only one study needs to be conducted. One of these comments suggested dropping Study 2 and utilizing the resources that would have been allotted to instead create different iterations of temporal separation for Study 1.

(Response) Studies 1 and 2 include overlap in their independent and dependent variables. However, they are unique in that Study 1 will explore outcomes within a single period of television programming, whereas Study 2 will examine outcomes over time mirroring the practice of ''seeding the market,'' in which pharmaceutical companies release disease awareness communications before releasing product promotion communications. Both studies offer significant and unique value to FDA and therefore both studies have been retained.

(Comment 9) One comment suggested separating recall of the ad from recall of the product into separate questions.

(Response) The question reads, ''Do you recall seeing a commercial for [Drug X], a prescription product for asthma?'' This question is intended to assess recall of the commercial for [Drug X] and is not intended to assess recall for this fictitious product beyond this commercial. We hope this clarification is helpful for understanding why we intend to retain the present version of this question.

(Comment 10) One comment suggested that pretesting be conducted to ensure that stimuli reflect the intended manipulations.

(Response) FDA intends to conduct both cognitive interviewing and pretesting to ensure the stimuli reflect the intended manipulations.

(Comment 11) One comment suggests that the proposed research overlooks the positive aspects of disease awareness campaigns, and to address this, steps can be taken such as adding questions about behavioral intentions to the questionnaire.

(Response) FDA acknowledges that there are positive aspects of disease awareness campaigns. This research is intended to evaluate specific research questions as outlined in the 60-day **Federal Register** notice and therefore dependent measures align with these research questions. As an overall strategy to reduce participant burden, we do not intend to ask questions that do not inform these research questions.

(Comment 12) One comment suggested relocating non-terminating screening questions to the end of the questionnaire to reduce participant fatigue.

(Response) The purpose of including the screening items at the beginning of the questionnaire is to ensure a diverse sample using predetermined quotas, and for required statistical analyses following completion of the data collection. Retaining the screening items at the beginning of the questionnaire will allow for comparisons between non-respondents and respondents.

(Comment 13) One comment suggested adding a ''Don't know'' response option wherever applicable.

(Response) We understand the value of providing such responses for items of a factual nature. The drawback to providing such response options to these questions, however, is that we may lose information by allowing respondents to choose an easy response instead of giving the item some thought. Research has demonstrated that providing ''no opinion'' options likely results in the loss of data without any corresponding increase in the quality of the data. Thus, we prefer not to add these options to the survey.

(Comment 14) One comment suggested that FDA develop a clear, overarching research agenda and provide a comprehensive list of its prescription drug promotion studies.

(Response) The 60-day **Federal Register** notice for this study describes OPDP's research agenda, how this study fits into that agenda, and provides the web address of OPDP's research page, which includes links to the latest **Federal Register** notices and peer-reviewed publications produced by our office. The website maintains information on studies we have conducted, dating back to a DTC survey conducted in 1999.

(Comment 15) One comment suggested that the current research duplicates prior work conducted in online and print contexts.

(Response) The present research seeks to extend previous studies of print and online promotion to the context of television promotion. In previous **Federal Register** notices under our

research program, we have been advised by commenters that findings for one form of advertising should not be assumed to broadly apply to other forms of advertising. Additionally, we note that the present research includes unique elements beyond advertising format that have not previously been studied. An example of this is assessment of ''seeding the market'' in Study 2 whereby sponsors initially release a disease awareness ad for a period of time, followed by release of a product promotion ad.

(Comment 16) One comment suggested that the time commitment required for participation may result in a self-selected sample of individuals with more time available (*e.g.,* students).

(Response) Participants will be recruited through online panels, which include a diverse range of participants in regard to age, race/ethnicity, income, education, and employment. We also have proposed the use of soft quotas to further ensure that we will recruit a diverse sample. Finally, we were able to recruit a diverse sample for cognitive interviewing and although a smaller sample size than will be recruited for the pretests and main studies, the sample was not overrepresented in any demographic categories.

(Comment 17) One comment suggested that the calculated burden is appropriate but requested additional detail about other requirements that may add to burden in addition to the time in the study itself.

(Response) Data collection will occur online, so the burden estimate reflects time spent answering the screener, stimuli viewing, survey completion, thus reflecting overall study time and requirements.

(Comment 18) One comment identified errors in the questionnaire.

(Response) Thank you for noting these errors. All identified errors have been fixed.

(Comment 19) One comment suggested adding intermediate response values to questions that omitted them (*e.g.,* 1 = no improvement, to 6 = substantial improvement).

(Response) These questions were developed through scale validation research. We did not encounter any confusion on the part of respondents during cognitive testing of the questionnaire. We will retain these questions in their original form.

(Comment 20) One comment suggested that because ''prescription drug information'' has become a political topic in recent years, the introduction to the questionnaire should be revised to avoid saying that ''[w]e will use your feedback to. . .improve prescription drug information for people like you.'' The concern is that this information may bias responses depending on participant views of ''prescription drug information.''

(Response) The proposed research concerns prescription drug information and so we need to provide this context to participants to orient them to the questions that follow. Moreover, institutional review boards typically require transparency about the topic of the research. We have therefore retained this language in our study materials.

(Comment 21) One comment noted that ''[p]erceptions of promotion effectiveness'' is described as both a dependent variable and a covariate, and to avoid distortion in the model, recommends selection of a different covariate.

(Response) Perception of promotion effectiveness is described as a dependent variable, differing from perceived ad effectiveness, which measures perception of the disease awareness communications. The purpose of including perceived ad effectiveness as a covariate is that perception of the disease awareness communications may directly affect conflation, which could require statistical adjustment.

(Comment 22) One comment suggested expanding the participant exclusion criteria to include individuals studying health fields and product marketing (beyond pharmaceuticals).

(Response) We currently exclude individuals who work for a pharmaceutical company, an advertising agency, a market research company, or the Department of Health and Human Services. These criteria exclude individuals working in advertising or market research beyond pharmaceuticals, but do not necessarily exclude students studying these fields. To ensure a diverse sample, we generally aim to limit our exclusion criteria. However, please note that random assignment to experimental condition should ensure that these individuals are approximately evenly distributed across conditions.

(Comment 23) One comment requested information about how learning effects would be controlled for given the multiple exposures.

(Response) For Study 2, learning effects are accounted for by the exposure frequency manipulation. Participants are randomly assigned to see the disease awareness ad once, three times, or six times. For Study 1, all participants see the ads the same number of times, except participants randomly assigned to the control condition who do not see the disease awareness ad.

FDA estimates the burden of this collection of information as follows:

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Study 1 Pretest screener	385	1	385	0.08 (~5 minutes)	31
Study 2 Pretest screener	329	1	329	0.08 (~5 minutes)	26
Study 1 screener	3,007	1	3,007	0.08 (~5 minutes)	241
Study 2 screener	2,643	1	2,643	0.08 (~5 minutes)	211
Study 1 Pretest	270	1	270	1.33 (~1 hour 20 minutes)	360
Study 2 Pretest	158	1	158	0.53 (~32 minutes)	84
Study 1	2,105	1	2,105	1.33 (~1 hour 20 minutes)	2,800
Study 2	1,269	1	1,269	0.53 (~32 minutes)	673
Total					4,426

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Bulik, B.S. (March 11, 2018). ''Unbranded Pharma Ads—What Are They Good For? Actually Quite a Bit, Marketing Panelists Say.'' Available at *https://www.fiercepharma.com/marketing/unbranded-pharma-ad-what-are-they-good-for-actually-quite-a-bit-marketer-panelists-say?mkt_tok=eyJpIjoiWkRnelpUSmlORFpoWkdNMSIsInQiOiJPaENIUERpT0tnUmt6Y1BPMk9LTnpreUI3bUtPOVRzRnh1RzNuWUtYQmp0cWJhcW05UFhlcllwTzI3V0RJSndjVkZLR3NGUHBLamJOZmJSK2FZeWtIVXczeFRFcmtEV0NFaVdCSjArUmx4dUlRVHZpUzFFOWlVY0dNb1RzOU9Xay J9&mrkid=20932234.* Accessed on April 12th, 2019.
2. Bulik, B.S. (December 21, 2016). ''Avanir Shelves Danny Glover PBA Awareness Ad in Favor of Branded Nuedexta Effort.'' Available at *https://www.fiercepharma.com/marketing/avanir-launches-nuedexta-brand-campaign-retires-danny-glover-pba-disease-awareness-ad.* Accessed on April 12, 2019.
3. * Aikin, K.J., H.W. Sullivan, and K.R. Betts, ''Disease Information in Direct-to-Consumer Prescription Drug Print Ads.'' *Journal of Health Communication,* 21:228–239, 2016.
4. * Sullivan, H.W., A.C. O'Donoghue, D.J. Rupert, et al., ''Are Disease Awareness Links on Prescription Drug websites Misleading? A Randomized Study.'' *Journal of Health Communication,* 21:1198–1207, 2016.
5. * Centers for Disease Control and Prevention. (2018a, May 18). ''2016 National Health Interview Survey (NHIS) Data.'' Retrieved from *https://www.cdc.gov/asthma/nhis/2016/table2-1.htm.*
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7. Petty, R.E. and J.T. Cacioppo, ''Issue Involvement Can Increase or Decrease Persuasion by Enhancing Message-Relevant Cognitive Responses.'' *Journal of Personality and Social Psychology,* 37:1915–1926, 1979. doi: 10.1037/0022–3514.37.10.1915.
8. Petty, R.E. and J.T. Cacioppo, ''The Elaboration Likelihood Model of Persuasion.'' *Advances in Experimental Social Psychology,* 19:123–205, 1986. doi: 10.1016/S0065–2601(08)60214–2.
9. Petty, R.E., J.T. Cacioppo, and R. Goldman, ''Personal Involvement as a Determinant of Argument-Based Persuasion.'' *Journal of Personality and Social Psychology,* 41:847–855, 1981. doi: 10.1037/0022–3514.41.5.847.

Dated: June 24, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13734 Filed 6–26–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1828]

E19 Optimisation of Safety Data Collection; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''E19 Optimisation of Safety Data Collection.'' The draft guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The draft guidance provides recommendations regarding appropriate use of a selective approach to safety data collection in some late-stage pre- or postmarketing studies of drugs where the safety profile, with respect to commonly occurring adverse events, is well understood and documented. The draft guidance is intended to advance important clinical research questions through the conduct of clinical investigations that collect relevant patient data, which will enable an adequate benefit-risk assessment of the drug for its intended use, while reducing the burden to patients from unnecessary tests that may yield limited additional information.

DATES: Submit either electronic or written comments on the draft guidance by September 25, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–1828 for ''E19 Optimisation of Safety Data Collection.'' 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 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. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Ellis Unger, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4200, Silver Spring, MD 20993–0002, 301–796–2270; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the ICH: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization, and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The Assembly is responsible for endorsing draft guidelines and adopting final guidelines. FDA publishes ICH guidelines as FDA guidance.

In November 2018, the ICH Assembly endorsed the draft guidance entitled ''E19 Optimisation of Safety Data Collection'' and agreed that the guidance should be made available for public comment. The draft guidance is the product of the E19 Expert Working Group of the ICH. Comments about this draft guidance will be considered by FDA and the E19 Expert Working Group.

The draft guidance provides recommendations regarding appropriate use of a selective approach to safety data collection in some late-stage pre- or postmarketing studies of drugs where the safety profile, with respect to commonly occurring adverse events, is well understood and documented. Recognizing that protection of patient welfare during drug development is critically important, unnecessary data collection may be burdensome to patients and serve as a disincentive to participation in clinical research. By tailoring safety data collection in some circumstances, the burden to patients would be reduced, a larger number of informative clinical studies could be carried out with greater efficiency, studies could be conducted with greater global participation, and the public health would be better served. The proposed guidance would be consistent with risk-based approaches and quality-by-design principles.

The draft guidance discusses when selective safety data collection might be considered, what types of data could have limited or no collection under this approach, and how selective data collection might be implemented without compromising patient well-being or safety. The draft guidance is not intended to affect the reporting of postmarketing adverse events relevant to an approved drug or affect reporting of requirements under an investigational new drug application. The draft guidance is intended to advance important clinical research questions through the conduct of clinical investigations that collect relevant patient data, which will enable an adequate benefit-risk assessment of the drug for its intended use, while reducing the burden to patients from unnecessary tests that may yield limited additional information.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance

practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent FDA's current thinking on ''E19 Optimisation of Safety Data Collection.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.regulations.gov,* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: June 24, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13702 Filed 6–26–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1469]

M10 Bioanalytical Method Validation; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''M10 Bioanalytical Method Validation.'' The draft guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The draft guidance describes the method validation expectations for bioanalytical assays for nonclinical and clinical studies that generate data to support regulatory submissions. The draft guidance also describes the procedures and processes that should be characterized for chromatographic and ligand-binding assays that are used to measure the parent and active metabolites of drugs administered in nonclinical and clinical subjects. The draft guidance is intended to provide industry with the regulatory expectations for bioanalytical method validation of assays used to support regulatory submissions.

DATES: Submit either electronic or written comments on the draft guidance by September 25, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–1469 for ''M10 Bioanalytical Method Validation.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3103, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY**

INFORMATION section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Brian Booth, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2186, Silver Spring, MD 20993–0002, 301–796–1508; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the ICH: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization, and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidance.

In November 2018, the ICH Assembly endorsed the draft guideline entitled ''M10 Bioanalytical Method Validation'' and agreed that the guideline should be made available for public comment. The draft guideline is the product of the M10 Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the ICH M10 Expert Working Group.

The draft guidance provides guidance on the validation of bioanalytical assays that support regulatory submissions. The draft guidance describes the various elements and expectations of method validation for assays in nonclinical and clinical studies of new drugs and generic drugs and applies to chromatographic and ligand-binding assays for parent drug and active metabolites in biological matrices such as plasma, blood, or serum.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent the current thinking of FDA on ''M10 Bioanalytical Method Validation.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: June 24, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13698 Filed 6–26–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–2012]

New Drugs Regulatory Program Modernization: Improving Approval Package Documentation and Communication

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is seeking public comment on the Clinical Data Summary Report Pilot program as part of the Agency's continuous assessment of the efficiency and transparency of the clinical data used in the regulatory decision-making process. The Agency is also seeking public feedback on a new integrated review template for the documentation of new drug marketing applications developed as part of the New Drugs Regulatory Program Modernization. The Agency hopes to receive public feedback on both of these efforts and on how FDA might continue supporting our stakeholders' needs related to the clarity and transparency of drug approval decisions.

DATES: Submit either electronic or written comments on the notice by August 26, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 26, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 26, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–2012 for ''New Drugs Regulatory Program Modernization: Improving Approval Package Documentation and Communication.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Regarding the Clinical Data Summary Pilot Program: Patrick Zhou, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1148, Silver Spring, MD 20993–0002, 301–348–1817, *Patrick.Zhou@fda.hhs.gov,* with the subject line ''Collecting Public Feedback on the Clinical Data Summary Pilot Program.''

Regarding the Integrated Review: Kevin Bugin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5128, Silver Spring, MD 20993–0002, 301–796–2302, *Kevin.Bugin@fda.hhs.gov,* with the subject line ''Collecting Public Feedback on the Integrated Review.''

SUPPLEMENTARY INFORMATION:

I. Background

Currently, FDA's Center for Drug Evaluation and Research (CDER) provides access to action packages, which include all discipline reviews, for newly approved original new drug applications (NDAs) and biologics license applications (BLAs) by posting these action packages on the FDA website at *www.fda.gov/drugs@FDA.* FDA posts them regardless of whether there has been a request under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

Other approval-related information such as review documents for abbreviated new drug applications (ANDAs) or NDA efficacy supplements are posted on *www.fda.gov/drugs@FDA* after they have been redacted and disclosed in response to a FOIA request, but they are not routinely posted proactively by the Agency. While the action packages include a significant amount of information from the sponsor's application, they can reach up to hundreds of pages and include administrative and/or correspondence-related documentation. As a result, some stakeholders have difficulty navigating the documents and using them to gain an understanding of the basis for FDA drug approvals. To address this, two efforts have been launched: (1) A pilot program referred to as the Clinical Data Summary Pilot Program (Pilot), launched in January 2018, through which parts of a sponsor's clinical study reports (CSRs) were to be posted and (2) a new integrated template that will be used to document FDA's review of new drug applications and efficacy supplements. This document seeks public comment on both of these efforts.

On January 16, 2018, then-FDA Commissioner Scott Gottlieb announced several efforts to enhance the transparency of the Agency's drug approval decisions as part of an overall approach to enhance the efficiency and transparency of the Agency's drug approval decisions. One of those efforts included the Pilot program to evaluate whether publicly disclosing certain summary information included within sponsor-submitted CSRs improves public understanding of the basis of FDA's approval decisions.

The Pilot's goals included enhancing the understanding of information about drug approvals to improve the accuracy of discussions about drug approvals in scientific publications, increasing stakeholders' understanding of the basis for FDA's approval decisions, and informing physicians and other healthcare providers about the clinical trial results on which regulatory decisions are based.

For this Pilot, FDA sought voluntary participation from the sponsors of fewer than ten marketing applications selected on the basis of novelty and clinical importance (*e.g.,* products that are novel including drugs that are new molecular entities, products across a range of disease areas, and products of scientific interest). For any approved application whose sponsor agreed to participate, FDA would post, along with the traditional action package, summary portions of the sponsor's CSRs for the pivotal trials establishing the safety and effectiveness of the drug. One sponsor voluntarily agreed to participate. The subsequent posting can be found on FDA's Clinical Data Summary Pilot Program web page at *https://*

www.fda.gov/drugs/development approvalprocess/ucm589210.htm. All other contacted sponsors declined to participate in the Pilot. The recruitment phase of the Pilot is now concluded.

FDA recognizes that the needs and expectations of different stakeholders regarding transparency of information relating to drug approval decisions may vary. By opening a public docket, FDA hopes to learn from its stakeholders more about the potential benefits or risks, resource requirements, and challenges of FDA publicly releasing a limited number of sections from certain CSRs at the time of marketing approval.

In addition to the Pilot, FDA has other efforts that also seek to provide greater clarity on FDA's application review and decision-making process. One of those efforts is the new integrated review process and template developed under the New Drugs Regulatory Program Modernization, which is part of a multiyear, multiphase effort to enhance the new drugs regulatory program. The new integrated review process and template are intended to promote more integrated and interdisciplinary assessments, enhance clarity of our assessments regarding the benefits and risks for new drug products, and improve our communication about the basis for new drug approvals. For more information, please see CDER Director Janet Woodcock's notes of June 4, 2018, available at *https://www.fda.gov/news-events/fda-voices-perspectives-fda-experts/fda-proposes-process-modernization-support-new-drug-development.*

II. The Integrated Review Process

The new integrated review process and documentation template, currently being implemented, supports reviewers in conducting a scientifically-rigorous review that efficiently documents regulatory decisions. The integrated review process includes the use and public posting, upon approval of a new drug or biologic, of an integrated review document that contains a summary, an integrated assessment, and appendices. This new review template would replace the current documentation where each discipline provides a separate application review document. The updated template would be a collaborative document with input from clinical, clinical pharmacology, biostatistics, toxicology reviewers, and other disciplines based upon the issues raised by the application. FDA believes this program will also meet the goal of effectively communicating the basis for new drug approvals. The Agency is therefore considering whether to focus its efforts to better communicate the basis for drug approvals on the development of new integrated review documents, rather than on the release of CSRs.

The guiding principles of this initiative are the importance of conducting an issue-focused assessment, enhanced communication both within the review team and with the applicant, and stronger interdisciplinary collaboration. FDA believes that the format and content of the integrated review will provide a clearer description of FDA's analysis of the scientific issues raised by the application, and will thereby more effectively communicate the basis for the approval decision.

As mentioned above, the integrated review template has three main components:

- *Summary:*
  - Contains an executive summary of FDA's decision and assessment of the application, including FDA's benefit-risk determination (as currently employed in marketing application reviews)
  - Provides an overall Agency assessment, including an overview of the major decisions made during the review process, and a brief discussion of the basis for the decisions
- *Integrated Assessment:*
  - Promotes succinct, integrated, focused analyses of the evidence of benefit-risk, and therapeutic individualization (*e.g.,* special populations, drug interactions)
  - Highlights key issues in an interdisciplinary manner that the review team thinks are pertinent to the decision-making process
- *Appendices:*
  - Contains assessments and analyses that are supportive or important to key facts/data or conclusions for the overall review
  - Contains work that did not directly impact the overall assessment of benefit-risk, regulatory action, labeling, or risk mitigation plans

The target audiences for this document are diverse, and include the lay public with a specific interest in the particular application, drug sponsors, researchers and others who are seeking to understand the basis for FDA's decision. In general, the first two parts of the integrated document would be expected to provide a complete explanation of FDA's action, with the third component (the appendices) also available for those looking for additional detail on the comprehensive analyses FDA conducted in its review of the drug application.

As part of FDA's internal assessment for both of these programs, the Agency is interested in receiving responses to the following questions, in addition to any general comments the public might have. For convenience, it would be helpful if commenters refer to the numbered question and subject when submitting responses and comments to the following questions:

A. Regarding the Clinical Data Summary Pilot Program

Please see the CSR posting available on FDA's Clinical Data Summary Pilot Program web page at *https://www.fda.gov/drugs/development approvalprocess/ucm589210.htm.*

1. How did the CSR posted in this Pilot affect or compare with your understanding of the CSRs submitted to FDA by drug sponsors?

2. How usable and/or accessible was the information in the CSR that was posted for the Pilot?

3. Did the required redactions/removal of certain information from the posted CSR affect your understanding or use of the posted information?

4. How might the information/content posted from this Pilot be used? What other information/content would have been helpful?

5. Given the other review documents available (*e.g.,* FDA's action package), how did the posted CSR affect your understanding of FDA's decision-making process regarding drug applications?

6. What do you believe would be the potential advantages and disadvantages of posting this information routinely?

7. Is there any additional information you would like to provide regarding the potential benefits or risks, resource requirements, and international challenges of publicly releasing a limited number of sections from certain CSRs at the time of marketing approval?

To illustrate the new integrated review template, the original reviews for NDA 210806 (PIFELTRO (doravirine) tablets, 100 milligrams (mg)) and NDA 210807 (DELSTRIGO (doravirine, lamivudine, and tenofovir disoproxil fumarate) tablets, 100/300/300 milligrams) have been rewritten to provide an example. The original multidisciplinary review for the NDAs and the information provided in the new integrated review template are posted on *https://www.fda.gov/newdrugsmodernization#integrated.*

B. Regarding the Integrated Review

1. How does the new format of the integrated review inform your knowledge of FDA's basis for making decisions?

2. How does the usability and accessibility of information in the new integrated review compare to the original review posted on FDA's website?

3. How could the information provided in the new integrated review format be used, if at all?

4. What do you believe would be the potential advantages and disadvantages of posting review documents in this format?

5. Based on the integrated review, were the issues that concerned the review team clear and understandable? If so, what helped achieve this? If not, what can be improved?

6. Is there important information in the integrated review that is difficult to locate or should be added?

Dated: June 24, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–13751 Filed 6–26–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims (the Court) is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register.**'' Due to an administrative error, publication of the notice covering February 2019 was delayed. Set forth below is a list of petitions received by HRSA on February 1, 2019, through February 28, 2019. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: June 21, 2019.

George Sigounas,

Administrator.

List of Petitions Filed

1. Tanja Wagner and Scott Wagner on behalf of S.W., Phoenix, Arizona, Court of Federal Claims No: 19–0188V
2. Rebecca E. Wood, Wenatchee, Washington, Court of Federal Claims No: 19–0189V
3. Julianna Barmasse, Cheektowaga, New York, Court of Federal Claims No: 19–0190V
4. Curtis Devlin, Pittsburgh, Pennsylvania, Court of Federal Claims No: 19–0191V
5. Janell Ward, Reno, Nevada, Court of Federal Claims No: 19–0192V
6. Trudy Schneidermann, Luverne, Minnesota, Court of Federal Claims No: 19–0193V

7. Michelle Leftwich, New York, New York, Court of Federal Claims No: 19–0194V
8. Stephen Stolec, Deerfield Beach, Florida, Court of Federal Claims No: 19–0195V
9. Ernestine Harris, Houston, Texas, Court of Federal Claims No: 19–0197V
10. Arnold Leo Comeau, Jr. Alamogordo, New Mexico, Court of Federal Claims No: 19–0198V
11. Deborah Ann Jones, Columbus, Georgia, Court of Federal Claims No: 19–0200V
12. Douglas Porter, Omaha, Nebraska, Court of Federal Claims No: 19–0201V
13. Garland Rucker, Salina, Kansas, Court of Federal Claims No: 19–0204V
14. Nanci Hohn, Loves Park, Illinois, Court of Federal Claims No: 19–0205V
15. Dominic Setaro, Jr., Leesburg, Florida, Court of Federal Claims No: 19–0207V
16. Sammy Satterwhite, Longview, Texas, Court of Federal Claims No: 19–0208V
17. Jeanne Tilley, Charlotte, North Carolina, Court of Federal Claims No: 19–0210V
18. Odilon M. Miranda, Irving, Texas, Court of Federal Claims No: 19–0211V
19. Sheldon Finkelstein, Lewes, Delaware, Court of Federal Claims No: 19–0212V
20. Scheila Leslie, Burlington, Kentucky, Court of Federal Claims No: 19–0215V
21. Judy H. Brintle, Greensboro, North Carolina, Court of Federal Claims No: 19–0217V
22. Daneara Johnson and David Johnson on behalf of Z.J., Rochester, New York, Court of Federal Claims No: 19–0218V
23. Sandy Ginsberg, Copiague, New York, Court of Federal Claims No: 19–0222V
24. Olga Davydova, Washington, Illinois, Court of Federal Claims No: 19–0223V
25. Geoffrey Griffis, Washington, District of Columbia, Court of Federal Claims No: 19–0224V
26. Joseph Mireles, West Des Moines, Iowa, Court of Federal Claims No: 19–0225V
27. Robert Juranek, Springfield, Illinois, Court of Federal Claims No: 19–0226V
28. Coyt M. Karriker, China Grove, North Carolina, Court of Federal Claims No: 19–0227V
29. Christal Dolan, Wesley Chapel, Florida, Court of Federal Claims No: 19–0228V
30. Tammy Morton Webb, Charleston, South Carolina, Court of Federal Claims No: 19–0229V
31. Lynn Rezek, Wellesley Hills, Massachusetts, Court of Federal Claims No: 19–0230V
32. Vera Leftridge, Flossmoor, Illinois, Court of Federal Claims No: 19–0232V
33. Kristina Aycock, Gastonia, North Carolina, Court of Federal Claims No: 19–0235V
34. Bonnie Dorr, The Villages, Florida, Court of Federal Claims No: 19–0237V
35. Amy Faulkenberry on behalf of W.C F., Magnolia Springs, Alabama, Court of Federal Claims No: 19–0238V
36. Mary Herron, Bannockburn, Illinois, Court of Federal Claims No: 19–0240V
37. Tauntanisha Ragland, North Brunswick, New Jersey, Court of Federal Claims No: 19–0241V
38. Monica Londono, East Greenwich, Rhode Island, Court of Federal Claims No: 19–0243V
39. Sandra Marin, Mansfield, Texas, Court of Federal Claims No: 19–0246V
40. Nathan Bastien, East Providence, Rhode Island, Court of Federal Claims No: 19–0247V
41. Ro Rohlfs, Eden, Wisconsin, Court of Federal Claims No: 19–0248V
42. Jefferson Salazar Giraldo, Woodhaven, New York, Court of Federal Claims No: 19–0249V
43. Lisa Brown, Atlanta, Georgia, Court of Federal Claims No: 19–0250V
44. Donna Clayton, Spartanburg, South Carolina, Court of Federal Claims No: 19–0251V
45. Melanie Ickes, Miami, Florida, Court of Federal Claims No: 19–0252V
46. Mikayla Luzecky, Tallahassee, Florida, Court of Federal Claims No: 19–0254V
47. Scott Scheffler, LaGrange, Kentucky, Court of Federal Claims No: 19–0260V
48. Katherine Ciccarelli and Joseph Ciccarelli on behalf of J.C. San Diego, California, Court of Federal Claims No: 19–0261V
49. Tristen Horton, Gainesville, Florida, Court of Federal Claims No: 19–0262V
50. Jenifer Rytel on behalf of J.R., Oregon City, Oregon, Court of Federal Claims No: 19–0263V
51. Korin Drilling, Traverse City, Michigan, Court of Federal Claims No: 19–0264V
52. Earl J. Smith, San Diego, California, Court of Federal Claims No: 19–0266V
53. Rene M. Cundra, Webster, New York, Court of Federal Claims No: 19–0267V
54. Stacy Shelton, St. Louis, Missouri, Court of Federal Claims No: 19–0268V
55. Cherylun Andrews, Wareham, Massachusetts, Court of Federal Claims No: 19–0271V
56. Robert Meyers, Rochester, New York, Court of Federal Claims No: 19–0272V
57. Susan Cook, Woonsocket, Rhode Island, Court of Federal Claims No: 19–0274V
58. Scott Everhart, Telluride, Colorado, Court of Federal Claims No: 19–0275V
59. Julie Drumm, Washington, District of Columbia, Court of Federal Claims No: 19–0276V
60. Daisy McCray, Charlotte, North Carolina, Court of Federal Claims No: 19–0277V
61. Christopher Dawson, Portage, Wisconsin, Court of Federal Claims No: 19–0278V
62. Gail Shelton, Charleston, North Carolina, Court of Federal Claims No: 19–0279V
63. Manita Mills, New York, New York, Court of Federal Claims No: 19–0281V
64. Clara Fitzgerald, Washington, District of Columbia, Court of Federal Claims No: 19–0282V
65. Tracy Jones, Oklahoma City, Oklahoma, Court of Federal Claims No: 19–0283V
66. Vanessa Gamez, Brownsville, Texas, Court of Federal Claims No: 19–0285V
67. Mary Cressell, Martinsville, Virginia, Court of Federal Claims No: 19–0286V
68. Judith Walters, St. Cloud, Minnesota, Court of Federal Claims No: 19–0287V
69. Augustine Spruill, Boston, Massachusetts, Court of Federal Claims No: 19–0288V
70. Emily Baker on behalf of L.M.B., Indianapolis, Indiana, Court of Federal Claims No: 19–0289V
71. Mark A. Jakubowski, Nashville, Tennessee, Court of Federal Claims No: 19–0291V
72. William Orth, Boston, Massachusetts, Court of Federal Claims No: 19–0293V
73. Becky Bangs, Portland, Oregon, Court of Federal Claims No: 19–0295V
74. Gary Curtis, Moscow, Idaho, Court of Federal Claims No: 19–0296V
75. Shelley E. Shlapak, Yorktown, Georgia, Court of Federal Claims No: 19–0297V

76. Sonya Sims-Caldwell, Mobile, Alabama, Court of Federal Claims No: 19–0298V
77. Jenifer Tatlow, Washington, District of Columbia, Court of Federal Claims No: 19–0299V
78. Ryan Farrell, Washington, District of Columbia, Court of Federal Claims No: 19–0301V
79. Heather A. Chasman on behalf of Stephen Burritt, Hilton, New York, Court of Federal Claims No: 19–0302V
80. Bay J. Scroggins, Raleigh, North Carolina, Court of Federal Claims No: 19–0303V
81. Stacey Stephens Pollock, Boston, Massachusetts, Court of Federal Claims No: 19–0305V
82. Gail R. Zuvich, San Pedro, California, Court of Federal Claims No: 19–0306V
83. Susana V. Welsh, Williamsburg, Virginia, Court of Federal Claims No: 19–0307V
84. Kathryn Oaks and Luke Oaks on behalf of R.O., Lubbock, Texas, Court of Federal Claims No: 19–0309V
85. Marissa Missan, Newark, Delaware, Court of Federal Claims No: 19–0311V
86. Larry Lemmonds, Snellville, Georgia, Court of Federal Claims No: 19–0312V
87. David McKnight, Greensboro, North Carolina, Court of Federal Claims No: 19–0313V
88. Ronda Brum Smith, Camarillo, California, Court of Federal Claims No: 19–0314V
89. Christopher Van Scoy, South Windsor, Connecticut, Court of Federal Claims No: 19–0318V
90. Shari Baelfyr, Sacramento, California, Court of Federal Claims No: 19–0319V
91. Mary Mullins on behalf of K.M., Williamsville, New York, Court of Federal Claims No: 19–0320V
92. Steven Vinueza, Everett, Washington, Court of Federal Claims No: 19–0324V

[FR Doc. 2019–13754 Filed 6–26–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Training in Primary Care Medicine and Dentistry Meeting Cancellation

AGENCY: Health Resources and Services Administration; Department of Health and Human Services.

ACTION: Notice of meeting cancellation.

SUMMARY: This is to notify the public that the August 8, 2019, meeting of the Advisory Committee on Training in Primary Care Medicine and Dentistry (ACTPCMD) is cancelled. This meeting was announced in the **Federal Register**, Vol. 84, No. 31 on Thursday, February 14, 2019 (FR Doc. 2019–02318 Filed 2–13–19). Future meetings will occur in calendar year 2020 and be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Dr. Kennita Carter, Designated Federal Officer, ACTPCMD, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 945–3505 or email: *BHWACTPCMD@hrsa.gov*.

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–13704 Filed 6–26–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Council on Graduate Medical Education

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Council on Graduate Medical Education (COGME) has scheduled a public meeting. Information about COGME and the agenda for this meeting can be found on the COGME website at: *https://www.hrsa.gov/advisory-committees/graduate-medical-edu/index.html.*

DATES: Monday, August 12, 2019, 9:00 a.m.–5:00 p.m. Eastern Time.

ADDRESSES: This meeting will be held by webinar only.

- *Conference call-in number:* 1–888–455–0640.
- *Passcode:* HRSA COUNCIL (voice response).
- *Webinar link: https://hrsa.connectsolutions.com/cogme.*

FOR FURTHER INFORMATION CONTACT: Kennita R. Carter, MD, Designated Federal Official (DFO), Division of Medicine and Dentistry, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, 15N–116, Rockville, Maryland 20857; 301–945–3505; or *KCarter@hrsa.gov.*

SUPPLEMENTARY INFORMATION: COGME makes recommendations to the Secretary of HHS (Secretary) and Congress on policy, program development, and other matters of significance as specified by section 762 of Title VII of the Public Health Service (PHS) Act. Issues addressed by COGME include: The supply and distribution of the physician workforce in the United States, including any projected shortages or excesses; foreign medical school graduates; the nature and financing of undergraduate and graduate medical education; appropriation levels for certain programs under Title VII of the PHS Act; and deficiencies in databases of the supply and distribution of the physician workforce and postgraduate programs for training physicians. Additionally, COGME encourages entities providing graduate medical education to conduct activities that will voluntarily achieve the recommendations of the council. COGME submits reports to the Secretary of HHS; the Senate Committee on Health, Education, Labor, and Pensions; and the House of Representatives Committee on Energy and Commerce.

During the August 12, 2019, meeting, COGME will discuss the topic of the rural health workforce. Agenda items are subject to change as priorities dictate. Refer to the COGME website for any updated information concerning the meeting. The meeting agenda will be available on the COGME website at least 10 business days prior to the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to provide written statements or make oral comments to COGME should be sent to Kennita R. Carter, MD, DFO, using the contact information above at least three business days prior to the meeting.

Maria G. Button,

Director, Division of the Executive Secretariat.

[FR Doc. 2019–13712 Filed 6–26–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Class Deviation From Competition Requirements for National Organizations for State and Local Officials Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of Class Deviation from Competition Requirements for National Organizations for State and Local Officials Program.

SUMMARY: In FY 2019, HRSA received funding from the Minority HIV/AIDS Fund from the Office of Secretary. The purpose of Minority HIV/AIDS Fund is to reduce new HIV infections, improve HIV-related health outcomes, and to reduce HIV-related health disparities for racial and ethnic minority communities by supporting innovation, collaboration, and the integration of best practices, effective strategies, and promising emerging models in the response to HIV among minority communities.

HRSA will be providing supplemental funds to support activities for the Association of State and Territorial Health Officials (ASTHO), to support the *Ending the HIV Epidemic: A Plan for America* (EtHE) initiative to eliminate new HIV infections by providing communities most severely affected by HIV with critical resources to address the HIV epidemic. The supplemental funds will be used to augment the awardee's current activities to improve access to quality services, support a skilled health workforce, develop innovative programs, and prevent and suppress communicable diseases to preserve and improve public health through the National Organizations for State and Local Officials program. The purpose of this supplement is to identify key stakeholders in the seven southern states that have a substantial rural HIV burden and establish collaborative partnerships in each state by convening leadership meetings with State Health Officials, Ryan White HIV/AIDS Program Part B Directors, HIV Surveillance Coordinators, HIV Prevention Directors, and other partners engaged in EtHE efforts.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Association of State and Territorial Health Officials, Arlington, Virginia.

Amount of Non-Competitive Awards: $100,000.

Period of Supplemental Funding: June 28, 2918–August 31, 2020.

CFDA Number: 93.011.

Authority: Section 311(a) of the Public Health Service (PHS) Act.

Justification: The EtHE is the Administration's initiative to end the HIV epidemic in the United States by 2030. A key strategy for reaching the goal for EtHE is to prioritize the seven states (Mississippi, South Carolina, Alabama, Arkansas, Kentucky, Missouri, and Oklahoma) that have a substantial rural burden (over 75 cases and 10 percent or more of their diagnoses in rural areas) of new HIV diagnoses. Eight of the 10 states with the highest rates of new HIV diagnoses are in the South, as are the 10 metropolitan statistical areas. The impact of HIV in the South also varies by race. African Americans are severely affected and accounted for 54 percent of new HIV diagnoses in 2014. Black gay, bisexual, and other men who have sex with men (MSM) face an especially heavy burden, accounting for 59 percent of all HIV diagnoses among African Americans in the South. In fact, of all black MSM diagnosed with HIV nationally in 2014, more than 60 percent were living in the South. Black women face an equally disproportionate burden of the disease, accounting for 69 percent of all HIV diagnoses among women in the South. In addition to the severe burden in the South, nationally there is a high incidence of HIV among transgender individuals, high-risk heterosexuals, and persons who inject drugs.

These states will need to mobilize quickly in order to reach the 2030 goal of EtHE. The proposed *State Collaborative Partnerships to End the HIV Epidemic* project will identify key stakeholders in the seven states and establish collaborative partnerships in each state by convening leadership meetings with State Health Officials, Ryan White HIV/AIDS Program Part B Directors, HIV Surveillance Coordinators, HIV Prevention Directors, and other partners engaged in EtHE efforts. These activities provide the foundational groundwork needed to support the quick ramp up of EtHE activities in FY 2020 and contribute to the overall success of the initiative.

The ASTHO represents public health agencies in the United States, the U.S. Territories, and the District of Columbia, and over 100,000 public health professionals these agencies employ and therefore is uniquely positioned to convene the 7 priority states as outlined above. Based on their expertise representing chief health officials in each state, formulating and influencing sound public health policy, and supporting collaboration within and across states to ensure excellence in state-based public health practice, ASTHO can quickly and effectively stand-up this project. As part of their NOSLO activities, ASTHO plays a critical and distinct role in facilitating information exchange, collaboration, shared learning opportunities, and technical assistance that allows state and territorial health officials to achieve maximum impact and community health improvement, which will further support the success of the *State Collaborative Partnerships to End the HIV Epidemic* project.

This action will allow ASTHO to implement the proposed activities, immediately allowing work to begin to meet important benchmarks that will contribute to the success of the program.

FOR FURTHER INFORMATION CONTACT: Kasey Farrell, Lead, Strategic Partnerships Team, Office of Planning, Analysis, and Evaluation, HRSA, 5600 Fishers Lane, 14W–02, Rockville, Maryland 20857, (301) 443–0188, *kfarrell@hrsa.gov.*

Dated: June 24, 2019.

George Sigounas,

Administrator.

[FR Doc. 2019–13750 Filed 6–26–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; AA–1 Study Section Member Conflict Review.

Date: July 10, 2019.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and

Alcoholism, 6700B Rockledge Drive, Room 2118, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philippe Marmillot, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2118, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: June 21, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13680 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or cooperative agreement 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 and/or cooperative agreement applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–18–013: Human Islet Research Network-Consortium on Modeling Autoimmune Interactions (U01).

Date: July 17, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 21, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13683 Filed 6–26–19; 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–OD–19–012: Short Courses on Innovative Methodologies and Approaches in the Behavioral and Social Sciences.

Date: July 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770 Bethesda, MD 20892 (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Methodology and Measurement in the Behavioral and Social Sciences.

Date: July 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Maribeth Champoux, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@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 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13674 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; NTU Bench Testing.

Date: July 16, 2019.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara J. Nelson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1080, Bethesda, MD 20892–4874, 301–435–0806, *nelsonbj@mail.nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Conference Grants.

Date: July 17, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: M. Lourdes Ponce, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892, 301–594–9459, *lourdes.ponce@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13677 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, June 19, 2019, 8:00 a.m. to June 19, 2019, 6:00 p.m., Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on May 22, 2019, FR Vol. 84 No. 99.

The meeting date and time has been changed and will now be held on June 24, 2019 from 4:00 p.m. until 6:00 p.m. This meeting is closed to the public.

Dated: June 21, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13684 Filed 6–26–19; 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; Member Conflict: Genetics, Genomics, and Therapeutics of Diseases.

Date: July 24, 2019.

Time: 2:00 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: Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9448, *shinako.takada@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR19–175 Limited Competition: Mutant Mouse Resource and Research Centers (U42).

Date: July 25, 2019.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *margaret.chandler@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 18–669: Specific Pathogen Free Macaque Colonies.

Date: July 25, 2019.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: 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: Addictions, Depression, Bipolar Disorder, and Schizophrenia.

Date: July 25, 2019.

Time: 11:00 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: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Member Conflict: Topics in Toxicology and Pharmacology.

Date: July 25, 2019.

Time: 1:00 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: Terez Shea-Donohue, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, *sheadonohuept@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Integrative Neuroscience.

Date: July 25, 2019.

Time: 2:00 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: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892–7814, 301–435–1787, *borzanj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Synapses, Neurodegeneration and Signaling.

Date: July 25, 2019.

Time: 12:30 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: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402–3726, *boycevs@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: AIDS and Related Research.

Date: July 26, 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: 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; Member Conflicts: Topics in Metabolism and Signalling.

Date: July 26, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Andrew Maxwell Wolfe, Scientific Review Officer, Center for Scientific Review, NIH DHHS, 6701 Rockledge Dr., Room 6214, Bethesda, MD 20892, *andrew.wolfe@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular and Hematology Research Enhancement Award R15.

Date: July 26, 2019.

Time: 1:00 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 (Telephone Conference Call).

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*.

(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 21, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13676 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Review of EPPIC–NET Specialized Centers (Hubs).

Date: July 9, 2019.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Neurological Disorders and Stroke, Bethesda, MD 20892, 301–827–9087, *mooremar@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Post-Stroke VCID Review.

Date: July 10–11, 2019.

Time: 8:00 a.m. to 6:00 p.m..

Agenda: To review and evaluate grant applications.

Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Room 3208, MSC 9529, Bethesda, MD 20892, (301) 496–9223, *Ana.Olariu@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Functional Target Validation for ADRDs.

Date: July 10, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Delany Torres, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, Neuroscience Center Building (NSC), 6001 Executive Blvd., Suite 3208, Bethesda, MD 20892, *delany.torressalazar@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Review of HEAL Initiative Pain Treatment Devices.

Date: July 12, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, NIH NCS, 6001 Executive Blvd., Suite 3226, MSC 9529, Bethesda, MD 20892, 301–496–9223, *jimok.kim@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; PCS–EMA CWOW.

Date: July 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, National Institutes of Health National, Institutes of Neurology Disorders and Stroke, 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, 301–496–3755, *natalia.strunnikova@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Methods for PD Biomarker Processing Review.

Date: July 25, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, NIH NSC, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Diversity K01 and K22 Review.

Date: July 29, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, NIH NSC, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–952, (301) 496–0660, *benzingw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 21, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13685 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.
Date: July 17, 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: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7818, Bethesda, MD 20892, (301) 408–9756, *carsteae@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Skeletal Muscle Biology.
Date: July 17, 2019.
Time: 1:00 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 (Virtual Meeting).
Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–1222, *nurminskayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Acute Brain Injury.
Date: July 19, 2019.
Time: 9:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topic: Vision Imaging, Bioengineering and Low Vision Technology Development.
Date: July 22–23, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The St. Regis Washington, DC, 923 16th Street NW, Washington, DC 20006.
Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive Bethesda, MD 20892, 240–762–3076, *susan.gillmor@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–19–026: Clinical and Biological Measures of TBI-Related Dementia.
Date: July 22, 2019.
Time: 11:00 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: Samuel C. Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–19–026: Clinical and Biological Measures of TBI-Related Dementia.
Date: July 22, 2019.
Time: 11:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5211 Bethesda, MD 20892, 301–760–8207, *schauweckerpe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegenerative Diseases.
Date: July 22, 2019.
Time: 1:00 p.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 (Telephone Conference Call).
Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–827–7238, *zhaow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–19–030, NATBI CWOW, Neuropathological Assessment of TBI-related Neurodegeneration and Neurocognitive Decline—Center Without Walls.
Date: July 22, 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 (Virtual Meeting).
Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892–7846, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Adult and Child Psychopathology.
Date: July 22, 2019.
Time: 12:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, *shaperobg@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13675 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource-Related Research Projects (R24).
Date: July 17, 2019.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: David C. Chang, Ph.D., Scientific Review Officer Scientific Review Program DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC 9823 Rockville, MD 20852 301–594–4218, *changdac@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13681 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Advancing Translational Sciences Advisory Council.

The meeting will be open to the public as indicated below, 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.

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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: September 19, 2019.

Closed: 9:00 a.m. to 10:30 a.m.

Agenda: To discuss internal operations, review and evaluate grant applications.

Place: Porter Neuroscience Research Center, National Institutes of Health, Building 35A, Conference Room 620/630, 35 Convent Drive, Bethesda, MD 20892.

Open: 11:00 a.m. to 4:30 p.m.

Agenda: Report from the Institute Director and other staff.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 620/630, 35 Convent Drive, Bethesda, MD 20892.

Time: 9:00 a.m. to 4:30 p.m.

Agenda: To discuss internal operations, review and evaluate grant applications.

Place: Porter Neuroscience Research Center, National Institutes of Health, Building 35A, Conference Room 620/630, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13678 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; 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 Cures Acceleration Network Review 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: Cures Acceleration Network Review Board.

Date: September 19, 2019.

Time: 11:00 a.m. to 4:30 p.m.

Agenda: Report from the Institute Director.

Place: Porter Neuroscience Research Center, National Institutes of Health, Building 35A, Conference Room 620/630, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 21, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–13679 Filed 6–26–19; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Advisory Council on Historic Preservation Quarterly Business Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Advisory Council on Historic Preservation quarterly business meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will have its next quarterly meeting on Wednesday, July 10, 2019. The meeting will take place at the Smithsonian Castle, Visitor Center in the Great Hall, 1000 Jefferson Avenue NW, Washington, DC, starting at 8:30 a.m.

DATES: The quarterly meeting will take place on Wednesday, July 10, 2019 starting at 8:30 a.m.

ADDRESSES: The meeting will take place in the Great Hall at the Smithsonian Castle, 1000 Jefferson Avenue NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tanya DeVonish, 202–517–0205, *tdevonish@achp.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic preservation policy. The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into their decision making. For more information on the ACHP, please visit our website at *www.achp.gov.*

The agenda for the upcoming quarterly meeting of the ACHP is the following:

I. Chairman's Welcome
II. Chairman's Award for Federal Historic Preservation Achievement.
III. Transition to Full-Time ACHP Chairman.
  A. Transition Process
  B. ACHP Executive Committee
IV. Section 106 Issues
  A. Digital Information Task Force Proceedings.
  B. National Park Service Proposed Rule on National Register Nominations
  C. Federal Communications Commission Program Comment for ''Twilight Towers''
  D. Government Accountability Office Report
  E. Update on Prior Section 106 Issues
V. Historic Preservation Policy and Programs
  A. White House Opportunity and Revitalization Council and the ACHP
  B. Traditional Knowledge and the National Historic Preservation Program
  C. Legislation
  D. Planning for the U.S. Semiquincentennial
VI. Committee Reports
VII. New Business
VIII. Adjourn

The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact Tanya DeVonish, 202–517–0205 or *tdevonish@achp.gov,* at least seven (7) days prior to the meeting.

Authority: 54 U.S.C. 304102.

Dated: June 20, 2019.

Javier E. Marques,

General Counsel.

[FR Doc. 2019–13654 Filed 6–26–19; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2019–0018]

Request for Public Comments Regarding the Construction of Pedestrian Barrier Within Certain Areas in the Rio Grande Valley, Texas

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Request for comments regarding the location of proposed pedestrian barrier.

SUMMARY: U.S. Customs and Border Protection (CBP) is proposing to construct primary pedestrian barrier within the Rio Grande Valley (RGV) in Starr County, Texas, including within the cities of Roma, Escobares, La Grulla, Rio Grande City, and the census-designated place of Salineno, Texas (the Affected Areas). CBP is requesting comments on its proposal to locate and construct primary pedestrian barrier in the Affected Areas as required by section 232(b) of the Consolidated Appropriations Act, 2019. CBP is also seeking input on potential impacts to the environment, historical preservation, culture, quality of life, and commerce, including socioeconomic impacts from the construction of primary pedestrian barrier in the Affected Areas. Comments should be fact-based, including links to supporting data or research, and should provide detailed information on potential impacts to the environment, historical preservation, culture, quality of life, and commerce, including socioeconomic impacts. Following an analysis of comments received, CBP will publish its responses along with its plans for construction.

DATES: The public comment period will be 60 days. To ensure consideration, comments must be received by August 26, 2019. Comments may be submitted as set forth in the **ADDRESSES** section of this document.

ADDRESSES: Comments may be submitted electronically through the Federal eRulemaking Portal: *http://www.regulations.gov.* Search docket #USCBP–2019–0018 and follow the instructions for sending comments.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments, see the ''Request for Public Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Enriquez, Acquisition, Real Estate, and Environmental Director, Border Wall Program Management Office, U.S. Border Patrol at (949) 643–6365 or visit CBP's website: *http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.*

SUPPLEMENTARY INFORMATION:

Background

Construction of Primary Pedestrian Barrier in the Rio Grande Valley

U.S. Customs and Border Protection (CBP) protects the nation's borders from terrorism, human trafficking, drug smuggling, illegal migration, unsafe/illegal goods, and agricultural pests, while facilitating the flow of legitimate travel and trade. CBP advances its mission by integrating modern technology, deploying highly-trained law enforcement officers, and leveraging public and private sector partnerships.

The Rio Grande Valley's (RGV) varied terrain includes areas of dense vegetation, agricultural land, and fast vanishing points that can be easily exploited by smugglers, illegal aliens, and traffickers. CBP has identified priority areas in the RGV that require additional resources, including new primary pedestrian barrier. CBP's preferred design for pedestrian barrier in Starr County is a bollard wall system that includes all-weather roads, surveillance systems, lighting, a 150-foot enforcement zone, and other supporting infrastructure. These resources will help CBP achieve operational control of the southern border commensurate with Executive Order 13767.[1]

Section 232 of the Consolidated Appropriations Act, 2019 (Pub. L. 115–141, 132 Stat. 348 (Feb. 15, 2019) (the ''Consolidated Appropriations Act'')) makes funds available for the construction of physical barriers in RGV, including within the Texas cities of Roma, Escobares, La Grulla, Rio Grande City, and the census-designated place of Salineno, Texas (the Affected Areas). The Consolidated Appropriations Act requires that CBP utilize barrier designs that are operationally effective and that have been deployed as of the date of the Consolidated Appropriations Action of 2017 (Pub. L. 115–31, 131 Stat. 135 (May 5, 2017)).

The proposed action in the Affected Areas is one of a number of border infrastructure projects in the RGV that CBP has proposed, including approximately 13 miles of levee wall presently under construction in Hidalgo, County, Texas, funded by Congress through the Consolidated Appropriations Act, 2018 (Pub. L. 115–141, 132 Stat. 348 (March 23, 2018)). CBP collected public feedback for these projects from September 2018 to November 2018. Information gathered from this effort is used to inform CBP on potential impacts to the environment, culture, quality of life, and commerce. A Stakeholder Feedback Report that summarizes the feedback collected from September 2018 to November 2018 is available on CBP's website: *http://www.cbp.gov/about/environmental-*

[1] E.O. 13767, *Border Security and Immigration Enforcement Improvements,* published in the **Federal Register** at 82 FR 8793 (Jan. 30, 2017).

cultural-stewardship/nepa-documents/docs-review.

Proposed Action

Construction of Starr County Primary Pedestrian Barrier

The proposed action would involve the construction of primary pedestrian barrier within the Affected Areas. The Supporting Documents section of docket #USCBP–2019–0018 (available at *http://www.regulations.gov*) includes maps that depict the Affected Areas as well as the location of proposed pedestrian barriers in areas that are adjacent to the Affected Areas. The exact location of the barrier within the Affected Areas will depend on operational requirements, impact to the water flows and other environmental concerns, as well as input from the elected officials of the Affected Areas and from the general public.

CBP's standard design for the primary pedestrian barrier is a border wall system that consists of 30-foot tall steel bollards and includes a 150-foot enforcement zone on the south or river side of the border wall system, detection and surveillance technology, automated vehicle gates, pedestrian gates, an all-weather patrol road that would run parallel to the south or river side of the border wall system, and enforcement zone lighting. Trees and other vegetation within the roadway or construction site would be grubbed or cut back to facilitate safe vehicle passage and construction.

Request for Public Comments

All interested parties are invited to participate in the comment process. CBP invites agencies, organizations and the general public to provide input on location of the pedestrian barrier and issues related to the environment, historical preservation, culture, quality of life, and commerce, including socioeconomic impacts.

All interested parties are encouraged to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If you cannot submit your material by using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternative instructions. When submitting comments, please include your name and contact information. Comments received in response to this solicitation, including names and contact information of those who comment, will be part of the public record for this proposed action. Documents mentioned in this notice, and all public comments, will be available in our online docket at *http://www.regulations.gov,* and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted.

After the public comment period is complete and CBP has reviewed the results, a response to the comments received will be published in the **Federal Register** and made available on CBP's website: *http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.*

Next Steps

Following the public comment period, CBP will review all comments. Responses to the comments received will be published in the **Federal Register** within 90 days following the close of the comment period and made available on CBP's website: *http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.* Information collected will be taken into consideration in CBP's planning for the proposed barrier, and will inform the review of impacts to the environment, historical preservation, culture, quality of life, and commerce, including socioeconomic impacts.

Dated: June 21, 2019.

Loren Flossman,

Acting Executive Director, Program Management Office Directorate, Border Wall Program Management Office, U.S. Border Patrol, U.S. Customs and Border Protection.

[FR Doc. 2019–13670 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0044]

Privacy Act of 1974; System of Records DHS/CBP–009 Electronic System for Travel Authorization (ESTA)

AGENCY: Department of Homeland Security.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to modify and reissue a current DHS system of records titled, ''Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)-009 Electronic System for Travel Authorization (ESTA) System of Records.'' This system of records notice (SORN) describes DHS/CBP's collection and maintenance of records that pertain to eligible international travelers who wish to travel to the United States under the Visa Waiver Program (VWP) and have applied for an ESTA travel authorization and persons whose information is provided in response to an ESTA application or Form I–94W questions.

DATES: Submit comments on or before July 29, 2019. This modified system will be effective upon publication, and modified and new routine uses and exemptions will become effective July 29, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0044 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0044. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Debra L. Danisek, (202) 344–1610, *Privacy.CBP@cbp.dhs.gov,* CBP Privacy Officer, Privacy and Diversity Office, 1300 Pennsylvania Ave. NW, Washington, DC 20229. For privacy questions, please contact: Jonathan R. Cantor, (202) 343–1717, *Privacy@hq.dhs.gov,* Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

In 2007, Congress enacted the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53. Section 711 of that Act sought to address the security vulnerabilities associated with VWP travelers not being subject to the same degree of screening as other international visitors. As a result, section 711 required DHS to develop and implement a fully automated electronic travel authorization system to collect biographic and other information necessary to evaluate the security risks

and eligibility of an applicant to travel to the United States under the VWP. The VWP is a travel facilitation program that has evolved to include more robust security standards that are designed to prevent terrorists and other criminal actors from exploiting the program to enter the country.

DHS/CBP developed ESTA, a web-based system, in 2008 to determine the eligibility of international travelers to travel to the United States under the VWP. Using the ESTA website, applicants submit biographic information and answer questions that permit DHS/CBP to determine eligibility for travel under the VWP. DHS/CBP uses the information submitted to ESTA to make a determination regarding whether the applicant is eligible to travel under the VWP, including whether his or her intended travel poses a law enforcement or security risk. DHS/CBP vets the ESTA applicant information against selected security and law enforcement databases, including TECS (DHS/CBP–011 U.S. Customs and Border Protection TECS, 73 FR 77778 (December 19, 2008)) and ATS (DHS/CBP–006 Automated Targeting System, 77 FR 30297 (May 22, 2012)). The ATS also retains a copy of the ESTA application data to vet ESTA applicants against DHS/CBP holdings to determine whether the applicant poses a security risk to the United States. DHS may also vet ESTA application information against security and law enforcement databases owned and operated at other federal agencies to enhance DHS's ability to determine whether the applicant poses a security risk to the United States or is otherwise eligible to travel to and enter the United States under the VWP.

The results of this vetting may inform DHS's assessment of whether the applicant's travel poses a law enforcement or security risk. The ESTA eligibility determination is made prior to an alien arriving for inspection in the United States. All ESTA vetting results, and derogatory information, are stored in ATS, and covered by the ATS SORN.

To perform its mission related to the screening of international travelers from VWP countries, including alien visitors, for potential risks to national security and the determination of admissibility to the United States, and due to the constantly evolving threat environment, DHS/CBP is updating this SORN, last published September 2, 2016, to:

(1) Expand the category of individuals to clarify that travelers entering the United States under the VWP may do so via air, land, and sea ports of entry. The previously issued SORN referred specifically to VWP travelers entering the United States via air and sea; however, VWP travelers may also transit through land ports of entry.

(2) Clarify that this system of records covers records obtained on the Form I–94W ''Nonimmigrant Visa Waiver Arrival/Departure Record,'' the paper version of ESTA. The Form I–94W is functionally the same as the ESTA, however it is completed at a land port of entry if an individual has not submitted an ESTA application. This is not a new form and has been in use since prior to the launch of the ESTA program.

(3) Clarify that the ESTA application includes questions about travel to any Department of State-designated state sponsor of terrorism, and that DHS/CBP will no longer list the specific countries in this SORN. Section 217(a)(12)(A)(i), of the Immigration and Nationality Act, 8 U.S.C. 1187(a)(12)(A)(i) bars from travel under the VWP nationals of VWP program countries who have ''been present, at any time on or after March 1, 2011,''. . . ''in a country that is designated by the Secretary of State'' as a state sponsor of terrorism. If countries are added or removed from the Department of State designation, DHS/CBP will issue an updated information collection request pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8 seeking public notice and comment, and will amend the ESTA online application.

(4) Specify that vetting results are retained in ATS to provide additional transparency about the full vetting process, and to clarify that any derogatory information obtained from a partner government agency is also stored in ATS. As part of the vetting process, DHS/CBP obtains records from appropriate Federal, state, local, international, tribal, or foreign governmental agencies or multilateral governmental organizations to assist DHS in determining ESTA eligibility.

(5) Clarify or expand previously issued routine uses, and add new routine uses. First, DHS/CBP is modifying existing routine use ''E'' and adding routine use ''F'' to be in conformity with Office of Management and Budget (OMB) Memorandum M–17–12 pertaining to data breach procedures. Due to the inclusion of a new routine use ''F,'' previously issued routine use ''F'' has moved to routine use ''H.'' Second, DHS/CBP is modifying the existing and still remaining routine use ''G,'' by adding ''or license.'' Third, DHS/CBP is adding a new routine use ''J'' that would permit disclosure to outside agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data that relates to the purpose(s) stated in this SORN, for purposes of testing new technology. Fourth, DHS/CBP is expanding the new routine use ''M''—previously routine use ''K''—to clarify that DHS/CBP may share information to assist agencies proactively identify national security and counterterrorism threats. Fifth, DHS/CBP is modifying routine use ''R,'' previously routine use ''P,'' to remove disclosures ''in response to a subpoena.'' Sixth, DHS/CBP is adding routine use ''S'' to provide further transparency of its sharing with the Department of Treasury. Although routine use ''G'' currently permits DHS/CBP to share with the Department of Treasury's Office of Foreign Assets Control (OFAC) for law enforcement purposes, DHS/CBP is adding routine use ''S'' to clarify it is sharing records covered by this SORN with OFAC in furtherance of its investigation of a violation or enforcing or implementing a statute, rule, regulation, order, or license. OFAC may then publicly publish information on the List of Specially Designated Nationals and Blocked Persons (SDN List) of individuals and entities whose property and interests in property are blocked or otherwise affected by one or more OFAC economic sanctions programs, as well as information identifying certain property of individuals and entities subject to OFAC economic sanctions programs. For additional information, and procedures for how to access, correct, or amend records on the OFAC SDN list, please see Department of Treasury SORN ''DO.120—Records Related to Office of Foreign Assets Control Economic Sanctions—81 FR 78298 (Nov. 7, 2016).''

Finally, all prior existing routine uses not mentioned above are currently contained in this revised SORN, but these routine uses may have moved down one or two letters due to the addition of new routine uses.

(6) Expand the previously issued exemptions to clarify that law enforcement records and other derogatory information derived from DHS/CBP's ATS may be exempt from certain provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements. DHS/CBP uses information from law enforcement and national security systems to determine whether an ESTA applicant is eligible for travel to the United States.

(7) Remove references to the specific ESTA application questions and data elements (which are publicly available

on the ESTA website and OMB Number 1651–0111 ''Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/Departure, Electronic System for Travel Authorization (ESTA)'') and instead include them as broad categories of questions that are included on the application.

DHS/CBP is issuing a Notice of Proposed Rulemaking for these expanded exemptions concurrent with this Notice. The previously issued Final Rule to exempt this system of records from certain provisions of the Privacy Act (74 FR 45070 (August 31, 2009)) remains in effect until an updated Final Rule is published.

The bulk of information stored in this system pertains to eligible international travelers who wish to travel to the United States under the VWP and have applied for an ESTA travel authorization and persons whose information is provided in response to ESTA application or Form I–94W questions. Most international travelers under the VWP are nonimmigrant aliens, and thus are not ''individuals'' as defined by the Privacy Act. Accordingly, this notice does not confer any legal rights under the Privacy Act to such persons. However, DHS is publishing this SORN to describe all records maintained by DHS/CBP for transparency purposes and to assist those with rights under the Judicial Redress Act better understand the nature of the records.

Consistent with DHS's information sharing mission, information stored in the ''DHS/CBP–009 Electronic System for Travel Authorization System of Records'' may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/CBP may share information stored in ESTA in bulk as well as well as on a case-by-case basis with appropriate Federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this SORN. DHS/CBP documents ongoing, systematic sharing with partners, including documenting the need to know, authorized users and uses, and the privacy protections that will be applied to the data.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/U.S. Customs and Border Protection-009 Electronic System for Travel Authorization System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to OMB and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)—009 Electronic System for Travel Authorization System (ESTA).

SECURITY CLASSIFICATION:

Unclassified. The data may be retained on classified networks but this does not change the nature and character of the data until it is combined with classified information.

SYSTEM LOCATION:

Records are maintained at the CBP Headquarters in Washington, DC and field offices. Records are replicated from the operational system and maintained on the DHS unclassified and classified networks.

SYSTEM MANAGER(S):

Director, ESTA Program Management Office, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV of the Homeland Security Act of 2002, 6 U.S.C. 201 *et seq.,* the Immigration and Naturalization Act, as amended, including 8 U.S.C. 1187(a)(11) and (h)(3), and implementing regulations contained in 8 CFR part 217; the Travel Promotion Act of 2009, Public Law 111–145, 22 U.S.C. 2131.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect and maintain a record of applicants who want to travel to the United States under the VWP, and to determine whether applicants are eligible to travel to and enter the United States under the VWP. The information provided through ESTA is also vetted—along with other information that the Secretary of Homeland Security determines is necessary, including information about other persons included on the ESTA application—against various security and law enforcement databases to identify those applicants who pose a security risk to the United States and to inform CBP's decision to approve or deny the applicant's ESTA application. This vetting includes consideration of the applicant's IP address, social media information, and all information provided in response to the ESTA application questionnaire, including all free text write-in responses.

The Department of Treasury *Pay.gov* tracking number (associated with the payment information provided to *Pay.gov* and stored in the Credit/Debit Card Data System, DHS/CBP–003 Credit/Debit Card Data System (CDCDS), 76 FR 67755 (November 2, 2011)) will be used to process ESTA and third-party administrator fees and to reconcile issues regarding payment between ESTA, CDCDS, and *Pay.gov*. Payment information will not be used for vetting purposes and is stored in a separate system (CDCDS) from the ESTA application data.

DHS maintains a replica of some or all of the data in ESTA on the unclassified and classified DHS networks to allow for analysis and vetting consistent with the above-stated uses and purposes and this published notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include eligible travelers who wish to travel to the United States under the VWP and have applied for an ESTA travel authorization and individuals whose information is provided in response to ESTA application or Form I–94W questions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visa Waiver Program travelers may seek the required travel authorization by electronically submitting an application consisting of biographical and other data elements via the ESTA website. The categories of records in ESTA include:

- Full name (first, middle, and last);
- Other names or aliases, if available;
- Date of birth;
- Country of birth;
- Gender;

- Email address;
- Visa numbers, Laissez-Passer numbers, or Identity card numbers;
- Social media identifiers, such as username(s) and platforms used;
- Publicly available information from social media websites or platforms;
- Telephone number (home, mobile, work, other);
- Home address (address, apartment number, city, state/region);
- internet protocol (IP) address;
- ESTA application number;
- Global Entry Program Number;
- Country of residence;
- Passport information;
- Department of Treasury Pay.gov payment tracking number information;
- Countries of citizenship and nationality;
- National identification number, if available;
- Address while visiting the United States;
- Emergency point of contact information;
- U.S. Point of Contact information;
- Parents' names; and
- Current and previous employer information.

The categories of records in ESTA also include responses to questions related to the following:

○ History of mental or physical disorders, drug abuse or addiction,[1] and current communicable diseases, fevers, and respiratory illnesses;

○ Past arrests, criminal convictions, or illegal drug violations;

○ Previous engagement in terrorist activities, espionage, sabotage, or genocide;

○ History of fraud or misrepresentation;

○ Previous unauthorized employment in the United States;

○ Past denial of visa, or refusal or withdrawal of application for admission at a U.S. port of entry;

○ Previous overstay of authorized admission period in the United States;

○ Travel history and information relating to prior travel to or presence in Iraq or Syria, a country designated as a state sponsor of terrorism, or another country or area of concern; [2] and

○ Citizenship and nationality information, with additional detail required for nationals of certain identified countries of concern.

RECORD SOURCE CATEGORIES:

DHS/CBP obtains records from information submitted by travelers either via the (1) online ESTA application form available at *https://esta.cbp.dhs.gov/esta/* or (2) the Form I–94W, the paper equivalent to the ESTA portion related to travel authorization, which is used primarily at the land border by VWP travelers or on specific occasions at other ports of entry, without immediate access to the electronic format above. DHS/CBP may also use information obtained from publicly available sources, including social media, to determine ESTA eligibility. As part of the vetting process, DHS/CBP obtains law enforcement and national security records from appropriate Federal, state, local, international, tribal, or foreign governmental agencies or multilateral governmental organizations to assist DHS in determining ESTA eligibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act, 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other Federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a statute, rule, regulation, order, or license when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

I. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital health interests of a

[1] Immigration and Nationality Act (INA) 212(a)(1)(A). Pursuant to INA 212(a), aliens may be inadmissible to the United States if they have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or (ii) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or are determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict.

[2] INA 212(a)(12); 8 U.S.C. 1187(a)(12).

data subject or other persons (*e.g.,* to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health threat or risk).

J. To appropriate Federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data, that relate to the purpose(s) stated in this SORN, for purposes of testing new technology.

K. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate in the proper performance of the official duties of the officer making the disclosure.

L. To a Federal, state, tribal, local, international, or foreig.n government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection or program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a DHS Component or program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

M. To a Federal, state, tribal, local, international, or foreign government agency or entity in order to provide relevant information related to intelligence, counterintelligence, or counterterrorism activities authorized by U.S. law, Executive Order, or other applicable national security directive.

N. To the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

O. To an organization or individual in either the public or private sector, either foreign or domestic, when there is a reason to believe that the recipient is or could become the target of a particular terrorist activity or conspiracy, to the extent the information is relevant to the protection of life or property.

P. To the carrier transporting an individual to the United States, prior to travel, in response to a request from the carrier, to verify an individual's travel authorization status.

Q. To the Department of Treasury's *Pay.gov*, for payment processing and payment reconciliation purposes.

R. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings.

S. To the Department of Treasury's Office of Foreign Assets Control (OFAC) for inclusion on the publicly issued List of Specially Designated Nationals and Blocked Persons (SDN List) of individuals and entities whose property and interests in property are blocked or otherwise affected by one or more OFAC economic sanctions programs, as well as information identifying certain property of individuals and entities subject to OFAC economic sanctions programs.

T. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/CBP stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS/CBP may retrieve records by any of the data elements supplied by the applicant.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Application information submitted to ESTA generally expires and is deemed ''inactive'' two years after the initial submission of information by the applicant. In the event that a traveler's passport remains valid for less than two years from the date of the ESTA approval, the ESTA travel authorization will expire concurrently with the passport. Information in ESTA will be retained for one year after the ESTA travel authorization expires. After this period, the inactive account information will be purged from online access and archived for 12 years. Data linked at any time during the 15-year retention period (Generally 3 years active, 12 years archived), to active law enforcement lookout records, will be matched by DHS/CBP to enforcement activities, and/or investigations or cases, including ESTA applications that are denied authorization to travel, will remain accessible for the life of the law enforcement activities to which they may become related. Records replicated on the unclassified and classified networks will follow the same retention schedule. Payment information is not stored in ESTA, but is forwarded to Pay.gov and stored in DHS/CBP's financial processing system, CDCDS, pursuant to the DHS/CBP–018, CDCDS SORN. When a VWP traveler's ESTA data is used for purposes of processing his or her application for admission to the United States, the ESTA data will be used to create a corresponding admission record in the DHS/CBP–016 Non-Immigrant Information System (NIIS). This corresponding admission record will be retained in accordance with the NIIS retention schedule, which is 75 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/CBP safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS/CBP has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Applicants may access their ESTA information to view and amend their applications by providing their ESTA number, birth date, and passport number. Once they have provided their ESTA number, birth date, and passport number, applicants may view their ESTA status (authorized to travel, not authorized to travel, pending) and submit limited updates to their travel itinerary information. If an applicant does not know his or her application number, he or she can provide his or her name, passport number, date of birth, and passport issuing country to retrieve his or her application number.

In addition, ESTA applicants and other individuals whose information is

included on ESTA applications may submit requests and receive information maintained in this system as it relates to data submitted by or on behalf of a person who travels to the United States and crosses the border, as well as, for ESTA applicants, the resulting determination (authorized to travel, pending, or not authorized to travel). However, the Secretary of Homeland Security has exempted portions of this system from certain provisions of the Privacy Act related to providing the accounting of disclosures to individuals because it is a law enforcement system. DHS/CBP will, however, consider individual requests to determine whether or not information may be released. In processing requests for access to information in this system, DHS/CBP will review the records in the operational system and coordinate with DHS to ensure that records that were replicated on the unclassified and classified networks, are reviewed and based on this notice provide appropriate access to the information.

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Headquarters FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign his/her request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he or she believes the Department would have information being requested;
- Identify which component(s) of the Department he or she believes may have the information;
- Specify when the individual believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from that individual certifying his/her agreement for the first individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 6 CFR part 5, Appendix C, when this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j) or (k), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here. For instance, as part of the vetting process, this system may incorporate records from CBP's ATS, and all of the exemptions for CBP's ATS SORN, described and referenced herein, carry forward and will be claimed by DHS/CBP. As such, law enforcement and other derogatory information covered in this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (e)(5), and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3); (d)(1), (d)(2), (d)(3), and (d)(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f).

DHS/CBP is not taking any exemption from subsection (d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (authorized to travel, pending, or not authorized to travel). However, pursuant to 5 U.S.C. 552a(j)(2), DHS/CBP plans to exempt such information in this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities.

HISTORY:

DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 81 FR 60713 (September 2, 2016); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 81 FR 39680 (June 17, 2016); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 81 FR 8979 (February 23, 2016); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 79 FR 65414 (November 4, 2014); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 77 FR 44642 (July 30, 2012); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 76 FR 67751 (November 2, 2011); DHS/CBP–009 Electronic System for Travel Authorization (ESTA), 73 FR 32720 (June 10, 2008).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–13645 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0046]

Privacy Act of 1974; System of Records: DHS/CBP–022 Electronic Visa Update System (EVUS)

AGENCY: Department of Homeland Security.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of

Homeland Security (DHS) proposes to modify and reissue a current DHS system of records titled, ''Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)-022 Electronic Visa Update System (EVUS) System of Records.''

DATES: Submit comments on or before July 29, 2019. This modified system will be effective July 29, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0046 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0046. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Debra L. Danisek, (202) 344–1610, *Privacy.CBP@CBP.DHS.GOV,* CBP Privacy Officer, Privacy and Diversity Office, 1300 Pennsylvania Ave. NW, Washington, DC 20229. For privacy questions, please contact: Jonathan R. Cantor, (202) 343–1717, *Privacy@hq.dhs.gov,* Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

DHS developed the Electronic Visa Update System (EVUS) as a fully automated web-based electronic system that enables DHS to collect biographic and other information from certain nonimmigrant aliens on a periodic basis as determined by the Secretary. Specifically, EVUS enables DHS to obtain information from individuals who hold U.S. nonimmigrant visas of a designated category in a passport issued by a country identified and selected by the Secretary. As part of EVUS, CBP will be able to collect periodic updates of biographical and other information over the length of the visa period that would otherwise not be obtained, which may assist in identifying persons who may pose a risk to the United States.

EVUS does not change the process for obtaining a visa. After issuance of a visa, nonimmigrant aliens subject to EVUS requirements need to successfully enroll in EVUS online every two years to ensure their visa remains valid for travel to the United States. The online enrollment is designed as a user-friendly interface that would allow other persons to assist the traveler in completing the enrollment. Enrollees submit and update biographic information and answer eligibility questions using the EVUS website. In most cases, the enrollee will obtain a response within seventy-two (72) hours indicating whether the enrollment is successful. The EVUS enrollment and status must be verified by a carrier prior to the traveler boarding an air or sea carrier. Notifications are sent between DHS/CBP and carriers when the following events occur:

- A traveler books a travel reservation
- The Airline/Sea Carrier sends Advance Passenger Information to DHS
- The Airline/Sea Carrier receives one of the following responses:
  - EVUS on file—OK to board carrier
  - No EVUS on file—Check for other valid travel documents
  - EVUS enrollment unsuccessful—Do not allow to travel
  - System Issues—Please resend

Among other functions, CBP vets the EVUS enrollment information against select security and law enforcement databases, including TECS and the Automated Targeting System (ATS). The ATS retains a copy of EVUS enrollment data to identify EVUS enrollees who may pose a security risk to the United States. DHS may also vet EVUS enrollment information against security and law enforcement databases at other Federal agencies to enhance DHS's ability to determine whether the enrollee poses a security risk to the United States. The results of this vetting may support DHS's initial assessment of whether the enrollee's travel poses a law enforcement or security risk and whether there may be issues that may require separate consideration. The individual must attempt enrollment and receive a notification of compliance prior to boarding a carrier destined to the United States. Furthermore, the EVUS system will continuously query/vet enrollment information against new derogatory information received from law enforcement and other national security databases. An individual's EVUS status can change at any time.

When a person submits an EVUS enrollment, CBP examines the enrollment questionnaire by screening the enrollee's data through ATS and TECS. The initial and updated biographic information obtained by EVUS is important to identify any concerns regarding future admissibility. Failure to successfully enroll in EVUS when required, as described above, will result in the automatic provisional revocation of the nonimmigrant alien's visa, and the nonimmigrant alien will not be authorized to travel to the United States under the provisionally revoked visa unless or until the nonimmigrant alien enrolls in EVUS and obtains a notification of compliance. If a visa is provisionally revoked on the basis of failing to provide or update information to EVUS, the person can attempt EVUS enrollment again, and, if successful, the provisional revocation of his/her visa would be reversed. In addition, non-compliance with EVUS would be a basis for commercial carriers to deny boarding to an individual seeking to travel to the United States. Because non-compliance with EVUS results in automatic provisional revocation of the individual's visa, the individual would not have valid travel documents upon attempting to board.

To perform its mission related to the screening of visa holders for potential risks to national security, and due to the constantly evolving threat environment, DHS/CBP is updating this SORN, last published in the **Federal Register** on September 1, 2016, to:

(1) Remove references to specific EVUS application questions and data elements. DHS/CBP is updating the EVUS SORN to clarify that it covers responses to questions about travel history and eligibility for admission to the United States to allow DHS/CBP to evaluate whether a covered alien's travel to the United States poses a law enforcement or security risk. These questions may include eligibility questions regarding, for example: Infection with communicable diseases of public health significance, existence of arrests or convictions for certain crimes, past history of visa or admission denial, and previous presence in countries or areas of concern. DHS/CBP will no longer include the specific questions in the EVUS SORN, but will continue to issue updated information collection requests pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8 seeking public notice and comment, and will amend the EVUS online application, to reflect future changes. Enrollment in EVUS does not guarantee admission into the United States. DHS/CBP will continue to employ standard entry procedures to determine admissibility at U.S. ports of entry.

(2) Update the record source categories for additional transparency about the full vetting process to clarify that all vetting results and other derogatory information collected and maintained by DHS and received by other external partner government agencies are retained in ATS.

(3) Expand the previously issued exemptions to clarify that law enforcement records and other derogatory information in this system derived from CBP's ATS and TECS that is relied upon as a basis for a denial of the EVUS enrollment application may be exempt from certain provisions of the Privacy Act of 1974 because of criminal, civil, and administrative enforcement requirements. Further, other law enforcement records and derogatory information not relied upon in DHS/CBP's EVUS decision is still held in ATS and TECS, and covered by those DHS/CBP SORNs, including any exemptions relied upon by DHS pursuant to those SORNs. DHS/CBP uses information from law enforcement and national security systems to determine whether an EVUS applicant is eligible for travel to the United States. Due to the addition or modification of the exemptions, DHS is issuing a Notice of Proposed Rulemaking concurrent with this system of records notice to exempt this system of records from certain provisions of the Privacy Act of 1974 elsewhere in the **Federal Register**. The previously issued Final Rule to exempt this system of records from certain provisions of the Privacy Act of 1974 (81 FR 85105, November 25, 2016) remains in effect until an updated Final Rule is published.

(4) Add new routine uses and clarifying previously issued routine uses to reflect when EVUS information may be disclosed. First, DHS/CBP is updating Routine Use ''E'' and adding a new routine use ''F'' to comply with Office of Management and Budget Memorandum (OMB) M–17–12 pertaining to data breach procedures. Due to the inclusion of a new routine use ''F,'' previously issued routine use ''F'' has moved to routine use ''H.'' Second, DHS/CBP is modifying previously issued routine use ''G'' by adding ''or license.'' As part of this routine use, while DHS/CBP frequently shares information in connection with specific cases, DHS/CBP also shares data (including in bulk) with another federal agency to proactively identify law enforcement violations consistent with approved information sharing access agreements. Third, DHS/CBP is modifying previously issued ''K,'' now routine use ''M,'' to clarify that DHS/CBP may share information either in bulk or on a case-by-case basis to assist other agencies proactively to identify national security and counterterrorism threats for the purposes of intelligence, counterintelligence, or counterterrorism activities authorized by U.S. law, Executive Order (E.O.), or other applicable national security directives. Fourth, DHS/CBP is modifying previously issued routine use ''P,'' now routine use ''R,'' to remove disclosures ''in response to a subpoena.'' Fifth, DHS/CBP is adding routine use ''T'' to clarify that DHS may share information to agencies lawfully engaged in collecting law enforcement intelligence information in order for them to carry out their law enforcement responsibilities. Sixth, DHS/CBP is adding routine use ''V'' to provide further transparency of its sharing with the Department of Treasury. Although routine use ''G'' currently permits DHS/CBP to share with the Department of Treasury's Office of Foreign Assets Control (OFAC) for law enforcement purposes, DHS/CBP is adding routine use ''V'' to clarify it is sharing records covered by this SORN with the OFAC in furtherance of its investigation of a violation or enforcing or implementing a statute, rule, regulation, order, or license. OFAC may then publicly publish information on the List of Specially Designated Nationals and Blocked Persons (SDN List) of individuals and entities whose property and interests in property are blocked or otherwise affected by one or more OFAC economic sanctions programs, as well as information identifying certain property of individuals and entities subject to OFAC economic sanctions programs. For additional information, and procedures for how to access, correct, or amend records on the OFAC SDN list, please see Department of Treasury SORN ''DO.120—Records Related to Office of Foreign Assets Control Economic Sanctions—81 FR 78298 (Nov. 7, 2016).''

Finally, all prior existing routine uses not mentioned above are currently contained in this revised SORN, but these routine uses may have moved down one or two letters due to the addition of new routine uses. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

The bulk of information stored in this system pertains to nonimmigrant aliens who: (1) Hold a passport that was issued by an identified country approved for inclusion in the EVUS program by the Secretary, and (2) have been issued a U.S. nonimmigrant visa of a designated category seeking to travel to the United States. Records pertaining to nonimmigrant aliens described in this SORN are not covered by the Privacy Act, and thus, such notice does not confer any legal rights under the Privacy Act to such persons. However, DHS is publishing this SORN to describe all records maintained by DHS/CBP for transparency purposes.

Consistent with DHS's information sharing mission, information stored in the DHS/CBP–022 EVUS system of records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/CBP may share information stored in EVUS with appropriate Federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this SORN. Additionally, for ongoing, systematic sharing, DHS completes an information sharing and access agreement with Federal partners to establish the terms and conditions of the sharing, including: Documenting the need to know, identifying authorized users and uses, protecting the privacy of the data, and ensuring the confidentiality of visa records, as applicable.

Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This modified system will be included in the Department of Homeland Security's inventory of record systems.

II. Privacy Act

The Privacy Act of 1974 embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act of 1974 applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act of 1974, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as

otherwise permitted by the Privacy Act of 1974.

Below is the description of the DHS/CBP–022 EVUS System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER

Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)–022 Electronic Visa Update System (EVUS).

SECURITY CLASSIFICATION:

Unclassified and classified. The unclassified data may be retained on classified networks but this does not change the nature and character of the data until it is combined with classified information.

SYSTEM LOCATION:

Records are maintained at DHS/CBP Headquarters in Washington, DC, and in field offices. Records are replicated from the operational system and maintained on the DHS unclassified and classified networks.

SYSTEM MANAGER(S):

Director, EVUS Program Management Office, *evus@cbp.dhs.gov,* U.S. Customs and Border Protection Headquarters, 1300 Pennsylvania Avenue NW, Washington, DC 20229.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV of the Homeland Security Act of 2002, 6.U.S.C. 201 *et seq.,* the Immigration and Naturalization Act, as amended, including secs. 103 (8 U.S.C. 1103), 214 (8 U.S.C. 1184), 215 (8 U.S.C. 1185), and 221 (8 U.S.C. 1201) of the Immigration and Nationality Act (INA), and 8 CFR part 2 and 8 CFR part 215; and the Travel Promotion Act of 2009, Public Law 111–145, 22 U.S.C. 2131.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to permit DHS/CBP to collect and maintain records on travelers who hold a passport issued by an country identified for inclusion in the EVUS program as selected by the Secretary of Homeland Security, and who have been issued a U.S. nonimmigrant visa of a designated category, in order to determine whether any of those enrollees pose a security risk to the United States over the duration of the visa.

The Department of Treasury *Pay.gov* tracking number (associated with the payment information provided to *Pay.gov* and stored in the Credit/Debit Card Data System, covered by DHS/CBP–003 Credit/Debit Card Data System (CDCDS), 76 FR 67755 (Nov. 2, 2011)) will be used to process EVUS and third-party administrator fees and to reconcile issues regarding payment between EVUS, CDCDS, and *Pay.gov.* Payment information will not be used for vetting purposes and is stored in a separate CBP system (CDCDS) from the EVUS enrollment data.

DHS maintains a replica of some or all of the data in EVUS on the unclassified and classified DHS networks to allow for analysis and vetting consistent with the above stated uses, purposes, and this published notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include:

1. Travelers who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category; and

2. Individuals whose information is provided by the applicant in response to EVUS enrollment questions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category to obtain the required travel authorization by electronically submitting an enrollment consisting of biographic and other data elements via the EVUS website. The categories of records covered by this EVUS SORN include:

- Full name (first, middle, and last);
- Other names or aliases, if available;
- Date of birth;
- City and country of birth;
- Gender;
- Email address;
- Telephone number (home, mobile, work, other);
- Home address (address, apartment number, city, state/region);
- internet protocol (IP) address;
- EVUS enrollment number;
- Global Entry Program Number;
- Country of residence;
- Passport number;
- Passport issuing country;
- Passport issuance date;
- Passport expiration date;
- Department of Treasury *Pay.gov* payment tracking number (*i.e.,* confirmation of payment; absence of payment confirmation will result in a ''not cleared'' determination);
- Country of citizenship;
- Other citizenship (country, passport number);
- National identification number, if available;
- Address while visiting the United States (number, street, city, state);
- Emergency point of contact information (name, telephone number, email address);
- U.S. point of contact (name, address, telephone number);
- Parents' names;
- Current job title;
- Current or previous employer name;
- Current or previous employer street address; and
- Current or previous employer telephone number.

The categories of records in EVUS also include responses to the following questions:

- History of mental or physical disorders, drug abuse or addiction,[1] and current communicable diseases, fevers, and respiratory illnesses;
- Past arrests, criminal convictions, or illegal drug violations;
- Previous engagement in terrorist activities, espionage, sabotage, or genocide;
- History of fraud or misrepresentation;
- Previous unauthorized employment in the United States;
- Past denial of visa, or refusal or withdrawal of application for admission at a U.S. port of entry;
- Previous overstay of authorized admission period in the United States;
- Travel history and information relating to prior travel to or presence in Iraq or Syria, a country designated as a state sponsor of terrorism, or another country or area of concern to determine whether travel to the United States poses a law enforcement or security risk;
- Citizenship and nationality information, with additional detail required for nationals of certain identified countries of concern;

RECORD SOURCE CATEGORIES:

Records are obtained from the online EVUS enrollment at *https://www.cbp.gov/EVUS.* Some record information is derived from visa records of the U.S. Department of State. As part of the vetting process, DHS/CBP obtains law enforcement and national security records from appropriate Federal, state, local, international, tribal, or foreign

[1] Immigration and Nationality Act (INA) 212(a)(1)(A). Pursuant to INA 212(a), aliens may be inadmissible to the United States if they have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or (ii) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or are determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict.

governmental agencies or multilateral governmental organizations to assist DHS in determining EVUS eligibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a statute, rule, regulation, order, or license when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act of 1974 requirements and limitations on disclosure as are applicable to DHS officers and employees.

I. To appropriate Federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS is aware of a need to use relevant data, that relate to the purpose(s) stated in this SORN, for purposes of testing new technology.

J. To appropriate Federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital health interests of a data subject or other persons (*e.g.,* to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health threat or risk).

K. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate in the proper performance of the official duties of the officer making the disclosure.

L. To a Federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection to a program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a DHS Component or program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

M. To a Federal, state, tribal, local, international, or foreign government agency or entity in order to provide relevant information related to intelligence, counterterrorism, or counterterrorism activities authorized by U.S. law, Executive Order, or other applicable national security directives.

N. To the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

O. To an organization or individual in either the public or private sector, either foreign or domestic, when there is a reason to believe that the recipient is or could become the target of a particular terrorist activity or conspiracy, to the extent the information is relevant to the protection of life or property.

P. To the carrier transporting an individual to the United States, prior to travel, in response to a request from the carrier, to verify an individual's travel authorization status.

Q. To the Department of Treasury's *Pay.gov,* for payment processing and payment reconciliation purposes.

R. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings.

S. To a Federal, state, local agency, tribal, territorial, or other appropriate entity or individual, through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, E.O, or other applicable national security directive.

T. To a Federal, state, local, tribal, territorial, or other foreign government agency or organization, or international organization, lawfully engaged in

collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

U. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

V. To the Department of Treasury's Office of Foreign Assets Control (OFAC) for inclusion on the publicly issued List of Specially Designated Nationals and Blocked Persons (SDN List) of individuals and entities whose property and interests in property are blocked or otherwise affected by one or more OFAC economic sanctions programs, as well as information identifying certain property of individuals and entities subject to OFAC economic sanctions programs.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/CBP stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are safeguarded with passwords and encryption and may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS/CBP may retrieve records by any of the data elements supplied by the enrollee.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Enrollment information submitted to EVUS generally expires and is deemed ''inactive'' two years after the initial submission of information by the enrollee. In the event that a traveler's passport remains valid for less than two years from the date of the EVUS notification of compliance, the EVUS enrollment will expire concurrently with the passport. Information in EVUS will be retained for one year after the EVUS travel enrollment expires. After this period, the inactive account information will be purged from online access and archived for 12 years. At any time during the 15-year retention period (generally 3 years active, 12 years archived) CBP will match data linked to active law enforcement lookout records or to enforcement activities, and/or investigations or cases, including EVUS enrollment attempts that are unsuccessful, which will remain accessible for the life of the law enforcement activities to which they may become related. Records replicated on the unclassified and classified networks will follow the same retention schedule.

Payment information is not stored in EVUS, but is forwarded to *Pay.gov* and stored in CBP's financial processing system, CDCDS, pursuant to the DHS/CBP–018 CDCDS SORN.

When a traveler's EVUS data is used for purposes of processing his or her application for admission to the United States, the EVUS data will be used to create a corresponding admission record that is covered in the DHS/CBP–016 Non-Immigrant Information System (NIIS) SORN, 80 FR 13398, March 13, 2015. This corresponding admission record will be retained in accordance with the NIIS retention schedule, which is 75 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/CBP safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. CBP has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Enrollees may access their EVUS information to view and amend their enrollment by providing their EVUS number, birth date, and passport number through the EVUS website. Once they have provided their EVUS number, birth date, and passport number, enrollees may view their EVUS status (successful enrollment, unsuccessful enrollment, pending) and submit limited updates to their travel itinerary information. If an enrollee does not know his or her enrollment number, he or she can provide his or her name, passport number, date of birth, passport issuing country, and visa number to retrieve his or her enrollment number.

In addition, EVUS enrollees and other individuals whose information is included on EVUS enrollment may submit requests and receive information maintained in this system as it relates to data submitted by or on behalf of a person who travels to the United States and crosses the border, as well as, for EVUS enrollees, the resulting determination (successful enrollment, pending, unsuccessful enrollment). However, the Secretary of Homeland Security has exempted portions of this system from certain provisions of the Privacy Act of 1974 related to providing the accounting of disclosures to individuals because it is a law enforcement system. CBP will, however, consider individual requests to determine whether or not information may be released. In processing requests for access to information in this system, CBP will review not only the records in the operational system but also the records that were replicated on the unclassified and classified networks, and based on this notice provide appropriate access to the information.

Individuals seeking notification of, and access to, any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Headquarters Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''FOIA Contact Information.'' If an individual believes more than one component maintains Privacy Act of 1974 records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW, Building 410, STOP–0655, Washington, DC 20528.

When an individual seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform to the Privacy Act of 1974 regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his or her full name, current address, and date and place of birth. The individual must sign his/her request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer

and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he or she believes the Department would have information being requested;
- Identify which component(s) of the Department he or she believes may have the information;
- Specify when the individual believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from that individual certifying his or her agreement for the first individual to access to his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act of 1974 or covered JRA records, see ''Record Access Procedures'' above. For records not covered by the Privacy Act of 1974 or JRA, individuals may submit an inquiry to the DHS Traveler Redress Inquiry Program (DHS TRIP) at *https://www.dhs.gov/dhs-trip* or the CBP INFO CENTER at *www.help.cbp.gov* or (877) 227–5511 (international callers may use (202) 325–8000 and TTY users may dial (866) 880–6582).

NOTIFICATION PROCEDURES:

See ''Record Access Procedure.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 6 CFR part 5, Appendix C, law enforcement and other derogatory information covered in this system are exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (e)(5), and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3); (d)(1), (d)(2), (d)(3), and (d)(4); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f).

Despite the exemptions taken on this system of records, DHS/CBP is not taking any exemption from subsection (d) with respect to information maintained in the system as it relates to data submitted by or on behalf of a person who travels to visit the United States and crosses the border, nor shall an exemption be asserted with respect to the resulting determination (authorized to travel, pending, or not authorized to travel). However, pursuant to 5 U.S.C. 552a(j)(2), DHS/CBP plans to exempt such information in this system from sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS will claim exemption from sec. (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information. CBP will not disclose the fact that a law enforcement or intelligence agency has sought particular records because it may affect ongoing law enforcement activities.

When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j) or (k), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here. For instance, as part of the vetting process, this system may incorporate records from CBP's ATS, and all of the exemptions for CBP's ATS SORN, described and referenced herein, carry forward and will be claimed by DHS/CBP.

HISTORY:

DHS/CBP–022 Electronic Visa Update System (EVUS) System of Records, 81 FR 60371 (September 1, 2016).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2019–13641 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0144]

Agency Information Collection Activities; Revision of a Currently Approved Collection: H–1B Registration Tool

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 revision of a currently approved collection of information or new 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 26, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0144 in the body of the letter, the agency name and Docket ID USCIS–2019–0012. 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–2019–0012;

(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–2019–0012 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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* H–1B Registration Tool.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No agency form number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on this form to determine which employers will be informed that they may submit a USCIS Form I–129, Petition for a Nonimmigrant Worker, to petition for a beneficiary in the H–1B classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection H–1B Registration Tool is 192,918 and the estimated hour burden per response is .5 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 96,459 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: June 20, 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. 2019–13752 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0009]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for Nonimmigrant Worker

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 revision of a currently approved collection of information or new 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 26, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0009 in the body of the letter, the agency name and Docket ID USCIS–2005–0030. 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–2005–0030;

(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–2005–0030 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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on this form to determine eligibility for the requested nonimmigrant petition and/or requests to extend or change nonimmigrant status. An employer (or agent, where applicable) uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant. An employer (or agent, where applicable) also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for nonimmigrant workers, and ensuring that basic information required for assessing eligibility is provided by the petitioner while requesting that beneficiaries be classified under certain nonimmigrant employment categories. It also assists USCIS in compiling information required by Congress annually to assess effectiveness and utilization of certain nonimmigrant classifications.

(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–129 is 294,751 and the estimated hour burden per response is 2.34 hours; the estimated total number of respondents for the information collection E–1/E–2 Classification Supplement to Form I–129 is 4,760 and the estimated hour burden per response is 0.67; the estimated total number of respondents for the information collection Trade Agreement Supplement to Form I–129 is 3,057 and the estimated hour burden per response is 0.67; the estimated total number of respondents for the information collection H Classification Supplement to Form I–129 is 96,291 and the estimated hour burden per response is 2; the estimated total number of respondents for the information collection H–1B and H–1B1 Data Collection and Filing Fee Exemption Supplement is 96,291 and the estimated hour burden per response is 1; the estimated total number of respondents for the information collection L Classification Supplement to Form I–129 is 37,831 and the estimated hour burden per response is 1.34; the estimated total number of respondents for the information collection O and P Classifications Supplement to Form I–129 is 22,710 and the estimated hour burden per response is 1; the estimated total number of respondents for the information collection Q–1 Classification Supplement to Form I–129 is 155 and the estimated hour burden per response is 0.34; the estimated total number of respondents for the information collection R–1 Classification Supplement to Form I–129 is 6,635 and the estimated hour burden per response is 2.34.

(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 1,072,810 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 $70,680,553.

Dated: June 20, 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. 2019–13749 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0122]

Agency Information Collection Activities; Revision of a Currently Approved Collection: USCIS Identity and Credential Access Management (ICAM)

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 revision of a currently approved collection of information or new 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 26, 2019.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0122 in the body of the letter, the agency name and Docket ID USCIS–2011–0015. 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–2011–0015;

(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–2011–0015 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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* USCIS Identity and Credential Access Management (ICAM).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No agency form number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. In order to interact with USCIS electronic systems accessible through the USCIS ICAM portal, a first time user must establish an account. The account creation process requires the user to submit a valid email address; create a password; select their preference for receiving a one-time password (via email, mobile phone, or both); select five password reset questions and responses; and indicate the account type they want to set up (customer or legal representative). The account creation and the account login processes both require the user to receive and submit a one-time password. The one-time password can be provided either as an email to an email address or to a mobile phone via text message. USCIS ICAM currently grants access to myUSCIS and the information collections available for online filing. USCIS ICAM is also be the portal through which accounts to submit H–1B cap registrations would be created and accessed.

(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 ICAM is 2,813,225 and the estimated hour burden per response is 0.167 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 469,809 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

Dated: June 20, 2019.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services.

[FR Doc. 2019–13747 Filed 6–26–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2018–N157; FXES11130100000C4–189–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; 29 Draft Recovery Plan Revisions for 42 Species Across the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce for public review and comment the availability of 29 draft recovery plan revisions, which update recovery criteria for 42 endangered or threatened species located in 11 States (Alabama, California, Florida, Georgia, Hawaii, Louisiana, Massachusetts, Nevada, New Jersey, North Carolina, and South Carolina) and 4 unincorporated territories (Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands). We are updating recovery criteria to better assist in determining when an endangered species has recovered to the point that it may be reclassified as threatened, or that the protections afforded by the Endangered Species Act of 1973, as amended (Act), are no longer necessary and the species may be removed from the Act's protections. We request review of these draft recovery plan revisions and comments from local, State, Tribal, and Federal agencies, nongovernmental organizations, and the public.

DATES: In order to be considered, comments on the draft recovery plan revisions must be received on or before July 29, 2019.

ADDRESSES:

Reviewing documents: If you wish to review these draft recovery plan revisions, you may obtain copies from the website addresses listed in the table provided in **SUPPLEMENTARY INFORMATION**. You may also request copies of draft recovery plan revisions by contacting the individuals listed in the table provided in this notice, relevant to each species or recovery plan, or both.

Submitting comments: If you wish to comment, see the table provided in this notice and you may submit your comments by one of the following methods:

1. You may submit written comments and materials to each field office mailing address for the species in which you are interested;

2. You may hand-deliver written comments to each field office, in the table at the identified address, for the species in which you are interested; or

3. You may send comments by email to the identified contact person's email address in the table, for each species. Please include ''Amended Recovery Plan Comments'' in the subject line.

FOR FURTHER INFORMATION CONTACT: For information on a particular species, contact the appropriate person listed in the table for each species in **SUPPLEMENTARY INFORMATION**. Individuals who are hearing impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

In this notice, we announce for public review and comment the availability of 29 draft recovery plan revisions, which update recovery criteria for 42 endangered or threatened species located in 11 States (Alabama, California, Florida, Georgia, Hawaii, Louisiana, Massachusetts, Nevada, New Jersey, North Carolina, and South Carolina) and 4 unincorporated territories (Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands). This group of 29 draft recovery plan revisions is the second batch of a larger effort under way to revise up to 182 recovery plans covering up to 305 species in order to achieve the following Department of the Interior Agency Priority Performance Goal outlined in the Department's Strategic Plan for Fiscal Years 2018–2022: ''By September 30, 2019, 100% of all Fish and Wildlife Service recovery plans will have quantitative criteria for what constitutes a recovered species.'' Given the timeline associated with this Agency Priority Performance goal, we are relying on the public comment period to facilitate an efficient communication, coordination, and collaboration process with the wide variety of potential stakeholders we consider essential to the development and implementation of recovery plans. Recovery plans must be designed so that all stakeholders and the public understand the rationale behind the recovery program, whether they were involved in writing the plan or not, and recognize their role in its implementation. We are, therefore, requesting submission of any information that may help achieve (1) the necessary understanding of species' biology, threats, and recovery needs; (2) identification of implementation issues and concerns; and (3) facilitation of more effective implementation associated with these draft revisions that revise recovery criteria for these 42 species.

The Service is required to develop and implement recovery plans ''for the conservation and survival'' of listed species under section 4(f) of the Act, unless the Service finds that developing a recovery plan would not promote the conservation of the species. The Act also requires inclusion of: (1) ''Site-specific management actions as may be necessary to achieve the plan's goal for the conservation and survival of the species''; (2) ''Objective, measurable criteria which, when met, would result in a determination . . . that the species be removed from the list''; and (3) ''Estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.''

The purpose of a recovery plan is to provide a roadmap for a species' recovery, with the goal of improving its status and managing its threats to the point at which protections under the Act are no longer needed. A recovery plan identifies, organizes, and prioritizes recovery actions and is, therefore, an important guide to ensure sound scientific decision-making throughout the recovery process, which can take decades. Recovery plans provide important guidance to the Service, States, other partners, and the general public on methods of minimizing threats to listed species and measurable objectives against which to measure the progress towards recovery; they are guidance and not regulatory documents.

Recovery plans should be consulted frequently, used to initiate recovery activities, and updated as needed. Keeping recovery plans current will ensure that the species benefits through timely, partner-coordinated implementation, based on the best available information. A review of the recovery plan and its implementation, however, may show that the recovery plan is out of date or its usefulness is limited and, therefore, warrants modification. The need for, and extent of, recovery plan modifications will vary considerably among recovery plans, depending on the scope and complexity of the initial plan, the structure of the document, and the involvement of stakeholders.

The need for revision may be triggered when, among other possibilities: (1) New information has been identified, such as population-level threats to the species or previously unknown life-history traits, that necessitates new or revised recovery strategy, actions, or criteria, or revision of all three; (2) the current recovery plan is out of date with regard to the information presented in it or requirements for an adequate recovery plan (a recovery strategy, threats-based recovery criteria, etc.); or (3) the current plan is not achieving its objectives. An amendment, a type of recovery plan revision, is more limited in scope than a full revision of the recovery plan and modifies an existing plan, rather than replacing the entire existing recovery plan. Revisions benefit endangered and threatened species, our partners, and the public by incorporating new information about life history, threats, and/or species' response to management from study findings and focusing on what is really needed for species' recovery. Twenty-eight of the 29 proposed recovery plan revisions noticed in this announcement are modified with amendments that replace only a portion of those plans, while one recovery plan (Draft Revised Recovery Plan for Valley Elderberry Longhorn Beetle) is fully revised and completely replaces the existing plan.

Recovery criteria serve as objective, measurable guidelines to assist in determining when an endangered species has recovered to the point that it may be downlisted to threatened, or that the protections afforded by the Act are no longer necessary and the species may be delisted. Delisting is the removal of a species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Downlisting is the reclassification of a species from an endangered species to a threatened species. The term ''endangered species'' means any species (species, subspecies, or distinct population segment) that is in danger of extinction throughout all or a significant portion of its range. The term ''threatened species'' means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Recovery criteria should help indicate when we would anticipate that an analysis of the species' status under section 4(a)(1) of the Act would result in a determination that the species is no longer an endangered species or a threatened species. A decision to revise the status of or remove a species from the Federal Lists of Endangered and Threatened Wildlife and Plants, however, is ultimately based on an analysis of the threats to the species in accordance with sections 4(a)(1) and 4(b) of the Act and made ''solely on the basis of the best scientific and commercial data available,'' regardless of whether that information differs from the recovery plan. When changing the status of a species, we first propose the action in the **Federal Register** to seek public comment and peer review, followed by a final decision announced in the **Federal Register**.

Revision of recovery plans requires public notice and comment under section 4(f)(4) of the Act, including: (1) A **Federal Register** notice of availability to give opportunity for public review and comment; (2) consideration of all information presented during the public comment period; and (3) approval by the Regional Director. When finalized, these recovery plan revisions will be made publicly available on the internet through our Environmental Conservation Online System (ECOS, *https://ecos.fws.gov*).

What plans are being made available for public review and comment?

This notice announces our draft recovery plan revisions for the species listed in the table below.

PROPOSED RECOVERY PLAN REVISIONS

Common name	Scientific name	Listing status [1]	Current range	Recovery plan name	Uniform resource locator to proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Pacific Region (Idaho, Oregon, Washington, Hawaii, and the Pacific Islands)							
Laysan finch	*Telespyza cantans.*	E	HI	Northwestern Hawaiian Islands Passerines Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/NWHI_Passerine_Draft_Recovery_Plan_Amendment_20181109.pdf.*	Gregory A. Koob, 808–792–9449, *gregory_koob@fws.gov.*	Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, HI 96850.
Nihoa finch	*Telespyza ultima*	E	HI.				
Nihoa millerbird	*Acrocephalus familiaris kingi.*	E	HI.				
Guam rail	*Rallus owstoni*	E	Guam	Native Forest Birds of Guam and Rota of the Commonwealth of the Northern Mariana Islands Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Guam_Rail_Draft_Recovery_Plan_Amendment_20181109.pdf.*		
Mariana gray swiftlet	*Aerodramus vanikorensis bartschi.*	E	Guam, Northern Mariana Islands.	Mariana Islands Population of the Vanikoro Swiftlet (*Aerodramus vanikorensis bartschi)* [2].	*https://ecos.fws.gov/docs/recovery_plan/Mariana_Swiftlet_Draft_Recovery_Plan_Amendment_20181109.pdf.*		
Rota bridled white-eye	*Zosterops rotensis.*	E	Guam, Northern Mariana Islands.	Recovery Plan for the Nosa Luta or Rota Bridled White-Eye (*Zosterops rotensis*) [2].	*https://ecos.fws.gov/docs/recovery_plan/Rota_Bridled_White_Eye_Draft_Recovery_Plan_Amendment_20181109.pdf.*		
Mariana common moorhen.	*Gallinula chloropus guami.*	E	Northern Mariana Islands.	Recovery Plan for the Mariana Common Moorhen (*Gallinula chloropus guami*) [2].	*https://ecos.fws.gov/docs/recovery_plan/Mariana_Common_Moorhen_Draft_Recovery_Plan_Amendment_20181109.pdf.*		
Southeast Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands)							
Interrupted rocksnail	*Leptoxis foremani*	E	AL, GA	Recovery Plan for Georgia Pigtoe Mussel (*Pleurobema hanleyianum*) Interrupted rocksnail (*Leptoxis foremani*), and Rough hornsnail (*Pleurocera foremani*) [2].	*https://ecos.fws.gov/docs/recovery_plan/Interrupted%20Rocksnail%20Recovery%20Plan%20Amendment.pdf.*	Tom McCoy, 843–727–4707, *thomas_mccoy@fws.gov.*	South Carolina Ecological Services Field Office, 176 Croghan Spur Road, Suite 200, Charleston, SC 29407.
American chaffseed	*Schwalbea americana.*	E	AL, FL, GA, LA, MA, NJ, NC, SC.	American Chaffseed (*Schwalbea americana*) Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Recovery%20Plan%20Schwalbea%20americana_Amendment.pdf.*	William J. Pearson, 251–441–5870, *bill_pearson@fws.gov.*	Alabama Ecological Services Field Office, 1208–B Main Street, Daphne, AL 36526.
Palo de Ramon	*Banara vanderbiltii.*	E	Puerto Rico	*Banara vanderbiltii* Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Final%20Draft%20Recovery%20Plan%20Amendment%20_Bvanderbiltii.pdf.*	Edwin E. Muñiz, 787–851–7297, *edwin_muniz@fws.gov.*	Caribbean Ecological Services Field Office, P.O. Box 1600, Rio Grande, PR 00745.
Vahl's boxwood	*Buxus vahlii*	E	Puerto Rico	Vahl's Boxwood (*Buxus vahlii*) Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/draftRecovery%20Plan%20Amendment%20Buxus%20vahlii.pdf.*		
No common name	*Cordia bellonis*	E	Puerto Rico	Recovery Plan for *Cordia bellonis* [2].	*https://ecos.fws.gov/docs/recovery_plan/draft_Recovery%20Plan%20Amendment%20Cordia%20Bellonis.pdf.*		
Elfin tree fern	*Cyathea dryopteroides.*	E	Puerto Rico	*Ilex cookii* and *Cyathea dryopteroides* Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Final%20Draft_Amendment_Cyathea_Ilex%20cooki.pdf.*		
Cook's holly	*Ilex cookii*	E			.		
No common name	*Eugenia woodburyana.*	E	Puerto Rico	Recovery Plan for *Mitracarpus maxwelliae, Mitracarpus polycladus,* and *Eugenia woodburyana* [2].	*https://ecos.fws.gov/docs/recovery_plan/Mitracarpus%20and%20Eugenia%20woodburyana_Final%20draft%20Amendment.pdf.*		
No common name	*Mitracarpus maxwelliae.*	E					
No common name	*Mitracarpus polycladus.*	E					
Beautiful goetzea	*Goetzea elegans*	E	Puerto Rico	Beautiful Goetzea Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Beautiful%20goetzea_FINAL%20draft%20recovery%20plan%20amendment.pdf.*		

PROPOSED RECOVERY PLAN REVISIONS—Continued

Common name	Scientific name	Listing status [1]	Current range	Recovery plan name	Uniform resource locator to proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Higo chumbo	*Harrisia portoricensis.*	T	Puerto Rico	Recovery Plan for Higo Chumbo (*Harrisia portoricensis*) [2].	*https://ecos.fws.gov/docs/recovery_plan/Harrisia_final%20Draft%20Amendment.pdf.*		
No common name	*Leptocereus grantianus.*	E	Puerto Rico	*Leptocereus grantianus* Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Leptocereus%20Final%20draft%20Amendment.pdf.*		
Erubia	*Solanum drymophilum.*	E	Puerto Rico	*Solanum drymophilum* Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Erubia_Final%20draft%20Recovery%20Plan%20Amendment.pdf.*		
Bariaco	*Trichilia triacantha*	E	Puerto Rico	Bariaco (*Trichilia triacantha*) Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/Trichilia%20triacantha_Final%20Draft%20Amendment.pdf.*		
St. Croix ground lizard	*Ameiva polops*	E	U.S. Virgin Islands.	Recovery Plan for the St. Croix Ground Lizard, *Ameiva polops* [2].	*https://ecos.fws.gov/docs/recovery_plan/St%20Croix%20ground%20lizard_final%20Draft%20Amendment.pdf.*		
Thomas' lidflower	*Calyptranthes thomasiana.*	E	U.S. Virgin Islands.	Recovery Plan for the *Calyptranthes thomasiana* [2].	*https://ecos.fws.gov/docs/recovery_plan/draft%20Recovery%20Plan%20Amendment%20C_thomasiana.pdf.*		
Pacific Southwest Region (California, Nevada, and the Klamath Basin area of Oregon)							
San Mateo thornmint	*Acanthomintha obovata* ssp. *duttonii.*	E	CA	Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20amendment%20Seven%20Bay%20Area%20Serpentine%20Soil%20Plant%20Species.pdf.*	Josh Hull, 916–414–6600 *fw8sfwocomments@fws.gov.*	Sacramento Fish and Wildlife Office, 2800 Cottage Way, Sacramento, CA 95825.
Tiburon mariposa lily	*Calochortus tiburonensis.*	T	CA.				
Fountain thistle	*Cirsium fontinale* var. *fontinale.*	E	CA.				
Presidio clarkia	*Clarkia franciscana.*	E	CA.				
Pennell's bird's-beak	*Cordylanthus tenuis* ssp. *capillaris.*	E	CA.				
San Mateo woolly sunflower.	*Eriophyllum latilobum.*	E	CA.				
Tiburon jewelflower	*Streptanthus niger.*	E	CA.				
Large-flowered fiddleneck.	*Amsinckia grandiflora.*	E	CA	Large-Flowered Fiddleneck (*Amsinckia grandiflora*) Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20amendment%20Large-flowered%20fiddleneck.pdf.*		
Presidio manzanita	*Arctostaphylos hookeri* var. *ravenii.*	E	CA	Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20amendment%20Ravens%20Manzanita.pdf.*		
San Bruno elfin butterfly.	*Callophrys mossii bayensis.*	E	CA	Recovery Plan for the San Bruno Elfin and Mission Blue Butterflies [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20amendment%20Mission%20blue%20and%20San%20Bruno%20elfin%20butterflies.pdf.*		
Mission blue butterfly	*Icaricia icarioides missionensis.*	E	CA.				
Sonoma spineflower	*Chorizanthe valida.*	E	CA	Recovery Plan for Seven Coastal Plants and the Myrtle's Silverspot Butterfly [2].	*https://ecos.fws.gov/docs/recovery_plan/DAPG%20Amendment%20Sonoma%20spineflower.pdf.*		
Valley elderberry longhorn beetle.	*Desmocerus californicus dimorphus.*	T	CA	Draft Revised Recovery Plan for Valley Elderberry Longhorn Beetle [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Revised%20RP%20for%20Valley%20Elderberry%20Longhorn%20Beetle.pdf.*		
Pine Hill flannelbush	*Fremontodendron californicum* ssp. *decumbens.*	E	CA	Recovery Plan for Gabbro Soil Plants of the Central Sierra Nevada Foothills [2].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20APG%20amendment%20El%20Dorado%20bedstraw%20and%20Pine%20Hill%20flannelbush.pdf.*		
El Dorado bedstraw	*Galium californicum* ssp. *sierrae.*	E	CA.				
Light-footed clapper rail.	*Rallus longirostris levipes.*	E	CA	Light-footed Clapper Rail Recovery Plan [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20Amendment%20for%20LFRR.pdf.*	Bradd Bridges, 760–461–9440, *fw8cfwocomments@fws.gov.*	Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
Delhi sands flower-loving fly.	*Rhaphiomidas terminatus abdominalis.*	E	CA	Recovery Plan for the Delhi Sands Flower-Loving Fly [2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20Amendment%20for%20DSFF.pdf.*		

PROPOSED RECOVERY PLAN REVISIONS—Continued

Common name	Scientific name	Listing status[1]	Current range	Recovery plan name	Uniform resource locator to proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Steamboat buckwheat	*Eriogonum ovalifolium* var. *williamsiae.*	E	NV	Steamboat Buckwheat Recovery Plan[2].	*https://ecos.fws.gov/docs/recovery_plan/dAPG%20Amendment%20for%20EROVW.pdf.*	Carolyn Swed, 775–861–6300, *fw8renofwo@fws.gov.*	Reno Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502.

[1] E = endangered; T = threatened.
[2] Denotes a recovery plan amendment in the ''Recovery Plan Name'' column.
[3] Denotes a full recovery plan revision in the ''Recovery Plan Name'' column.

How do I ask questions or provide information?

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the table above. You may also direct questions to those contacts. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

Request for Public Comments

We request written comments on the draft recovery plan modifications. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plans.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

The authority for this action is section 4(f) of the Endangered Species Act (16 U.S.C. 1533(f)).

Dated: May 20, 2019.

Margaret E. Everson,

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

[FR Doc. 2019–13708 Filed 6–26–19; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2019–N002; FXES11130100000C4–190–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; 29 Draft Recovery Plan Revisions for 43 Species in the Pacific, Southwest, and Southeast Regions of the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability for public review and comment of 29 draft recovery plan revisions, which update recovery criteria for 43 endangered or threatened species located in 16 States (Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Mississippi, Missouri, Montana, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, and Texas), two unincorporated territories (the Commonwealth of Puerto Rico and the U.S. Virgin Islands), Canada, Cuba, the Dominican Republic, the French West Indies, and Mexico. We are updating recovery criteria to better assist in determining when an endangered species has recovered to the point that it may be reclassified as threatened, or that the protections afforded by the Endangered Species Act of 1973, as amended (Act), are no longer necessary and the species may be removed from the Act's protections. We request review of these draft recovery plan revisions and invite comments from local, State, Tribal, and Federal agencies, nongovernmental organizations, and the public.

DATES: We must receive comments on the draft recovery plan revisions on or before July 29, 2019.

ADDRESSES:

Reviewing documents: If you wish to review these draft recovery plan revisions, you may obtain copies from the website addresses listed in the table in **SUPPLEMENTARY INFORMATION**. You may also request copies of the draft recovery plan revisions by contacting the individuals listed in the table.

Submitting comments: If you wish to comment, see the table in **SUPPLEMENTARY INFORMATION** and submit your comments by one of the following methods:

1. *U.S. Mail or hand-delivery:* You may submit written comments and materials to the appropriate field office mailing address for the species in which you are interested;

2. *Email:* You may send comments by email to the identified contact person's email address in the table, for each species. Please include ''Draft Recovery Plan Revision Comments'' in the subject line.

FOR FURTHER INFORMATION CONTACT: For information on a particular species, contact the appropriate person listed in the table for that species in **SUPPLEMENTARY INFORMATION**. Individuals who are hearing impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

In this notice, we announce for public review and comment the availability of 29 draft recovery plan revisions, which update recovery criteria for 43 endangered or threatened species located in 16 States (Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Mississippi, Missouri, Montana, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, and Texas), two unincorporated territories (the Commonwealth of Puerto Rico and the U.S. Virgin Islands), Canada, Cuba, the Dominican Republic, the French West Indies, and Mexico. This group of 29 draft recovery plan revisions is part of a larger effort underway to revise up to 182 recovery plans covering up to 305 species in order to achieve the following Department of the Interior Agency Priority Performance Goal outlined in the Department's Strategic Plan for Fiscal Years 2018–2022: ''By September 30, 2019, 100 percent of all Fish and Wildlife Service recovery plans will have quantitative criteria for what constitutes a recovered species.''

The purpose of a recovery plan is to provide a roadmap for a species' recovery, with the goal of improving its status and managing its threats to the point at which protections under the Act are no longer needed. Recovery plans must be designed so that all stakeholders and the public understand the rationale behind the recovery program, whether they were involved in writing the plan or not, and recognize their role in its implementation. We are requesting submission of any information that may help achieve (1) the necessary understanding of species' biology, threats, and recovery needs; (2) identification of implementation issues and concerns; and (3) facilitation of more effective implementation associated with these draft revisions that revise recovery criteria for these 43 species.

Recovery plans provide important guidance to the Service, States, other partners, and the general public on methods of minimizing threats to listed species and objectives against which to measure the progress towards recovery; they are guidance and not regulatory documents. A recovery plan identifies, organizes, and prioritizes recovery actions and is an important guide that ensures sound scientific decision-making throughout the recovery process, which can take decades. Keeping recovery plans current will ensure that the species benefits through timely, partner-coordinated implementation, based on the best available information. A review of a recovery plan and its implementation, however, may show that a recovery plan is out of date or its usefulness is limited and that, therefore, the recovery plan warrants modification.

The need for, and extent of, recovery plan modifications will vary considerably among recovery plans, depending on the scope and complexity of the initial plan, the structure of the document, and the involvement of stakeholders. The need for a recovery plan revision may be triggered when, among other possibilities: (1) New information has been identified such as population-level threats to the species, or previously unknown life-history traits, which necessitates new or revised recovery strategy, actions, or criteria, or revision of all three in order to maintain the adequacy of the plan; and (2) the current plan is not achieving its objectives. An amendment, a type of recovery plan revision, is more limited in scope than a full revision of the recovery plan and modifies an existing plan, rather than replacing the entire existing recovery plan. Revisions benefit endangered and threatened species, our partners, and the public by incorporating the best available information on what is really needed for species' recovery. Twenty-eight of the 29 proposed recovery plan revisions noticed in this announcement are modified with amendments that replace only a portion of those plans, while one recovery plan (Draft Revised Recovery Plan for the Kootenai River Distinct Population Segment of the White Sturgeon) is a full revision and will completely replace the existing plan.

Revision of recovery plans requires public notice and comment under section 4(f)(4) of the Act, including: (1) A **Federal Register** notice of availability to give opportunity for public review and comment; (2) consideration of all information presented during the public comment period; and (3) approval by the Regional Director. When finalized, these recovery plan revisions will be made publicly available on the internet through our Environmental Conservation Online System (ECOS, *https://ecos.fws.gov*).

What plans are being made available for public review and comment?

This notice announces our draft recovery plan revisions for the species listed in the table below.

Common name	Scientific name	Listing status [1]	Current range	Recovery plan name	Internet availability of proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Pacific Region (Idaho, Oregon, Washington, Hawaii, and the Pacific Islands)							
White sturgeon [Kootenai River DPS].	*Acipenser transmontanus.*	E	ID, MT, Canada (B.C.).	Draft Revised Recovery Plan for the Kootenai River Distinct Population Segment of the White Sturgeon [2].	*https://ecos.fws.gov/docs/recovery_plan/Kootenai_River_White_Sturgeon_Draft_Revised_RP_20181211a.pdf.*	Gregory M. Hughes, 208–237–6975, *greg_m_hughes@fws.gov.*	Idaho Fish and Wildlife Office, 1387 S Vinnell Way, Suite 368, Boise, ID 83709.
Hutton tui chub	*Gila bicolor* ssp.	T	OR	Recovery Plan for the Threatened and Rare Native Fishes of the Warner Basin and Alkali Subbasin [3].	*https://ecos.fws.gov/docs/recovery_plan/Hutton%20tui%20chub%20Draft%20Recovery%20Plan%20Amendment%2020181211a.pdf.*	Paul Henson, Ph.D., 503–231–6179, *paul_henson@fws.gov.*	Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266.
Southwest Region (Arizona, New Mexico, Oklahoma, and Texas)							
Arizona cliffrose	*Purshia subintegra.*	E	AZ	Arizona Cliffrose (*Purshia subintegra*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20AZ%20Cliffrose%20RP%20Amendment.pdf.*	Field Supervisor, 602–242–0210, *AZcriteria@fws.gov.*	Arizona Ecological Services Field Office, 9828 North 31st Avenue #C3, Phoenix, AZ 85051.
Desert pupfish ..	*Cyprinodon macularius.*	E	AZ, CA, Mexico (Son.).	Desert Pupfish Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Desert%20Pupfish%20RP%20Amendment.pdf.*	Julie McIntyre, 520–670–6150, *julie_mcintyre@fws.gov.*	Arizona Ecological Services Field Office, Tucson Sub-Office, 201 N Bonita Avenue, Suite 141, Tucson, AZ 85745.

Common name	Scientific name	Listing status [1]	Current range	Recovery plan name	Internet availability of proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Mexican long-nosed bat.	*Leptonycteris nivalis*.	E	NM, TX, Mexico (Coah., Hgo., Mor., N.L., and Son.).	Mexican Long-nosed Bat (*Leptonycteris nivalis*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20MX%20long-nosed%20bat%20RP%20Amendment.pdf*.	Adam Zerrenner, 512–490–0057, x248, *adam_zerrenner@fws.gov*.	Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758.
Nellie's cory cactus.	*Coryphantha minima*.	E	TX	Nellie's Cory Cactus (*Coryphantha minima*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Nellies%20Cory%20Cactus%20RP%20Amendment.pdf*.		
Davis's green pitaya.	*Echinocereus viridiflorus* var. *davisii*.	E	TX	Davis' Green Pitaya Cactus (*Echinocereus viridiflorus* var. *davisii*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Davis%20Green%20Pitaya%20RP%20Amendment.pdf*.		
Little Aguja pondweed.	*Potamogeton clystocarpus*.	E	TX	Little Aguja Pondweed Recovery Plan (*Potamogeton clystocarpus*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Little%20Aguja%20Pondweed%20RP%20Amendment.pdf*.		
Yaqui chub	*Gila purpurea* ..	E	AZ, Mexico (Son.).	Fishes of the Rio Yaqui Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Yaqui%20Chub%20RP%20Amendment_1.pdf*.	Bill Radke, 520–364–2104, *bill_radke@fws.gov*.	San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, AZ 85607.
Navasota ladies'-tresses.	*Spiranthes parksii*.	E	TX	Navasota Ladies'-Tresses (*Spiranthes parksii*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20Navasota%20Ladies-tresses%20RP%20Amendment.pdf*.	Chuck Ardizzone, 281–286–8282, *chuck_ardizzone@fws.gov*.	Texas Coastal Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, TX 77058.
Texas trailing phlox.	*Phlox nivalis* ssp. *texensis*.	E	TX	Texas Trailing Phlox (*Phlox nivalis* ssp. *texensis*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Draft%20TX%20Trailing%20Phlox%20RP%20Amendment.pdf*.		
Southeast Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands)							
Alabama cave shrimp.	*Palaemonias alabamae*.	E	AL	Alabama Cave Shrimp (*Palaemonias alabamae*) Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Alabama%20Cave%20Shrimp_Recovery%20Plan%20Amendement.pdf*.	William J. Pearson, 251–441–5870, *bill_pearson@fws.gov*.	Alabama Ecological Services Field Office, U.S. Fish and Wildlife Service, 1208–B Main Street, Daphne, AL 36526.
Finelined pocket book.	*Lampsilis altilis*	T	AL, GA, TN	Recovery Plan for Mobile River Basin Aquatic Ecosystem [3].	*https://ecos.fws.gov/docs/recovery_plan/Finelined Pocketbook_Recovery%20Plan%20Amendment.pdf*.		
Coosa moccasinshell.	*Medionidus parvulus*.	E	AL, GA, TN		*https://ecos.fws.gov/docs/recovery_plan/Coosa%20moccasinshell%20and%20Southern%20pigtoe%20Recovery%20Plan%20Amendment.pdf*.		
Southern pigtoe	*Pleurobema georgianum*	E	AL, GA, TN				
Southern clubshell.	*Pleurobema decisum*.	E	AL, GA, MS, TN.		*https://ecos.fws.gov/docs/recovery_plan/Southern_Clubshell%20Recovery%20Plan%20Amendment.pdf*.		
Ovate clubshell	*Pleurobema perovatum*.	E	AL, GA, MS, TN.		*https://ecos.fws.gov/docs/recovery_plan/Ovate_Clubshell_Recovery%20Plan%20Amendment.pdf*.		
Georgia pigtoe ..	*Pleurobema hanleyianum*.	E	AL, GA, TN	Recovery Plan for Georgia pigtoe mussel (*Pleurobema hanleyianum*), Interrupted rocksnail	*https://ecos.fws.gov/docs/recovery_plan/Georgia%20pigtoe%20Recovery%20Plan%20Amendment%20(1).pdf*.		
Rough hornsnail	*Pleurocera foremani*.	E	AL	(*Leptoxis foremani*), and Rough hornsnail (*Pleurocera foremani*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Rough%20hornsnail%20Recovery%20Plan%20Amendment.pdf*.		

Common name	Scientific name	Listing status [1]	Current range	Recovery plan name	Internet availability of proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Little amphianthus.	*Amphianthus pusillus.*	T	AL, GA, SC	Recovery Plan for Three Granite Outcrop Plant Species [3].	*https://ecos.fws.gov/docs/recovery_plan/Granite_outcrop_plants_Recovery%20Plan%20Amendment.pdf.*	Donald W. Imm, Ph.D., cell: 850–532–2046, office: 706–208–7501, fax: 706–613–6059, *Donald_imm@fws.gov.*	Georgia Ecological Services Field Office, 355 East Hancock Avenue, Room 320 Box 7, Athens, GA 30601.
Black-spored quillwort	*Isoetes melanospora*	E	GA, SC				
Mat-forming quillwort	*Isoetes tegetiformans*	E	GA				
Purple bankclimber.	*Elliptoideus sloatianus.*	T	AL, FL, GA	Recovery Plan for Endangered Fat Threeridge, Shinyrayed Pocketbook, Gulf Moccasinshell, Oval Pigtoe and Threatened Chipola Slabshell, and Purple bankclimber [3].	*https://ecos.fws.gov/docs/recovery_plan/ACF%204%20Mussels%20RP%20Amendment.pdf.*	Catherine T. Phillips, Ph.D., 850–769–0552, *Catherine_phillips@fws.gov.*	Panama City Field Office, 1601 Balboa Avenue, Panama City, FL 32405.
Shinyrayed pocketbook	*Lampsilis subangulata*	E	AL, FL, GA				
Gulf moccasinshell	*Medionidus penicillatus*	E	AL, FL, GA				
Oval pigtoe	*Pleurobema pyriforme*	E	AL, FL, GA				
Cave crayfish	*Cambarus aculabrum.*	E	AR, MO	Recovery Plan for the Cave Crayfish (*Cambarus aculabrum*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Cambarus%20aculabrum_Recovery%20Plan%20Amendment.pdf.*	Melvin L. Tobin, 501–513–4473, *melvin_tobin@fws.gov.*	Arkansas Ecological Services Field Office, 110 South Amity Road, Suite 300, Conway, AR 72032.
Etonia rosemary	*Conradina etonia.*	E	FL	Recovery Plan for Etonia Rosemary (*Conradina etonia*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Conradina%20etonia_Recovery%20Plan%20Amendment.pdf.*	Jay B. Herrington, 904–731–3191, *jay_herrington@fws.gov.*	Northeast Florida Ecological Services Field Office, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.
Florida salt marsh vole	*Microtus pennsylvanicus dukecampbelli*	E	FL	Recovery Plan for the Florida Salt Marsh Vole (*Microtus pennsylvanicus dukecampbelli*) [3]	*https://ecos.fws.gov/docs/recovery_plan/Florida%20Salt%20Marsh%20Vole%20Recovery%20Plan%20Amendement.pdf.*		
Anastasia Island beach mouse.	*Peromyscus polionotus phasma.*	E	FL	Recovery Plan for the Anastasia Island Beach Mouse and Southeastern Beach Mouse [3].	*https://ecos.fws.gov/docs/recovery_plan/Anastasia%20Island%20Beach%20Mouse%20Recovery%20Plan%20Amendement.pdf.*		
Schaus' swallowtail butterfly.	*Papilio aristodemus ponceanus.*	E	FL	South Florida Multi-Species Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/Schaus_%20Recovery%20Plan%20Amendment.pdf.*	Roxanna Hinzman, 772–469–4309, *roxanna_hinzman@fws.gov.*	South Florida Ecological Services Field Office, 1339 20th Street, Vero Beach, FL 32960.
Key Largo cotton mouse.	*Peromyscus gossypinus allapaticola.*	E	FL		*https://ecos.fws.gov/docs/recovery_plan/Key%20Largo%20Cotton%20Mouse%20Recovery%20Plan%20Amendment.pdf.*		
Key Largo woodrat.	*Neotoma floridana smalli.*	E	FL		*https://ecos.fws.gov/docs/recovery_plan/Key%20Largo%20Wood%20Rat%20Recovery%20Plan%20Amendment.pdf.*		
Tar River spinymussel.	*Elliptio steinstansana.*	E	NC	Tar River Spinymussel Recovery Plan [3].	*https://ecos.fws.gov/docs/recovery_plan/TarRiver Spinymussel_Recovery%20Plan%20Amendment.pdf.*	Pete Benjamin, 919–856–4520, *pete_benjamin@fws.gov.*	Raleigh Ecological Services Field Office, 551F Pylon Drive, Raleigh, NC 27606.
Royal marstonia	*Pyrgulopsis ogmorhaphe.*	E	TN	Recovery Plan for Royal Snail (*Pyrgulopsis ogmorhaphe*) [3].	*https://ecos.fws.gov/docs/recovery_plan/Royal%20Snail_Recovery%20Plan%20Amendment.pdf.*	Lee Andrews, 502–695–0468, *lee_andrews@fws.gov.*	Kentucky Ecological Services Field Station, 330 West Broadway, Suite 265, Frankfort, KY 40601.

Common name	Scientific name	Listing status[1]	Current range	Recovery plan name	Internet availability of proposed recovery plan revision	Contact person, phone, email	Contact person's U.S. mail address
Yellow-shouldered blackbird.	*Agelaius xanthomus.*	E	Puerto Rico	Recovery Plan for the Yellow-Shouldered Blackbird (*Agelaius xanthomus*)[3].	*https://ecos.fws.gov/docs/recovery_plan/Yellow-shouldered%20blackbird%20Recovery%20Plan%20Amendment.pdf.*	Edwin E. Muñiz, 787–851–7297, *edwin_muniz@fws.gov.*	Caribbean Ecological Services Field Office, P.O. Box 1600, Rio Grande, PR 00745.
Pelos del diablo	*Aristida portoricensis.*	E	Puerto Rico	*Aristida portoricensis* (Pelos del diablo) Recovery Plan[3].	*https://ecos.fws.gov/docs/recovery_plan/Aristida_portoricensis_Recovery_Plan_Amendment_3.pdf.*		
No common name.	*Aristida chaseae.*	E	Puerto Rico	Sierra Bermeja Plants *Aristida chaseae, Lyonia truncata var. proctorii,* and *Vernonia proctorii* Recovery Plan[3].	*https://ecos.fws.gov/docs/recovery_plan/A.chaseae_L.Truncata_V.proctorii_Recovery_Plan_Amendment_2.pdf.*		
No common name	*Lyonia truncata* var. *proctorii*	E	Puerto Rico				
No common name	*Vernonia proctorii*	E	Puerto Rico				
No common name.	*Cranichis ricartii*	E	Puerto Rico, Cuba, Dominican Republic, French West Indies (Guadeloupe).	*Lepanthes eltoroensis and Cranichis ricartii* Recovery Plan[3].	*https://ecos.fws.gov/docs/recovery_plan/Cranichis_ricartii_Recovery%20Plan%20Amendment.pdf.*		
Higuero de Sierra.	*Crescentia portoricensis.*	E	Puerto Rico	*Crescentia portoricensis* Recovery Plan[3].	*https://ecos.fws.gov/docs/recovery_plan/Crescentia%20portoricensis_Recovery%20Plan%20Amendment.pdf.*		
St. Thomas prickly-ash.	*Zanthoxylum thomasianum.*	E	Puerto Rico, Virgin Islands.	St. Thomas Prickly-ash Recovery Plan[3].	*https://ecos.fws.gov/docs/recovery_plan/Z.%20thomasianum_Recovery%20Plan%20Amendment.pdf.*		

[1] E = endangered; T = threatened.
[2] Denotes a full recovery plan revision in the ''Recovery Plan Name'' column.
[3] Denotes a recovery plan amendment in the ''Recovery Plan Name'' column.

How do I ask questions or provide information?

For any species listed above, please submit your questions, comments, and materials to the appropriate contact in the table above. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

Request for Public Comments

We request written comments on the draft recovery plan modifications. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plans.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

The authority for this action is section 4(f) of the Endangered Species Act (16 U.S.C. 1533(f)).

Dated: May 20, 2019.

Margaret E. Everson,

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

[FR Doc. 2019–13713 Filed 6–26–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NRSS–GRD–NPS0027807; PPWONRADG0, PPMRSNR1Y.NG0000 (199); OMB Control Number 1024–0064]

Agency Information Collection Activities; Mining and Mining Claims and Non-Federal Oil and Gas Rights

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before July 29, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0064 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Stephen Simon, Policy and Regulatory Specialist, Energy and Minerals Branch, Geologic Resources Division, National Park Service, P.O. Box 25287, Lakewood, Colorado 80225; or by email at *Stephen_Simon@nps.gov.* Please reference OMB Control Number 1024–0064 in the subject line of your comments. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On April 24, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on June 23, 2019 (84 FR 17200–17201). We received one comment from the public in response to that notice. This comment did not necessitate any revisions to the information collection.

We are again soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Organic Act of 1916 (NPS Organic Act) (54 U.S.C. 100101) authorizes the Secretary of the Interior to develop regulations for units of the national park system (System units) under the Department's jurisdiction. The Mining in the Parks Act (54 U.S.C. 100731 *et seq.*) directs the Secretary of the Interior to regulate all operations in System units in connection with the exercise of mineral rights on patented and unpatented mining claims.

The regulations codified in 36 CFR part 9, subparts A and B, ensure that mining and non-Federal oil and gas activities in System units are conducted in a manner consistent with conserving each System unit for the benefit of present and future generations. The information required by Subpart A identifies the claim, claimant, and operator (the claimant and operator are often the same) and details how the operator intends to access and develop the minerals associated with the claim. It also identifies the steps the operator intends to take to minimize any adverse impacts of the mining operations on park resource and values. No information, except claim ownership information, is submitted unless the claimant wishes to conduct mining operations. The information required by Subpart B identifies the owner and operator (the owner and operator are often the same) and details how the operator intends to access and develop the oil and gas rights. It also identifies the steps the operator intends to take to minimize any adverse impacts on park resources and values. No information is submitted unless the owner wishes to conduct oil and gas operations. The information collected is used to evaluate proposed operations, ensure that all necessary mitigation measures are employed to protect park resources and values, and ensure compliance with all applicable laws and regulations.

With this submission, we are asking OMB to approve our request to consolidate the information collection requirements currently approved under OMB Control Number 1024–0274, ''Non-Federal Oil and Gas Rights, 36 CFR Part 9, Subpart B'' into collection 1024–0064. Prior to March 2016, 36 CFR part 9, subparts A and B were managed by a single NPS program office which used the same OMB Control Number (1024–0064). In November of 2016, the NPS promulgated an update to the 9B Regulations and as part of the rulemaking process, the information collection associated with the update was assigned a new control number (1024–0274). In the FRN (81 FR 77991), for the final rule, NPS stated that ''*We plan to transfer the corresponding burden for the Subpart B requirements* [from 1024–0274] *to OMB Control Number 1024–0064 after the final rule goes into effect and will then discontinue the new control number* [1024–0274].'' In this request, we are asking OMB to consolidate two information collections so that there will be only be one ICR with the regulation. We have identified the information collection requirements associated with 1024–0274 that will be consolidated into 1024–0064 (see burden table below). Upon approval, we will discontinue OMB Control Number 1024–0274.

Title of Collection: Mining and Mining Claims and Non-Federal Oil and Gas Rights, 36 CFR part 9, subparts A and B.

OMB Control Number: 1024–0064.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Businesses.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $158,500.

Activity/requirement	Estimated number of annual responses	Completion time per response (hours)	Estimated total annual burden hours
ICs Currently Approved Under 1024–0064:			
Mining and Mining Claims	1	176	176
ICs Previously Approved Under 1024–0274 Proposed to be Consolidated into 1024–0064:			
Previously Exempt Operations (§§ 9.50–9.53)	106	10	1,060
Application for Temporary Access Permit (§§ 9.60–9.63)	5	15	75
Extension of Temporary Access Permit	1	1	1
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary—Application for Exemption (§§ 9.70–9.73)	3	80	240
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary—Notice of change (§§ 9.70–9.73)	1	2	2
Operations Permit (New Operations):			
Application—(§§ 9.80–9.90)	5	140	700

Activity/requirement	Estimated number of annual responses	Completion time per response (hours)	Estimated total annual burden hours
Operating Standards—Simulation Operations (§ 9.118(b)):			
Demonstrate mechanical integrity	5	4	20
Record treating pressures and all annular pressures	5	4	20
Notify Superintendent if mechanical integrity is lost	1	1	1
Report of accident	2	1	2
Operating Standards—Production (§ 9.118(c)):			
Document maintenance of mechanical integrity	534	2	1,068
Signage to identify wells	5	4	20
General Terms and Conditions (§§ 9.120–9.122):			
Affidavit that proposed operations are in compliance with all laws and that information submitted to NPS is accurate	111	1	111
Third-Party Monitor Report	60	17	1,020
Notification—Accidents involving Serious Personal Injuries/Death and Fires/Spills	2	1	2
Written Report—Accidents Involving Serious Injuries/Deaths and Fires/Spills	2	16	32
Notification—Discovery of any cultural or scientific resources	1	1	1
Report—Verify Compliance with Permits	534	4	2,136
Reporting for Hydraulic Fracturing	1	2	2
Financial Assurance (§§ 9.140–9.144)	5	1	5
Modification to an Operation (§ 9.150)	1	16	16
Change of Operator (§§ 9.160–9.161)	5	8	40
Well Plugging (§§ 9.170–9.171)	33	14	462
Reconsideration and Appeals (§§ 9.190–9.194)	1	16	16
Public Participation (§ 9.200)	1	4	4
Total	1,431	.....	7,232

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Acting NPS Information Collection Clearance Officer, National Park Service.

[FR Doc. 2019–13755 Filed 6–26–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–WHHO–SSB–NPS0027805; PPNCWHHOP0, PPMVSIE1Z.I00000 (199); OMB Control Number 1024–0277]

Agency Information Collection Activities; National Park Service President's Park National Christmas Tree Music Program Application

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 29, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0277 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Katie Wilmes, National Park Service, Chief of Interpretation, President's Park, 1100 Ohio Drive SW, Rm. 344, Washington, DC 20242; or by email at *Katie_Wilmes@nps.gov.* Please reference OMB Control Number 1024–0277 in the subject line of your comments. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On April 24, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on June 23, 2019 (84 FR 16691–16692). We received one comment in response to the notice that did not address the information collection nor necessitate any changes to the collection.

We are again soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS Organic Act of 1916 (Organic Act) (54 U.S.C. 100101 *et seq.*) gives the NPS broad authority to regulate the use of the park areas under its jurisdiction. Consistent with the Organic Act, as well as the Constitution's Establishment Clause which mandates government neutrality and allows the placement of holiday secular and religious displays, the National Christmas Tree Music Program's holiday musical entertainment may include both holiday secular and religious music. To ensure that any proposed music selection is consistent with the Establishment Clause, and presented in a prudent and objective manner as a traditional part of the culture and heritage of this annual holiday event, it must be approved in advance by the NPS.

The NPS National Christmas Tree Music Program at President's Park is intended to provide musical entertainment for park visitors during December on the Ellipse, where in celebration of the holiday season, visitors can observe the National Christmas Tree, visit assorted yuletide displays, and attend musical presentations. Each year, park officials accept applications from musical groups who wish to participate in the annual National Christmas Tree Program. The NPS utilizes Form 10–942, ''National Christmas Tree Music Program Application'' to accept applications from the public for participation in the program. Park officials utilize the following information from applicants in order to select, plan, schedule, and contact performers for the National Christmas Tree Program:

- Contact name, phone number, and email.
- Group name and location (city, state).
- Preferred performance dates and times.
- Music selections/song list.
- Equipment needs.
- Number of performers.
- Type of group (choir, etc.).
- Acknowledgement of the musical entertainment policy.

Title of Collection: National Park Service President's Park National Christmas Tree Music Program Application.

OMB Control Number: 1024–0277.

Form Number: NPS Form 10–942, ''National Christmas Tree Music Program Application.''

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Local, national, and international bands, choirs, or dance groups.

Total Estimated Number of Annual Respondents: 75 (2 individuals and 73 private sector).

Total Estimated Number of Annual Responses: 75 (2 individuals and 73 private sector).

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 19.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Activity	Estimated number of response	Estimated completion time per response (min)	Estimated total annual burden (hours)
NPS Form 10–942 ''National Christmas Tree Music Program Application	75	15	19

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Acting, NPS Information Collection Clearance Officer, National Park Service.

[FR Doc. 2019–13757 Filed 6–26–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Fish-Handling Pliers and Packaging Thereof, DN 3395;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of United Plastic Molders, Inc. on June 21, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain fish-handling pliers and packing thereof. The complaint names as respondents: Yixing Five Union Industry & Trade Co., Ltd of China; NOEBY Fishing Tackle Co., Ltd. of China; Weihai iLure Fishing Tackle Co., Ltd. of China; SamsFX of China; and Weihai Lotus Outdoor Co., Ltd. of China. The complainant requests that the Commission issue a general

exclusion order and in the alternative, issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3395'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS. [3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 24, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–13706 Filed 6–26–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International Standards

Notice is hereby given that on May 16, 2019 pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM activities originating between February 7, 2019 and May 9, 2019 designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification with the Department was filed on February 19, 2019. A notice was filed in the **Federal Register** on April 4, 2019 (84 FR 13318).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–13731 Filed 6–26–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 20, 2019, the Department of Justice lodged a Consent Decree in a case filed in 2017 against Defendant Vincent Dell'Aversano in the United States District Court for the District of Delaware. The Consent Decree resolves claims under Section 106(a) and 106(b)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606(a) and 9606(b)(1), to enforce an EPA administrative order issued to Mr. Dell'Aversano to protect remedial measures implemented on property he owns on a portion of the Delaware Sand & Gravel Superfund Site in New Castle County, Delaware (the ''Site''). Under the consent decree, which supersedes the EPA administrative order, Mr. Dell'Aversano agrees to implement certain Operations and Maintenance measures on his property, submit annual reports, and record a notice of institutional controls.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Vincent Dell'Aversano,* Civil Action No. 1:17–cv–01342 (D. Del.), DOJ number 90–11–3–11545. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.75 (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 $7.50.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–13700 Filed 6–26–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

On June 20, 2019, the Department of Justice lodged a proposed Consent Decree (''Consent Decree'') in the United States District Court for the Southern District of Mississippi, in the lawsuit entitled the *United States of America and State of Mississippi* v. *City of Meridian, Mississippi,* Civil Action No. 3:19–CV–427–DPJ–FKB.

This Decree represents a settlement of the United States' and State's (''Plaintiffs'') claims against the City of Meridian, Mississippi (''City'' or ''Defendant'') for violations of Sections 301 and 309 of the Clean Water Act (''CWA''), 33 U.S.C. 1311 and 1319, and the Mississippi Air and Water Pollution Law (''MAWPCL'') (Miss. Code Ann. §§ 49–17–1 through 49–17–43. The Consent Decree requires the City to undertake injunctive measures designed to eliminate sanitary sewer overflows (''SSOs'') and to achieve compliance with the CWA, MAWPCL and the City's National Pollutant Elimination Discharge System (''NPDES'') permit. The Consent Decree further requires the Defendant to pay a civil penalty of $276,000, which will be divided evenly between the United States and the State. An Amended Notice of Lodging and Consent Decree were filed with the Court on June 21, 2019.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and State of Mississippi* v. *City of Meridian, Mississippi,* the D.J. Ref. No. 90–5–1–1–11167. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Amended Consent Decree may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Amended 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 $15.25 (25 cents per page reproduction cost) payable to the United States Treasury for the Consent Decree and $169.00 for the Consent Decree and Exhibits thereto.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–13726 Filed 6–26–19; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps Center Proposal for Deactivation: Comments Requested; Withdrawal

AGENCY: Office of Job Corps, Employment and Training Administration (ETA), Labor.

ACTION: Notice of withdrawal.

SUMMARY: The Employment and Training Administration of the U.S. Department of Labor (DOL) is withdrawing its previously published **Federal Register** notice proposing the deactivation of nine Job Corps Civilian Conservation Centers (CCCs) using a fourth closure criterion—program reform and streamlining operations.

DATES: The notice published on May 30, 2019 (84 FR 25071), is withdrawn as of June 27, 2019.

FOR FURTHER INFORMATION CONTACT: Debra Carr, Acting National Director, Office of Job Corps, ETA, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–4463, Washington, DC 20210; Telephone (202) 693–3000 (this is not a toll-free

number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at (877) 889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Background

On May 30, 2019, DOL published a notice in the **Federal Register** proposing the deactivation of nine CCCs; specifically, Anaconda CCC in Anaconda, Montana; Blackwell CCC in Laona, Wisconsin; Cass CCC in Ozark, Arkansas; Flatwoods CCC in Coeburn, Virginia; Fort Simcoe CCC located in White Swan, Washington; Frenchburg CCC in Frenchburg, Kentucky; Oconaluftee CCC located in Cherokee, North Carolina; Pine Knot CCC in Pine Knot, Kentucky; and Timber Lake CCC located in Estacada, Oregon (84 FR 25071). DOL is withdrawing the May 30, 2019, deactivation proposal as published in the **Federal Register** at *https://www.federalregister.gov/documents/2019/05/30/2019-11262/job-corps-center-proposal-for-deactivation-comments-requested.* This withdrawal is made in consideration of the U.S. Department of Agriculture's June 19, 2019 expressed intent to retain its role in operating CCCs to allow management the opportunity to determine a path that will maximize opportunity and results for students, minimize disruptions, and improve overall performance and integrity of the CCCs.

Signed in Washington, DC.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–13735 Filed 6–24–19; 4:15 pm]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemption 75–1, Security Transactions With Broker-Dealers, Reporting Dealers, and Banks

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment Benefits and Security Agency (EBSA) sponsored information collection request (ICR) revision titled, ''Prohibited Transaction Class Exemption 75–1, Security Transactions with Broker-Dealers, Reporting Dealers, and Banks,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 29, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201906-1210-005* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Prohibited Transaction Class Exemption 75–1, Security Transactions with Broker-Dealers, Reporting Dealers, and Banks. PTE 1975–1 provides exemptions for transactions between employee benefit plans and individual retirement accounts (IRAs) and broker-dealers, reporting dealers and banks, relating to securities purchases and sales, provided specified conditions are met. The exempted transactions include an employee benefit plan or IRA's purchase of securities from broker-dealers' inventories of stocks, from underwriting syndicates in which a fiduciary is a member, from banks, from reporting dealers, and from a market-maker that is a fiduciary. The exempted transactions also include, under certain conditions, a plan's or IRA's accepting an extension of credit from a broker-dealer for the purpose of facilitating settlement of a securities transaction. Among other conditions, PTE 1975–1 requires plans and IRAs involved in the transactions to maintain adequate records of the transactions for a period of six years. This information collection is a revision because the Department is renewing the information collections contained in PTE 75–1 that had been in place prior to 2016. Section 408 of the Employee Retirement Income Security Act of 1974 (''ERISA'') authorizes this information collection. *See* 29 U.S.C. 1108.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB, under the PRA, approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0092. The current approval is scheduled to expire on June 30, 2019; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 5, 2019 (84 FR 13719).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0092.

The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Prohibited Transaction Class Exemption 75–1, Security Transactions with Broker-Dealers, Reporting Dealers, and Banks.

OMB Control Number: 1210–0092.

Affected Public: Businesses or other for-profits, Not-for-profits institutions.

Total Estimated Number of Respondents: 6,116.

Total Estimated Number of Responses: 6,116.

Total Estimated Annual Time Burden: 1,019 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 20, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–13694 Filed 6–26–19; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334, 50–412, 72–1043, 50–346, 72–14, 50–440, and 72–69; NRC–2019–0137]

FirstEnergy Nuclear Operating Company; Beaver Valley Power Station, Unit Nos. 1 and 2, and ISFSI; Davis-Besse Nuclear Power Station, Unit No. 1; and ISFSI; Perry Nuclear Power Plant, Unit No. 1; and ISFSI; Consideration of Application Containing Sensitive Unclassified Non-Safeguards Information Regarding Approval of Transfer of Licenses and Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by FirstEnergy Nuclear Operating Company (FENOC), acting on behalf of itself and FirstEnergy Nuclear Generation, LLC (FENGen) (together, the Applicants). The application seeks an NRC order consenting to the approval of the transfer of License No. DPR–66 and License No. NPF–73 for Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and BVPS–2, respectively); License No. NPF–3 for Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS); License No. NPF–58 for Perry Nuclear Power PIant, Unit No. 1 (PNPP), and their respective generally licensed independent spent fuel storage installation facilities (ISFSIs).

The NRC is also considering amending the respective facility operating licenses for administrative purposes to reflect the proposed transfer. The application contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by July 29, 2019. A request for a hearing must be filed by July 17, 2019. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must follow the instructions in Section VI of the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0137. Address questions about NRC dockets to Jennifer Borges; telephone 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677. 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: Bhalchandra K. Vaidya, telephone: 301–415–3308, email: *Bhalchandra.Vaidya@nrc.gov* or Joel S. Wiebe, telephone: 301–415–6606, email: *Joel.Wiebe@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0137 and facility name, unit numbers, plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0137.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. Some documents referenced are located in the NRC's ADAMS Legacy Library. To obtain these documents, contact the NRC's PDR for assistance.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0137 and facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under section 50.80 of title 10 of the *Code of Federal Regulations* (10 CFR) approving the transfer of control of License No. DPR–66 and License No. NPF–73 for BVPS–1 and BVPS–2, License No. NPF–3 for DBNPS, License No. NPF–58 for PNPP, and their respective generally licensed ISFSIs, currently held by FENOC and FENGen. FirstEnergy Corporation (FE) is the parent company of First Energy Solutions (FES) and FENOC, which are wholly-owned subsidiaries. The facilities are owned by FENGen, which in turn, is a wholly-owned subsidiary of FES. The facilities are operated by FENOC. The NRC is also considering amending the facility operating licenses for administrative purposes to reflect the proposed transfer.

On March 31, 2018, FES, FENOC, FENGen, and FES's other subsidiaries, filed voluntary petitions for bankruptcy protection under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Ohio, Eastern Division (Bankruptcy Court). By letter dated April 2, 2018 (ADAMS Accession No. ML18094A661), in accordance with 10 CFR 50.54(cc)(1), FENOC notified the NRC of the bankruptcy filing. The application states that the proposed license transfers would support the emergence from bankruptcy of the Applicants, along with FES and other affiliated companies that are currently debtors in the bankruptcy process, pursuant to the bankruptcy plan submitted to the Bankruptcy Court.

Under the bankruptcy plan, if confirmed, and following approval of the proposed transfer of control of the licenses, a new privately-held holding company would be formed with shares initially held by certain current creditors of one or more of FES, FENOC, FENGen, or FirstEnergy Generation, LLC (FG) (a sister company of FENGen holding fossil fuel generation assets), and management of the new holding company. The name of the new holding company is yet to be determined; therefore, it is described in the application using the generic name, ''New HoldCo.'' Additionally, the Applicants, FENOC and FENGen, would be reorganized and their names would change. Therefore, in the application, the reorganized NRC licensees are described using the generic names, ''OpCo'' for reorganized FENOC, and ''OwnerCo'' for reorganized FENGen. Following approval of the proposed transfer, OwnerCo would be the licensed owner of BVPS–1, BVPS–2, DBNPS, and PNPP, and their respective generally-licensed ISFSIs, and OpCo would be the licensed operator of the facilities. OpCo and OwnerCo would become wholly-owned subsidiaries of New HoldCo. The application states that the Applicants will promptly inform the NRC of the new entity names through a supplement to the application once that information has been identified.

After emergence from bankruptcy, OpCo, OwnerCo, reorganized FG, and FES's other subsidiaries would no Ionger be affiliated with FE or FES. Instead, they would be sister companies, wholly-owned by New HoldCo.

No single entity is expected to own a majority of New HoldCo's outstanding voting shares or exercise control over New HoldCo.

On March 28, 2018, FES and FENOC verbally notified the NRC that they intended to shutdown all four of their operating nuclear power plants. The first unit scheduled for deactivation is DBNPS by May 31, 2020, followed by PNPP and BVPS–1 by May 31, 2021, and BVPS–2 by October 31, 2021. By letter dated April 25, 2018 (ADAMS Accession No. ML18115A007), FENOC notified the NRC of the planned permanent cessation of operations for the facilities. Upon emergence from bankruptcy, the facilities would continue to operate until the announced deactivation dates. lf a scenario arises during the pendency of the application in which any of the facilities would be expected to operate beyond the planned deactivation date, the Applicants stated that they will notify the NRC and make requisite filings and supplements to the application.

The application states that the bankruptcy plan must be approved by the creditors and confirmed by the Bankruptcy Court, and that under the terms of the plan, NRC approval is required before the Applicants can reorganize and emerge from bankruptcy.

No physical changes to BVPS–1, BVPS–2, DBNPS, and PNPP, or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility, which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated April 26, 2019, as supplemented on May 31, 2019 (ADAMS Accession Nos. ML19116A087 and ML19151A531, respectively).

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such

comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 20 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 20 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/*

getting-started.html. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

VI. Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Any person who desires access to proprietary, confidential commercial information that has been redacted from the application should contact the applicant by telephoning Mr. Thomas A. Lentz, Manager, Nuclear Licensing and Regulatory Affairs, at 330–315–6810 for the purpose of negotiating a confidentiality agreement or a proposed protective order with the applicant. If no agreement can be reached, persons who desire access to this information may file a motion with the Secretary and addressed to the Commission that requests the issuance of a protective order.

Dated at Rockville, Maryland, this 24th day of June 2019.

For the Nuclear Regulatory Commission.

Bhalchandra K. Vaidya,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–13699 Filed 6–26–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0188]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on September 11, 2018, regarding the modification of the Prairie Island Nuclear Generating Plant licensing basis by the addition of a License Condition to allow for the implementation of the provisions in its regulations regarding, ''Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors.'' This action is necessary to correct the NRC's Agencywide Documents Access and Management System (ADAMS) accession number and date for the license amendment request.

DATES: The correction takes effect on June 27, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0188 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0188. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The Application to Adopt 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors'' is available in ADAMS under Accession ML18204A393.

FOR FURTHER INFORMATION CONTACT: Robert F. Kuntz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3733, email: *Robert.Kuntz@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 11, 2018 (83 FR 45981), in FR Doc. 2018–19419, on page 45986, in the first column, second paragraph, the language is corrected as follows:

Date of amendment request: July 20, 2018. A publicly-available version is in ADAMS under Accession No. ML18204A393.

Dated at Rockville, Maryland, this 21st day of June 2019.

For the Nuclear Regulatory Commission.

Lisa M. Regner,

Acting Chief, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–13660 Filed 6–26–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0045]

Information Collection: Survey of NRC Materials Licensees To Support Rulemaking for NRC's Small Entity Size Standards

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a proposed collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Survey of NRC Materials Licensees to Support Rulemaking for NRC's Small Entity Size Standards.''

DATES: Submit comments by July 29, 2019.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–XXXX), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0045 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0045. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0045 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession ML19058A132. The supporting statement and title of the document is ''Survey of NRC Materials Licensees to Support Rulemaking for NRC's Small Entity Size Standards,'' is available in ADAMS under Accession No. ML19112A078.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently submitted a proposed collection of information to OMB for review entitled, ''Survey of NRC Materials Licensees to Support Rulemaking for NRC's Small Entity Size Standards.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 20, 2019 (84 FR 54).

1. *The title of the information collection:* Survey of NRC materials licensees to support rulemaking for NRC's small entity size standards.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* Once.

6. *Who will be required or asked to respond:* Current materials users' licensees.

7. *The estimated number of annual responses:* 461.

8. *The estimated number of annual respondents:* 461.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 152 hours.

10. *Abstract:* The NRC has its own standards for categorizing small business size entities that are noted in section 2.810 of title 10 of the *Code of Federal Regulations,* ''NRC size standards.'' The agency's standards differ from those used by the Small Business Administration (SBA) because it is difficult to align NRC licensees with SBA size standards and the Omnibus Budget Reconciliations Act of 1990 requirement for NRC to recover 90 percent of the annual budget through fees. Since the agency has not surveyed its materials licensees since 1993, the staff will conduct a survey to gather financial data to determine if a change to the size standards is needed. Without conducting a survey, the NRC staff does not have the data needed to determine the impact of shifting from the current nuclear industry-specific standards. The results of the analysis will be used to provide a recommendation to the Commission that is backed with sound empirical data.

Dated at Rockville, Maryland, this 21st day of June 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–13659 Filed 6–26–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8838; NRC–2019–0027]

U.S. Department of the Army; Jefferson Proving Ground

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) for a proposed amendment of NRC source materials license SUB–1435 held by the U.S. Department of the Army (Army) for the Jefferson Proving Ground from ''possession only for decommissioning'' to ''possession only.'' The proposed amendment of the Army's license would also include an exemption from the NRC's decommissioning timeliness requirements in the regulations. The EA, ''Final Environmental Assessment for the Proposed Amendment of Materials License SUB–1435, Jefferson Proving Ground, Southeastern Indiana (Jefferson, Ripley, and Jennings Counties),'' documents the NRC staff's environmental review of the license amendment application.

DATES: The final EA is available on June 27, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0027 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0027. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges-Roman; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The final EA is available in ADAMS under Accession No. ML19169A022.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Christine Pineda, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6789; email: *Christine.Pineda@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

Jefferson Proving Ground (JPG) was established in 1940 on 224 square kilometers (km^2) [55,265 acres (ac)] in parts of Jefferson, Ripley, and Jennings counties in southeastern Indiana for the production and specification testing of conventional ammunition components. The site was used by the Army between 1941 and 1994 for munitions testing and, during that time, the Army also test-fired depleted uranium (DU) projectiles into the 8.4-square km^2 [2,080-ac] DU Impact Area, which is located within the JPG installation. The DU test firings began on March 18, 1984 and concluded on May 2, 1994. The Army estimates that a high density of high-explosive unexploded ordnance is present in the DU Impact Area.

The NRC is considering a request for an amendment to the Army's source materials license SUB–1435. The license authorizes possession only by the Army of up to 80,000 kilograms (kg) [176,370 pounds (lb)] of DU metal, alloy, and/or other forms, kept onsite, for the purpose of decommissioning, in the restricted area known as the ''Depleted Uranium Impact Area'' (DU Impact Area) at the JPG site in southeastern Indiana. The NRC is considering a license amendment that would modify the license from ''possession only for decommissioning'' to ''possession only'' and an exemption from the NRC's decommissioning timeliness requirements in title 10 of the *Code of Federal Regulations* (10 CFR) 40.42(d). The need for this NRC licensing action is to ensure the safe possession of radioactive materials (in the form of DU). The Army needs to delay remediation of the DU Impact Area because remediation is prohibitively expensive and poses a risk of potential explosions due to the presence of a large amount of unexploded ordnance.

In accordance with NRC's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' that implement the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the NRC staff prepared a draft EA documenting its environmental review of the license amendment application (ADAMS Accession No. ML19008A310). On February 4, 2019, the NRC published a Notice of Availability of the EA for public review and comment (84 FR 1522), and the public comment period closed on March 6, 2019. Public comments are addressed in Appendix D in the final EA. The final EA is available for public inspection as indicated in the **ADDRESSES** section of this notice. This notice is being published in accordance with the NEPA and the NRC's regulations in 10 CFR part 51.

II. Summary of Environmental Assessment

Description of the Proposed Action

The proposed action is for the NRC to (1) amend Condition 9 of materials license SUB–1435 to change the authorized use of licensed material from ''possession only for decommissioning'' to ''possession only'' for a 20-year term and (2) grant an exemption from the

NRC's decommissioning timeliness requirements in 10 CFR 40.42(d) for the term of the license. Under the proposed action and in accordance with current license conditions, the licensed DU material would remain onsite in the restricted area known as the DU Impact Area at JPG. In accordance with a Memorandum of Agreement (MOA) established in 2000 with the U.S. Fish and Wildlife Service and the U.S. Air Force, the Army would continue to maintain institutional control and implement land use restrictions over an area of approximately 206-km^2 [50,950-ac], which includes the DU Impact Area. Under the terms of the MOA, the Army would remain responsible for remediation of all contamination resulting from Army activities, including the ultimate remediation and control of all DU in the NRC-licensed DU Impact Area.

Environmental Impacts of the Proposed Action

In the EA, the NRC staff assessed the potential environmental impacts from the proposed license amendment and exemption to the following resource areas: Land use; geology and soils; water resources; ecological resources; climatology, meteorology, and air quality; environmental justice; and public and occupational health. The NRC staff also considered the cumulative impacts from past, present, and reasonably foreseeable future actions when combined with the proposed action.

All potential impacts from the proposed action were determined to be SMALL and not significant, as described in the EA. The NRC staff concluded that approval of the proposed action would not result in a significant increase in short-term or long-term radiological risk to public health or the environment. Furthermore, the NRC staff found that there would be no significant negative cumulative impact to any resource area from the proposed action when added to other past, present, and reasonably foreseeable future actions, and that a positive cumulative ecological impact would likely result from the continued management of the Big Oaks National Wildlife Refuge over the proposed action's 20-year duration.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Under the no-action alternative, the NRC would not grant the license amendment or exemption, and the Army would need to comply with the terms of its current license, which authorizes possession only for decommissioning. Under this alternative, the Army would need to submit a decommissioning plan. Because remediation of the site would be complex, dangerous, and prohibitively expensive, the staff has assumed that decommissioning for restricted use would be necessary, similar to the Army's previously submitted and withdrawn proposal for decommissioning and restricted release. The NRC staff concluded, therefore, that decommissioning activities for a 20-year duration would be restricted due to the presence of unexploded ordnance and, therefore, the potential impacts of the no-action alternative over a period of 20 years would be SMALL and similar or identical to the impacts of the proposed action.

Discussion of Comments

The NRC received seven comment submittals from individuals or organizations. Several commenters stated their wish to continue receiving notifications or updates but did not have substantive comments on the draft EA. Two commenters provided comments on the draft EA, as summarized below.

One commenter recommended that the Army commit to indefinite environmental monitoring, and that this commitment be included in the final EA and FONSI. The NRC responded that the Army stated its intention to operate its monitoring program indefinitely and that the material currently in the DU Impact Area would remain in place and be subject to legally enforceable access controls and land use restrictions that the Army established in its MOA with the U.S. Fish and Wildlife Service and U.S. Air Force.

Another commenter expressed concerns about potential future migration of DU from the JPG site and requested assurance that there will continue to be public access to the semi-annual monitoring results, as well as an option for periodic public input regarding the site status. This commenter also asked that the NRC's review of the license occur more frequently than every 20 years and requested that an action plan be developed to address any indication of increased DU migration. The NRC responded that, as is currently the practice, the results of semi-annual radiation monitoring will continue to be publicly available through the NRC's ADAMS system or provided by the Army upon request. Regarding an option for periodic public input regarding the status of the site and license review frequency, the NRC would re-evaluate the terms of the license at the time of any future licensing action, as appropriate. A future evaluation for license renewal or amendment, extension of the exemption, or a decommissioning action would be subject to the NEPA review process, which includes public participation and input. Regarding the development and notice of an action plan to address any indication of increased migration of DU, the Army's environmental monitoring plan specifies action levels (DU concentrations in surface water, sediment, and groundwater) and procedures to be followed if action levels are exceeded in samples. The action levels are well below the NRC effluent limits in appendix B of 10 CFR part 20.

III. Final Finding of No Significant Impact

In accordance with the NEPA and 10 CFR part 51, the NRC staff has conducted an environmental review of a request for an amendment to NRC source materials license SUB–1435 that would change the authorized use of licensed material from ''possession only for decommissioning'' to ''possession only'' and for an exemption from the NRC's decommissioning timeliness requirements in 10 CFR 40.42(d). Based on its environmental review of the proposed action, as documented in the final EA, the NRC staff has determined that granting the requested license amendment and exemption would not significantly affect the quality of the human environment. The staff has concluded that the proposed action complies with the NRC's regulations in 10 CFR part 20, that all potential impacts from the proposed action would be SMALL, and that approval of the proposed action would not result in a significant increase in short-term or long-term radiological risk to public health or the environment. The staff also found that there would be no significant negative cumulative impacts and that a positive cumulative ecological impact would likely result from the continued management of the Big Oaks National Wildlife Refuge over the proposed action's 20-year duration. Therefore, the NRC staff has determined, pursuant to 10 CFR 51.31, that preparation of an environmental impact statement is not required for the proposed action and a FONSI is appropriate.

Dated at Rockville, Maryland, this 24th day of June 2019.

For the Nuclear Regulatory Commission.

Michael F. King,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–13691 Filed 6–26–19; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

[DFC–013]

Submission for OMB Review, Comments Request

AGENCY: U.S. International Development Finance Corporation (DFC), Overseas Private Investment Corporation (OPIC).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is creating a new information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: DFC intends to begin use of these collections on October 1, 2019. Comments must be received by August 26, 2019.

ADDRESSES: Comments and requests for copies of the subject information collections may be sent by any of the following methods:

- *Mail:* Catherine F.I. Andrade, Agency Submitting Officer, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527.
- *Email: fedreg@opic.gov.*

Instructions: All submissions received must include the agency name and agency form number or OMB form number for the referenced information collection(s). Electronic submissions must include the full agency form number(s) in the subject line to ensure proper routing (*e.g.,* ''DFC–013''). Please note that all written comments received in response to this notice will be considered public records.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Catherine Andrade, (202) 336–8768.

SUPPLEMENTARY INFORMATION: The Better Utilization of Investments Leading to Development (BUILD) Act of 2018, Public Law 115–254 creates the U.S. International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the U.S. Agency for International Development (USAID). Section 1465(a) of the Act tasks OPIC staff with assisting DFC in the transition. Section 1466(a)–(b) provides that all completed administrative actions and all pending proceedings shall continue through the transition to the DFC. Accordingly, OPIC is issuing this Paperwork Reduction Act notice and request for comments on behalf of the DFC.

Summary Form Under Review

Title of Collection: Loan Transaction and Qualifying Loan Schedule Reports.

Type of Review: New collection.

Agency Form Number: DFC–013.

OMB Form Number: Not assigned.

Frequency: Semi-annual.

Affected Public: Financial Institutions.

Total Estimated Number of Annual Respondents: 300.

Estimated Time per Respondent: 4 hours.

Total Estimated Number of Annual Burden Hours: 2,400 hours.

Abstract: Semi-annual reporting by partner financial institutions via the Loan Transaction and Qualifying Loan Schedule Reports will be required to monitor financial compliance with the business terms in loan and bond guarantees administered by the DFC's Office of Development Credit and to analyze the guarantee portfolio and loans placed under guarantee coverage. The information collected in the reports may also play a role, when coupled with other methods and tools, in evaluating program effectiveness.

Dated: June 24, 2019.

Dev Jagadesan,

Deputy General Counsel, Department of Legal Affairs.

[FR Doc. 2019–13688 Filed 6–26–19; 8:45 am]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–157 and CP2019–175]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 1, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s),

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2019–157 and CP2019–175; *Filing Title:* USPS Request to Add Priority Mail Express & Priority Mail Contract 95 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 21, 2019; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 1, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–13690 Filed 6–26–19; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86178; File No. SR–FINRA–2019–014]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change To Allow Additional Time for Reporting to TRACE of Transactions in U.S. Treasury Securities Executed To Hedge a Primary Market Transaction

June 21, 2019.

I. Introduction

On April 16, 2019, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 6730 to provide additional time for reporting to TRACE of transactions in U.S. Treasury Securities executed to hedge a primary market transaction. The proposed rule change was published for comment in the **Federal Register** on April 30, 2019.[3] On June 13, 2019, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] The Commission received one comment letter in support of the proposed rule change.[6] This order approves the proposed rule change.

II. Description of the Proposal

Currently, a transaction in a U.S. Treasury Security executed on a business day up to 5:00 p.m. E.T. must be reported on the same day during TRACE System Hours.[7] For a transaction in a U.S. Treasury Security executed on a business day after 5:00 p.m. E.T., a member must report the trade no later than the next business day (T+1) during TRACE System Hours, and, if reported on T+1, the member must designate the trade ''as/of'' and include the date of execution.[8]

According to FINRA, institutional investors often hedge a primary market transaction that meets the definition of ''List or Fixed Offering Price Transaction'' or ''Takedown Transaction'' (*i.e.,* a ''P1'' transaction) with a U.S. Treasury Security.[9] In such cases, hedges in U.S. Treasury Securities and the P1 transactions are executed in close time proximity because the desired hedge position in the U.S. Treasury Security cannot be determined until the underwriters complete pricing of P1 issue and make allocations to customers.[10] Once pricing is complete for the new issue, any associated hedging trades in U.S. Treasury Securities must be entered and reported to TRACE.[11] Under current FINRA Rule 6730, a trade report for a transaction in a U.S. Treasury Security executed by 5:00 p.m. ET is due on trade date (by the close of TRACE System Hours), whereas a P1 trade report is due on T+1 (by the close of TRACE System Hours).[12]

FINRA understands that this difference in TRACE reporting timeframes for the hedging transactions in U.S. Treasury Securities and the related P1 transaction can present operational challenges for members, particularly where pricing of the debt new issue occurs prior to, but near, 5:00 p.m. E.T.[13] In response to these concerns, FINRA has proposed to align the TRACE reporting timeframe for any hedging transactions in U.S. Treasury Securities associated with a P1 transaction with the deadline for reporting the related P1 transaction. Specifically, FINRA has proposed to amend FINRA Rule 6730 to provide that a transaction in a U.S. Treasury Security executed to hedge a P1 transaction must be reported no later than the next business day (T+1) during TRACE System Hours and, if reported on T+1, designated ''as/of'' and include the date of execution.[14] FINRA also proposed that a member must append a new trade modifier when reporting to TRACE any transaction in a U.S. Treasury Security that is executed to hedge a P1 transaction.[15]

FINRA has stated that it will announce the effective date of the rule change in a *Regulatory Notice* to be published no later than 90 days following a Commission approval, and the effective date will be no later than 270 days following publication of that *Regulatory Notice.*[16]

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85713 (April 24, 2019), 84 FR 18329 (April 30, 2019) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 86101 (June 13, 2019), 84 FR 28601 (June 19, 2019) (designating July 29, 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).

[6] *See* Letter from Robert Toomey, Managing Director and Associate General Counsel, SIFMA, to Robert W. Errett, Deputy Security, Commission, dated May 21, 2019 (''SIFMA Letter'').

[7] *See* FINRA Rule 6730(a)(4)(A)(i). FINRA Rule 6710(t) defines ''TRACE System Hours'' to mean ''the hours the TRACE system is open, which are 8:00:00 a.m. Eastern Time through 6:29:59 p.m. Eastern Time on a business day, unless otherwise announced by FINRA.''

[8] *See* FINRA Rule 6730(a)(4)(A)(ii).

[9] FINRA Rule 6710(q) and (r) define ''List or Fixed Offering Price Transactions'' and ''Takedown Transactions,'' which are identified with the ''P1'' modifier, generally as primary market sale transactions on the first day of trading of a security: (i) By a sole underwriter, syndicate manager, syndicate member or selling group member at the published or stated list or fixed offering price (or, for Takedown Transactions, at a discount from the published or stated list or fixed offering price) or (ii) in the case of primary market sale transactions effected pursuant to Securities Act Rule 144A, by an initial purchaser, syndicate manager, syndicate member or selling group member at the published or stated fixed offering price (or, for Takedown Transactions, at a discount from the published or stated fixed offering price).

[10] *See* Notice, 84 FR at 18330.

[11] *See id.*

[12] *See* FINRA Rule 6730(a)(2) and (4).

[13] *See* Notice, 84 FR at 18330.

[14] *See* proposed FINRA Rule 6730(a)(4)(B).

[15] *See* proposed FINRA Rule 6730(d)(4)(G)(iii).

[16] *See* Notice, 84 FR at 18330.

and regulations thereunder applicable to a national securities association.[17] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[18] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission believes that aligning the reporting deadline for U.S. Treasury Security hedge transactions with the deadline for the associated P1 transaction is reasonably designed to minimize compliance burdens on FINRA members who report to TRACE without adversely impacting regulatory surveillance. In addition, because P1 transactions and transactions in U.S. Treasury Securities are not subject to public dissemination, the rule change would not negatively impact market transparency. The new requirement to flag any transaction in a U.S. Treasury Security used to hedge a P1 transaction is reasonably designed to enhance the TRACE audit trail, consistent with the protection of investors and the public interest. The Commission notes that the one comment letter received on the proposal was supportive.[19]

Pursuant to Section 19(b)(5) of the Act,[20] the Commission consulted with and considered the views of the Treasury Department in determining to approve the proposed rule change. The Treasury Department indicated its support for the proposal.[21] Pursuant to Section 19(b)(6) of the Act,[22] the Commission has considered the sufficiency and appropriateness of existing laws and rules applicable to government securities brokers, government securities dealers, and their associated persons in approving the proposal. As discussed above, by aligning the TRACE reporting timeframe for transactions in U.S. Treasury Securities executed to hedge a P1 transaction with the deadline for reporting the related P1 transaction, and adopting a new modifier to identify such transactions, the proposed rule change is reasonably designed to minimize burdens on FINRA members who must report to TRACE without adversely impacting regulatory surveillance or market transparency.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[23] that the proposed rule change (SR–FINRA–2019–014) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–13657 Filed 6–26–19; 8:45 am]

BILLING CODE 8011–01–P

[17] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78o–3(b)(6).

[19] *See* SIFMA Letter, *supra* note 6 (opining that the proposal would ''ease the operational burden on member firms, provide a better characterization of the transaction for market surveillance purposes through the linkage that will be reported, and result in fewer late Treasury transaction filings to the TRACE system'').

[20] 15 U.S.C. 78s(b)(5) (providing that the Commission ''shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association that primarily concerns conduct related to transactions in government securities, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor'').

[21] Email from Treasury Department staff to Michael Gaw, Assistant Director, Division of Trading and Markets, Commission (June 17, 2019).

[22] 15 U.S.C. 78s(b)(6).

[23] 15 U.S.C. 78s(b)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86179; File No. SR–ISE–2019–19]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend a Pilot Program

June 21, 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 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 amend its rules to extend a pilot program to quote and to trade certain options classes in penny increments (''Penny Pilot Program'' or ''Penny Pilot'').

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

Under the Penny Pilot Program, 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 Program is currently scheduled to expire on June 30, 2019.[3] The Exchange proposes to extend the Penny Pilot Program through December 31, 2019.[4] This filing does not propose any substantive changes to the Penny Pilot Program: All classes currently participating 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 84958 (December 26, 2018), 84 FR 875 (January 31, 2019) (SR–ISE–2018–101).

[4] *See* Supplementary Material .01 to Options 3, Section 3. The Exchange is concurrently filing to relocate its Rulebook into its new Rulebook shell. As such, the ISE rule reference to Supplementary Material .01 to Options 3, Section 3 (Supplementary Material .01 to Rule 710 in the original Rulebook) corresponds to its new location in the shell structure. *See* Securities Exchange Act Release No. 86138 (June 18, 2019) (ISE–2019–17).

options have been demonstrated to outweigh any increase in quote traffic.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[5] Specifically, the proposed rule change is consistent with Section 6(b)(5) of the Act,[6] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms 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 Program for an additional six months, will enable public customers and other market participants to express their true prices to buy and sell options to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Penny Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Penny Pilot Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

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–ISE–2019–19 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–2019–19. 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–ISE–2019–19 and should be submitted on or before July 18, 2019.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(8).

[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).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–13656 Filed 6–26–19; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15973 and #15974; Oklahoma Disaster Number OK–00130]

Presidential Declaration Amendment of a Major Disaster for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4438–DR), dated 06/01/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/07/2019 through 06/09/2019.

DATES: Issued on 06/01/2019.

Physical Loan Application Deadline Date: 07/31/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/02/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Oklahoma, dated 06/01/2019, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alfalfa, Craig, Garfield, Kingfisher, Pawnee, Woods.

Contiguous Counties (Economic Injury Loans Only):

Kansas: Barber, Comanche, Harpe.

Oklahoma: Harper, Major, Woodward.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2019–13710 Filed 6–26–19; 8:45 am]

BILLING CODE 8206–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16008 and #16009; Kansas Disaster Number KS–00124]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kansas (FEMA–4449–DR), dated 06/20/2019.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

Incident Period: 04/28/2019 and continuing.

DATES: Issued on 06/20/2019.

Physical Loan Application Deadline Date: 08/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/20/2019, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allen, Anderson, Atchison, Barber, Barton, Butler, Chase, Chautauqua, Cherokee, Clark, Clay, Cloud, Coffey, Cowley, Doniphan, Elk, Ellsworth, Franklin, Geary, Greenwood, Harper, Harvey, Hodgeman, Jefferson, Kingman, Leavenworth, Lincoln, Linn, Lyon, Marion, Marshall, Mcpherson, Meade, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Reno, Rice, Rush, Russell, Saline, Sumner, Wabaunsee, Washington, Wilson, Woodson.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16008B and for economic injury is 160090.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2019–13711 Filed 6–26–19; 8:45 am]

BILLING CODE 8206–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16012 and #16013; Oglala Sioux Tribe of the Pine Ridge Reservation Disaster Number SD–00094]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Oglala Sioux Tribe of the Pine Ridge Reservation of South Dakota

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for Oglala Sioux Tribe of the Pine Ridge Reservation of South Dakota (FEMA–4448–DR), dated 06/20/2019.

Incident: Severe Winter Storm, Snowstorm, and Flooding.

Incident Period: 03/13/2019 through 03/26/2019.

DATES: Issued on 06/20/2019.

Physical Loan Application Deadline Date: 08/19/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

[16] 17 CFR 200.30–3(a)(12).

409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/20/2019, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Oglala Sioux Tribe of the Pine Ridge Reservation.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16012B and for economic injury is 160130.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2019–13709 Filed 6–26–19; 8:45 am]

BILLING CODE 8206–03–P

DEPARTMENT OF STATE

[Public Notice: 10804]

Town Hall Meeting on Modernizing the Columbia River Treaty Regime

ACTION: Notice of meeting.

SUMMARY: The Department of State will hold a Town Hall meeting, co-hosted by the Northwest Power and Conservation Council (NWPCC) and the Idaho Office of the Governor, on July 18, 2019, in Boise, Idaho, to discuss the modernization of the Columbia River Treaty (CRT) regime.

DATES: The meeting will be held on July 18, 2019, from 5:30 p.m. to approximately 7:00 p.m., Mountain Time.

ADDRESSES: The meeting will be held in the Lincoln Auditorium at the Idaho State Capitol Building, 700 W Jefferson St., Boise, ID 83702.

FOR FURTHER INFORMATION CONTACT: Julien Katchinoff, Deputy Negotiator, Office of Canadian Affairs, *ColumbiaRiverTreaty@state.gov,* 202–647–2228.

SUPPLEMENTARY INFORMATION: This Town Hall is part of the Department's public engagement on the modernization of the CRT regime. (Per U.S.C. 2651a (and) 2656.) The meeting is open to the public, up to the capacity of the room. Requests for reasonable accommodation should be made to the email listed above, on or before July 8, 2019. The Department will consider requests made after that date, but might not be able to accommodate them. Information about the meeting, including call-in information, can be found at *https://www.state.gov/p/wha/ci/ca/topics/c78892.htm* or by emailing the email address listed above.

Mark W. Cullinane,

Director, Office of Canadian Affairs, Department of State.

[FR Doc. 2019–13692 Filed 6–26–19; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0446]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection of information is necessary to document participation in, completion of, and compliance with the pilot training program for the MU–2B series airplane under the Code of Federal Regulations (CFR).

DATES: Written comments should be submitted by August 26, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Dwayne C. Morris, AFS–820, 55 M St. SE, Washington, DC 20003.

By email: chris.morris@faa.gov.

By fax: 202–267–1078.

FOR FURTHER INFORMATION CONTACT: Joseph K. Hemler by email at: *joseph.k.hemler-jr@faa.gov;* phone: 202–267–0159.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0725.

Title: Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Procedures.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal.

Background: In response to the increasing number of accidents and incidents involving the Mitsubishi MU–2B series airplane, the Federal Aviation Administration (FAA) began a safety evaluation of the MU–2B in July of 2005. As a result of this safety evaluation, on February 6, 2008 the FAA issued Special Federal Aviation Regulation No. 108—Mitsubishi MU–2B Series Special Training, Experience, and Operating Requirements. This Special Federal Aviation Regulation (SFAR) established a standardized pilot training program. The collection of information is necessary to document participation in, completion of, and compliance with the pilot training program for the MU–2B under subpart N of CFR part 91, issued on September 7, 2016, which superseded SFAR No. 108.

Respondents: Approximately 20 part 91 training providers, and approximately 400 active MU–2 pilots.

Frequency: Every year (pilots); every two years (training providers).

Estimated Average Burden per Response: Pilots: Logbook endorsement and training course final phase check = 10 minutes. Training providers: Submission of training program = 4 hours.

Estimated Total Annual Burden: Pilots: 67 hours. Training providers: 40 hours. Total: 107 hours.

Issued in Washington, DC, on June 21, 2019.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2019–13666 Filed 6–26–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway Projects in Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to an assignment agreement executed by FHWA and TxDOT. The actions relate to various proposed highway projects in the State of Texas. These actions grant licenses, permits, and approvals for the projects.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the highway projects will be barred unless the claim is filed on or before the deadline. For the projects listed below, the deadline is November 24, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Carlos Swonke, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for these projects are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Texas that are listed below.

The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) issued in connection with the projects and in other key project documents. The CE, EA, or EIS and other key documents for the listed projects are available by contacting TxDOT at the address provided above.

This notice applies to all TxDOT and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [54 U.S.C. 312501 *et seq.*]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

The projects subject to this notice are:

1. FM 455 from SH 5 to East of Wildwood Trail in Collin County, Texas. The proposed improvements would widen FM 455 from a two-lane undivided roadway to a four-lane divided urban arterial (six-lane ultimate). Left and right turn lanes would be provided at select cross streets and median openings. Six-foot wide sidewalks would be provided on both sides of the roadway. Proposed improvements for the ultimate phase would add one additional travel lane in each direction, resulting in a six-lane roadway divided by a raised median. The length of the proposed project is approximately 1.4 miles. The purpose of the proposed project is to improve mobility of the roadway and improve safety. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in, the Categorical Exclusion Determination issued on May 24, 2019, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone (214) 320–4480.

2. FM 2493 from FM 346 to approximately one mile east of US 69, in Smith and Cherokee Counties, Texas. The proposed improvements would construct a four lane highway with two lanes in each direction and a continuous center turn lane, and a grade separated interchange at US 69. The proposed project length is approximately 9.2 miles in length. The purpose of the proposed project is to improve mobility on FM 2493 to accommodate current and future traffic volumes. The actions

by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment approved on March 25, 2019, the Finding of No Significant Impact approved on April 24, 2019, and other documents in the TxDOT project file. The Final Environmental Assessment and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Tyler District Office at 2709 Front St., Tyler, TX 75702; telephone (903) 510–9100.

3. IH 35E at Bear Creek Road in Dallas County, Texas. The proposed improvements would include reconstructing and widening of the existing two-lane undivided roadway facility to an urban four-lane divided roadway (two lanes in each direction). Proposed improvements would include one 12-ft wide inside travel lane and one 14-ft wide outside shared-use lane (for bicycle accommodation) with raised median and curb and gutter in each direction; and continuous sidewalks and a 12-ft shared-use path within a proposed ROW width of approximately 112 ft. Additional improvements would include reconstruction of the IH–35E/Bear Creek Road intersection and the replacement of the IH–35E frontage road bridges. The length of the proposed project is approximately 2.16 miles. The purpose of the proposed project is to improve the existing roadway to enhance safety and mobility, and mitigate future increases in traffic associated with projected community growth. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in, the Categorical Exclusion Determination issued on April 30, 2019, and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone (214) 320–4480.

4. Farm to Market (FM) 723 from Avenue D to FM 1093 in Fort Bend County, Texas. This project proposes to widen the existing two-lane roadway to a four-lane roadway with a divided median. The project length is 9.23 miles. The proposed project would require 97.9 acres of new right-of-way. The purpose of the project is to improve mobility, accommodate existing and projected growth, and bring the roadway to current design standards. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on April 24, 2019, the Finding of No Significant Impact (FONSI) issued on April 24, 2019 and other documents in the TxDOT project file. The EA, FONSI, and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

5. Blanco Road from West Oak Estates Drive to Borgfeld Drive, Bexar County. This project proposes to improve a 3.2 mile segment of Blanco Road between West Oak Estates and Borgfeld Drive from a two-lane roadway to a four-lane roadway with two 12-foot travel lanes and 6-foot shoulders/bike lanes in each direction. The roadway would have a raised median or a center turn lane and sidewalks on the northbound side of the project. The project is approximately 3.2 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on April 15, 2019 and other documents in the TxDOT project file. The Categorical Exclusion determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229; telephone (210) 615–5839.

6. FM 1417 widening from US 82 to OB Groner Road, in Grayson County, Texas. The proposed project would construct a six lane highway with three lanes in each direction and a raised median, and interchange improvements at SH 56. The proposed project length is approximately 5.44 miles in length. The purpose of the proposed project is to improve mobility to accommodate current and future traffic volumes. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion approved on April 5, 2019 and other documents in the TxDOT project file. The Categorical Exclusion and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Paris District Office at 1365 N Main St., Paris, TX 75460; telephone (903) 737–9213.

7. FM 893 from CR 3685 (Stark Road) to approximately 0.2 miles west of CR 79 (Gum Hollow), in San Patricio County, Texas. The proposed improvements would construct a five lane highway with two lanes in each direction and a continuous center turn lane, and pedestrian facilities. The purpose of the proposed project is to accommodate current and future traffic volumes. The proposed project length is approximately 1.4 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion approved on April 12, 2019, and other documents in the TxDOT project file. The Categorical Exclusion and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Corpus Christi District Office at 1701 S Padre Island Drive, Corpus Christi, TX 78416; telephone (361) 808–2300.

8. Port Connector Road from Ostos Road to SH 4, in Cameron County, Texas. The proposed new facility would be a two lane highway with one lane in each direction and 10-foot wide shoulders. The purpose of the proposed new road is to address safety and mobility of freight traffic to and from the Port of Brownsville to surrounding roadways, which would improve connections with the Port of Entry at the Los Tomatos Bridge on US 77 and the new Space X Facility at Boca Chica. The proposed project is approximately 2 miles in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion approved on April 24, 2019, and other documents in the TxDOT project file. The Categorical Exclusion and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Pharr District Office at 600 W US Expressway 83, Pharr, TX 78577; telephone (956) 702–6100.

9. FM 148 from South of FM 3039 to US 175 in Kaufman County, Texas. The proposed project would construct a new location rural roadway connecting FM 148 with US 175. The proposed roadway would consist of two 12-foot wide travel lanes (one in each direction) with 8-foot wide shoulders and turn lanes. Approximately 3,850 feet of US 175 would be reconstructed to create an overpass crossing of the FM 148 bypass. The length of the proposed project is approximately 1.6 miles. The purpose of the proposed project is to improve operations along FM 148, improve mobility and access between FM 148 and US 175, and accommodate future traffic demand on the corridor in a manner compatible with local and regional thoroughfare plans. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA)

approved on March 26, 2019, Finding of No Significant Impact (FONSI) issued on June 3, 2019 and other documents in the TxDOT project file. The EA and other documents are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

10. SH 205 from US 80 in Terrell to Junction of SH 205/John King (S Goliad Street) in Kaufman and Rockwall Counties, Texas. The proposed project would widen the roadway from a two-lane rural highway to an ultimate six-lane divided urban highway. Interim improvements would include constructing a four-lane urban, divided roadway with an inside 12-foot wide travel lane, an outside 14-foot wide shared use lane, and a 42-foot wide median. The ultimate phase of construction would widen the roadway by adding an additional 12-foot wide travel lane in each direction within the median, narrowing the median width to 18 feet. The length of the proposed project is approximately 13.07 miles. The purpose of the proposed project is to improve mobility and safety within the SH 205 corridor. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on April 26, 2019, Finding of No Significant Impact (FONSI) issued on April 26, 2019 and other documents in the TxDOT project file. The EA and other documents are available by contacting TxDOT at the address provided above or the TxDOT Dallas District Office at 4777 E Highway 80, Mesquite, TX 75150; telephone: (214) 320–4480.

11. San Antonio Street at the Comal River, Comal County. The project includes replacing the bridge superstructure to accommodate two 15-ft travel lanes, two 2-ft shoulders, and two 8-ft sidewalks. Existing abutments would be replaced and the retaining wall at the abutments would be repaired. Approaches would be widened. The project is approximately 0.1 mile in length. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination issued on March 18, 2019 and other documents in the TxDOT project file. The Categorical Exclusion determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT San Antonio District Office at 4615 NW Loop 410, San Antonio, TX 78229 and (210) 615–5839.

12. SH 72 from Karnes County Line to 0.25 mile East of FM 2980 in DeWitt County. The proposed project would reconstruct and widen SH 72 from a two-lane to a four-lane roadway. Construction would include the addition of one 12-foot wide lane in each direction, a 4-foot wide flush median, and 10-foot wide shoulders. A one mile section of SH 72 would be shifted slightly to the south adjacent to the existing roadway. The total project length is 10.27 miles. The purpose of the project is to improve mobility and enhance safety. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment (EA) approved on March 21, 2019, the Finding of No Significant Impact (FONSI) issued on May 31, 2019 and other documents in the TxDOT project file. The EA, FONSI and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Yoakum District Office at 403 Huck St., Yoakum, TX 77995; telephone (361) 293–4436. The EA, FONSI can also be viewed and downloaded from the following website: *https://www.txdot.gov/inside-txdot/projects/studies/yoakum/052319.html.*

13. State Highway (SH) 146 from Farm-to-Market (FM) 518 to FM 517 in Galveston County, Texas. The 5.46 mile project will widen SH 146 from a four-lane divided highway to a six-lane divided highway with a grade-separated overpass at SH 96. Approximately 5.3 acres of new right-of-way are required. The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Categorical Exclusion Determination approved April 12, 2019 and other documents in the TxDOT project file. The Categorical Exclusion Determination and other documents in the TxDOT project file are available by contacting TxDOT at the address provided above or the TxDOT Houston District Office located at 7600 Washington Avenue, Houston, Texas 77007; telephone (713) 802–5076.

Authority: 23 U.S.C. 139(l)(1).

Issued on: June 13, 2019.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Funding Opportunities: Capital Magnet Fund; 2019 Funding Round

Funding Opportunity Title: Notice of Funds Availability (NOFA) inviting Applications for the fiscal year (FY) 2019 Funding Round of the Capital Magnet Fund (CMF).

Announcement Type: Announcement of funding opportunity.

Funding Opportunity Number: CDFI–2019–CMF.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

Dates:

TABLE 1—FY 2019 CAPITAL MAGNET FUND FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (eastern time—ET)	Submission method
OMB Standard Form (SF)–424 Mandatory form	July 26, 2019	11:59 p.m	Electronically via *Grants.gov.*
Create AMIS Account (if Applicant doesn't have one).	August 2, 2019	11:59 p.m	Electronically via Awards Management Information System (AMIS).
Last day to contact Capital Magnet Fund Staff	August 22, 2019	5:00 p.m	Service Request via AMIS or CDFI Fund Helpdesk: 202–653–0421 or *cmf@cdfi.treas.gov.*
CMF Application and Required Attachments	August 26, 2019	5:00 p.m	Electronically via AMIS.

Executive Summary: The Capital Magnet Fund (CMF) is administered by the Community Development Financial Institutions Fund (CDFI Fund). Through the CMF, the CDFI Fund provides financial assistance grants to

Community Development Financial Institutions (CDFIs) and to qualified Nonprofit Organizations that have the development or management of affordable housing as one of their principal purposes. All awards provided through this Notice of Funds Availability (NOFA) are subject to funding availability.

I. Program Description

A. *Authorizing Statute and Regulation:* The CMF was established through the Housing and Economic Recovery Act of 2008 (HERA), which added section 1339 to the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. For a complete understanding of the program, the CDFI Fund encourages Applicants to review the CMF interim rule (12 CFR part 1807) as amended February 8, 2016 (the CMF Interim Rule); this NOFA; the CDFI Fund's environmental quality regulation (12 CFR part 1815); the CMF funding application (referred to hereafter as the ''Application,'' meaning the application submitted in response to this NOFA); and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200; 78 FR 78590) (Uniform Administrative Requirements or UAR). Each capitalized term used in this NOFA, but not defined herein, shall have the respective meanings assigned to them in the CMF Interim Rule, the Application, or the Uniform Administrative Requirements. Details regarding Application content requirements are found in the Application and related materials at *www.cdfifund.gov/cmf.*

B. *History:* The CDFI Fund was established by the Riegle Community Development Banking and Financial Institutions Act of 1994 to promote economic revitalization and community development through investment in and assistance to CDFIs. Since its creation in 1994, the CDFI Fund has awarded more than $3.3 billion to CDFIs, community development and affordable housing organizations, and financial institutions through the CMF, Community Development Financial Institutions Program (CDFI Program), the Native American CDFI Assistance Program (NACA Program), the Bank Enterprise Award Program (BEA Program), and the Financial Education and Counseling Pilot Program. In addition, the CDFI Fund has allocated more than $54 billion in tax credit allocation authority through the New Markets Tax Credit Program (NMTC Program) and has issued $1.5 billion in guarantees through the CDFI Bond Guarantee Program.

C. *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200):* The Uniform Administrative Requirements codify financial, administrative, procurement, and program management standards that Federal award-making agencies must follow. Per the Uniform Administrative Requirements, when evaluating award applications, awarding agencies must evaluate the risks to the program posed by each applicant, and each applicant's merits and eligibility. These requirements are designed to ensure that applicants for Federal assistance receive a fair and consistent review prior to an award decision. This review will assess items such as the Applicant's financial stability, quality of management systems, history of performance, and single audit findings. In addition, the Uniform Administrative Requirements include guidance on audit requirements and other award compliance requirements for award Recipients.

D. *Priorities:* The purpose of the CMF is to attract private capital for and increase investment in the Development, Preservation, Rehabilitation, or Purchase of Affordable Housing for primarily Extremely Low-Income, Very Low-Income, and Low-Income Families, as well as Economic Development Activities, which, In Conjunction With Affordable Housing Activities, implement a Concerted Strategy to stabilize or revitalize a Low-Income Area or Underserved Rural Area. To pursue these objectives, the CDFI Fund has established the following priorities for the FY 2019 Funding Round: (i) Applications where at least 20 percent of all rental Affordable Housing units that will be financed and/or supported with FY 2019 CMF Awards are targeted to Very Low-Income Families and/or at least 20 percent of all Homeownership Affordable Housing units that will be financed and/or supported with FY 2019 CMF Awards are targeted to Low-Income Families; and (ii) Applications proposing to use the CMF Award to leverage private capital to finance and/or support Affordable Housing Activities and Economic Development Activities. Additionally, the CDFI Fund seeks to fund Applications serving geographically diverse Areas of Economic Distress, including Metropolitan Areas and Underserved Rural Areas. In particular, the priority for geographic diversity includes funding highly qualified Applications that serve states or territories not included in the Service Areas of Recipients in the past two CMF rounds (FY 2017 and FY 2018): Idaho, North Dakota, Vermont, and Wyoming, as well as American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.

E. *Funding limitations:* The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the Applications submitted in response to this NOFA.

II. Federal Award Information

A. *Funding Availability:* The CDFI Fund plans to award up to $130.8 million in grants for the CMF FY 2019 Round under this NOFA. HERA prohibits the CDFI Fund from obligating more than 15 percent of the aggregate available in CMF Awards to any Applicant, its Subsidiaries and Affiliates in the same funding round. Affiliated entities are not allowed to apply separately under this NOFA. To provide an example of the size of awards in past CMF rounds, the CDFI Fund notes that in the FY 2018 CMF Round, the statutory cap was $21.4 million, but the largest amount awarded was $7.5 million, while the average award was approximately $3.75 million. Moreover, given administrative and compliance responsibilities for Recipients, the CDFI Fund will not accept Applications for the FY 2019 Round that request less than $500,000, and will not provide awards below $500,000 to any CMF Award Recipient for the FY 2019 CMF Round.

The CDFI Fund reserves the right, in its sole discretion, to provide a CMF Award in an amount other than that which the Applicant requests. However, the Award amount will not exceed the Applicant's award request as stated in its Application, nor will the Award amount be less than the Applicant's minimum Award request, if one is provided in the Application. An Applicant may receive only one Award through the FY 2019 CMF Round.

B. *Types of Awards:* The CDFI Fund will provide CMF Awards in the form of grants. CMF Awards must be used to support the eligible activities as set forth in 12 CFR 1807.301. A CMF Award Recipient may not distribute the CMF Award to any Affiliate, Subsidiary, or third-party entity in any manner that would create a Subrecipient relationship (as defined in the Uniform Administrative Requirements), without the CDFI Fund's prior written consent. The Recipient of a CMF Award must retain all obligations related to the Award. This restriction does not prevent a Recipient from loaning or investing directly in an Affiliate or in a specific

Project (separate legal entity) being undertaken by an Affiliate.

C. *Limitations on using CMF Awards in conjunction with other CDFI Fund awards/allocations:* 1. A CMF Award Recipient may not use its CMF Award for any project that also receives funding from other CDFI Fund program awards or allocations the Recipient (or any of its Affiliates) has received, except when the CMF Award dollars are used to finance/support a different ''phase'' of development in the same project than that financed by other CDFI Fund awards or allocations. The separate phases of development financing are: (1) Predevelopment; (2) acquisition; (3) site work (preconstruction); (4) construction/rehabilitation; (5) permanent financing; or (6) bridge financing between two or more phases. This restriction does not apply to the Recipient's prior CMF Awards. The Recipient may combine its multiple CMF Awards to provide financing on any Project, including financing the same phase of any Project. However, the Recipient may not deem the same costs as Eligible Project Costs under multiple CMF Awards and must prorate the unit production performance across their multiple CMF Awards.

If providing Homeownership assistance, a CMF Award may be used in conjunction with awards/allocations from other CDFI Fund programs only if the Project can be divided into such phases and the CMF Award is used in a different phase from the other CDFI Fund program awards/allocations. To clarify, a CMF Award cannot be used for a Homeownership property that is permanently financed (or supported) by both, the Recipient's (or any of its Affiliates') CMF Award, and an award/allocation from another CDFI Fund program (*e.g.,* down payment assistance funded from CMF Award may not be combined with a permanent mortgage funded from another CDFI Fund program).

2. Costs financed and/or supported by the Recipient's other awards/allocations from CDFI Fund programs, including awards from prior CMF rounds, may not be counted or reported as Leveraged Costs for the CMF Award pursuant to this NOFA, as further set forth in the Assistance Agreement. While the Recipient may combine its CMF Award pursuant to this NOFA with prior issued CMF Awards to finance/support the same Project, each CMF Award must separately meet the program requirements as outlined in the applicable Assistance Agreement and the CMF Interim Rule (12 CFR part 1807). The term ''Recipient'' includes the CMF Award Recipient and any Affiliates.

In all cases, the CMF Award remains subject to the following restriction imposed by the CDFI Bond Guarantee Program: Award funds received under any CDFI Fund program cannot be used by any participant of the CDFI Bond Guarantee Program, including Qualified Issuers, Eligible CDFIs, and Secondary Borrowers, to pay principal, interest, fees, administrative costs, or issuance costs (including Bond Issuance Fees) related to the CDFI Bond Guarantee Program, or to fund the Risk Share Pool for a Bond Issue (all capitalized terms used in this sentence, other than ''CMF Award,'' shall have the meanings ascribed to them in the CDFI Bond Guarantee Program regulations and applicable guidance).

D. *Anticipated Start Date and Period of Performance:* The CDFI Fund anticipates the period of performance for the FY 2019 CMF Round to begin in early 2020. The period of performance for each CMF Award begins with the date that the CDFI Fund announces the Recipients of FY 2019 CMF Awards and continues until the end of the ten-year period of affordability for all Projects financed and/or supported with the CMF Award, as set forth at 12 CFR 1807.401(d) and 12 CFR 1807.402, and as further set forth in the Assistance Agreement, during which time the Recipient must meet certain performance goals.

E. *Eligible Activities:* A CMF Award must support or finance activities that attract private capital for and increase investment in (i) the Development, Preservation, Rehabilitation, or Purchase of Affordable Housing for primarily Low-, Very Low- and Extremely Low-Income Families, and (ii) Economic Development Activities. CMF Awards may only be used as follows: (i) To provide Loan Loss Reserves, (ii) to capitalize a Revolving Loan Fund, (iii) to capitalize an Affordable Housing Fund, (iv) to capitalize a fund to support Economic Development Activities, (v) for Risk-Sharing Loans, or (vi) to provide Loan Guarantees. No more than 30 percent of a CMF Award may be used for Economic Development Activities. For the FY 2019 CMF Round, the CDFI Fund will allow all Recipients to use up to 5 percent of their CMF Award for Direct Administrative Expenses. The amount available for Direct Administrative Expenses may only be used for direct costs (as defined by the Uniform Administrative Requirements) incurred by the Recipient and related to the financing and/or support of a Project. The CDFI Fund considers the tracking of impacts and outcomes associated with Projects financed and/or supported by a CMF Award to fall under Direct Administrative Expenses. Any portion of the amount available for Direct Administrative Expenses may be used for direct costs related to the effective tracking and evaluation of program or evidence-based outcomes for Projects.

III. Eligibility Information

A. *Eligible Applicants:* In order to be eligible to apply for a CMF Award, an Applicant must either be a Certified CDFI or a Nonprofit Organization, as defined in 12 CFR 1807.104. Table 2 indicates the criteria that each entity type must meet in order to be eligible for a CMF Award pursuant to this NOFA. *Note:* A Certified CDFI that is also a Nonprofit Organization only needs to meet the Certified CDFI eligibility criteria described in Table 2, below, in order to be eligible for a CMF Award.

TABLE 2—APPLICANT ELIGIBILITY REQUIREMENTS

Category	Eligibility requirements
Certified CDFI	• Has been in existence as a legally formed entity for at least 3 years prior to the AMIS Application deadline under this NOFA; • Has been determined by the CDFI Fund to meet the CDFI certification requirements set forth in 12 CFR 1805.201 and as verified in the CDFI's AMIS account as of the publication date of this NOFA; and • Has not been notified by the CDFI Fund that its certification has been terminated. • In cases where the CDFI Fund has provided a Certified CDFI with written notification that it no longer meets one or more certification standards and has been given an opportunity to cure, the CDFI Fund will continue to consider this Applicant to be a Certified CDFI until it has received a final determination that its certification has been terminated.

TABLE 2—APPLICANT ELIGIBILITY REQUIREMENTS—Continued

Category	Eligibility requirements
Nonprofit Organization	• Has audited financial statements encompassing its two most recently completed fiscal years prior to the publication date of this NOFA. • Has been in existence as a legally formed entity for at least 3 years prior to the AMIS Application deadline under this NOFA; • Meets the definition of Nonprofit Organization set forth in 12 CFR 1807.104. • Demonstrates, through articles of incorporation, by-laws, or other board-approved documents, that the development or management of affordable housing are among its principal purposes; and • Demonstrates by providing an attestation in the Application that at least thirty-three and one-third percent of its total assets are dedicated to the development or management of affordable housing. • Has audited financial statements encompassing its two most recently completed fiscal years prior to the publication date of this NOFA.
Debarment/Do Not Pay Verification	• The CDFI Fund will conduct a debarment check and will not consider an Application if the Applicant (or Affiliate of an Applicant) is delinquent on any Federal debt or otherwise ineligible to receive a Federal award. • The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government. The Do Not Pay Business Center provides delinquency information to the CDFI Fund to assist with the debarment check.
Application type and submission method through *Grants.gov* and Awards Management Information System (AMIS).	• Each Applicant must submit the required Application documents listed in Table 4. • The CDFI Fund will only accept Applications that use the official Application templates provided on the *Grants.gov* and AMIS websites. Applications submitted with alternative or altered templates will not be considered. • All Applicants must submit the required documents in two locations: (1) *Grants.gov* and (2) AMIS. ○ *Grants.gov:* Applicants must submit the Office of Management and Budget (OMB) Standard Form (SF) 424 Mandatory (Application for Federal Assistance) form. ○ AMIS: Applicants must submit all other required Application materials. ○ All Applicants must register in the *Grants.gov* and AMIS systems to submit an Application successfully. The CDFI Fund strongly encourages Applicants to register as early as possible to meet the deadlines in Table 1. • *Grants.gov* and the SF–424 Mandatory form: ○ *Grants.gov* is a common website for federal agencies to post discretionary funding opportunities and for grantees to find and apply to them. ○ The SF–424 must be submitted in *Grants.gov* before the other Application materials are submitted in AMIS. Applicants are strongly encouraged to submit their SF–424 as early as possible via the *Grants.gov* portal. ○ Because the SF–424 is part of the Application, if the SF–424 is not accepted by *Grants.gov*, the CDFI Fund will not review any materials submitted in AMIS and the Application will be deemed ineligible. ○ The SF–424 must be submitted under the FY 2019 CMF Funding Opportunity Number. • AMIS: ○ AMIS is the CDFI Fund's enterprise-wide information technology system that will be used to submit and store organization and Application information with the CDFI Fund. ○ Applicants are only allowed one Capital Magnet Fund Application submission in AMIS.
Employer Identification Number (EIN).	• Each Applicant must have a unique EIN assigned by the Internal Revenue Service. • The CDFI Fund will reject an Application submitted with the EIN of a parent or Affiliate organization if that entity is not the Applicant. • The EIN of the Applicant organization in AMIS must match the EIN on the SF–424 submitted through *Grants.gov*.
DUNS number	• Pursuant to OMB guidance (68 FR 38402), each Applicant must apply using its unique DUNS number in *Grants.gov*. • The CDFI Fund will reject an Application submitted with the DUNS number of a parent or Affiliate organization. • The DUNS number of the Applicant in AMIS must match the DUNS number on the SF–424 submitted through *Grants.gov*.
System for Award Management (SAM).	• Each Applicant must have an active SAM registration in order to submit the required Application materials through *Grants.gov*. • SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes. See *SAM.gov* for more information. • Applicants must have a DUNS number and an EIN in order to register in SAM. • Applicants must complete registration in SAM in order to be able to complete the *Grants.gov* registration and submit an SF–424.
AMIS Account	• Each Applicant must register as an organization in AMIS and submit all required Application materials through the AMIS portal. • If the Applicant does not fully register its organization in AMIS by the deadline set forth in Table 1, its Application will be rejected without further consideration. • The Authorized Representative must be included as a "user" in the Applicant's AMIS account. • An Applicant that fails to properly register and update its AMIS account may miss important communications from the CDFI Fund or not be able to successfully submit an Application.
501(c)(4) status	• Pursuant to 2 U.S.C. 1611, any 501(c)(4) organization that engages in lobbying activities is not eligible to apply for or receive a CMF Award.

TABLE 2—APPLICANT ELIGIBILITY REQUIREMENTS—Continued

Category	Eligibility requirements
Compliance with Nondiscrimination and Equal Opportunity Statutes, Regulations, and Executive Orders.	• An Applicant may not be eligible to receive an award if proceedings have been instituted against it in, by, or before any court, governmental agency, or administrative body, and a final determination, issued within the last 3 years as of the publication date of this NOFA, indicates the Applicant has violated any of the following laws: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107); Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601 *et seq.*); and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
Depository Institution Holding Company Applicant.	• In the case where a CDFI Depository Institution Holding Company Applicant intends to carry out the activities of its award through its Subsidiary CDFI Insured Depository Institution, the Application must be submitted by the CDFI Depository Institution Holding Company and reflect the activities and financial performance of the Subsidiary CDFI Insured Depository Institution. • The Authorized Representative of the Depository Institution Holding Company Applicant must certify that the information included in the Application represents that of the Subsidiary CDFI Insured Depository Institution, and that the Award will be used to support the Subsidiary CDFI Insured Depository Institution for the eligible activities outlined in the Application.
Insured CDFI—Insured Credit Union and Insured Depository Institution.	• To be eligible for an Award, each Insured Depository Institution Applicant must have a CAMELS/CAMEL composite rating (rating for banks and credit unions, respectively), by its Federal regulator of at least ''3.'' • Organizations with CAMELS/CAMEL composite ratings of ''4 or 5'' will not be eligible for awards. • Organizations with a Prompt Corrective Action directive from its regulator will not be eligible for awards. • The CDFI Fund will also evaluate material concerns identified by the Appropriate Federal Banking Agency in determining eligibility of Insured Depository Institution Applicants.

Any Applicant that does not meet the criteria in Table 2 is ineligible to apply for a CMF Award under this NOFA. Further, Section III.B describes additional considerations applicable to prior Recipients and/or allocatees under any CDFI Fund program.

B. *Prior Award Recipients:* The previous success of an Applicant in any of the CDFI Fund's programs will not be considered under this NOFA. Prior CMF Award Recipients and prior award recipients of other CDFI Fund programs are eligible to apply under this NOFA, except as noted in Table 3.

TABLE 3—ELIGIBILITY REQUIREMENTS FOR APPLICANTS WHICH ARE PRIOR AWARD/ALLOCATION RECIPIENTS

Criteria	Description
Pending resolution of noncompliance.	• If an Applicant (or Affiliate of an Applicant) that is a prior recipient or allocatee under any CDFI Fund program: (i) Has demonstrated it has been in noncompliance with a previous assistance agreement, award agreement, allocation agreement, bond loan agreement, or agreement to guarantee and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in noncompliance with or default of its previous agreement, the CDFI Fund will consider the Applicant's Application under this NOFA pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance.
Default or Noncompliance status	• The CDFI Fund will not consider an Application submitted by an Applicant that is a prior CDFI Fund award recipient or allocatee under any CDFI Fund program if, as of the AMIS Application deadline of this NOFA, the CDFI Fund has made a final determination in writing that such Applicant (or Affiliate of such Applicant) is in noncompliance with or default of a previously executed assistance agreement, award agreement, allocation agreement, bond loan agreement, or agreement to guarantee. • Such entities will be ineligible to apply for an Award pursuant to this NOFA if the CDFI Fund has provided written notification that such entity is ineligible to apply for or receive any future CDFI Fund awards or allocations. Such entities will be ineligible to submit an application for such time period as specified by the CDFI Fund in writing.

C. *Contacting the CDFI Fund:* Accordingly, Applicants that are prior Recipients and/or allocatees under any CDFI Fund program are advised to comply with requirements specified in an Assistance Agreement, allocation agreement, bond loan agreement, or agreement to guarantee, and to ensure their Affiliates are in compliance with any agreements. All outstanding reporting and compliance questions should be directed to the Office of Certification, Compliance Monitoring and Evaluation help desk by AMIS Service Requests or by telephone at (202) 653–0421; except in the case of Capital Magnet Fund reporting and compliance questions, which should be directed to the Capital Magnet Fund help desk by completing a Service Request through AMIS using ''Capital Magnet Fund'' for the Service Request program. Alternatively, the public can contact Capital Magnet Fund staff via email at *CMF@cdfi.treas.gov.* The CDFI Fund will not respond to Applicants' reporting, compliance, or disbursement telephone calls or email inquiries that are received after 5:00 p.m. ET on August 22, 2019 until after the Application deadline. The CDFI Fund will respond to technical issues related to AMIS Accounts through 5:00 p.m. ET on August 26, 2019, via AMIS Service Requests, or at *AMIS@cdfi.treas.gov,* or by telephone at (202) 653–0422.

D. *Cost sharing or matching funds requirements:* Not applicable.

E. *Other Eligibility Criteria:*

1. How Affiliated Entities Can Submit an Application: As part of the Application review process, the CDFI Fund considers whether Applicants are Affiliates, as such term is defined in 12 CFR1807.104. If an Applicant and its Affiliate(s) wish to submit an Application, they must do so through one of the Affiliated entities, in one Application; an Applicant and its Affiliates may not submit separate Applications. If Affiliates submit

multiple or separate Applications, the CDFI Fund may, at its discretion, reject all such Applications received or select only one of the submitted Applications to deem eligible, assuming that Application meets all other eligibility criteria in Section III of this NOFA.

Furthermore, an Applicant that receives an award in this CMF round may not become an Affiliate of another Applicant that receives an award in this CMF round at any time after the submission of a CMF Application under this NOFA. This requirement will also be a term and condition of the Assistance Agreement (see additional Application guidance materials on the CDFI Fund's website at *http://www.cdfifund.gov/cmf* for more details).

2. An Applicant will not be eligible to receive a CMF Award if the Applicant fails to demonstrate in the Application that its CMF Award would result in Eligible Project Costs (Leveraged Costs plus those costs funded by the CMF Award) that equal at least 10 times the amount of the CMF Award. Note that no costs attributable to Direct Administrative Expenses may be considered Eligible Project Costs.

IV. Application and Submission Information

A. *Address to Request Application Package:* Application materials can be found on the *Grants.gov* and the CDFI Fund's website at *www.cdfifund.gov/cmf.* Applicants may request a paper version of any Application material by contacting the CDFI Fund Help Desk by email at *cmf@cdfi.treas.gov* or by phone at (202) 653–0421.

B. *Content and Form of Application Submission:* The CDFI Fund will post to its website, at *www.cdfifund.gov/cmf*, instructions for accessing and submitting an Application. Detailed Application content requirements are found in the Application and related guidance documents.

All Applications must be prepared in English and calculations must be made in U.S. dollars. Table 4 lists the required funding Application documents for the FY 2019 CMF Round. Applicants must submit all required documents for the Application to be deemed complete. Please be aware that an Applicant which fails to submit audited financial statements from its two most recently completed fiscal years will be deemed as not having a complete Application and will be considered ineligible. The CDFI Fund reserves the right to request and review other pertinent or public information that has not been specifically requested in this NOFA or the Application. Information submitted by the Applicant that the CDFI Fund has not specifically requested will not be reviewed or considered as part of the Application. Information submitted must accurately reflect the Applicant's activities and/or its Subsidiary Insured Depository Institution, in the case where the Applicant is an Insured Depository Institution Holding Company.

TABLE 4—FUNDING APPLICATION DOCUMENTS

Application document	Submission format	Required?
Standard Form (SF) 424 Mandatory Form	Fillable PDF in *Grants.gov*	Required for all Applicants.
CMF Application	AMIS	Required for all Applicants.
ATTACHMENTS TO THE APPLICATION		
Audited financial statements (most recent 2 fiscal years)	PDF in AMIS	Required for all Applicants.
Any management letters related to the audited financial statements (most recent 2 fiscal years).	PDF in AMIS	Required for all Applicants.
State Charter, Articles of Incorporation, or other establishing documents designating that the Applicant is a nonprofit or not-for-profit entity under the laws of the organization's State of formation.	PDF in AMIS	Required only for Applicants that are *not* Certified CDFIs.
A certification demonstrating tax exempt status from the IRS. For Applicants that are governmental instrumentalities only, and as long as all other eligibility requirements are met, the CDFI Fund will accept a legal opinion from counsel, in form and substance acceptable to the CDFI Fund, opining that the Applicant is exempt from federal taxation.	PDF in AMIS	Required only for Applicants that are *not* Certified CDFIs.
Articles of incorporation, by-laws or other documents demonstrating that the Applicant has a principal purpose of managing or developing affordable housing.	PDF in AMIS	Required only for Applicants that are *not* Certified CDFIs.

The CDFI Fund has a sequential, two-step process that requires the submission of Application documents in separate systems and on separate deadlines. The SF–424 form must be submitted through *Grants.gov* and all other Application documents through the AMIS portal. The CDFI Fund will not accept Applications via email, mail, facsimile, or other forms of communication, except in extremely rare circumstances that have been pre-approved by the CDFI Fund. The separate Application deadlines for the SF–424 and all other Application materials are listed in Tables 1 and 6. Only the Authorized Representative for the Organization or Application Point of Contact designated in AMIS may submit the Application through AMIS.

Applicants are strongly encouraged to submit the SF–424 as early as possible through *Grants.gov* in order to provide sufficient time to resolve any submission problems. Applicants should contact *Grants.gov* directly with questions related to the registration or submission process, as the CDFI Fund does not administer the *Grants.gov* system.

The CDFI Fund strongly encourages Applicants to start the *Grants.gov* registration process as soon as possible, as it may take several weeks to complete (refer to the following link: *http://www.grants.gov/web/grants/register.html*). An Applicant that has previously registered with *Grants.gov* must verify that its registration is current and active. If an Applicant has not previously registered with *Grants.gov*, it must first successfully register with SAM, as described in Section IV.D below.

C. *Dun and Bradstreet Data Universal Numbering System (DUNS):* Pursuant to the Uniform Administrative Requirements, each Applicant must provide as part of its Application submission a valid Dun & Bradstreet Data Universal Numbering System (DUNS) number. Any Applicant without a DUNS number will not be able to register in SAM or register and submit

an Application in the *Grants.gov* system. Please allow sufficient time for Dun & Bradstreet to respond to inquiries and/or requests for DUNS numbers.

D. *System for Award Management (SAM):* Any entity applying for Federal grants or other forms of Federal financial assistance through *Grants.gov* must be registered in SAM before submitting its Application materials through that platform. When accessing *SAM.gov*, users will be asked to create a *login.gov* user account (if they don't already have one). Going forward, users will use their *login.gov* username and password every time when logging into *SAM.gov*. The SAM registration process can take three weeks or longer to complete so Applicants are strongly encouraged to begin the registration process upon publication of this NOFA in order to avoid potential Application submission problems. Applicants that have previously completed the SAM registration process must verify that their SAM accounts are current and active.

Applicants are required to maintain a current and active SAM account at all times during which it has an active Federal award or an Application under consideration for an award by a Federal awarding agency.

An original, signed notarized letter identifying the authorized entity administrator for the entity associated with the DUNS number is required by SAM and must be mailed to the Federal Service Desk. This requirement is applicable to new entities registering in SAM, as well as existing entities with registrations being updated or renewed in SAM. Additional information on the notarized letter process can be located at: *https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update-updated-july-11-2018.*

The CDFI Fund will not consider any Applicant that fails to properly register or activate its SAM account and, as a result, is unable to submit its Application by the Application deadline. Applicants must contact SAM directly with questions related to registration or SAM account changes, as the CDFI Fund does not maintain this system. For more information about SAM, please visit *https://www.sam.gov* or call 866–606–8220.

TABLE 5—GRANTS.GOV REGISTRATION TIMELINE SUMMARY

Step	Agency	Estimated minimum time to complete
Obtain a DUNS number	Dun & Bradstreet	One Week.*
Register in *SAM.gov*	System for Award Management (SAM)	Three Weeks.*
Register in *Grants.gov*	*Grants.gov*	One Week.**

* Applicants are advised that the stated duration are estimates only and represent minimum timeframes. Actual timeframes may take longer. The CDFI Fund will not consider any Applicant that fails to properly register or activate its SAM account, has not yet received a DUNS number, and/or fails to properly register in *Grants.gov*.

** This estimate assumes an Applicant has a DUNS number, an EIN number, and is already registered in *SAM.gov*.

E. *Submission Dates and Times:*

1. Submission Deadlines: Table 6 lists the deadlines for submission of the documents related to the FY 2019 CMF Funding Round:

TABLE 6—FY 2019 CMF DEADLINES FOR APPLICANTS

Document	Deadline	Time—eastern time (ET)	Submission method
SF–424 Mandatory form	July 26, 2019	11:59 p.m	Electronically via *Grants.gov*.
Create AMIS Account (if the Applicant does not already have one).	August 2, 2019	11:59 p.m	Electronically via AMIS.
CMF Application and Required Attachments	August 26, 2019	5:00 p.m	Electronically via AMIS.

2. Confirmation of Application Submission in *Grants.gov* and AMIS: Applicants are required to submit the OMB SF–424 Mandatory Form through the *Grants.gov* system under the FY 2019 Capital Magnet Fund Funding Opportunity Number (listed at the beginning of this NOFA). All other required Application materials must be submitted through the AMIS website. Application materials submitted through each system are due by the applicable deadline listed in Table 6. Applicants must submit the SF–424 by an earlier deadline than that of the other required Application materials in AMIS. If a valid SF–424 is not submitted through *Grants.gov* by the corresponding deadline, the Applicant will not be able to submit the additional Application materials in AMIS, and the Application will be deemed ineligible. Thus, Applicants are strongly encouraged to submit the SF–424 as early as possible in the *Grants.gov* portal, given submission problems may impact the ability to submit a complete Application.

(a) *Grants.gov* Submission Information: Each Applicant will receive an initial email from *Grants.gov* immediately after submitting the SF–424, confirming that the submission has entered the *Grants.gov* system. This email will contain a tracking number for the submitted SF–424. Within 48 hours, the Applicant will receive a second email which will indicate if the submitted SF–424 was either successfully validated or rejected with errors. However, Applicants should not rely on the email notification from *Grants.gov* to confirm that their SF–424 was validated. Applicants are strongly encouraged to use the tracking number provided in the first email to closely monitor the status of their SF–424 by checking *Grants.gov* directly. The Application materials submitted in AMIS are not accepted by the CDFI Fund until *Grants.gov* has validated the SF–424. In the *Grants.gov* Workspace function, please note that the Application package has not been submitted if you have not received a tracking number.

(b) AMIS Submission Information: AMIS is a web-based portal where Applicants will directly enter their Application information and add required attachments listed in Table 4. Each Applicant must register as an organization in AMIS in order to submit the required Application materials through this portal. AMIS will verify that the Applicant provided the minimum information required to submit an Application. Applicants are responsible for the quality and accuracy of the information and attachments included in the Application submitted in AMIS. The CDFI Fund strongly encourages the Applicant to allow sufficient time to confirm the Application content, review the material submitted, and remedy any issues prior to the Application deadline. Applicants can only submit one Application in AMIS. Upon submission, the Application will be locked and cannot be resubmitted, edited, or modified in any way. The CDFI Fund will not unlock or allow multiple AMIS Application submissions.

Prior to submission, each Application in AMIS must be signed by an Authorized Representative. An Authorized Representative is an officer, or other individual, who has the actual authority to legally bind and make representations on behalf of the Applicant; consultants working on behalf of the Applicant cannot be designated as Authorized Representatives. The Applicant may include consultants as Application point(s) of contact, who will be included on any communication regarding the Application and will be able to submit the Application but cannot sign the Application. The Authorized Representative and/or Application point(s) of contact must be included as ''Contacts'' in the Applicant's AMIS account. The Authorized Representative must also be a ''user'' in AMIS. An Applicant that fails to properly register and update its AMIS account may miss important communications from the CDFI Fund or fail to submit an Application successfully. Only an Authorized Representative for the organization or an Application point of contact, can submit the Application in AMIS. After submitting its Application, the Applicant will not be permitted to revise or modify its Application in any way or attempt to negotiate the terms of an Award.

3. Multiple Application Submissions: Applicants are only permitted to submit one complete Application. However, the CDFI Fund does not control *Grants.gov*, which does allow for multiple submissions of the SF–424. If an Applicant submits multiple SF–424 Applications in *Grants.gov*, the CDFI Fund will only review the SF–424 Application submitted in *Grants.gov* that is attached to the AMIS Application. Applicants can only submit one Application through AMIS.

4. Late Submission: The CDFI Fund will not accept an Application submitted after the applicable *Grants.gov* or AMIS Application deadline, except where the submission delay was a direct result of a Federal government administrative or technological error. This exception includes any errors associated with *Grants.gov*, *SAM.gov*, AMIS or any other applicable government system. Please note that this exception does not apply to errors arising from obtaining a DUNS number from Dun & Bradstreet, which is not a government entity. An Applicant unable to make timely submission of its Application due to any errors in the process of obtaining a DUNS number will not be allowed to submit its Application after the Application deadline has passed. In the event of a government administrative or technological error causing delay, the Applicant must submit a request for acceptance of late Application submission and include documentation of the error no later than two business days after the applicable Application deadline. The CDFI Fund will not respond to requests for acceptance of late Application submissions after that time period. Applicants must submit late Application submission requests via Service Request in AMIS with the subject line of ''FY2019 CMF: Late Application Submission Request.''

5. Intergovernmental Review: Not Applicable.

6. Funding Restrictions: CMF Awards are limited by the following:

(a) A Recipient shall use CMF Award funds only for the eligible activities set forth in 12 CFR 1807.301 and as described in Section II.C and Section II.E of this NOFA and its Assistance Agreement.

(b) A Recipient may not disburse CMF Award funds to an Affiliate, Subsidiary, or any other entity in any manner that would create a Subrecipient relationship (as defined in the Uniform Administrative Requirements) without the CDFI Fund's prior written approval.

(c) CMF Award dollars shall only be paid to the Recipient.

(d) The CDFI Fund, in its sole discretion, may pay CMF Awards in amounts, or under terms and conditions, which are different from those requested by an Applicant. However, the CDFI Fund will not grant an Award in excess of the amount requested by the Applicant.

V. Application Review Information

A. *Criteria:* All complete and eligible Applications will be reviewed in accordance with the criteria and procedures described in the CMF Interim Rule, this NOFA, the Application guidance, and the Uniform Administrative Requirements. As part of the review process, the CDFI Fund reserves the right to contact the Applicant by telephone, email, mail, or through an on-site visit for the sole purpose of clarifying or confirming Application information at any point during the review process. The CDFI Fund reserves the right to collect such additional information from Applicants as it deems appropriate. If contacted, the Applicant must respond within the time period communicated by the CDFI Fund or its Application may be rejected. For the sake of clarity, specific Application evaluation criteria are described in the context of the overall Application review and selection process described in Section V.B. below.

B. *Review and Selection Process:* The CDFI Fund will evaluate each complete and eligible Application using the multi-phase review process described in this Section. For the first two parts of the review process, the Quantitative Assessment and External Review, the Applications will be grouped into two categories: (1) Financing entities and (2) housing developers/managers. Certified CDFIs will be categorized as financing entities. Nonprofit Organizations will select whether they are primarily financing entities or housing developers/managers. These two groups will be evaluated on the criteria listed in this section. The CDFI Fund may elect to use a different criteria where appropriate, in order to evaluate the financial health, capacity, and strategies of these distinct entity types. In general, these differences are noted in this section and the Application Instructions.

1. Quantitative Assessment: Each complete and eligible Application will receive a numeric score based on the responses to quantitative questions in the Application. Applications may receive a score of up to 100 points based on the following factors outlined in Table 7.

TABLE 7—QUANTITATIVE ASSESSMENT FACTORS

Section	Points	Assessment criteria
Business and Leveraging Strategy ...	40	• Private leverage multiplier. • Reasonableness of projected activities based on track record. • Whether the Application is proposing to serve North Dakota, Idaho, Wyoming, Vermont, American Samoa, Guam, the Northern Mariana Islands, or the U.S. Virgin Islands.
Community Impact	35	• Percent of rental housing units targeted to Very Low-Income (VLI) or below (50 percent of AMI or below). • Percent of Homeownership units targeted to Low-Income (LI) or below (80 percent of AMI or below). • Relevant track record of financing and/or supporting units targeted to VLI or LI families. • Commitment to serve Rural Areas. • Commitment to only finance Economic Development Activities in Low-Income Areas or Underserved Rural Areas (if proposing Economic Development Activities). • Percent of housing units to be financed and/or supported in Areas of Economic Distress.
Organizational Capacity	25	• Capitalization. • Operating Performance. • Liquidity. • Audit Results.

Within the Business and Leveraging Strategy Section of the Quantitative Assessment, an Applicant will generally score more favorably to the extent it: Proposes to leverage a higher multiplier of private capital; and has a volume of projected activities supported by its track record. An Applicant will also score slightly more favorably if it is proposing to serve Idaho, North Dakota, Vermont, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the U.S. Virgin Islands.

Within the Community Impact Section, an Applicant will generally score more favorably to the extent that it commits to one or more of the following: Financing and/or supporting a higher percentage of rental housing units targeted to Very Low-Income Families (if proposing to use CMF for rental housing), and/or financing and/or supporting a higher percentage of Homeownership units targeted to Low-Income Families (if proposing to use CMF for Homeownership). The Applicant will also score more favorably to the extent that it commits to: Financing and/or supporting Economic Development Activities in Low-Income Areas only (if proposing to use CMF for Economic Developments Activities), and financing and/or supporting a higher percentage of units located in Areas of Economic Distress. Areas of Economic Distress are census tracts: (a) Where at least 20 percent of households that are Very Low-Income (50 percent of AMI or below) spend more than half of their income on housing; or (b) that are designated Qualified Opportunity Zones under 26 U.S.C. 1400Z–1; or (c) that are Low-Income Housing Tax Credit Qualified Census Tracts; or (d) where greater than 20 percent of households have incomes below the poverty rate and the rental vacancy rate is at least 10 percent; or (e) where greater than 20 percent of the households have incomes below the poverty rate and the homeownership vacancy rate is at least 10 percent; or (f) are Underserved Rural Areas as defined in the CMF Interim Rule (as amended February 8, 2016; 12 CFR part 1807). The CDFI Fund will publish a dataset indicating which census tracts are designated as Areas of Economic Distress for the FY 2019 Round on its website. Applicants will also score slightly more favorably in this section if they are willing to commit to investing 10 percent or more of their CMF Award in Rural Areas. Note that while Affordable Housing Activities may occur in any Rural Area, Economic Development Activities, In Conjunction With Affordable Housing Activities, must implement a Concerted Strategy to stabilize or revitalize a Low-Income Area or Underserved Rural Area.

Within the Financial Health section, Applicants will generally score more favorably to the extent that their 3-year financial data indicate, among other things, the following: Strong capitalization; strong operating performance; strong liquidity; and that the Applicant has not had any negative findings (*e.g.,* opinion other than unqualified; a ''going concern paragraph;'' repeat findings of reportable conditions; material weaknesses in internal control) in any of the three most recently completed annual audits.

Once the quantitative score is determined, Applicants in each of the two categories (financing entities and housing developers/managers) will be ranked in descending order based on their quantitative review score. The top 80 percent of Applications in each category will be forwarded to the next level of review: External Review. The CDFI Fund reserves the right to forward additional Applications to the External Review phase in order to ensure that a diversity of geographies (including different states as well as Metropolitan and Rural Areas) are served by the Applicants reviewed in the External Review phase. The CDFI Fund also reserves the right to forward all Applicants to the External Review phase, regardless of the Quantitative Assessment score, if fewer than 140 CMF Applications are received.

2. External Review: Applications that advance from the Quantitative Assessment will be separately scored by two or more external non-Federal reviewers who are selected based on criteria that include: A professional background in affordable housing or a background in community and economic development finance with experience with affordable housing. These reviewers must complete the CDFI Fund's conflict of interest process and be approved by the CDFI Fund. Reviewers will be assigned a set number of Applications, consisting of either financing entity Applicants or housing developer/manager Applicants, to review. The reviewer will provide a score for each of the Applications assessed in accordance with the scoring criteria outlined in Section V.B.2 of this NOFA and the Application materials.

The external reviewer's evaluation will result in the Application being awarded up to 100 total points by each reviewer. These points will be distributed across three sections: Business and Leveraging Strategy (40 possible points), Community Impact (35 possible points), and Organizational Capacity (25 possible points). An Applicant's final External Review score will be a composite based on the external reviewers' evaluation and

Quantitative Assessment factors. The majority of the score will be based on the external reviewers' evaluation.

(a) Business and Leveraging Strategy (40 points): In the Business and Leveraging Strategy section, the Applicant will address: (i) The needs of communities and persons in the areas it proposes to serve with a CMF Award and the extent to which the proposed strategy addresses these needs; (ii) the affordable housing, economic development, and financing gaps addressed by its business strategy; (iii) the projected CMF activities and track record; (iv) the role CMF plays in its project financing strategy; (v) its strategy for leveraging private capital with a CMF Award; and (vi) its strategy for leveraging its CMF Award at the Enterprise-level, through re-investments, and/or at the Project-level (as applicable).

An Applicant will generally score more favorably in the criteria evaluated by the external reviewer to the extent that it: (i) Clearly aligns its proposed CMF Award activities and products with the affordable housing needs and financing gaps it identifies; (ii) demonstrates that its strategy and activities will result in more favorable financing rates and terms; (iii) demonstrates that its projected activities are achievable based on the Applicant's strategy and track record; (iv) describes a clear process for selecting projects that have a clear need for CMF financing; (v) has a credible pipeline of projects; (vi) has a clear strategy for and track record of leveraging private capital; and (vii) has a clear strategy for and demonstrates a track record of leveraging funds at the Enterprise-level, through re-investments, and/or at the Project-level (as applicable).

(b) Community Impact (35 points): In the Community Impact Section, the Applicant will address: (i) The extent to which the Applicant's strategy is likely to lead to the Affordable Housing and/or Economic Development Activities impacts referenced in the Application; (ii) its strategy and track record of financing and/or supporting housing units targeted to Low-Income Families (for Homeownership) and to Very Low-Income Families (for rental); (iii) its plans for financing and/or supporting Affordable Housing in Areas of Economic Distress; (iv) its community engagement and partnerships; (v) if applicable, its strategy and track record of financing and/or supporting Economic Development Activities and how these activities fit within a Concerted Strategy and will benefit the residents of nearby Affordable Housing.

An Applicant will generally score more favorably in the criteria evaluated by the external reviewer to the extent that it: (i) Demonstrates how its business strategy will result in one or more of the Affordable Housing and/or Economic Development Activities impacts identified in the Application and the extent to which it has articulated and quantified measurements and evidence to support these impacts; (ii) demonstrates a clear and compelling strategy for financing and/or supporting housing units targeted to Low-Income Families (for Homeownership) and Very Low-Income Families (for rental); (iii) presents a strong ability and commitment to finance and/or support Affordable Housing in Areas of Economic Distress; (iv) has community engagement and partnerships that will lead to greater unit production, allow the Applicant to serve geographic areas it otherwise could not reach, and/or result in identified community impacts that benefit Affordable Housing residents; and (v) if proposing Economic Development Activities, demonstrates how its proposed Economic Development Activities fit within a Concerted Strategy and will benefit the residents of the nearby Affordable Housing.

(c) Organizational Capacity (25 points): In the Organizational Capacity section, the Applicant will discuss: (i) Its management team and key staff; (ii) the roles and responsibilities of those staff in managing a CMF Award; (iii) its past experience managing Federal awards (including past CMF Awards); and (iv) its financial health and lending or property portfolio (as applicable).

An Applicant will generally score more favorably in the criteria evaluated by the external reviewer to the extent that it demonstrates: (i) Strong qualifications of its key personnel with respect to their skills and experience in identifying investments, underwriting or developing similar projects (as applicable), managing a portfolio of similar activities and ensuring compliance with program requirements; (ii) success in administering prior CMF Awards, CDFI and/or other Federal program awards; (iii) strong financial health; and (iv) solid portfolio performance (as applicable).

(d) Scoring anomaly: If, in the case of a particular Application, the reviewers' total External Review scores vary significantly from each other, the CDFI Fund may, in its sole discretion, obtain the evaluation and numeric scoring of an additional reviewer to determine whether the anomalous score should be replaced with the score of the additional reviewer.

3. Internal Review: At the conclusion of the External Review phase, each group of Applications (financing entities and housing developers/managers) will be ranked separately based on their External Review score. The CMF Program Manager will then determine the overall number of Applications that will be initially forwarded for Internal Review. The CMF Program Manager may elect to initially forward up to 50 Applications to the Internal Review phase to receive further consideration for a CMF Award. Such Applications will be forwarded for Internal Review in descending order of External Review score. The forwarded Applications will be drawn from the financing entity and housing developer/manager groups in proportion to each group's representation in the overall Application pool. For example, if the Applicant pool is 60 percent financing entities and 40 percent housing developers/managers and the CMF Program Manager elects to forward 50 Applications to the Internal Review Phase, the highest scoring 30 Applications from the financing entity group, and the highest scoring 20 Applications from the housing developers/managers group would be forwarded to Internal Review.

These forwarded Applications will constitute the highly qualified pool. During the Internal Review, CDFI Fund staff will prioritize the Applications in the highly qualified pool for an Award based on a combination of the following criteria: (i) Final External Review score; (ii) alignment with CMF statutory and policy priorities; (iii) the overall quality of the Applicant's strategy; and (iv) the Applicant's organizational capacity and financial health. The CDFI Fund will not attempt to ensure any specific balance of financing entities and housing developers/managers in the final Award pool.

In assessing the Application's alignment with CMF statutory and policy priorities, CDFI Fund staff will consider the following factors, including, but not limited to: The Applicant's proposed activities in Areas of Economic Distress; income targeting of the portfolio of Affordable Housing units to be financed and/or supported; the number of Very Low-Income rental housing units and/or Low-Income Homeownership units to be financed and/or supported; the amount of private capital it will leverage relative to the CMF Award; and the amount of new Enterprise-level private capital that the Applicant will attract.

In assessing the quality of the Applicant's strategy, the CDFI Fund staff will consider the following factors,

including, but not limited to: (i) The quality of the Applicant's strategy with respect to how the strategy and financing activities address identified community needs; (ii) whether the proposed financing activities will help to fill the financing gaps in their market; (iii) whether the CMF funds will contribute to the Applicant offering more favorable rates and terms than are currently available in its Service Area; (iv) whether the Applicant's projections are supported by its organizational track record, as well as the quality of its pipeline; (v) whether the proposed deployment/redeployment schedule is realistic, achievable and risk has been appropriately considered; (vi) the likely success of the strategy to leverage private capital; (vii) whether the strategy is adaptable to changing market conditions; (viii) whether the Applicant's strategy is likely to create identified community impacts and the extent to which the Applicant has articulated quantifiable measurements and evidence to support these impacts; (ix) the Applicant's approach for financing and/or supporting Affordable Housing in Areas of Economic Distress and meeting Affordable Housing income targeting goals; (x) to the extent the Applicant is proposing to undertake Economic Development Activities, how those activities are part of a Concerted Strategy and will benefit residents of affordable housing.

In assessing the Applicant's organizational capacity and financial health, the CDFI Fund Staff will consider the following factors, including, but not limited to, the Applicant's: Financial position and organizational strength; ability to meet Federal award management standards and file appropriate reports and address findings from audits, including any Federal Single Audits; and staff capacity. Applicants may be re-prioritized for an Award or Award amounts may be reduced as a result of this analysis.

In the case of an Applicant that has received awards from other Federal programs, the CDFI Fund reserves the right to contact officials from the appropriate Federal agency or agencies to determine whether the Recipient is in compliance with current or prior award agreements, as well as to review the results of any Federal Single Audit, and to take such information into consideration before making a CMF Award.

In addition to the criteria outlined above, the Applicant's ability to deploy the CMF Award in a timely manner will be a key determinant in funding recommendation. Deployment considerations may include the Applicant's track record of activities compared with projections, the Applicant's progress in committing and/or deploying past CMF Awards, and whether the Applicant received a FY 2019 CDFI/NACA Program award for a similar business strategy as the proposed use of the CMF Award. The CDFI Fund may also consider the geographies served when determining funding recommendations.

4. Selection: Once Applications have been internally evaluated and preliminary award determinations have been made, the Applications will be forwarded to a selecting official for a final award determination. After preliminary award determinations are made, the selecting official will review the list of potential Recipients to determine whether the Recipient pool meets the following statutory objectives:

(a) The potential Recipients' proposed Service Areas collectively represent broad geographic coverage throughout the United States; and

(b) The potential Recipients' proposed activities equitably represent both Metropolitan Areas and Rural Areas. For the purposes of the FY 2019 CMF Round, the term Rural Areas is defined per 12 CFR 1282.1 (Enterprise Duty To Serve Final Rule) as (i) A census tract outside of a Metropolitan Statistical Area as designated by the Office of Management and Budget; or (ii) A census tract in a Metropolitan Statistical Area as designated by the Office of Management and Budget that is outside of the Metropolitan Statistical Area's Urbanized Areas, as designated by the U.S. Department of Agriculture's (USDA) Rural-Urban Commuting Area (RUCA) Code #1, and outside of tracts with a housing density of over 64 housing units per square mile for USDA's RUCA Code #2. The CDFI Fund will publish a dataset indicating which census tracts are designated as Rural Areas for the FY 2019 Round on its website.

In the event the preliminary Recipient pool does not reflect the geographic coverage or representation of Metropolitan and Rural Areas present in the overall Applicant pool, the CDFI Fund reserves the right to modify CMF Award amounts and/or the CMF Recipient pool if deemed necessary to achieve either of these statutory objectives. In order to evaluate the geographic coverage of the potential CMF Recipient pool, Applicants will be asked to designate one of the following two Service Area types in their Applications: Statewide, or Multi-State. These Service Area types are further defined in the Application. The smallest Service Area an Applicant can request is one state; the largest Service Area an Applicant can propose is a 10 state Multi-State Service Area. Applicants should indicate in the narrative portions of their Application if they plan to concentrate their CMF activities in a subset (*e.g.,* a county or Metropolitan Area) of their broader Service Area. If necessary to achieve proportional activity in Rural Areas and/or broader geographic coverage, the CDFI Fund may award Applications not in the preliminary Recipient pool, including Applications outside of the highly qualified pool, in the order of their Internal Review scoring ranking. However, the CDFI Fund will not award an Application that scores in the bottom 50 percent of the External Review score rankings. During the selection process, the CDFI Fund also reserves the right to modify or place restrictions on the Service Area requested in any Applicant's Application in order to further these statutory objectives.

In cases where the selecting official's award determination varies significantly from the initial CMF Award amount recommended by the CDFI Fund staff review, the CMF Award recommendation will be forwarded to a reviewing official for final determination. The CDFI Fund, in its sole discretion, reserves the right to reject an Application and/or adjust CMF Award amounts as appropriate, based on information obtained during the review process.

5. Insured Depository Institution Applicants: In the case of Applicants that are Insured Depository Institutions or Insured Credit Unions, the CDFI Fund will consider safety and soundness information from the Appropriate Federal Banking Agency or Appropriate State Agency, as applicable. If the Applicant is a CDFI Depository Institution Holding Company, the CDFI Fund will consider information provided by the Appropriate Federal Banking Agency and Appropriate State Agency about both the CDFI Depository Institution Holding Company and the CDFI Insured Depository Institution that will expend and carry out the Award. If the Appropriate Federal Banking Agency or Appropriate State Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the Applicant to be incapable of undertaking the activities for which funding has been requested.

6. Right of Rejection: The CDFI Fund reserves the right to reject an Application if information (including administrative errors) comes to the

attention of the CDFI Fund that adversely affects an Applicant's eligibility for an Award, adversely affects the CDFI Fund's evaluation or scoring of an Application, or indicates fraud or mismanagement on the Applicant's part, including mismanagement of another Federal award. If the CDFI Fund determines that any portion of the Application is incorrect in any material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application. The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the CDFI Fund deems it appropriate. If said changes materially affect the CDFI Fund's Award decisions, the CDFI Fund will provide information regarding the changes through the CDFI Fund's website. There is no right to appeal the CDFI Fund's Award decisions. The CDFI Fund's Award decisions are final.

7. Anticipated Award Announcement: The CDFI Fund anticipates making CMF Award announcements in early 2020.

VI. Federal Award Administration Information

A. *Award Notification:* Each successful Applicant will receive notification from the CDFI Fund stating that its Application has been approved for an Award. Each Applicant not selected for an Award will receive notification and be provided a debriefing document in its AMIS account.

B. *Administrative and Policy Requirements Prior to Entering into an Assistance Agreement:* The CDFI Fund may, in its discretion and without advance notice to the Recipient, terminate the Award or take other actions as it deems appropriate if, prior to entering into an Assistance Agreement, information (including an administrative error) comes to the CDFI Fund's attention that adversely affects the following: The Recipient's eligibility for an Award; the CDFI Fund's evaluation of the Application; the Recipient's compliance with any requirement listed in the Uniform Requirements; or indicates fraud or mismanagement on the Recipient's part, including mismanagement of another Federal award.

If the Recipient's certification status as a CDFI changes prior to entering into an Assistance Agreement, the CDFI Fund reserves the right, in its sole discretion, to re-calculate the CMF Award, or modify the Assistance Agreement based on the Recipient's non-CDFI status.

By receiving notification of a CMF Award, the Recipient agrees that, if the CDFI Fund becomes aware of any information (including an administrative error) prior to the Effective Date of the Assistance Agreement that either adversely affects the Recipient's eligibility for an CMF Award, or adversely affects the CDFI Fund's evaluation of the Recipient's Application, or indicates fraud or mismanagement on the part of the Recipient, the CDFI Fund may, in its discretion and without advance notice to the Recipient, rescind the notice of award or take other actions as it deems appropriate.

The CDFI Fund reserves the right, in its sole discretion, to rescind an Award if the Recipient fails to return the Assistance Agreement, signed by an Authorized Representative of the Recipient, and/or provide the CDFI Fund with any other requested documentation, within the CDFI Fund's deadlines.

In addition, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA for any criteria described in Table 8:

TABLE 8—REQUIREMENTS PRIOR TO EXECUTING AN ASSISTANCE AGREEMENT

Requirement	Criteria
Failure to meet reporting requirements.	• If an Applicant received a prior award or allocation under any CDFI Fund program and is not current on the reporting requirements set forth in the previously executed assistance, award, allocation, bond loan agreement(s), or agreement to guarantee, as of the date of the notice of award, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement and/or to delay making a Payment of CMF Award, until said prior Recipient or allocatee is current on the reporting requirements in the previously executed assistance, award, allocation, bond loan agreement(s), or agreement to guarantee. • If such a prior Recipient or allocatee is unable to meet this requirement within the timeframe set by the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the notice of award and the CMF Award made under this NOFA. • Please note that automated systems employed by the CDFI Fund for receipt of reports submitted electronically typically acknowledge only a report's receipt; such acknowledgment does not warrant that the report received was complete, nor that it met reporting requirements. If said prior Recipient or allocatee is unable to meet this requirement within the timeframe set by the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the notice of Award and the CMF Award made under this NOFA.
Failure to maintain CDFI Certification (if applicable) or eligible Nonprofit Organization status (if applicable).	• A Recipient must be a Certified CDFI or an eligible Nonprofit Organization, as each is defined in the CMF Interim Rule and this NOFA, prior to entering into an Assistance Agreement. • If, at any time prior to entering into an Assistance Agreement under this NOFA, an Applicant that is a Certified CDFI has submitted reports (or failed to submit an annual certification report as instructed by the CDFI Fund) to the CDFI Fund that demonstrate noncompliance with the requirements for certification, but the CDFI Fund has yet to make a final determination regarding whether or not the entity is Certified, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement and/or to delay making a Payment of CMF Award, pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. • If the Applicant is unable to meet this requirement, in the sole determination of the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the notice of award and the CMF Award made under this NOFA.

TABLE 8—REQUIREMENTS PRIOR TO EXECUTING AN ASSISTANCE AGREEMENT—Continued

Requirement	Criteria
Pending resolution of noncompliance.	• If, at any time prior to entering into an Assistance Agreement under this NOFA, an Applicant (or an Affiliate of the Applicant) that is a prior CDFI Fund award Recipient or allocatee under any CDFI Fund program: (i) Has submitted reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement, but (ii) the CDFI Fund has yet to make a final determination regarding whether or not the entity is in default of its previous assistance, award, allocation, bond loan agreement, or agreement to guarantee, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement and/or to delay making a Payment of CMF Award, pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. • If said prior Recipient or allocatee is unable to meet this requirement, in the sole determination of the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the notice of award and the CMF Award made under this NOFA.
Default or Noncompliance status	• If, at any time prior to entering into an Assistance Agreement, the CDFI Fund determines that an Applicant (or an Affiliate of the Applicant) that is a prior CDFI Fund Recipient or allocatee under any CDFI Fund program is noncompliant with any previously executed CDFI Fund award or Assistance agreement(s) and the CDFI Fund has provided written notification that the Applicant is ineligible to apply for or receive any future awards or allocations for a time period specified by the CDFI Fund in writing, the CDFI Fund may, in its sole discretion, delay entering into an Assistance Agreement with Applicant, impose conditions prior to entering in Assistance Agreement, or modify or rescind all or a portion of the CMF Award made under this NOFA within the time period specified in such notification.
Compliance with Federal civil rights requirements.	• The CDFI Fund will terminate and rescind the Assistance Agreement and the CMF Award made under this NOFA if, prior to entering into an Assistance Agreement under this NOFA, the Recipient receives a final determination, made within the last 3 years of the publication date of this NOFA, in any proceeding instituted against the Recipient in, by, or before any court, governmental, or administrative body or agency, declaring that the CMF Award Recipient has violated the following laws: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107); Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601 *et seq.*); and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
Do Not Pay	• The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient is identified as an ineligible Recipient in the Do Not Pay database. • The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government.
Safety and soundness	• If it is determined that the Recipient is or will be incapable of meeting its CMF Award obligations, the CDFI Fund will deem the Recipient to be ineligible or require it to improve safety and soundness conditions prior to entering into an Assistance Agreement.

C. *Assistance Agreement:* Each Applicant that is selected to receive an award under this NOFA must enter into an Assistance Agreement with the CDFI Fund in order to become a Recipient and receive Payment. Each CMF Award under this NOFA generally will have a period of performance that begins with the announcement date of the Award and continues until the end of the period of affordability, as set forth at 12 CFR 1807.401(d) and 12 CFR 1807.402, and as further set forth in the Assistance Agreement.

1. The Assistance Agreement will set forth certain required terms and conditions of the CMF Award, which will include, but not be limited to:

(a) The amount of the award;

(b) The approved uses of the award;

(c) The approved Service Area in which the award may be used;

(d) Performance goals and measures;

(e) Reinvestment requirements for Program Income; and

(f) Reporting requirements for all Recipients.

2. Prior to executing the Assistance Agreement, the CDFI Fund may, in its discretion, allow Recipients to request changes to the Service Area of the Award and certain performance goals and measures. The CDFI Fund, in its sole determination, may approve or reject these requested changes or propose other modifications, including a reduction in the Award amount. The CDFI Fund will only approve performance goals and measures or Service Area changes if it determines that such requested changes do not undermine the competitive process upon which the CMF Award determination was made. The CDFI Fund may also, in its discretion, provide Recipients the opportunity to add states to their Service Area in order to serve states not already covered in the Award pool and to further HERA's goal that the CMF serve geographically diverse areas of every state. The CDFI Fund may also, in its discretion, provide Recipients the opportunity to add states to its approved Service Area in order to serve geographies for which: (i) The President issued a ''major disaster declaration'' and (ii) the major disaster declaration makes such geographies eligible for both ''individual and public assistance.'' The major disaster declaration must be made after the publication date of this NOFA and prior to the execution of the Recipient's Assistance Agreement. In these cases, the CDFI Fund may allow a Recipient to exceed the maximum 10 state Service Area, if applicable. Any modifications agreed upon prior to the execution of the Assistance Agreement will become a condition of the Award.

3. The Assistance Agreement shall provide that, prior to any determination by the CDFI Fund that a Recipient has failed to comply substantially with the Act, the CMF Interim Rule, or the environmental quality regulations, the CDFI Fund shall provide the Recipient with reasonable notice and opportunity for hearing. If the Recipient fails to comply substantially with the Assistance Agreement, the CDFI Fund may:

(a) Require changes in the performance goals set forth in the Assistance Agreement;

(b) Reduce or terminate the CMF Award; or

(c) Require repayment of any CMF Award that has been distributed to the Recipient.

4. The Assistance Agreement shall also provide that, if the CDFI Fund determines noncompliance with the

terms and conditions of the Assistance Agreement on the part of the Recipient, the CDFI Fund may:

(a) Bar the Recipient from reapplying for any assistance from the CDFI Fund; or

(b) Take such other actions as the CDFI Fund deems appropriate or as set forth in the Assistance Agreement.

5. In addition to entering into an Assistance Agreement, each Applicant selected to receive a CMF Award must furnish to the CDFI Fund a certificate of good standing from the jurisdiction in which it was formed. The CDFI Fund may, in its sole discretion, also require the Applicant to furnish an opinion from its legal counsel, the content of which may be further specified in the Assistance Agreement, and which, among other matters, opines that:

(a) The Recipient is duly formed and in good standing in the jurisdiction in which it was formed and the jurisdiction(s) in which it transacts business;

(b) The Recipient has the authority to enter into the Assistance Agreement and undertake the activities that are specified therein;

(c) The Recipient has no pending or threatened litigation that would materially affect its ability to enter into and carry out the activities specified in the Assistance Agreement;

(d) The Recipient is not in default of its articles of incorporation or formation, bylaws or operating agreements, other organizational or establishing documents, or any agreements with the Federal government;

(e) The CMF affordability restrictions that are to be imposed by deed restrictions, covenants running with the land, or other CDFI Fund approved mechanisms are recordable and enforceable under the laws of the State and locality where the Recipient will undertake its CMF activities;

(f) The Recipient is exempt from Federal Income taxation pursuant to the Internal Revenue Code of 1986; and

(g) The Recipient is designated as a nonprofit or not for profit entity under the laws of the organization's State of formation.

D. *Paperwork Reduction Act:* Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. If applicable, the CDFI Fund may inform Applicants that they do not need to provide certain Application information otherwise required. Pursuant to the Paperwork Reduction Act, the Capital Magnet Fund Application has been assigned the following control number: 1559–0036.

E. *Reporting:* The CDFI Fund will require each Recipient that receives a CMF Award through this NOFA to account for and report to the CDFI Fund on the use of the CMF Award. This will require Recipients to establish administrative controls, subject to the Uniform Administrative Requirements and other applicable OMB guidance. The CDFI Fund will collect information from each such Recipient on its use of the CMF Award annually following Payment and more often if deemed appropriate by the CDFI Fund in its sole discretion. The CDFI Fund will provide guidance to Recipients outlining the format and content of the information required to be provided to describe how the funds were used.

The CDFI Fund may collect information from each Recipient including, but not limited to, an annual report with the components listed in Table 9:

TABLE 9—REPORTING REQUIREMENTS

Criteria	Description
Single Audit (if applicable)	If a nonprofit Recipient is required to complete a Single Audit Report, it must be submitted to the Federal Audit Clearinghouse (see 2 CFR subpart F—Audit Requirements in the Uniform Requirements) and AMIS (optional).
Financial Statement Audit	For-profit and nonprofit Recipients must submit a Financial Statement Audit (FSA) report in AMIS, performed by an independent certified public accountant, as specified in the Assistance Agreement. This report will not be required for Insured Credit Unions, Insured Depository Institutions, or Depository Institution Holding Companies.
Performance Report	The Recipient must submit a performance report not less than annually, which is a progress report on the Recipient's use of the CMF Award towards meeting its performance goals, affordable housing outcomes, and the Recipient's overall performance. The CMF Performance Report covers the Announcement Date through the Investment Period for the CMF Award and the ten-year Affordability Period for each Project. The Investment Period shall mean the period beginning with the Effective Date of the Assistance Agreement and ending not earlier than the fifth year anniversary of the Effective Date, or as otherwise established in the Assistance Agreement. The Affordability Period shall mean, for each Project, the period beginning on the date when the Project is placed into service and consisting of the full ten consecutive years thereafter, or as otherwise established in the Assistance Agreement. If the Recipient fails to meet a performance goal or reporting requirements, it must submit an explanation of noncompliance via AMIS.
Environmental Review	The Recipient shall submit the Environmental Review Notification Report each time the Recipient identifies a new proposed CMF project for which (i) a categorical exclusion does not apply and/or (ii) the Recipient determines that the proposed project does involve actions that normally require an Environmental Impact Statement, as described in 12 CFR part 1815. The Environmental Review Notification Report must be submitted to the CDFI Fund no later than one hundred eighty (180) days prior to the date that funds are Committed to a project.

Each Recipient is responsible for the timely and complete submission of the annual reporting documents. The CDFI Fund will use such information to monitor each Recipient's compliance with the requirements set forth in the Assistance Agreement and to assess the impact of the CMF. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Recipients.

F. *Financial Management and Accounting:* The CDFI Fund will require Recipients to maintain financial management and accounting systems that comply with Federal statutes, regulations, and the terms and conditions of the CMF Award. These

systems must be sufficient to permit the preparation of reports required by general and program specific terms and conditions, including the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with the Federal statutes, regulations, and the terms and conditions of the CMF Award.

The cost principles used by Recipients must be consistent with Federal cost principles; must support the accumulation of costs as required by the principles; and must provide for adequate documentation to support costs charged to the CMF Award. In addition, the CDFI Fund will require Recipients to: Maintain effective internal controls; comply with applicable statutes and regulations, the Assistance Agreement, and related guidance; evaluate and monitor compliance; take action when not in compliance; and safeguard personally identifiable information.

VII. Agency Contacts

A. *Availability:* The CDFI Fund will respond to questions and provide support concerning this NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. ET, starting on the date of the publication of this NOFA until the close of business on the third business day preceding the Application deadline. The CDFI Fund will not respond to questions or provide support concerning the Application that are received after 5:00 p.m. ET on said date, until after the Application deadline. CDFI Fund IT support will be available until 5:00 p.m. ET on date of the Application deadline. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov/cmf.* The CDFI Fund will post on its website responses to questions of general applicability regarding the CMF.

B. *The CDFI Fund's contact information is listed in Table 10:*

TABLE 10—CONTACT INFORMATION

Type of question	Preferred method	Telephone No. (not toll free)	Email addresses
CMF	Submit a Service Request in AMIS	202–653–0421	*cmf@cdfi.treas.gov.*
CDFI Certification	Submit a Service Request in AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
Compliance Monitoring and Evaluation	Submit a Service Request in AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
Information Technology Support	Submit a Service Request in AMIS	202–653–0422	*AMIS@cdfi.treas.gov.*

The preferred method of contact is to submit a Service Request within AMIS. For a CMF Application question, select ''Capital Magnet Fund'' for the program. For a CDFI Certification question, select ''Certification.'' For a Compliance question, select ''Compliance & Reporting.'' For Information Technology, select ''Technical Issues.'' Failure to select the appropriate program for the Service Request could result in delays in responding to your question.

C. *Communication with the CDFI Fund:* The CDFI Fund will use AMIS to communicate with Applicants and Recipients, using the contact information maintained in their respective AMIS accounts. Therefore, the Recipient and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including contact persons and Authorized Representatives, email addresses, fax numbers, phone numbers, and office addresses) in its AMIS account(s). For more information about AMIS please see the Help documents posted at *https://amis.cdfifund.gov/s/Training.*

VIII. Other Information

None.

Authority: Pub. L. 110–289. 12 U.S.C. 4701, 12 CFR part 1805, 12 CFR part 1807, 12 CFR part 1815, 12 U.S.C. 4502.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2019–13667 Filed 6–26–19; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On March 21, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. NANGAA, Corneille Yobeluo (a.k.a. YOBELUO, Corneille Nangaa), 36 Q Solongo Blvd., Biangala, Lemba, Kinshasa, Congo, Democratic Republic of the; DOB 09 Jul 1970; POB Bagboya, Congo, Democratic Republic of the; Gender Male; Passport DP0003850 (Congo, Democratic Republic of the) issued 20 Nov 2017 expires 19 Nov 2022; alt. Passport DP0000149 (Congo, Democratic Republic of the) issued 12 Jan 2016 expires 11 Jan 2021 (individual) [DRCONGO]

Designated pursuant to Section 1(a)(ii)(C) of E.O. 13671, for being

responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo.

2. KATINTIMA, Norbert Basengezi (a.k.a. KATINTIMA, Norbert Bashengezi), 15 Joli Parc, Ma Campagne, Kinshasa 00243, Congo, Democratic Republic of the; DOB 10 Jan 1958; POB Kashiramo-Kaziba, South Kivu, Congo, Democratic Republic of the; alt. POB Rwanda; nationality Congo, Democratic Republic of the; alt. nationality Rwanda; Gender Male; Vice-President of the Independent National Electoral Commission (individual) [DRCONGO].

Designated pursuant to Section 1(a)(ii)(C) of E.O. 13671, for being responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo.

3. BASENGEZI, Marcellin (a.k.a. BASENGEZI, Marcellin Mukolo; a.k.a. MAKOLO, Marcelin Basengezi; a.k.a. MUKOLO, Basengezi Marcellin), Appartement 29 Cite Du Fleuve, Cite Du Fleuve, Kingabwa Limete, Kinshasa, Congo, Democratic Republic of the; DOB 30 Nov 1985; POB Kaziba, Congo, Democratic Republic of the; Gender Male; Passport OP0155187 (Congo, Democratic Republic of the) issued 24 Jan 2016 expires 19 Jan 2021 (individual) [DRCONGO].

Designated pursuant to Section 1(a)(ii)(C) of E.O. 13671, for being responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo.

Dated: March 21, 2019.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received by the Office of the Federal Register on June 24, 2019.

[FR Doc. 2019–13707 Filed 6–26–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Tax and Trade Bureau 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 29, 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 8100, 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:

Tax and Trade Bureau (TTB)

1. Title: Formula and Process for Wine.

OMB Control Number: 1513–0010.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the Internal Revenue Code (IRC) at 26 U.S.C. 5361, 5362, and 5386–5388, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 24 and 26 require persons who intend to produce special natural wine, agricultural wine, other than standard wine, or nonbeverage wine to obtain TTB's prior approval of the formulas by which such products will be made. Such persons may file formula approval requests using TTB F 5120.29, which describes the type of product and the formula and process by which it will be made. TTB uses the collected information to ensure compliance with Federal law, including ensuring that nonbeverage wines withdrawn free of tax under 26 U.S.C. 5362(d) are rendered unfit for beverage use.

Form: TTB F 5120.29.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 30.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 150.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 300.

2. Title: Formula and/or Process For Article Made With Specially Denatured Spirits.

OMB Control Number: 1513–0011.

Type of Review: Extension without change of a currently approved collection.

Description: In general, under the Internal Revenue Code (IRC) at 26 U.S.C. 5214, distilled spirits used in the manufacture of nonbeverage articles are not subject to Federal excise tax, and, under the IRC at 26 U.S.C. 5273, persons who intend to produce such articles using specially denatured distilled spirits (SDS) must obtain prior approval of their formulas and manufacturing processes. For medicinal preparations and flavoring extracts intended for internal human use, that section also prohibits SDS from remaining in the finished articles. Therefore, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 20 require persons to file formula and process approval requests, using TTB F 5150.19, for articles made with SDS. To protect the revenue and ensure compliance with the IRC and TTB regulations, TTB personnel examine the collected information to verify that the described articles are nonbeverage products made in compliance with 26 U.S.C. 5273. TTB field personnel also may compare manufacturing records to approved formulas to verify that such articles are being made in accordance with their approved formulas and processes.

Form: TTB F 5150.19.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 1,132.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 1,132.

Estimated Time per Response: 44 minutes.

Estimated Total Annual Burden Hours: 827.

3. Title: User's Report of Denatured Spirits.

OMB Control Number: 1513–012.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5214 allows the tax-free withdrawal of denatured

distilled spirits from a distilled spirits plant (DSP), and, at 26 U.S.C. 5275, it requires persons procuring, dealing in, or using specially denatured (SDS), or recovering specially denatured or completely denatured distilled spirits, to maintain records and file reports as the Secretary of the Treasury (Secretary) may prescribe by regulation. The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 20 require persons who use or recover SDS or articles, or who use recovered completely denatured spirits or articles, to file a report once annually using TTB F 5150.18 to account for their use of such denatured spirits in specific approved formulas during the period July 1 through June 30. The regulations also require such persons to file a final report when discontinuing business. The collected information is necessary to protect the revenue as it allows TTB to detect diversion of tax-free denatured spirits to taxable proposes by users of such spirits. TTB also uses the required information to ensure users of such spirits comply with Federal law and regulations.

Form: TTB F 5150.18.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,600.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 3,600.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 1,080.

4. Title: Power of Attorney.

OMB Control Number: 1513–0014.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 6061 provides that any return, statement, or other document submitted under the IRC's provisions must be signed in accordance with the forms or regulations prescribed by the Secretary. Also, the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 204(c) authorizes the Secretary to prescribe the manner and form of applications for basic permits issued under the Act. Under those authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations require individuals signing documents and forms filed with TTB on behalf of an applicant or principal to have specific authority to do so. As such, applicants and principals use TTB F 5000.8 to delegate such authority to a designated individual and to report that delegation to TTB. Many documents and forms submitted to TTB are legally binding and have penalties for omissions or falsification, and TTB uses the collected information to determine who legally represents an applicant or permittee doing business with the agency.

Form: TTB F 5000.8.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 10,000.

Estimated Time per Response: 19.5 minutes.

Estimated Total Annual Burden Hours: 3,250.

5. Title: Report—Export Warehouse Proprietor.

OMB Control Number: 1513–0024.

Type of Review: Extension without change of a currently approved collection.

Description: In general, under chapter 52 of the Internal Revenue Code (IRC), tobacco products and cigarette papers and tubes manufactured in, or imported into, the United States are subject to Federal excise tax while tobacco products and cigarette papers and tubes removed for export, and all processed tobacco, are not subject to that tax. Additionally, the IRC at 26 U.S.C. 5722 requires export warehouse proprietors to provide reports regarding such articles, in such form, at such times, and for such periods as the Secretary prescribes by regulation. Under that authority, the TTB regulations in 27 CFR part 44 require export warehouse proprietors to file a monthly operations report using form TTB F 5220.4, Report—Proprietor of Export Warehouse, listing the amount of tobacco products, cigarette papers and tubes, and processed tobacco received, removed, lost, or unaccounted for during a given month. The collected information is necessary to protect the revenue as it allows TTB to detect diversion of those untaxed articles to taxable uses. These reports also allow TTB to verify compliance with Federal laws and regulations related to the removal and export of such articles.

Form: TTB F 5220.4.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 80.

Frequency of Response: Monthly.

Estimated Total Number of Annual Responses: 960.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 960.

6. Title: Certificate of Tax Determination—Wine.

OMB Control Number: 1513–0029.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5062 authorizes drawback (refund) of the Federal excise tax on distilled spirits and wines exported from the United States, under regulations prescribed by the Secretary of the Treasury regarding evidence of the product's tax payment or determination and exportation. Under that authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 28 require drawback claims filed by wine exporters to be accompanied by the producer's or bottler's certification, filed on TTB F 5120.20, that the listed wines were produced in the United States and taxpaid or determined upon withdrawal. The collected information is necessary to protect the revenue as it allows TTB to prevent the payment of unverified drawback claims.

Form: TTB F 512.20.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 30.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 1,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 500.

7. Title: Distilled Spirits Plants Warehousing Records (TTB REC 5110/02), and Monthly Report of Storage Operations.

OMB Control Number: 1513–0039.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5207 requires distilled spirits plant (DSP) proprietors to maintain records and submit reports of their production, storage, denaturation, and processing activities as required under regulations prescribed by the Secretary of the Treasury. Under that IRC authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 19 require DSP proprietors to keep certain records regarding their warehousing operations. Those regulations also require DSP proprietors to report a summary of their storage operations, based on the required records, to TTB on a monthly basis using form TTB F 5110.11. Under the IRC at 26 U.S.C. 5005(c), a DSP proprietor is liable for the Federal excise tax for all distilled spirits stored on the plant's premises, and, as such, the required records and report are

necessary to protect the revenue. The required records and reports also allow TTB to ensure compliance with Federal law and regulations.

Form: TTB F 5110.11.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 2,300.

Frequency of Response: Monthly.

Estimated Total Number of Annual Responses: 27,600.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 27,600.

8. Title: Distilled Spirits Plant Denaturation Records (TTB REC 5110/04), and Monthly Report of Processing (Denaturing) Operations.

OMB Control Number: 1513–0049.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC), at 26 U.S.C. 5207, requires distilled spirits plant (DSP) proprietors to maintain records and submit reports of their production, storage, denaturation, and processing activities, and, at 26 U.S.C. 5214, it authorizes the withdrawal of denatured distilled spirits from a DSP free of tax for certain specified uses, all subject regulations prescribed by the Secretary of the Treasury. Under those IRC authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 19 require DSP proprietors to keep certain records regarding their production, loss, receipt, transfer, and withdrawal of denatured spirits. Using the required records, those regulations also require DSP proprietors to report a summary of their daily denaturing (processing) activities to TTB on a monthly basis using form TTB F 5110.43. Because denatured spirits may be removed from a DSP free of tax, a full accounting of a DSP's denaturation operations is necessary to protect the revenue. The required records and reports allow TTB to detect and prevent diversion of denatured spirits to taxable uses, ensure compliance with Federal law and regulations, and compile industry statistics.

Form: TTB F 5110.43.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 385.

Frequency of Response: Monthly.

Estimated Total Number of Annual Responses: 4,620.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 4,620.

9. Title: Letterhead Applications and Notices Relating to Tax-Free Alcohol (TTB REC 5150/04).

OMB Control Number: 1513–0060.

Type of Review: Extension without change of a currently approved collection.

Description: In general, the Internal Revenue Code (IRC) at 26 U.S.C. 5001 imposes a Federal excise tax on all distilled spirits produced in or imported into the United States. The IRC at 26 U.S.C. 5214 provides for the tax-free withdrawal of distilled spirits from distilled spirits plants (DSPs) for certain nonbeverage purposes, including for use by educational institutions, laboratories, hospitals, clinics, and blood banks, and by State, local, and tribal governments, and, at 26 U.S.C. 5271–5275, the IRC sets permit, bond, formula submission, recordkeeping, and reporting requirements for the use of tax-free distilled spirits, all of which is subject to regulations prescribed by the Secretary. Under those authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 22 require users of tax-free alcohol to submit certain letterhead applications and notices, which serve as qualifying documents for specific regulated activities or as amendments to previously-filed documents. The collected information is necessary to protect the revenue and ensure compliance with Federal laws and regulations regarding tax-free alcohol as it allows TTB to detect diversion of tax-free alcohol to taxable beverage use and ensure lawful use of such alcohol. In general, activities posing a greater jeopardy to the revenue require a letterhead application and TTB approval before the respondent begins the activity, while activities posing less jeopardy to the revenue require a letterhead notice stating that the respondent will undertake the activity.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 800.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 800.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 400.

10. Title: Retail Liquor Dealers Records of Receipts of Alcoholic Beverages and Commercial Invoices (TTB REC 5170/03).

OMB Control Number: 1513–0066.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the Internal Revenue Code (IRC) at 26 U.S.C. 5122, the TTB regulations in 27 CFR part 31 require retail alcohol beverage dealers to keep records showing the quantities of all distilled spirits, wines, and beer received, including information on from whom and when the products were received, and those regulations also require dealers to keep records of all alcohol beverage sales of 20 or more wine gallons made to the same person at the same time. At the retail dealer's discretion, those records may consist of commercial invoices or a book containing the required information, which the dealer must maintain at their place of business or at an alternate location under the dealer's control approved by TTB. In addition, under the authority of the IRC at 26 U.S.C. 5123, the part 31 regulations also require retail dealers to maintain the required records for at least 3 years, during which period they must be made available for TTB inspection during business hours.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 455,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 455,000.

Estimated Time per Response: None. This information collection consists of usual and customary receipt and sales records kept by alcohol beverage retail dealers during the normal course of business, regardless of any TTB requirement to do so. Therefore, in accordance with the OMB regulations at 5 CFR 1320.3(b)(2), this information collection places no annual burden on its estimated 455,000 respondents.

Estimated Total Annual Burden Hours: 0.

11. Title: Wholesale Alcohol Dealer Recordkeeping Requirement Variance Requests and Approvals (TTB REC 5170/6).

OMB Control Number: 1513–0067.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the Internal Revenue Code (IRC) at 26 U.S.C. 5121, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 31 require wholesale alcohol dealers to keep daily records of their receipt and disposition of distilled spirits. Specific to this information collection, and as authorized by the IRC at 26 U.S.C. 5555, the TTB regulations in part 31 allow wholesale alcohol dealers to submit letterhead applications to TTB requesting approval of variations in the type and format of such records, and for variations in the place of retention for those records. TTB

review of such applications is necessary to determine that such variances would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 10.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 10.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 5.

12. Title: Alternate Methods or Procedures and Emergency Variations from Requirements for Exports of Liquors (TTB REC 5170/7).

OMB Control Number: 1513–0082.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC at 26 U.S.C. 7805 authorizes the Secretary to issue all needful regulations to implement the IRC. Under that authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 28 allow alcohol exporters to apply for prior TTB approval of alternate methods or procedures to, or emergency variances from, the requirements of that part, other than the giving of a bond or the payment of tax. Such applications provide alcohol exporters with operational flexibility and allow such exporters to meet emergency circumstances. TTB review of such applications is necessary to determine that the proposed alternative or variance would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 230.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 230.

Estimated Time per Response: 36 minutes.

Estimated Total Annual Burden Hours: 138.

13. Title: Notices Relating to Payment of Firearms and Ammunition Excise Tax by Electronic Fund Transfer.

OMB Control Number: 1513–0097.

Type of Review: Extension without change of a currently approved collection.

Description: Under the Internal Revenue Code at 26 U.S.C. 6302, TTB collects the firearms and ammunition excise tax imposed by 26 U.S.C. 4181 on the basis of a return that taxpayers file on a quarterly basis. Section 6302 also authorizes the Secretary to issue regulations concerning the payment of taxes by electronic funds transfer (EFT). Under the TTB regulations in 27 CFR part 53, taxpayers who elect to begin or discontinue payment of firearms and ammunition excise taxes by EFT must furnish a written notice to TTB regarding such actions. TTB uses those notifications to anticipate and monitor firearms and ammunition excise tax payments to ensure compliance with Federal law.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 10.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 10.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 1.

14. Title: Applications, Notices, and Relative to Importation and Exportation of Distilled Spirits, Wine, and Beer, Including Puerto Rico and Virgin Islands.

OMB Control Number: 1513–0100.

Type of Review: Extension without change of a currently approved collection.

Description: Chapter 51 of the Internal Revenue Code (IRC) imposes Federal excise taxes on alcohol beverages imported into the United States, but exports of such products from the United States are generally not taxes. In addition, the IRC at 26 U.S.C. 7652 applies an equal tax to such products from Puerto Rico or the U.S. Virgin Islands imported into the United States, but that section also requires the return of most of the taxes collected on such products to the treasuries of the two governments. Under its IRC authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 parts 26, 27, and 28 require persons exporting or importing alcohol beverages from Puerto Rico and the U.S. Virgin Islands to file certain letterhead applications and notices, and to keep certain records, regarding such activities. The collected information is necessary to protect the revenue and ensure compliance with Federal laws and regulations. For alcohol beverages exported or imported from Puerto Rico or the U.S. Virgin Islands, the required information allows TTB to trace shipments of such products, verify excise tax payments and claims for refunds, and calculate payments due to the treasuries of Puerto Rico and the U.S. Virgin Islands.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 20.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 20.

Estimated Time per Response: 9 hours.

Estimated Total Annual Burden Hours: 180.

15. Title: Information Collected in Support of Small Producer's Wine Tax Credit (TTB REC 5120/11).

OMB Control Number: 1513–0104.

Type of Review: Extension without change of a currently approved collection.

Description: Under the Internal Revenue Code (IRC) at 26 U.S.C. 5041(c), certain small wine producers are eligible for a tax credit which may be taken to reduce the Federal excise tax they pay on wines (including hard ciders) removed from their premises during a calendar year. In addition, small producers can transfer their tax credit to other bonded wineries and bonded warehouses (''transferees'') that store their wine and ship it on their instructions. Under the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations, a transferee uses information provided by the small wine producer to take the appropriate tax credit on behalf of the producer, and the producer uses the information to monitor its own tax payments to ensure it does not exceed the authorized annual credit. TTB uses the collected information to protect the revenue and ensure compliance with Federal law and regulations. During field audits, TTB uses the collected information to verify excise tax computations, and to ensure that wines claimed for this credit were lawfully produced, stored, shipped, and transferred.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 280.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 2,800.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 2,800.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 24, 2019.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2019–13756 Filed 6–26–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Veterans Health Administration (VHA) Office of Community Care (OCC) Contractor Training Program Assessment Survey

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 26, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veterans Health Administration (VHA) Office of Community Care (OCC) Contractor Training Program Assessment Survey.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: The legal authority for this data collection is found under 38 U.S.C., Part I, Chapter 5, Section 527, authorizing the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is improved health care for Veterans. Further, pursuant to Section 122 of the MISSION Act of 2018, the VHA Office of Community Care (OCC) will use this data collection to improve its training program and report to Congress regarding the training program's effectiveness.

Section 122 of the MISSION Act of 2018 requires VA to develop and conduct a training program for VA employees and contractors on how to administer non-Department health care programs, reimbursement for non-Department emergency room care, and the management of prescriptions for opioids, as established under section 131. It also requires the VA to evaluate and report on the program annually. As part of this effort, the VHA OCC has developed a survey to assess its eLearning training modules with Patient-Centered Community Care (PC3) and Community Care Network contractors. The purpose of the survey is to evaluate and report the effectiveness of this training program for contractors. The results of the survey will allow OCC to refine and improve the various training modalities and associated materials for the most effective training program and provide an annual report to Congress.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,833 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One annually.

Estimated Number of Respondents: 23,000.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–13665 Filed 6–26–19; 8:45 am]

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FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production Residual Risk and Technology Review; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2019–0208; FRL–9995–23–OAR]

RIN 2060–AU17

National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Solvent Extraction for Vegetable Oil Production. The source category addressed in this action is the Solvent Extraction for Vegetable Oil Production source category. The EPA is proposing the results of the residual risk and technology review (RTR) that the EPA is required to conduct in accordance with the Clean Air Act (CAA). Based on the results of the EPA's risk review, the Agency is proposing that risk due to emissions of air toxics from this source category is acceptable and that the current NESHAP provides an ample margin of safety to protect public health. Under the technology review, the EPA is proposing there are no developments in practices, processes, or control technologies that necessitate revision of the standards. Therefore, the EPA is proposing no revisions to the numerical emission limits based on these analyses. However, the EPA is proposing to revise provisions pertaining to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic reporting of certain notifications and reports and performance test results; and make other minor clarifications and corrections. Although the proposed amendments would not result in reductions in emissions of hazardous air pollutants (HAP), if finalized, they would result in improved compliance and implementation of the rule.

DATES:

Comments. Comments must be received on or before August 12, 2019. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before July 29, 2019.

Public hearing. If anyone contacts us requesting a public hearing on or before July 2, 2019, we will hold a hearing. Additional information about the hearing, if requested, will be published in a subsequent **Federal Register** document and posted at *https://www.epa.gov/stationary-sources-air-pollution/solvent-extraction-vegetable-oil-production-national-emission.* See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2019–0208, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2019–0208 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2019–0208.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2019–0208, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mr. Bill Schrock, Natural Resources Group, Sector Policies and Programs Division (E143–03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5032; fax number: (919) 541–0516; and email address: *schrock.bill@epa.gov.* For specific information regarding the risk modeling methodology, contact Matthew Woody, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1535; fax number: (919) 541–0840; and email address: *woody.matthew@epa.gov.* For questions about monitoring and testing requirements, contact Brandon Little, Sector Policies and Programs Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4059; fax number: (919) 541–4991; and email address: *little.brandon@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Maria Malave, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, WJC South Building (Mail Code 2227A), 1200 Pennsylvania Avenue NW, Washington DC 20460; telephone number: (202) 564–7027; and email address: *malave.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public hearing. Please contact Ms. Virginia Hunt at (919) 541–0632 or by email at *hunt.virginia@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2019–0208. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* CBI (Confidential Business Information) 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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2019–0208. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless

the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. 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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2019–0208.

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AEGL acute exposure guideline level
AERMOD air dispersion model used by the HEM–3 model
BACT Best Available Control Technology
CAA Clean Air Act
CalEPA California EPA
CBI Confidential Business Information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guideline
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model, Version 1.1.0
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
IRIS Integrated Risk Information System
km kilometer
LAER Lowest Achievable Emission Rate
MACT maximum achievable control technology
mg/kg-day milligrams per kilogram per day
mg/m^3 milligrams per cubic meter
MIR maximum individual risk
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NOPA National Oil Producers Association
NSR New Source Review
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
PDF portable document format
ppm parts per million
QA quality assurance
RACT Reasonably Available Control Technology
RBLC RACT/BACT/LAER Clearinghouse
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RfD reference dose
RTR residual risk and technology review
SAB Science Advisory Board
SSM startup, shutdown, and malfunction
TOSHI target organ-specific hazard index
tpy tons per year
TRIM.FaTE Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure model
UF uncertainty factor
$\mu g/m^3$ microgram per cubic meter
UMRA Unfunded Mandates Reform Act
URE unit risk estimate
VCS voluntary consensus standards

Organization of this document. The information in this preamble is organized as follows:

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I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source categories that are the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities would not be affected by this proposed action. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (see EPA–450/3–91–030, July 1992) as the ''Vegetable Oil Production'' source category, and subsequently revised to the ''Solvent Extraction for Vegetable Oil Production'' source category (66 FR 8220, January 30, 2001) is defined as any facility engaged in producing crude vegetable oil and meal products by removing oil from listed oilseeds through direct contact with an organic solvent. The term ''oilseed'' refers to the following agricultural products: Corn germ, cottonseed, flax, peanut, safflower, soybean, sunflower, and rapeseed (source of canola oil).

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category	NESHAP	NAICS code [1]
Flour Milling	Solvent Extraction for Vegetable Oil Production	311211
Wet Corn Milling		311221
Fats and Oils Refining and Blending		311225
Other Animal Food Manufacturing		311119
Soybean and Other Oilseed Processing		311224
Fats and Oils Refining and Blending		311225

[1] North American Industry Classification System.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/solvent-extraction-vegetable-oil-production-national-emission*. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website. Information on the overall RTR program is available at *http://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2019–0208).

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of HAP from stationary sources. Generally, the first stage involves establishing technology-based standards and the second stage involves evaluating those standards that are based on maximum achievable control technology (MACT) to determine whether additional standards are needed to address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the ''residual risk review.'' In addition to the residual risk review, the CAA also requires the EPA to review standards set under CAA section 112 every 8 years to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into the standards. This review is commonly referred to as the ''technology review.'' When the two reviews are combined into a single rulemaking, it is commonly referred to as the ''risk and technology review.'' The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements. A more comprehensive discussion appears in the document titled *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology,* in the docket for this rulemaking.

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major sources'' are those that emit or have the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor.'' The EPA must also consider control options that are more stringent

than the floor. Standards more stringent than the floor are commonly referred to as beyond-the-floor standards. In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards where it is not feasible to prescribe or enforce a numerical emission standard. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

The second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk according to CAA section 112(f). For source categories subject to MACT standards, section 112(f)(2) of the CAA requires the EPA to determine whether promulgation of additional standards is needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. Section 112(f)(2)(B) of the CAA further expressly preserves the EPA's use of the two-step approach for developing standards to address any residual risk and the Agency's interpretation of ''ample margin of safety'' developed in the *National Emissions Standards for Hazardous Air Pollutants: Benzene Emissions from Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke By-Product Recovery Plants* (Benzene NESHAP) (54 FR 38044, September 14, 1989). The EPA notified Congress in the Risk Report that the Agency intended to use the Benzene NESHAP approach in making CAA section 112(f) residual risk determinations (EPA–453/R–99–001, p. ES–11). The EPA subsequently adopted this approach in its residual risk determinations and the United States Court of Appeals for the District of Columbia Circuit (the Court) upheld the EPA's interpretation that CAA section 112(f)(2) incorporates the approach established in the Benzene NESHAP. See *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008).

The approach incorporated into the CAA and used by the EPA to evaluate residual risk and to develop standards under CAA section 112(f)(2) is a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR) [1] of approximately 1 in 10 thousand.'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety to protect public health ''in consideration of all health information, including the number of persons at risk levels higher than approximately 1 in 1 million, as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

CAA section 112(d)(6) separately requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years. In conducting this review, which we call the ''technology review,'' the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

B. What is this source category and how does the current NESHAP regulate its HAP emissions?

The current NESHAP for the Solvent Extraction for Vegetable Oil Production source category was promulgated on April 12, 2001 (66 FR 19006), and codified at 40 CFR part 63, subpart GGGG. As promulgated in 2001 and further amended on April 5, 2002 (67 FR 16317), and September 1, 2004 (69 FR 53338), the NESHAP regulates HAP emissions from solvent extraction for vegetable oil production processes at a facility that is a major source of HAP emissions. The affected source is each vegetable oil production process. A vegetable oil production process means the equipment comprising a continuous process for producing crude vegetable oil and meal products, including specialty soybean products, in which oil is removed from oilseeds listed in Table 1 of 40 CFR 63.2840 through direct contact with an organic solvent. Process equipment typically includes the following components: Oilseed preparation operations (including conditioning, drying, dehulling, and cracking), solvent extractors, desolventizer-toasters, meal dryers, meal coolers, meal conveyor systems, oil distillation units, solvent evaporators and condensers, solvent recovery system (also referred to as a mineral oil absorption system), vessels storing solvent-laden materials, and crude meal packaging and storage vessels. A vegetable oil production process does not include vegetable oil refining operations (including operations such as bleaching, hydrogenation, and deodorizing) and operations that engage in additional chemical treatment of crude soybean meals produced in specialty desolventizer units (including operations such as soybean isolate production).

The primary HAP emitted from vegetable oil production processes is n-hexane. The EPA does not consider n-hexane classifiable as a human carcinogen. However, short-term exposure to n-hexane can cause reactions such as irritations, dizziness, headaches, and nausea. Long-term exposure can cause permanent nerve damage.

The current NESHAP restricts facility-wide n-hexane emissions by setting emission limitations based on the number of gallons of HAP lost per ton of oilseeds processed, expressed as oilseed solvent loss ratios. Facilities demonstrate compliance by calculating a compliance ratio comparing the actual HAP loss to the allowable HAP loss for the previous 12 operating months. Allowable HAP loss is based on the oilseed solvent loss ratios provided in Table 1 of 40 CFR 63.2840 of the rule for new and existing sources. Compliance is demonstrated when the facility's calculated compliance ratio is less than 1 (*i.e.,* the actual HAP loss is less than the calculated allowable HAP loss). Determination of compliance with the requirements of the Solvent Extraction for Vegetable Oil Production NESHAP requires the facility to keep records of the amount of n-hexane purchased, used, and recovered from the oilseed extraction process, the amount of oilseed processed, and the volume fraction of each HAP exceeding 1 percent in the extraction solvent used.

[1] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

Facilities may also adjust their solvent loss to account for cases where solvent is routed through a closed vent system to a control device that is used to reduce emissions to meet the standard.

Based on our search of the National Emission Inventory (NEI), the EPA's Enforcement and Compliance History Online (ECHO) database (*https://www.echo.epa.gov/*), and consultation with industry representatives and EPA Regional offices, as of August 2018, there are 89 vegetable oil production facilities in operation and subject to the Solvent Extraction for Vegetable Oil Production NESHAP. A complete list of facilities that are currently subject to the Solvent Extraction for Vegetable Oil Production NESHAP is available in Appendix A of the memorandum, *Residual Risk Modeling File Documentation for the Solvent Extraction for Vegetable Oil Production Source Category,* which is available in Docket ID No. EPA–HQ–OAR–2019–0208.

C. What data collection activities were conducted to support this action?

The EPA used several means to collect the information necessary to conduct the residual risk assessment and technology review for the Solvent Extraction for Vegetable Oil Production source category. To confirm whether facilities identified as potentially subject to the NESHAP were, in fact, subject to the standards, we reviewed compliance data in the EPA's ECHO database and requested air operating permits from various state and local agencies and EPA Regional offices. Additional Web searches (online news articles, company and trade organization websites, and review of Google Earth® satellite and street view imagery) were conducted to verify facility acquisition or closure. After developing our list of affected facilities, the status of these facilities was confirmed in consultation with the National Oil Producers Association (NOPA). The EPA conducted site visits at two facilities and conducted calls with NOPA representatives and member facilities regarding the facilities' production process and emission sources, available emissions data and emissions estimates, measures used to control emissions, and other aspects of facility operations. The facility-specific information from state and local agencies and companies with affected facilities provided support for this action's risk and technology reviews.

D. What other relevant background information and data are available?

The EPA used multiple sources of information to support this proposed action. Before developing the list of affected facilities described in section II.C of this preamble, the EPA's ECHO database was used as a tool to identify potentially affected facilities with vegetable oil production operations using solvent extraction that are subject to the NESHAP. The ECHO database provides integrated compliance and enforcement information for approximately 800,000 regulated facilities nationwide.

The 2011 and 2014 NEI databases provided facility-specific data and MACT category data that were used in developing the modeling file for the risk review. The NEI is a database that contains information about sources that emit criteria air pollutants, their precursors, and HAP. The database includes estimates of annual air pollutant emissions from point, nonpoint, and mobile sources in the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The EPA collects this information and releases an updated version of the NEI database every 3 years. The 2014 NEI was used because it was the most recent version available; 2011 NEI data was used to supplement the information in the 2014 NEI (*e.g.,* if a facility reported hexane loss as volatile organic compounds (VOC) in the 2014 NEI and as HAP in the 2011 NEI). The NEI includes information necessary for conducting risk modeling, including annual HAP emissions estimates from individual emission points at facilities and the related emissions release parameters. The EPA also consulted the 2014 Toxics Release Inventory (TRI) database for assessment of facility-specific data for development of the modeling file. The TRI database is a regularly updated dataset encompassing over 30 years of information. The TRI compiles reported annual air pollutant emissions from U.S. facilities from 30 industrial sectors and provides information about toxic chemical releases and pollution prevention activities reported by individual industrial and Federal facilities. The EPA collects the reported information, conducts data quality checks, and provides the information to the public through several internet-based tools and applications. The TRI provides individual HAP emissions estimates on a facility-level basis.

In conducting the technology review, we examined state air operating permits and related documentation, including permit applications, supporting documents and inventories, and consent decrees. We also reviewed information in the Reasonably Available Control Technology (RACT)/Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Clearinghouse (RBLC) to identify technologies in use and determine if there have been developments in practices, processes, or control technologies. The RBLC is a database that contains case-specific information of air pollution technologies that have been required to reduce the emissions of air pollutants from stationary sources. Under the EPA's New Source Review (NSR) program, if a facility is planning new construction or a modification that will increase the air emissions by a large amount, an NSR permit must be obtained. This central database promotes the sharing of information among permitting agencies and aids in case-by-case determinations for NSR permits.

The EPA also reviewed other information sources to determine if there have been developments in practices, processes, or control technologies in the Solvent Extraction for Vegetable Oil Production source category. We reviewed regulatory actions for emission sources similar to those included in the Solvent Extraction for Vegetable Oil Production source category, including sources engaged in solvent use and recovery operations, and conducted a review of literature published by industry organizations, technical journals, and government organizations.

III. Analytical Procedures and Decision-Making

In this section, we describe the analyses performed to support the proposed decisions for the RTR and other issues addressed in this proposal.

A. How do we consider risk in our decision-making?

As discussed in section II.A of this preamble and in the Benzene NESHAP, in evaluating and developing standards under CAA section 112(f)(2), we apply a two-step approach to determine whether or not risks are acceptable and to determine if the standards provide an ample margin of safety to protect public health. As explained in the Benzene NESHAP, ''the first step judgment on acceptability cannot be reduced to any single factor'' and, thus, ''[t]he Administrator believes that the acceptability of risk under section 112 is best judged on the basis of a broad set of health risk measures and information.'' 54 FR 38046, September 14, 1989. Similarly, with regard to the

ample margin of safety determination, ''the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including cost and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.'' *Id.*

The Benzene NESHAP approach provides flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of the MIR posed by the HAP emissions from each source in the source category, the hazard index (HI) for chronic exposures to HAP with the potential to cause noncancer health effects, and the hazard quotient (HQ) for acute exposures to HAP with the potential to cause noncancer health effects.[2] The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The scope of the EPA's risk analysis is consistent with the EPA's response to comments on our policy under the Benzene NESHAP where the EPA explained that:

> [t]he policy chosen by the Administrator permits consideration of multiple measures of health risk. Not only can the MIR figure be considered, but also incidence, the presence of non-cancer health effects, and the uncertainties of the risk estimates. In this way, the effect on the most exposed individuals can be reviewed as well as the impact on the general public. These factors can then be weighed in each individual case. This approach complies with the *Vinyl Chloride* mandate that the Administrator ascertain an acceptable level of risk to the public by employing his expertise to assess available data. It also complies with the Congressional intent behind the CAA, which did not exclude the use of any particular measure of public health risk from the EPA's consideration with respect to CAA section 112 regulations, and thereby implicitly permits consideration of any and all measures of health risk which the Administrator, in his judgment, believes are appropriate to determining what will 'protect the public health'.''

See 54 FR 38057, September 14, 1989. Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risk. The Benzene NESHAP explained that ''an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.'' *Id.* at 38045. Similarly, with regard to the ample margin of safety analysis, the EPA stated in the Benzene NESHAP that: ''EPA believes the relative weight of the many factors that can be considered in selecting an ample margin of safety can only be determined for each specific source category. This occurs mainly because technological and economic factors (along with the health-related factors) vary from source category to source category.'' *Id.* at 38061. We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.

The EPA notes that it has not considered certain health information to date in making residual risk determinations. At this time, we do not attempt to quantify the HAP risk that may be associated with emissions from other facilities that do not include the source category under review, mobile source emissions, natural source emissions, persistent environmental pollution, or atmospheric transformation in the vicinity of the sources in the category.

The EPA understands the potential importance of considering an individual's total exposure to HAP in addition to considering exposure to HAP emissions from the source category and facility. We recognize that such consideration may be particularly important when assessing noncancer risk, where pollutant-specific exposure health reference levels (*e.g.,* reference concentrations (RfCs)) are based on the assumption that thresholds exist for adverse health effects. For example, the EPA recognizes that, although exposures attributable to emissions from a source category or facility alone may not indicate the potential for increased risk of adverse noncancer health effects in a population, the exposures resulting from emissions from the facility in combination with emissions from all of the other sources (*e.g.,* other facilities) to which an individual is exposed may be sufficient to result in an increased risk of adverse noncancer health effects. In May 2010, the Science Advisory Board (SAB) advised the EPA ''that RTR assessments will be most useful to decision makers and communities if results are presented in the broader context of aggregate and cumulative risks, including background concentrations and contributions from other sources in the area.'' [3]

In response to the SAB recommendations, the EPA incorporates cumulative risk analyses into its RTR risk assessments, including those reflected in this proposal. The Agency (1) conducts facility-wide assessments, which include source category emission points, as well as other emission points within the facilities; (2) combines exposures from multiple sources in the same category that could affect the same individuals; and (3) for some persistent and bioaccumulative pollutants, analyzes the ingestion route of exposure. In addition, the RTR risk assessments consider aggregate cancer risk from all carcinogens and aggregated noncancer HQs for all noncarcinogens affecting the same target organ or target organ system.

Although the EPA is interested in placing source category and facility-wide HAP risk in the context of total HAP risk from all sources combined in the vicinity of each source, the EPA is concerned about the uncertainties of doing so. Estimates of total HAP risk from emission sources other than those that we have studied in depth during this RTR review would have significantly greater associated uncertainties than the source category or facility-wide estimates. Such aggregate or cumulative assessments would compound those uncertainties, making the assessments too unreliable.

B. How do we perform the technology review?

Our technology review focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. Where we identify such developments, we analyze their technical feasibility, estimated costs, energy implications, and non-air environmental impacts. We also consider the emission reductions associated with applying each development. This analysis informs our decision of whether it is ''necessary'' to revise the emissions standards. In

[2] The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential HAP exposure concentration to the noncancer dose-response value; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

[3] Recommendations of the SAB Risk and Technology Review (RTR) Methods Panel are provided in their report, which is available at: *https://yosemite.epa.gov/sab/sabproduct.nsf/4AB3966E263D943A8525771F00668381/$File/EPA-SAB-10-007-unsigned.pdf.*

addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed and last updated the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. See sections II.C and II.D of this preamble for information on the specific data sources that were reviewed as part of the technology review.

C. How do we estimate post-MACT risk posed by the source category?

In this section, we provide a complete description of the types of analyses that we generally perform during the risk assessment process. In some cases, we do not perform a specific analysis because it is not relevant. For example, in the absence of emissions of HAP known to be persistent and bioaccumulative in the environment (PB–HAP), we would not perform a multipathway exposure assessment. Where we do not perform an analysis, we state that we do not and provide the reason. While we present all of our risk assessment methods, we only present risk assessment results for the analyses actually conducted (see section IV.A of this preamble).

The EPA conducts a risk assessment that provides estimates of the MIR for cancer posed by the HAP emissions from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, and the HQ for acute exposures to HAP with the potential to cause noncancer health effects. The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The seven sections that follow this paragraph describe how we estimated emissions and conducted the risk assessment. The docket for this rulemaking contains the following document which provides more information on the risk assessment inputs and models: *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule.* The methods used to assess risk (as described in the seven primary steps below) are consistent with those described by the EPA in the document reviewed by a panel of the EPA's SAB in 2009; [4] and described in the SAB review report issued in 2010. They are also consistent with the key recommendations contained in that report.

1. How did we estimate actual emissions and identify the emissions release characteristics?

Data for 93 vegetable oil production process lines at 88 facilities were used to create the RTR emissions dataset as described in sections II.C and II.D of this preamble. We identified one additional vegetable oil production process line at one newly constructed facility, which did not begin operations until January 2018. At the time of the development of the RTR emissions dataset, emissions data were not available for the new facility, therefore, only 88 of 89 known facilities are included. The emission sources included in the RTR emissions dataset are the collection of oilseed preparation operations (including conditioning, drying, dehulling, and cracking), solvent extractors, desolventizer-toasters, meal dryers, meal coolers, meal conveyor systems, oil distillation units, solvent evaporators and condensers, solvent recovery systems (also referred to as mineral oil absorption systems), vessels storing solvent-laden materials, and crude meal packaging and storage vessels, which are the primary HAP emission sources at vegetable oil production facilities and currently regulated by the NESHAP.

As stated in section II.B of this preamble, the primary HAP emitted from these emissions sources is n-hexane, which accounts for 99.9 percent of emissions from the source category. For nine facilities, the facility data reported to the NEI from these emissions sources was reported as VOC instead of n-hexane. For these facilities, the reported VOC emissions were assumed as 100- percent n-hexane. We made this assumption to provide a conservative estimate of risk, as the n-hexane content of most commercially available solvents is generally 64 percent (with remaining content composed of non-HAP materials). For a very small number of facilities (six), emissions of additional HAP, including acrolein, acetaldehyde, formaldehyde, and methanol, appeared to exhaust from emission points within the source category. Although these HAP are not used in or a result of solvent extraction and are likely from collocated ethanol processing facilities, oilseed conditioning, vegetable oil refining, or chemical treatment operations (such as bleaching, hydrogenation, or deodorizing processes) that exhaust through similar stacks, we could not definitively determine whether they should be excluded from the Solvent Extraction for Vegetable Oil Production source category. Because they could not be easily separated from the source category emissions for modeling purposes, we included these HAP in the modeling file to provide a conservative estimate of risk.

Actual emission estimates for the vegetable oil production process equipment at the 88 affected facilities included in the dataset were based on 2011 and 2014 NEI data, 2014 TRI data, and inventories provided by individual facilities. Actual emission rates were provided separately for one facility (Cargill Corn Milling North America—Blair, Nebraska), due to discrepancies in the data reported to the NEI, and were based on facility testing and emission inventory data. Stack parameter data provided in the 2014 NEI, in addition to information identified from facility permits and associated documents, was used to assign actual emissions separately for these emission sources to individual emission release points (either as stack points or as fugitive emissions). For each emission release point, emissions release characteristic data such as emission release height, diameter, temperature, velocity, flow rate, and locational latitude/longitude coordinates were identified. The RTR emissions dataset also includes

[4] U.S. EPA. *Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board with Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing,* June 2009. EPA–452/R–09–006. *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.*

emissions reported as complete process solvent loss, which represent the facility's combined n-hexane emissions, and were reported to the NEI or TRI as a single emissions release point (either fugitive or stack emissions). Because facilities in the source category typically vent their process units to a solvent recovery system for n-hexane recovery, the RTR database retains these emissions as emitted from either a single stack or fugitive point. Where site-specific information was incomplete, the EPA estimated stack parameters and calculated industry averages using the available data, or assigned default parameter values based on MACT source category 2014 NEI information where there was insufficient information.

The EPA conducted a quality assurance (QA) check of source locations, emission release characteristics, and annual emissions estimates for all facilities. Additional details on the data and methods used to develop actual emissions estimates for the risk modeling, including the EPA's QA review, are provided in the memorandum, *Residual Risk Modeling File Documentation for the Solvent Extraction for Vegetable Oil Production Source Category,* which is available in the docket for this action.

2. How did we estimate MACT-allowable emissions?

The available emissions data in the RTR emissions dataset include estimates of the mass of HAP emitted during a specified annual time period. These ''actual'' emission levels are often lower than the emission levels allowed under the requirements of the current MACT standards. The emissions allowed under the MACT standards are referred to as the ''MACT-allowable'' emissions. We discussed the consideration of both MACT-allowable and actual emissions in the final Coke Oven Batteries RTR (70 FR 19998–19999, April 15, 2005) and in the proposed and final Hazardous Organic NESHAP RTR (71 FR 34428, June 14, 2006, and 71 FR 76609, December 21, 2006, respectively). In those actions, we noted that assessing the risk at the MACT-allowable level is inherently reasonable since that risk reflects the maximum level facilities could emit and still comply with national emission standards. We also explained that it is reasonable to consider actual emissions, where such data are available, in both steps of the risk analysis, in accordance with the Benzene NESHAP approach. (54 FR 38044, September 14, 1989.)

The EPA determined annual MACT-allowable emissions by evaluating and estimating an average emissions multiplier for the industry. We reviewed permits for a subset of facilities in the source category to determine the permitted annual allowable emissions based on individual permit limits that demonstrated compliance with the MACT standard. The permitted annual allowable emissions for each facility were then compared to the actual annual emissions reported for each facility in the 2014 NEI to develop a ratio that reflects the current compliance margin for these facilities. The calculated ratio of permit allowable emissions to actual emissions is 3.139:1, so a multiplier of 3.139 was selected. We applied the multiplier to the actual emissions of the remaining facilities to estimate the allowable emissions for these facilities. We considered the estimated emissions multiplier a conservative estimate of MACT-allowable emissions as the reported actual emissions reflected only 20 to 30 percent of facilities' permitted emission rates, on average. Additionally, we note that the MACT annual-allowable emissions conservatively assume that all loss of n-hexane in the solvent extraction process is emitted to the atmosphere. However, we note that the solvent extraction process results in a portion of the solvent (less than 100 parts per million) remaining in the crushed seed meal. Therefore, the estimated allowable emissions likely reflect higher emissions than are emitted by the process.

3. How do we conduct dispersion modeling, determine inhalation exposures, and estimate individual and population inhalation risk?

Both long-term and short-term inhalation exposure concentrations and health risk from the source category addressed in this proposal were estimated using the Human Exposure Model (HEM–3).[5] The HEM–3 performs three primary risk assessment activities: (1) Conducting dispersion modeling to estimate the concentrations of HAP in ambient air, (2) estimating long-term and short-term inhalation exposures to individuals residing within 50 kilometers (km) of the modeled sources, and (3) estimating individual and population-level inhalation risk using the exposure estimates and quantitative dose-response information.

a. Dispersion Modeling

The air dispersion model AERMOD, used by the HEM–3 model, is one of the EPA's preferred models for assessing air pollutant concentrations from industrial facilities.[6] To perform the dispersion modeling and to develop the preliminary risk estimates, HEM–3 draws on three data libraries. The first is a library of meteorological data, which is used for dispersion calculations. This library includes 1 year (2016) of hourly surface and upper air observations from 824 meteorological stations, selected to provide coverage of the United States and Puerto Rico. A second library of United States Census Bureau census block[7] internal point locations and populations provides the basis of human exposure calculations (U.S. Census, 2010). In addition, for each census block, the census library includes the elevation and controlling hill height, which are also used in dispersion calculations. A third library of pollutant-specific dose-response values is used to estimate health risk. These are discussed below.

b. Risk From Chronic Exposure to HAP

In developing the risk assessment for chronic exposures, we use the estimated annual average ambient air concentrations of each HAP emitted by each source in the source category. The HAP air concentrations at each nearby census block centroid located within 50 km of the facility are a surrogate for the chronic inhalation exposure concentration for all the people who reside in that census block. A distance of 50 km is consistent with both the analysis supporting the 1989 Benzene NESHAP (54 FR 38044, September 14, 1989) and the limitations of Gaussian dispersion models, including AERMOD.

For each facility, we calculate the MIR as the cancer risk associated with a continuous lifetime (24 hours per day, 7 days per week, 52 weeks per year, 70 years) exposure to the maximum concentration at the centroid of each inhabited census block. We calculate individual cancer risk by multiplying the estimated lifetime exposure to the ambient concentration of each HAP (in micrograms per cubic meter ($\mu g/m^3$)) by its unit risk estimate (URE). The URE is an upper-bound estimate of an individual's incremental risk of contracting cancer over a lifetime of exposure to a concentration of 1 microgram of the pollutant per cubic meter of air. For residual risk

[5] For more information about HEM–3, go to *https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem.*

[6] U.S. EPA. *Revision to the Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions* (70 FR 68218, November 9, 2005).

[7] A census block is the smallest geographic area for which census statistics are tabulated.

assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available. In cases where new, scientifically credible dose-response values have been developed in a manner consistent with the EPA guidelines and have undergone a peer review process similar to that used by the EPA, we may use such dose-response values in place of, or in addition to, other values, if appropriate. The pollutant-specific dose-response values used to estimate health risk are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

To estimate individual lifetime cancer risks associated with exposure to HAP emissions from each facility in the source category, we sum the risks for each of the carcinogenic HAP [8] emitted by the modeled facility. We estimate cancer risk at every census block within 50 km of every facility in the source category. The MIR is the highest individual lifetime cancer risk estimated for any of those census blocks. In addition to calculating the MIR, we estimate the distribution of individual cancer risks for the source category by summing the number of individuals within 50 km of the sources whose estimated risk falls within a specified risk range. We also estimate annual cancer incidence by multiplying the estimated lifetime cancer risk at each census block by the number of people residing in that block, summing results for all of the census blocks, and then dividing this result by a 70-year lifetime.

To assess the risk of noncancer health effects from chronic exposure to HAP, we calculate either an HQ or a target organ-specific hazard index (TOSHI). We calculate an HQ when a single noncancer HAP is emitted. Where more than one noncancer HAP is emitted, we sum the HQ for each of the HAP that affects a common target organ or target organ system to obtain a TOSHI. The HQ is the estimated exposure divided by the chronic noncancer dose-response value, which is a value selected from one of several sources. The preferred chronic noncancer dose-response value is the EPA RfC, defined as ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime'' (*https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&vocabName=IRIS%20Glossary*). In cases where an RfC from the EPA's IRIS is not available or where the EPA determines that using a value other than the RfC is appropriate, the chronic noncancer dose-response value can be a value from the following prioritized sources, which define their dose-response values similarly to the EPA: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) Minimum Risk Level (*https://www.atsdr.cdc.gov/mrls/index.asp*); (2) the CalEPA Chronic Reference Exposure Level (REL) (*https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0*); or (3) as noted above, a scientifically credible dose-response value that has been developed in a manner consistent with the EPA guidelines and has undergone a peer review process similar to that used by the EPA. The pollutant-specific dose-response values used to estimate health risks are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

c. Risk From Acute Exposure to HAP That May Cause Health Effects Other Than Cancer

For each HAP for which appropriate acute inhalation dose-response values are available, the EPA also assesses the potential health risks due to acute exposure. For these assessments, the EPA makes conservative assumptions about emission rates, meteorology, and exposure location. In this proposed rulemaking, as part of our efforts to continually improve our methodologies to evaluate the risks that HAP emitted from categories of industrial sources pose to human health and the environment,[9] the EPA is revising our treatment of meteorological data to use reasonable worst-case air dispersion conditions in our acute risk screening assessments instead of worst-case air dispersion conditions. This revised treatment of meteorological data and the supporting rationale are described in more detail in *Residual Risk Assessment for the Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* and in Appendix 5 of the report: *Technical Support Document for Acute Risk Screening Assessment.* We will be applying this revision in RTR rulemakings proposed on or after June 3, 2019.

To assess the potential acute risk to the maximally exposed individual, we use the peak hourly emission rate for each emission point,[10] reasonable worst-case air dispersion conditions (*i.e.,* 99th percentile), and the point of highest off-site exposure. Specifically, we assume that peak emissions from the source category and reasonable worst-case air dispersion conditions co-occur and that a person is present at the point of maximum exposure.

To characterize the potential health risks associated with estimated acute inhalation exposures to a HAP, we generally use multiple acute dose-response values, including acute RELs, acute exposure guideline levels (AEGLs), and emergency response planning guidelines (ERPG) for 1-hour exposure durations), if available, to calculate acute HQs. The acute HQ is calculated by dividing the estimated acute exposure concentration by the acute dose-response value. For each HAP for which acute dose-response values are available, the EPA calculates acute HQs.

An acute REL is defined as ''the concentration level at or below which no adverse health effects are anticipated

[8] The EPA's 2005 *Guidelines for Carcinogen Risk Assessment* classifies carcinogens as: ''carcinogenic to humans,'' ''likely to be carcinogenic to humans,'' and ''suggestive evidence of carcinogenic potential.'' These classifications also coincide with the terms ''known carcinogen, probable carcinogen, and possible carcinogen,'' respectively, which are the terms advocated in the EPA's *Guidelines for Carcinogen Risk Assessment,* published in 1986 (51 FR 33992, *September 24, 1986).* In August 2000, the document, *Supplemental Guidance for Conducting Health Risk Assessment of Chemical Mixtures* (EPA/630/R–00/002), was published as a supplement to the 1986 document. Copies of both documents can be obtained from *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533&CFID=70315376&CFTOKEN=71597944.* Summing the risk of these individual compounds to obtain the cumulative cancer risk is an approach that was recommended by the EPA's SAB in their 2002 peer review of the EPA's National Air Toxics Assessment (NATA) titled *NATA—Evaluating the National-scale Air Toxics Assessment 1996 Data*—an SAB Advisory, available at *https://yosemite.epa.gov/sab/sabproduct.nsf/214C6E915BB04E14852570CA007A682C/$File/ecadv02001.pdf.*

[9] See, *e.g.,* U.S. EPA. *Screening Methodologies to Support Risk and Technology Reviews (RTR): A Case Study Analysis* (Draft Report, May 2017. *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html*).

[10] In the absence of hourly emission data, we develop estimates of maximum hourly emission rates by multiplying the average actual annual emissions rates by a factor (either a category-specific factor or a default factor of 10) to account for variability. This is documented in *Residual Risk Assessment for Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* and in Appendix 5 of the report: *Technical Support Document for Acute Risk Screening Assessment.* Both are available in the docket for this rulemaking.

for a specified exposure duration.'' [11] Acute RELs are based on the most sensitive, relevant, adverse health effect reported in the peer-reviewed medical and toxicological literature. They are designed to protect the most sensitive individuals in the population through the inclusion of margins of safety. Because margins of safety are incorporated to address data gaps and uncertainties, exceeding the REL does not automatically indicate an adverse health impact. AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposures ranging from 10 minutes to 8 hours.[12] They are guideline levels for ''once-in-a-lifetime, short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.'' *Id.* at 21. The AEGL–1 is specifically defined as ''the airborne concentration (expressed as ppm (parts per million) or mg/m^3 (milligrams per cubic meter)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' The document also notes that ''Airborne concentrations below AEGL–1 represent exposure levels that can produce mild and progressively increasing but transient and nondisabling odor, taste, and sensory irritation or certain asymptomatic, nonsensory effects.'' *Id.* AEGL–2 are defined as ''the airborne concentration (expressed as parts per million or milligrams per cubic meter) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or an impaired ability to escape.'' *Id.*

ERPGs are ''developed for emergency planning and are intended as health-based guideline concentrations for single exposures to chemicals.'' [13] *Id.* at 1. The ERPG–1 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing other than mild transient adverse health effects or without perceiving a clearly defined, objectionable odor.'' *Id.* at 2. Similarly, the ERPG–2 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action.'' *Id.* at 1.

An acute REL for 1-hour exposure durations is typically lower than its corresponding AEGL–1 and ERPG–1. Even though their definitions are slightly different, AEGL–1s are often the same as the corresponding ERPG–1s, and AEGL–2s are often equal to ERPG–2s. The maximum HQs from our acute inhalation screening risk assessment typically result when we use the acute REL for a HAP. In cases where the maximum acute HQ exceeds 1, we also report the HQ based on the next highest acute dose-response value (usually the AEGL–1 and/or the ERPG–1).

For this source category, the EPA estimated peak, short-term emissions using the available annual emissions data from the NEI. In previous RTR rulemakings, the EPA has assumed that a facility's peak, 1-hour emission rate could exceed its annual average hourly emission rate by as much as a factor of 10, accounting for process variability, less-than-full-time operations, and other factors.[14] Because we had no information indicating that peak emissions were lower, we chose to use a default multiplier of 10 to estimate acute emissions from the Solvent Extraction for Vegetable Oil Production source category. Acute emissions values were calculated by multiplying the actual emissions by 10.

In our acute inhalation screening risk assessment, acute impacts are deemed negligible for HAP for which acute HQs are less than or equal to 1, and no further analysis is performed for these HAP. In cases where an acute HQ from the screening step is greater than 1, we assess the site-specific data to ensure that the acute HQ is at an off-site location. For this source category, the data refinements employed consisted of ensuring the locations where the maximum HQ occurred were off facility property and where the public could potentially be exposed. These refinements are discussed more fully in the *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule,* which is available in the docket for this source category.

4. How do we conduct the multipathway exposure and risk screening assessment?

The EPA conducts a tiered screening assessment examining the potential for significant human health risks due to exposures via routes other than inhalation (*i.e.,* ingestion). We first determine whether any sources in the source category emit any PB–HAP, as identified in the EPA's Air Toxics Risk Assessment Library (See Volume 1, Appendix D, at *https://www2.epa.gov/fera/risk-assessment-and-modeling-air-toxics-risk-assessment-reference-library.*

For the Solvent Extraction for Vegetable Oil Production source category, we did not identify emissions of any PB–HAP. Because we did not identify PB–HAP emissions, no further evaluation of multipathway risk was conducted for this source category.

For further information on the multipathway assessment approach, see the *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the Risk and Technology Review 2018 Proposed Rule,* which is available in the docket for this action.

5. How do we conduct the environmental risk screening assessment?

The EPA conducts a screening assessment to examine the potential for an adverse environmental effect as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines ''adverse environmental effect'' as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

[11] CalEPA issues acute RELs as part of its Air Toxics Hot Spots Program, and the 1-hour and 8-hour values are documented in *Air Toxics Hot Spots Program Risk Assessment Guidelines, Part I, The Determination of Acute Reference Exposure Levels for Airborne Toxicants,* which is available at *https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.*

[12] National Academy of Sciences, 2001. *Standing Operating Procedures for Developing Acute Exposure Levels for Hazardous Chemicals,* page 2. Available at *https://www.epa.gov/sites/production/files/2015–09/documents/sop_final_standing_operating_procedures_2001.pdf.* Note that the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances ended in October 2011, but the AEGL program continues to operate at the EPA and works with the National Academies to publish final AEGLs *(https://www.epa.gov/aegl).*

[13] ERPGS Procedures and Responsibilities. March 2014. American Industrial Hygiene Association. Available at: *https://www.aiha.org/get-involved/AIHAGuidelineFoundation/EmergencyResponsePlanningGuidelines/Documents/ERPG%20Committee%20Standard%20Operating%20Procedures%20%20-%20March%202014%20Revision%20%28Updated%2010–2–2014%29.pdf.*

[14] This is documented in *Residual Risk Assessment for Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* and in Appendix 5 of the report: *Technical Support Document for Acute Risk Screening Assessment.* Both are available in the docket for this rulemaking.

The EPA focuses on eight HAP, which are referred to as ''environmental HAP,'' in its screening assessment: Six PB–HAP and two acid gases. The PB–HAP included in the screening assessment are arsenic compounds, cadmium compounds, dioxins/furans, polycyclic organic matter, mercury (both inorganic mercury and methyl mercury), and lead compounds. The acid gases included in the screening assessment are hydrochloric acid (HCl) and hydrogen fluoride (HF).

HAP that persist and bioaccumulate are of particular environmental concern because they accumulate in the soil, sediment, and water. The acid gases, HCl and HF, are included due to their well-documented potential to cause direct damage to terrestrial plants. For the Solvent Extraction for Vegetable Oil Production source category, we did not identify emissions of any environmental HAP. Because we did not identify environmental HAP emissions, no further evaluation of environmental risk was conducted for this source category.

6. How do we conduct facility-wide assessments?

To put the source category risks in context, we typically examine the risks from the entire ''facility,'' where the facility includes all HAP-emitting operations within a contiguous area and under common control. In other words, we examine the HAP emissions not only from the source category emission points of interest, but also emissions of HAP from all other emission sources at the facility for which we have data.

For this source category, we conducted the facility-wide assessment using a dataset that the EPA compiled from the 2014 NEI. We used the NEI data for the facility and did not adjust any category or ''non-category'' data. Therefore, there could be differences in the dataset from that used for the source category assessments described in this preamble. We analyzed risks due to the inhalation of HAP that are emitted ''facility-wide'' for the populations residing within 50 km of each facility, consistent with the methods used for the source category analysis described above. For these facility-wide risk analyses, we made a reasonable attempt to identify the source category risks, and these risks were compared to the facility-wide risks to determine the portion of facility-wide risks that could be attributed to the source category addressed in this proposal. We also specifically examined the facility that was associated with the highest estimate of risk and determined the percentage of that risk attributable to the source category of interest. The *Residual Risk Assessment for* the *Solvent Extraction for Vegetable Oil Production Source Category in Support of the Risk and Technology Review 2019 Proposed Rule,* available through the docket for this action, provides the methodology and results of the facility-wide analyses, including all facility-wide risks and the percentage of source category contribution to facility-wide risks.

7. How do we consider uncertainties in risk assessment?

Uncertainty and the potential for bias are inherent in all risk assessments, including those performed for this proposal. Although uncertainty exists, we believe that our approach, which used conservative tools and assumptions, ensures that our decisions are health and environmentally protective. A brief discussion of the uncertainties in the RTR emissions dataset, dispersion modeling, inhalation exposure estimates, and dose-response relationships follows below. Also included are those uncertainties specific to our acute screening assessments, multipathway screening assessments, and our environmental risk screening assessments. A more thorough discussion of these uncertainties is included in the *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the Risk and Technology Review 2019 Proposed Rule,* which is available in the docket for this action. If a multipathway site-specific assessment was performed for this source category, a full discussion of the uncertainties associated with that assessment can be found in Appendix 11 of that document, *Site-Specific Human Health Multipathway Residual Risk Assessment Report.*

a. Uncertainties in the RTR Emissions Dataset

Although the development of the RTR emissions dataset involved QA/quality control processes, the accuracy of emissions values will vary depending on the source of the data, the degree to which data are incomplete or missing, the degree to which assumptions made to complete the datasets are accurate, errors in emission estimates, and other factors. The emission estimates considered in this analysis generally are annual totals for certain years, and they do not reflect short-term fluctuations during the course of a year or variations from year to year. The estimates of peak hourly emission rates for the acute effects screening assessment were based on an emission adjustment factor applied to the average annual hourly emission rates, which are intended to account for emission fluctuations due to normal facility operations.

b. Uncertainties in Dispersion Modeling

We recognize there is uncertainty in ambient concentration estimates associated with any model, including the EPA's recommended regulatory dispersion model, AERMOD. In using a model to estimate ambient pollutant concentrations, the user chooses certain options to apply. For RTR assessments, we select some model options that have the potential to overestimate ambient air concentrations (*e.g.,* not including plume depletion or pollutant transformation). We select other model options that have the potential to underestimate ambient impacts (*e.g.,* not including building downwash). Other options that we select have the potential to either under- or overestimate ambient levels (*e.g.,* meteorology and receptor locations). On balance, considering the directional nature of the uncertainties commonly present in ambient concentrations estimated by dispersion models, the approach we apply in the RTR assessments should yield unbiased estimates of ambient HAP concentrations. We also note that the selection of meteorology dataset location could have an impact on the risk estimates. As we continue to update and expand our library of meteorological station data used in our risk assessments, we expect to reduce this variability.

c. Uncertainties in Inhalation Exposure Assessment

Although every effort is made to identify all of the relevant facilities and emission points, as well as to develop accurate estimates of the annual emission rates for all relevant HAP, the uncertainties in our emission inventory likely dominate the uncertainties in the exposure assessment. Some uncertainties in our exposure assessment include human mobility, using the centroid of each census block, assuming lifetime exposure, and assuming only outdoor exposures. For most of these factors, there is neither an under nor overestimate when looking at the maximum individual risk or the incidence, but the shape of the distribution of risks may be affected. With respect to outdoor exposures, actual exposures may not be as high if people spend time indoors, especially for very reactive pollutants or larger particles. For all factors, we reduce uncertainty when possible. For example, with respect to census-block centroids, we analyze large blocks using aerial imagery and adjust locations of the block centroids to better represent

the population in the blocks. We also add additional receptor locations where the population of a block is not well represented by a single location.

d. Uncertainties in Dose-Response Relationships

There are uncertainties inherent in the development of the dose-response values used in our risk assessments for cancer effects from chronic exposures and noncancer effects from both chronic and acute exposures. Some uncertainties are generally expressed quantitatively, and others are generally expressed in qualitative terms. We note, as a preface to this discussion, a point on dose-response uncertainty that is stated in the EPA's *2005 Guidelines for Carcinogen Risk Assessment;* namely, that ''the primary goal of EPA actions is protection of human health; accordingly, as an Agency policy, risk assessment procedures, including default options that are used in the absence of scientific data to the contrary, should be health protective'' (EPA's *2005 Guidelines for Carcinogen Risk Assessment,* page 1–7). This is the approach followed here as summarized in the next paragraphs.

Cancer UREs used in our risk assessments are those that have been developed to generally provide an upper bound estimate of risk.[15] That is, they represent a ''plausible upper limit to the true value of a quantity'' (although this is usually not a true statistical confidence limit). In some circumstances, the true risk could be as low as zero; however, in other circumstances the risk could be greater.[16] Chronic noncancer RfC and reference dose (RfD) values represent chronic exposure levels that are intended to be health-protective levels. To derive dose-response values that are intended to be ''without appreciable risk,'' the methodology relies upon an uncertainty factor (UF) approach,[17] which considers uncertainty, variability, and gaps in the available data. The UFs are applied to derive dose-response values that are intended to protect against appreciable risk of deleterious effects.

Many of the UFs used to account for variability and uncertainty in the development of acute dose-response values are quite similar to those developed for chronic durations. Additional adjustments are often applied to account for uncertainty in extrapolation from observations at one exposure duration (*e.g.,* 4 hours) to derive an acute dose-response value at another exposure duration (*e.g.,* 1 hour). Not all acute dose-response values are developed for the same purpose, and care must be taken when interpreting the results of an acute assessment of human health effects relative to the dose-response value or values being exceeded. Where relevant to the estimated exposures, the lack of acute dose-response values at different levels of severity should be factored into the risk characterization as potential uncertainties.

Uncertainty also exists in the selection of ecological benchmarks for the environmental risk screening assessment. We established a hierarchy of preferred benchmark sources to allow selection of benchmarks for each environmental HAP at each ecological assessment endpoint. We searched for benchmarks for three effect levels (*i.e.,* no-effects level, threshold-effect level, and probable effect level), but not all combinations of ecological assessment/environmental HAP had benchmarks for all three effect levels. Where multiple effect levels were available for a particular HAP and assessment endpoint, we used all of the available effect levels to help us determine whether risk exists and whether the risk could be considered significant and widespread.

For a group of compounds that are unspeciated (*e.g.,* glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.,* ethylene glycol diethyl ether) that does not have a specified dose-response value, we also apply the most protective dose-response value from the other compounds in the group to estimate risk.

e. Uncertainties in Acute Inhalation Screening Assessments

In addition to the uncertainties highlighted above, there are several factors specific to the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA. The accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of a person. In the acute screening assessment that we conduct under the RTR program, we assume that peak emissions from the source category and reasonable worst-case air dispersion conditions (*i.e.,* 99th percentile) co-occur. We then include the additional assumption that a person is located at this point at the same time. Together, these assumptions represent a reasonable worst-case exposure scenario. In most cases, it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and reasonable worst-case air dispersion conditions occur simultaneously.

IV. Analytical Results and Proposed Decisions

A. What are the results of the risk assessment and analyses?

As described above, for the Solvent Extraction for Vegetable Oil Production source category, we conducted an inhalation risk assessment for all HAP emitted. We present results of the risk assessment briefly below and in more detail in the *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule,* which is available in the docket for this action.

1. Chronic Inhalation Risk Assessment Results

The results of the chronic baseline inhalation cancer risk assessment indicate that, based on estimates of current actual and allowable emissions, the MIR posed by the source category is less than 1-in-1 million. The total estimated cancer incidence based on actual emission levels is 0.00005 excess cancer cases per year, or 1 case every 20,000 years, and for allowable emissions is 0.0002 excess cancer cases per year, or 1 case every 5,000 years driven by emissions of acetaldehyde and formaldehyde. The population exposed to cancer risks greater than or equal to 1-in-1 million considering actual and allowable emissions is 0 (see Table 2 of this preamble).

The maximum modeled chronic noncancer TOSHI for the source category based on actual emissions is estimated to be 0.7 and, for allowable emissions, is estimated to be 2, with n-hexane emissions accounting for the TOSHI. Approximately 13 people are estimated to have exposures resulting in

[15] IRIS glossary *(https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=IRIS%20Glossary).*

[16] An exception to this is the URE for benzene, which is considered to cover a range of values, each end of which is considered to be equally plausible, and which is based on maximum likelihood estimates.

[17] See *A Review of the Reference Dose and Reference Concentration Processes,* U.S. EPA, December 2002 available at*: https://www.epa.gov/sites/production/files/2014-12/documents/rfd-final.pdf,* and *Methods for Derivation of Inhalation Reference Concentrations and Application of Inhalation Dosimetry,* U.S. EPA, 1994 available at: *https://www.epa.gov/sites/production/files/2014-11/documents/rfc_methodology.pdf.*

a TOSHI greater than 1 if exposed to allowable emissions from this source category.

TABLE 2—SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]	Estimated population at increased risk of cancer ≥ 1-in-1 million	Estimated annual cancer incidence (cases per year)	Maximum chronic noncancer TOSHI [3]	Maximum screening acute noncancer HQ
88	Based on Actual Emissions Level				
	<1	0	0.00005	0.7 (n-hexane)	HQ_{REL} = 0.7 (acrolein).
	Based on Allowable Emissions Level				
	< 1	0	0.0002	2 (n-hexane)	N/A.

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.
[3] The target organ with the highest TOSHI for the Solvent Extraction for Vegetable Oil Production source category is the nervous system (neurocognitive and neurobehavioral effects).

2. Screening Level Acute Risk Assessment Results

As presented in Table 2 of this preamble, the acute exposures to emissions from the Solvent Extraction for Vegetable Oil Production source category result in a maximum HQ < 1 (0.7 based on the REL for acrolein). For more detail on the screening level acute risk assessment results, refer to the draft residual risk document: *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule,* which is available in the docket for this action.

3. Multipathway Risk Screening Results

For the Solvent Extraction for Vegetable Oil Production source category, we did not identify emissions of any PB–HAP. Because we did not identify PB–HAP emissions, no further evaluation of multipathway risk was conducted for this source category.

4. Environmental Risk Screening Results

For the Solvent Extraction for Vegetable Oil Production source category, we did not identify emissions of any environmental HAP. Because we did not identify environmental HAP emissions, no further evaluation of environmental risk was conducted for this source category.

5. Facility-Wide Risk Results

An assessment of facility-wide risks was performed as described above to characterize the source category risk in the context of facility-wide risks. Facility-wide risks were estimated using the NEI-based data described in section II.D of this preamble. The maximum lifetime individual cancer risk posed by the 88 facilities, based on facility-wide emissions, is 5-in-1 million with cadmium, nickel, arsenic, chromium (VI), and formaldehyde emissions from facility-wide external combustion boilers driving the risk. Regarding the noncancer risk assessment, the maximum chronic noncancer HI posed by facility-wide emissions is estimated to be 0.7 (for the nervous system) driven by source category n-hexane emissions.

6. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Solvent Extraction for Vegetable Oil Production source category across different demographic groups within the populations living near facilities.[18]

Results of the demographic analysis indicate that, for 6 of the 11 demographic groups, minority, African American, ages 0 to 17, ages 18 to 64, over 25 without a high school diploma, and below the poverty level, the percentage of the population living within 5 km of facilities in the source category is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to emissions from solvent extraction for vegetable oil production facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Solvent Extraction for Vegetable Oil Production,* available in the docket for this action.

B. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effect?

1. Risk Acceptability

As noted in section II.A of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand.'' (54 FR 38045, September 14, 1989).

In this proposal, the EPA estimated risks based on actual and allowable emissions from the Solvent Extraction for Vegetable Oil Production source category.

In determining whether risks are acceptable, the EPA considered all available health information and risk estimation uncertainty, as described above. The results indicate that both the actual and allowable inhalation cancer risks to the individual most exposed are less than 1-in-1 million, well below the

[18] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

presumptive limit of acceptability of 100-in-1 million.

The maximum chronic noncancer TOSHI due to inhalation exposures is less than 1 for actual emissions. For MACT-allowable emissions, the maximum chronic noncancer TOSHI due to inhalation exposures is 2, and an estimated 13 people exposed to allowable emissions would have a TOSHI greater than 1 due to n-hexane. Finally, the results of the acute screening analysis showed that acute risks were below a level of concern.

Taking into account this information, the EPA proposes that the risks remaining after implementation of the existing MACT standards for the Solvent Extraction for Vegetable Oil Production source category are acceptable.

2. Ample Margin of Safety Analysis

Under the ample margin of safety analysis, we evaluated the cost and feasibility of available control technologies and other measures (including those considered under the technology review) that could be applied in this source category to further reduce the risks (or potential risks) due to emissions of HAP identified in the risk assessment. Although the EPA is proposing that the risks from this source category are acceptable, the maximum HI for allowable emissions is 2 (caused by n-hexane emissions from fugitive process solvent loss). In addition, the HQ for acrolein is 0.7 as a result of acrolein emissions from flaker conditioner aspiration and cooker expeller aspiration. We considered whether the MACT standards applicable to these emission points in particular, as well as all the current MACT standards applicable to this source category, provide an ample margin of safety to protect public health.

We identified in BACT analyses performed for two vegetable oil production processes the consideration of a cryogenic condenser after the main vent as an add-on control option for the reduction of n-hexane. Our analysis found that the use of a cryogenic condenser on the main vent is not cost effective for reduction of HAP ($61,694/ton). Therefore, the EPA is proposing that the current standards provide an ample margin of safety to protect public health and revision of the standards is not required.

3. Adverse Environmental Effect

For the Solvent Extraction for Vegetable Oil Production source category, we did not identify emissions of any environmental HAP. Because we did not identify environmental HAP emissions, we expect no adverse environmental effects and are proposing that more stringent standards are not necessary to prevent an adverse environmental effect.

C. What are the results and proposed decisions based on our technology review?

As described in section III.B of this preamble, our technology review focused on identifying developments in practices, processes, and control technologies for control of n-hexane emissions from vegetable oil production facilities. In conducting the technology review, we reviewed information on practices, processes, and control technologies that were not considered during the development of the Solvent Extraction for Vegetable Oil Production NESHAP and looked for information on improvements in practices, processes, and control technologies that have occurred since the development of the Solvent Extraction for Vegetable Oil Production NESHAP. The review included a search of the RBLC database and reviews of air permits for vegetable oil production facilities, regulatory actions for emission sources similar to vegetable oil production process sources, site visits to operating vegetable oil production facilities, including the newest U.S. facility, and a review of relevant literature. After reviewing information from the aforementioned sources, we did not identify any developments in practices, processes, or control technologies to reduce n-hexane emissions from the vegetable oil production facilities. In the BACT analyses performed for two vegetable oil production processes, we identified the use of a cryogenic condenser after the main vent as a possible an add-on control option. Our analysis found that the use of a cryogenic condenser on the main vent is not cost effective for reduction of HAP ($61,694/ton). Additionally, our analysis found no additional significant or cost-effective changes in the practices, processes, and control technologies that may be used by vegetable oil production facilities that warrant revisions to the MACT standards for this source category. Therefore, the EPA is proposing that revisions to the Solvent Extraction for Vegetable Oil Production NESHAP are not necessary based on our review under CAA section 112(d)(6). Additional details of our technology review can be found in the memorandum, *CAA Section 112(d)(6) Technology Review for the Solvent Extraction for Vegetable Oil Production Source Category,* which is available in the docket for this action. We solicit comment on our proposed decision.

D. What other actions are we proposing?

In addition to the proposed actions described above, the EPA is proposing additional revisions to the NESHAP. The EPA is proposing revisions to the SSM provisions of the MACT rule in order to ensure that they are consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (DC Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing various other changes to the recordkeeping and reporting requirements and miscellaneous other technical and editorial changes to the regulatory text. Our analyses and proposed changes related to these issues are discussed below.

1. SSM Requirements

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (DC Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

The EPA is proposing the elimination of the SSM exemption in this rule, which appears at 40 CFR 63.2840(a) and Table 1 to 40 CFR 63.2870 (General Provisions Applicability Table). Consistent with *Sierra Club* v. *EPA,* the EPA is proposing that standards in this rule apply at all times. The EPA is also proposing several revisions to the General Provisions Applicability Table as explained in more detail below. For example, the EPA is proposing to eliminate the incorporation of the General Provisions' requirement that the source develop an SSM plan. We also are proposing to eliminate and revise certain recordkeeping and reporting requirements related to the SSM exemption as further described below.

The EPA has attempted to ensure that the provisions the EPA is proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. The EPA is specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account

startup and shutdown periods. The proposed standards would apply at all times during shutdown and malfunction. For the reasons explained below, the EPA is proposing alternate standards for initial startup periods.

The standards, as promulgated in 2001, provide an option for facilities to meet separate compliance requirements during periods of initial startup for new and significantly modified sources. Table 1 of 40 CFR 63.2850 provides the requirements for compliance with the HAP emissions standards during periods of normal operation, initial startup periods, or malfunction periods. Both new/reconstructed sources and modified sources may comply by meeting the requirements for periods of normal operation in Table 1 of 40 CFR 63.2850. However, the standards also provide that for a period of up to 6 months after startup of a new/reconstructed source, the new source may meet separate compliance requirements for initial startup periods in Table 1 of 40 CFR 63.2850. For significantly modified sources, the standards provide an initial startup period of up to 3 months after startup.[19] The initial startup period provisions were provided in the 2001 final rule with the recognition that the MACT limits, which are based on calculating a compliance ratio of a facility's actual HAP loss emissions to allowable HAP loss emissions over a 12-month period, apply to the entire vegetable oil production process, and that the MACT allowables were based on periods of normal operation. In lieu of add-on control equipment to specific pieces of equipment, control of n-hexane emissions at vegetable oil production facilities is accomplished through solvent recovery, and is based on inter-related process equipment that is often custom built to the specific configuration and needs of the plant. During an initial startup period, facility equipment is tested, added, or replaced as the facility gradually increases production, and emissions during this period may reflect variances that are not generally reflective of normal or steady-state operations. New and modified equipment is often brought online in a phased approach, and each phase can require adjustments in both new and existing equipment in the process in order to identify and correct problems, such as equipment that is not operating as designed and requires repair or replacement. The 2001 MACT floor solvent loss allowables are based on emissions data from normal operating periods achieved after facilities reached their steady-state production rates, and do not account for emissions during these initial startup periods. Therefore the HAP emissions during an initial startup period were excluded from the 12-month rolling compliance determinations. Sources were instead required to minimize emissions to the extent practicable throughout the initial startup period, following the facility's SSM plan.

Because the EPA is proposing to eliminate the SSM provisions for the Solvent Extraction for Vegetable Oil Production source category, we evaluated the available data to establish potential standards for periods of initial startup. The EPA reviewed operating permits from various state and local agencies and EPA Regional offices to identify new facilities operating in an initial startup period. Construction of new or modification of existing vegetable oil production facilities happens relatively infrequently (every 5–6 years), and there are a limited number of facilities that have modified or constructed following the promulgation of the final rule. The standards do not require—and state, local, and regional offices have not collected—emissions data for these facilities during their initial startup periods. In our review of permits for newly constructed sources, the Agency identified one recently constructed facility (January 2018) with permitted MACT solvent loss allowables for an initial startup period. However, we determined that the allowables for the facility were not based on measured data, and further, because the facility is located in a non-attainment area and manufactures only one type of oilseed, the permitted solvent loss allowables would not be representative of initial startup periods for other facilities in the source category.

Although we requested information on emissions and the operation of processes during initial startup periods in our consultations with industry, we did not receive any emissions data collected during an initial startup period, and are unsure these data exist. The Agency recognizes that the initial startup period, which is a one-time event for new sources and an infrequent event for signficantly modified sources, is not a typical startup period that may occur as part of routine or seasonal startups of a plant, and includes evaluation and replacement of new equipment as each phase is brought online and production is gradually increased. As such, the initial startup period reflects a non-steady state of operations and production. The current standards are production-based and limit emissions by the HAP lost per ton of oilseeds processed. Because the initial startup period reflects a non-steady state of production, emissions testing during this period would not likely be representative or acquire meaningful results. Therefore, emissions testing during initial startup would be both economically and technically infeasible. Consequently, the EPA is proposing a work practice standard rather than an emissions limit for periods of initial startup.

Based on the information available in permits and obtained from NOPA, we have concluded that certain process solvent recovery equipment, including mineral oil scrubbers and condensers, could be operated normally during periods of initial startup. Further, facilities set site-specific operating ranges for temperature and vacuum for the desolventizing and oil distillation units to maximize solvent recovery. Therefore, the EPA is proposing that facilities operating in an initial startup period would operate the mineral oil absorption system and solvent condensers at all times during the initial startup period. The EPA is also proposing that facilities establish and follow site-specific operating ranges for temperature and vacuum for the desolventizing and oil distillation units associated with solvent recovery. Facilities would also continue to have the option to meet the requirements for normal operating periods in Table 1 of 40 CFR 63.2850. We anticipate that the proposed work practices would minimize solvent losses and emissions of n-hexane from solvent extraction operations during the initial startup period by maximizing solvent recovery. The EPA is proposing that facilities following the initial startup period would include parameters for the work practice standards in their compliance plan in 40 CFR 63.2851, and are proposing associated recordkeeping and reporting for these periods, as discussed in sections IV.D.1.e and IV.D.1.f of this preamble. We anticipate that facilities would already conduct these work practice standards during their initial startup periods, and we do not expect any costs of control with this proposed work practice requirement. However, the EPA is soliciting information on other industry best practices and the

[19] Significant modifications to existing sources include replacement of or major changes to solvent recovery equipment such as extractors, desolventizer-toasters/dryer-coolers, flash desolventizers, and distillation equipment associated with the mineral oil system, and equipment affecting desolventizing efficiency and steady-state operation of the vegetable oil production process such as flaking mills, oilseed heating and conditioning equipment, and cracking mills.

best level of emission control during initial startup periods for the Solvent Extraction for Vegetable Oil Production source category. The EPA is also soliciting information on the costs associated with these practices. In addition, the EPA is soliciting specific supporting data on HAP emissions during initial startup periods for this category, including whether the data are from a new or modified source, the duration of the initial startup period, the total solvent usage and total solvent loss during the initial startup period, and the estimate of HAP emitted during the initial startup period.

The EPA is proposing to revise the definition of ''initial startup period.'' The proposed revisions are necessary to clarify the time at which an initial startup period ends and a normal operating period begins. The 2001 MACT rule provided that the initial startup period of a new or reconstructed source consisted of 6 calendar months, and the initial startup period following a significant modification consisted of 3 calendar months. The EPA is proposing to revise this definition and the requirements of 40 CFR 62.2850(c)(2) and (d)(2) to clarify that the end of the initial startup period is based on when the plant meets and maintains steady-state operations, defined as operating at or above 90 percent of the extractor nominal design production rate or at or above 90 percent of the production rate in the plant's permit for 15 consecutive days, not to exceed 6 calendar months after startup for new or reconstructed sources or 3 calendar months after startup for modified sources. The proposed definition would clarify that new or reconstructed sources that reach steady-state production prior to the end of the 6-month period or modified sources that reach steady-state production prior to the end of the 3-month period would be required to meet the requirements in Table 1 of 40 CFR 63.2850 for sources under normal operation, and, thus, minimizing the initial startup period.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead, they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment (40 CFR 63.2) (Definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level ''achieved'' by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emission standards. As the Court has recognized, the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (DCCir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the Court recognized in *U.S. Sugar Corp,* accounting for malfunctions in setting standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (''the EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.'') As such, the performance of units that are malfunctioning is not ''reasonably'' foreseeable. See, *e.g., Sierra Club* v. *EPA,* 167 F.3d 658, 662 (D.C. Cir. 1999) (''The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency's decision to proceed on the basis of imperfect scientific information, rather than to 'invest the resources to conduct the perfect study.' ''). See also, *Weyerhaeuser* v. *Costle,* 590 F.2d 1011, 1058 (DC Cir. 1978) (''In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.''). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99-percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99-percent control to zero control until the control device was repaired. The source's emissions during the malfunction would be 100 times higher than during normal operations. As such, the emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA's approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

Although no statutory language compels the EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible. For example, in the Petroleum Refinery Sector RTR, the EPA established a work practice standard for unique types of malfunction that result in releases from pressure relief devises or emergency flaring events because the EPA had information to determine that such work practices reflected the level of control that applies to the best performers (80 FR 75178, 75211–14, December 1, 2015). The EPA will consider whether circumstances warrant setting standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions. We also encourage commenters to provide any such information.

The EPA anticipates that it is unlikely that a malfunction will result in a violation of the standard, and, therefore, the EPA is proposing to remove malfunction periods as a source operating status. The MACT standards are based on calculating a compliance ratio of a facility's actual HAP loss emissions to allowable HAP loss emissions over a 12-month rolling period, and apply to the entire vegetable oil production process. Therefore, the malfunction of a singular piece of equipment in a single month over this period is unlikely to result in an exceedance of the standard. However, it is possible that a malfunction could result in a violation of the standards; therefore, the EPA is considering the need for a work practice for periods of malfunction for these facilities. For example, the EPA has received information that it is possible that a malfunction of the extractor for sources in the Solvent Extraction for Vegetable Oil Production source category could potentially result in an emissions increase and potential violation of the emissions limit. During these periods, it is possible that an immediate line shutdown may not be feasible due to safety concerns. Such a major malfunction could lead to solvent losses that could result in multiple months of exceedances. In those cases, it may be appropriate to establish a standard for malfunctions. We would anticipate that a separate standard would be in the form of a work practice standard. Therefore, the EPA is soliciting information on the type of events that constitute a malfunction event, and industry best practices and the best level of emission control during such malfunction events for the Solvent Extraction for Vegetable Oil Production source category. The EPA is also soliciting information on the cost savings associated with these practices. In addition, the EPA is soliciting specific supporting data on HAP emissions during malfunction events for this category, including the cause of malfunction, the frequency of malfunction, duration of malfunction, and the estimate of HAP emitted during each malfunction.

In the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused, in part, by poor maintenance or careless operation. 40 CFR 63.2 (Definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the Federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

In summary, the EPA interpretation of the CAA, and, in particular, CAA section 112, is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

a. 40 CFR 63.2840 General Duty

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.6(e)(1)(i) by changing the ''Yes'' in column 4 to a ''No.'' Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. The EPA is proposing instead to add general duty regulatory text at 40 CFR 63.2840(g) to reflect the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup, and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is proposing for 40 CFR 63.2840(g) does not include that language from 40 CFR 63.6(e)(1).

The EPA is also proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.6(e)(1)(ii) by changing the ''Yes'' in column 4 to a ''No.'' Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.2840(g).

b. SSM Plan

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of section 63.2870) entries for 40 CFR 63.6(e)(3)(i) through (e)(3)(ii), 40 CFR 63.6(e)(3)(v) through (vii), and 40 CFR 63.6(e)(3)(viii) and (ix) by changing the ''Yes'' in column 4 to a ''No.'' The EPA is also proposing to revise 40 CFR 63.2852, which cross-references the requirements of 40 CFR 63.6(e)(3). Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is proposing to remove the SSM exemptions. Therefore, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

c. Compliance With Standards

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of section 63.2870) entry for 40 CFR 63.6(f)(1) by revising the text in column 4 and removing the text in column 5. The current language in column 4 states that 40 CFR 63.6(f)(1) does not apply and column 5 states that the ''Subpart GGGG does not have nonopacity requirements.'' This appears to be an error in the final rule, because 40 CFR part 63, subpart GGGG, includes non-opacity requirements. The current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club,* the EPA is proposing to revise standards in this rule to apply at all times. Therefore, the EPA is revising the text in columns 4 and 5 to clarify that the SSM exemption previously applied but will not apply going forward.

d. 40 CFR 63.2853 Performance Testing

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.7(e)(1) by changing the ''Yes'' in column 4 to a ''No.'' The General Provisions in 40 CFR 63.7(e)(1)

describes performance testing requirements. The EPA is instead proposing to add a performance testing requirement at 40 CFR 63.2853(a)(5)(i)(A). The performance testing requirements the EPA is proposing to add differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The proposed performance testing provisions do not allow performance testing during startup or shutdown. As in 40 CFR 63.7(e)(1), performance tests conducted under 40 CFR part 63, subpart GGGG, should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is proposing to add language in 40 CFR 63.2853(a)(5)(i)(A) that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. The General Provisions in 40 CFR 63.7(e) require that the owner or operator make available to the Administrator such records ''as may be necessary to determine the condition of the performance test'' available to the Administrator upon request, but does not specifically identify the information to be recorded. The regulatory text the EPA is proposing to add to this provision builds on that requirement and makes explicit the requirement to record the information.

e. 40 CFR 63.2862 Recordkeeping

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.10(b)(2)(i) by changing the ''Yes'' in column 4 to a ''No.'' The requirements of 40 CFR 63.10(b)(2)(i) describe the recordkeeping requirements during startup and shutdown. The EPA is instead proposing to add recordkeeping requirements to 40 CFR 63.2862(f). When a source is subject to a different standard during initial startup, it will be important to know when such initial startup periods begin and end in order to determine compliance with the appropriate standard. Thus, the EPA is proposing to add language to 40 CFR 63.2862(f) requiring that owners or operators of sources subject to a work practice standard during initial startup times must report a description and dates of the initial startup period, the reason it qualifies as an initial startup period, an estimate of the solvent loss in gallons for the duration of the initial startup, and the nominal design rate and operating rate of the extractor or the permitted and actual production rates for the duration of the initial startup period. The EPA is also proposing that sources would be required to record information supporting the work practice standards, including: (1) Measured temperature and pressure for desolventizing and oil distillation units, (2) an indication that the mineral oil absorption system was operating at all times, and (3) an indication that the solvent condensers were operating at all times. The proposed records are required to demonstrate that the work practice standards have been met for periods of initial startup.

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.10(b)(2)(ii) by changing the ''Yes'' in column 4 to a ''No.'' The General Provisions in 40 CFR 63.10(b)(2)(ii) describe the recordkeeping requirements during a malfunction. The EPA is proposing to tailor recordkeeping requirements during a malfunction in 40 CFR 63.2862(g). Instead of requiring source owners or operators to create and retain a record of the ''occurrence and duration of each malfunction'' of process, air pollution control, and monitoring equipment, the rule proposes that this requirement apply to any ''failure to meet an applicable standard'' (including the work practice standard) and the source owners or operators must record the date, time, and duration of the ''failure'' rather than the ''occurrence.''

The EPA is also proposing to add to 40 CFR 63.2862(g) a requirement that source owners or operators keep records that include a statement of the cause of each deviation (including unknown cause, if applicable), a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over the standard when the standard is not met, and a description of the method used to estimate the emissions. Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing to require that source owners or operators keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the general duty to minimize emissions was met when an applicable standard was not met.

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.10(b)(2)(iv) by changing the ''Yes'' in column 4 to a ''No.'' When applicable, the provision requires source owners and operators to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement would no longer be appropriate because SSM plans are no longer proposed to be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.2862(g).

The EPA is proposing to revise the General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.10(b)(2)(v) by changing the ''Yes'' in column 4 to a ''No.'' When applicable, the provision requires source owners or operators to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement would no longer be appropriate because SSM plans would no longer be required.

f. 40 CFR 63.2861 Reporting

The General Provisions Applicability Table (Table 1 of 40 CFR 63.2870) entry for 40 CFR 63.10(d)(5) currently refers to the reporting requirements for startups, shutdowns, and malfunctions in 40 CFR 63.2861(c) and (d), which required periodic or immediate SSM reports according to whether the procedures of the SSM plan were followed, consistent with 40 CFR 63.10(d)(5)(i) and (ii). To replace the SSM reporting requirements, the EPA is first proposing to eliminate the periodic SSM reports in 40 CFR 63.2861(c), which were required to be submitted at the end of each calendar month of an initial startup period or malfunction period. The EPA is also proposing to remove the requirement in 40 CFR 63.2861(d) to submit an immediate report for startups, shutdown, and malfunctions when a source failed to meet an applicable standard but did not follow the SSM plan. We will no longer require owners and operators to report when actions taken during a startup, shutdown, or malfunction were not consistent with an SSM plan, because plans would no longer be required.

The EPA is proposing that source owners or operators that fail to meet an

applicable standard at any time must report the information concerning such events in the deviation report already required under this rule. The report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of HAP emitted over the emission requirements of 40 CFR 63.2840, and a description of the method used to estimate the emissions. Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the general duty to minimize emissions during a failure to meet an applicable standard was met. The EPA is also proposing that source owners or operators that fail to meet the work practice standard during the initial startup period must include a description of the deviation and include the records for the initial startup period in 40 CFR 63.2862(f), as described in section IV.D.1.e of this preamble.

Finally, the EPA is proposing that source owners or operators that choose to operate under an initial startup period according to 40 CFR 63.2850(c)(2) or (d)(2) must also provide an initial startup report. The proposed initial startup report would require a compliance certification indicating whether the source was in compliance with the work practice standard of 40 CFR 63.2840(h). The EPA is proposing that the initial report must be submitted within 30 days of the end of the initial startup period. The proposed initial startup report would only be submitted on a one-time basis, rather than at the end of each calendar month of the initial startup period, but would demonstrate whether a facility operating in an initial startup period met the work practice standard for the duration of the period.

2. Electronic Reporting

Through this action, the EPA is proposing that owners and operators of vegetable oil production facilities submit electronic copies of initial notifications, initial startup reports, annual compliance certifications, deviation reports, and performance test reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). A description of the electronic data submission process is provided in the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2019–0208. The proposed rule requires that performance test results collected using test methods that are supported by the EPA's Electronic Reporting Tool (ERT) as listed on the ERT website [20] at the time of the test be submitted in the format generated through the use of the ERT and that other performance test results be submitted in portable document format (PDF) using the attachment module of the ERT. For initial notifications, initial startup reports, annual compliance certifications, and deviation reports, the proposed rule requires that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed templates for these reports are included in the docket for this rulemaking.[21] The EPA specifically requests comment on the content, layout, and overall design of the templates.

The initial notifications, initial startup reports, annual compliance certifications, deviation reports, and performance test reports are required to be submitted according to the deadlines specified in 40 CFR 63.2861. Additionally, the EPA has identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept the claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible. The EPA is providing these potential extensions to protect owners and operators from noncompliance in cases where they cannot successfully submit a report by the reporting deadline for reasons outside of their control. The situation where an extension may be warranted due to outages of the EPA's CDX or CEDRI, which precludes an owner or operator from accessing the system and submitting required reports is addressed in 40 CFR 63.2862(f). The situation where an extension may be warranted due to a force majeure event, which is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents an owner or operator from complying with the requirement to submit a report electronically as required by this rule is addressed in 40 CFR 63.2862(g). Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility.

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is consistent with the EPA's plan [22] to implement Executive Order 13563 and is in keeping with the EPA's Agency-wide policy [23] developed in response to the White House's Digital Government Strategy.[24] For more information on the benefits of electronic reporting, see the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2019–0208.

3. Technical and Editorial Changes

The EPA is proposing several minor technical editorial changes to the rule.

[20] *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

[21] See *Proposed Electronic Reporting Templates for the Solvent Extraction for Vegetable Oil Production NESHAP,* available at Docket ID No. EPA–HQ–OAR–2019–0208.

[22] The EPA's *Final Plan for Periodic Retrospective Reviews,* August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[23] *E-Reporting Policy Statement for EPA Regulations,* September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[24] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

The EPA is proposing revisions to several definitions in 40 CFR 63.2872 to harmonize with the proposed removal of the SSM requirements and to clarify existing provisions. Specifically, the EPA is proposing harmonizing changes to the definitions of ''Compliance ratio,'' ''Nonoperating period,'' ''Normal operating period,'' and ''Operating month'' to clarify where the malfunction period is excluded, because sources would no longer be able to choose the malfunction period as a source operating status. The EPA is also proposing to revise ''Normal operating period'' to clarify that this definition also applies to ''normal operation.''

The EPA is proposing to revise the definition of ''Hazardous air pollutant (HAP)'' to remove the reference to the date of April 12, 2001. The current definition would continue to include HAP that may have been delisted following the April 2001 date, therefore, removal of the date would more appropriately reference the current list of HAP in section 112(b) of the CAA. Finally, the EPA is adding a definition for ''Nonoperating month,'' which was not previously defined. A nonoperating month would include any entire calendar or accounting month in which a source processes no agricultural product.

The EPA is proposing minor revisions to 40 CFR 63.2840(a)(1) and (b)(1), 40 CFR 63.2853(a)(2), and 40 CFR 63.2855(a)(3) to remove text that is redundant with the definition of ''operating month'' in 40 CFR 63.2872. Finally, the EPA is proposing a minor correction to Table 1 of 40 CFR 63.2850 to correct a typographical error in row ''(a)'' for malfunction periods.

E. What compliance dates are we proposing?

Affected sources that commence construction or reconstruction after June 27, 2019 would comply with all requirements of 40 CFR part 63, subpart GGGG, including the amendments being proposed, no later than the effective date of the final rule or upon startup. All affected facilities would continue to meet the current requirements of the Solvent Extraction for Vegetable Oil Production NESHAP until the applicable compliance date of the amended rule.

Existing affected sources and affected sources that commenced construction or reconstruction on or before June 27, 2019 would comply with the amendments no later than 180 days after the effective date of the final rule. Affected sources that commence construction or reconstruction after June 27, 2019 would comply with all requirements of 40 CFR part 63, subpart GGGG, including the amendments being proposed, no later than the effective date of the final rule or upon startup, whichever is later. The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10). For existing sources, the EPA is proposing three changes that would affect ongoing compliance requirements for the Solvent Extraction for Vegetable Oil Production NESHAP. As discussed elsewhere in this preamble, the EPA is proposing to add a requirement that initial notifications, initial startup reports, annual compliance certifications, deviation reports, and performance test results be electronically submitted. The EPA is proposing to change the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods, and the EPA is proposing an option for facilities to follow new work practice standards for periods of initial startup. Our experience with similar industries shows that a minimum of 90 days, and, more typically, 180 days is generally necessary to successfully convert to electronic reporting. Facilities must install necessary hardware and software, become familiar with the process of submitting initial notifications, initial startup reports, annual compliance certifications, deviation reports, and performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting and to convert logistics of reporting processes to different time-reporting parameters. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; to evaluate their operations to ensure that they can meet the standards during periods of startup, including the revised standards for initial startup periods, as defined in the rule and make any necessary adjustments; and to update their operation, maintenance, and monitoring plan to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is proposing that existing affected sources be in compliance with the revised requirements within 180 days of the regulation's effective date.

We solicit comment on these proposed compliance periods, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance periods.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

The EPA estimates that there are 89 vegetable oil production facilities that are currently subject to the Solvent Extraction for Vegetable Oil Production NESHAP and would be affected by the proposed amendments. The bases of our estimate of affected facilities are provided in the memorandum, *Residual Risk Modeling File Documentation for the Solvent Extraction for Vegetable Oil Production Source Category,* which is available in the docket for this action. The EPA is aware of one potential new or reconstructed vegetable oil production facility that is subject to the standards.

B. What are the air quality impacts?

The EPA estimates that annual HAP emissions from the vegetable oil production facilities that are subject to the NESHAP are approximately 13,500 tpy.[25] Because the EPA is not proposing revisions to the emission limits, we do not anticipate any quantifiable air quality impacts as a result of the proposed amendments. However, we anticipate that the proposed requirements, including the work practice standards for the optional initial startup period, are at least as stringent as the current rule requirements.

C. What are the cost impacts?

The 89 vegetable oil production facilities that would be subject to the proposed amendments would incur minimal net costs to meet revised recordkeeping and reporting requirements, some estimated to have costs and some estimated to have cost savings. Nationwide annual costs

[25] The annual HAP emission estimates include emissions from 88 facilities. Annual emissions are not yet available for one newly constructed facility.

associated with the proposed requirements are estimated to be $29,623 over the 3 years following promulgation of amendments (or $9,874 per year). The EPA believes that the vegetable oil production facilities which are known to be subject to the NESHAP can meet the proposed requirements without incurring additional capital or operational costs. Therefore, the only costs associated with the proposed amendments are related to recordkeeping and reporting labor costs. For further information on the requirements being proposed, see section IV of this preamble. For further information on the costs and cost savings associated with the requirements being proposed, see the memorandum, *Cost for the Solvent Extraction for Vegetable Oil Production Source Category Risk and Technology Review—Proposed Amendments,* and the document, *Supporting Statement for NESHAP for Solvent Extraction for Vegetable Oil Production,* which are both available in the docket for this action. We solicit comment on these estimated cost impacts.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs needed to comply with a proposed rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a proposed rule. The total costs associated with reviewing the final rule are estimated to be $29,623 (or $9,874 per year) for the 3 years following the final rule. This is an estimated cost of $333 per facility. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

E. What are the benefits?

Although the EPA does not anticipate reductions in HAP emissions as a result of the proposed amendments, we believe that the action, if finalized as proposed, would result in improvements to the rule. Specifically, the proposed amendments revise the standards such that they apply at all times. For facilities who choose to operate under an initial startup period, the EPA is proposing an alternative work practice standard that will ensure that facilities are minimizing emissions while the source operates under non-steady state production, which will protect public health and the environment. Additionally, the proposed amendments requiring electronic submittal of initial notifications, initial startup reports, annual compliance certifications, deviation reports, and performance test results will increase the usefulness of the data, is in keeping with current trends of data availability, will further assist in the protection of public health and the environment, and will ultimately result in less burden on the regulated community. See section IV.D.2 of this preamble for more information.

VI. Request for Comments

We solicit comments on this proposed action. In addition to general comments on this proposed action, the EPA is also interested in additional data that may improve the risk assessments and other analyses. The EPA is specifically interested in receiving any improvements to the data used in the site-specific emissions profiles used for risk modeling. Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Section VII of this preamble provides more information on submitting data.

VII. Submitting Data Corrections

The site-specific emissions profiles used in the source category risk and demographic analyses and instructions are available for download on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* The data files include detailed information for each HAP emissions release point for the facilities in the source category.

If you believe that the data are not representative or are inaccurate, please identify the data in question, provide your reason for concern, and provide any ''improved'' data that you have, if available. When you submit data, we request that you provide documentation of the basis for the revised values to support your suggested changes. To submit comments on the data downloaded from the RTR website, complete the following steps:

1. Within this downloaded file, enter suggested revisions to the data fields appropriate for that information.

2. Fill in the commenter information fields for each suggested revision (*i.e.,* commenter name, commenter organization, commenter email address, commenter phone number, and revision comments).

3. Gather documentation for any suggested emissions revisions (*e.g.,* performance test reports, material balance calculations).

4. Send the entire downloaded file with suggested revisions in Microsoft® Access format and all accompanying documentation to Docket ID No. EPA–HQ–OAR–2019–0208 (through the method described in the **ADDRESSES** section of this preamble).

5. If you are providing comments on a single facility or multiple facilities, you need only submit one file for all facilities. The file should contain all suggested changes for all sources at that facility (or facilities). We request that all data revision comments be submitted in the form of updated Microsoft® Excel files that are generated by the Microsoft® Access file. These files are provided on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was, therefore, not submitted to OMB for review.

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

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

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1947.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The EPA is proposing amendments that revise provisions pertaining to emissions during periods of SSM; add requirements for electronic reporting of certain notifications, reports, and performance test results; and make other minor clarifications and corrections. This information would be collected to assure compliance with the Solvent Extraction for Vegetable Oil Production NESHAP.

Respondents/affected entities: Owners or operators of vegetable oil production processes.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGGG).

Estimated number of respondents: 90 (assumes one new respondent over the next 3 years).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be 33,000 hours. Of these, 241 hours (per year) is the incremental burden to comply with the proposed rule amendments. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be $3,380,000 (per year), including $0 annualized capital or operation and maintenance costs. Of the total, $9,874 (per year) is the incremental cost to comply with the proposed amendments to the rule, or approximately $111 per facility.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates to comply with all of the requirements in the NESHAP or the proposed amendments, and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than July 29, 2019. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small vegetable oil production facilities. The Agency has determined that up to 12 small entities, representing approximately 13 percent of the total number of entities subject to the proposal, may experience an impact of less than 0.1 percent of revenues.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in the vegetable oil production industry that would be affected by this action. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III and IV of this preamble and further documented in the risk report titled *Residual Risk Assessment for the Solvent Extraction for Vegetable Oil Production Source Category in Support of the 2019 Risk and Technology Review Proposed Rule,* in the docket for this action.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards. Therefore, the EPA conducted searches for the Solvent Extraction for Vegetable Oil Production sector RTR through the Enhanced National Standards Systems Network Database managed by the American National Standards Institute. We also contacted voluntary consensus standards (VCS) organizations and accessed and searched their databases. We conducted searches for EPA Method 311 of 40 CFR part 63, appendix A. No applicable VCS were identified for EPA Method 311. The search identified two VCS that were potentially applicable for this rule in lieu of EPA reference methods. After reviewing the available standards, the EPA determined that the two candidate VCS (ASTM Method D6438 (1999), *Standard Test Method for Acetone, Methyl Acetate, and Parachlorobenzotrifluoride Content of Paints and Coatings by Solid Phase Microextraction-Gas Chromatography,* and CARB Method 310, *Determination of Volatile Organic Compounds in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products,* identified for measuring emissions of pollutants or their surrogates subject to emissions standards in the rule would not be practical due to lack of equivalency, documentation, validation data, and other important technical and policy considerations.

A thorough summary of the search conducted and results are included in the memorandum, *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants for Solvent Extraction for Vegetable Oil Production,* which is available in the docket for this action.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low income populations, and/or indigenous peoples, as specified in Executive Order 12898 (58 FR 7629, February 16, 1994). The documentation for this decision is contained in section IV.A of this preamble and the technical report titled *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Vegetable Oil Production Facilities,* in the docket for this action.

As discussed in section IV.A of this preamble, we performed a demographic

analysis, which is an assessment of risks to individual demographic groups, of the population close to the facilities (within 50 km and within 5 km). In this analysis, we evaluated the distribution of HAP-related cancer risks and noncancer hazards from the vegetable oil production processes across different social, demographic, and economic groups within the populations living near operations identified as having the highest risks.

The EPA has determined that this proposed rule does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples because the health risks based on actual emissions are low (below 1-in-1 million); we estimate that none of the population is exposed to risks greater than 1-in-1 million; and the rule maintains or increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low-income, or indigenous populations. Further, the EPA believes that implementation of this rule will provide an ample margin of safety to protect public health of all demographic groups.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 11, 2019.

Andrew R. Wheeler,

Administrator.

For the reasons set forth in the preamble, the EPA proposes to amend 40 CFR part 63 as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart GGGG—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

■ 2. Section 63.2834 is amended by revising Table 1 of § 63.2834 to read as follows:

§ 63.2834 When do I have to comply with the standards in this subpart?

* * * * *

TABLE 1 OF § 63.2834—COMPLIANCE DATES FOR EXISTING AND NEW SOURCES

If your affected source is categorized as . . .	And if . . .	Then your compliance date is . . .	Except for certain requirements, as specified in §§ 63.2840, 63.2850, 63.2851, 63.2852, 63.2853, 63.2861, 63.2862, and 63.2870, then your compliance date is . . .
(a) an existing source	.....	April 12, 2004	[date 181 days after date of publication of final rule in the **Federal Register**].
(b) a new source	you startup your affected source before April 12, 2001.	April 12, 2004	[date 181 days after date of publication of final rule in the **Federal Register**].
(c) a new source	you startup your affected source on or after April 12, 2001, but before [date of publication of final rule in the **Federal Register**].	your startup date	[date 181 days after date of publication of final rule in the **Federal Register**].
(d) a new source	you startup your affected source on or after [date of publication of final rule in the **Federal Register**].	your startup date	your startup date.

■ 3. Section 63.2840 is amended by:

■ a. Revising the introductory text, paragraphs (a)(1) introductory text, (b) introductory text, and (b)(3) through (5);

■ b. Removing and reserving paragraph (b)(1); and

■ c. Adding paragraphs (g) and (h).

The revisions and additions read as follows:

§ 63.2840 What emission requirements must I meet?

For each facility meeting the applicability criteria in § 63.2832, you must comply with either the requirements specified in paragraphs (a) through (d) of this section, or the requirements in paragraph (e) of this section. You must also comply with the requirements in paragraph (g) of this section. You must comply with the work practice standard provided in paragraph (h) of this section, if you choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2).

(a)(1) The emission requirements limit the number of gallons of HAP lost per ton of listed oilseeds processed. For each operating month, as defined in § 63.2872, you must calculate a compliance ratio which compares your actual HAP loss to your allowable HAP loss for the previous 12 operating months as shown in Equation 1 of this section. Equation 1 of this section follows:

* * * * *

(b) When your source has processed listed oilseed for 12 operating months, calculate the compliance ratio by the end of each calendar month following an operating month, as defined in § 63.2872, using Equation 2 of this section. When calculating your compliance ratio, consider the conditions and exclusions in paragraphs (b)(1) through (6) of this section:

* * * * *

(3) If your source shuts down and processes no listed oilseed for an entire calendar or accounting month, then you must categorize the month as a nonoperating month, as defined in § 63.2872. Exclude any nonoperating months from the compliance ratio determination.

(4) If your source is subject to an initial startup period as defined in § 63.2872, you may exclude from the compliance ratio determination any solvent and oilseed information recorded for the initial startup period, provided you meet the work practice standard in § 63.2850(c)(2) or (d)(2).

(5) Before [date 181 days after date of publication of final rule in the **Federal**

Register], if your source is subject to a malfunction period as defined in § 63.2872, exclude from the compliance ratio determination any solvent and oilseed information recorded for the malfunction period. The provisions of this paragraph (e) do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

* * * * *

(g) On or after [date 181 days after date of publication of final rule in the **Federal Register**], you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(h) On and after [date 181 days after date of publication of final rule in the **Federal Register**], you must meet the requirements in paragraphs (h)(1) through (3) of this section if you choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2).

(1) You must operate the mineral oil absorption system at all times during the initial startup period unless doing so is not possible due to safety considerations;

(2) You must operate the solvent condensers at all times during the initial startup period unless doing so is not possible due to safety considerations; and

(3) You must follow site-specific operating limits, established according to the requirements in paragraphs (h)(3)(i) and (ii) of this section, for temperature and pressure for the desolventizing and oil distillation units associated with solvent recovery at all times, unless doing so is not possible due to safety considerations.

(i) Your site-specific operating limits may be based on equipment design, manufacturer's recommendations, or other site-specific operating values established for normal operating periods.

(ii) The operating limits may be in the form of a minimum, maximum, or operating range.

■ 4. Section 63.2850 is amended by:

■ a. Revising paragraphs (a)(3) and (a)(5) introductory text;

■ b. Adding paragraph (a)(5)(iv);

■ b. Revising paragraphs (b), (c)(1) and (2);

■ c. Revising paragraphs (d)(1) and (2), (e) introductory text, and (e)(2); and

■ d. Revising Table 1 of § 63.2850.

The revisions and addition read as follows:

§ 63.2850 How do I comply with the hazardous air pollutant emission standards?

(a) * * *

(3) Develop a written startup, shutdown and malfunction (SSM) plan in accordance with the provisions in § 63.2852. On and after [date 181 days after date of publication of final rule in the **Federal Register**], an SSM plan is not required.

* * * * *

(5) Submit the reports in paragraphs (a)(5)(i) through (iv) of this section, as applicable:

* * * * *

(iv) Initial startup period reports in accordance with § 63.2861(e).

* * * * *

(b) *Existing sources under normal operation.* You must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for existing sources under normal operation in Table 2 of this section.

(c) * * *

(1) *Normal operation.* Upon initial startup of your new source, you must meet all of the requirements listed in § 63.2850(a) and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for new sources under normal operation in Table 2 of this section.

(2) *Initial startup period.* For up to 6 calendar months after the startup date of your new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for new sources operating under an initial startup period in Table 2 of this section. On and after [date 181 days after date of publication of final rule in the **Federal Register**], you must also comply with the work practice standard in § 63.2840(h) for the duration of the initial startup period. At the end of the initial startup period (as defined in § 63.2872), your new source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(d) * * *

(1) *Normal operation.* Upon initial startup of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for an existing or new source that has been significantly modified in Table 2 of this section.

(2) *Initial startup period.* For up to 3 calendar months after the startup date of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for a significantly modified existing or new source operating under an initial startup period in Table 2 of this section. On and after [date 181 days after date of publication of final rule in the **Federal Register**], you must also comply with the work practice standard in § 63.2840(h) for the duration of the initial startup period. At the end of the initial startup period (as defined in § 63.2872), your new or existing source must meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(e) *Existing or new sources experiencing a malfunction.* A *malfunction* is defined in § 63.2. In general, it means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to function in a normal or usual manner. If your existing or new source experiences an unscheduled shutdown as a result of a malfunction, continues to operate during a malfunction (including the period reasonably necessary to correct the malfunction), or starts up after a shutdown resulting from a malfunction, then you must meet the requirements associated with one of two compliance options. Routine or scheduled process startups and shutdowns resulting from, but not limited to, market demands, maintenance activities, and switching types of oilseed processed, are not startups or shutdowns resulting from a malfunction and, therefore, do not qualify for this provision. Within 15 days of the beginning date of the malfunction, you must choose to

comply with one of the options listed in paragraphs (e)(1) and (2) of this section. The provisions of this paragraph (e) do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

* * * * *

(2) *Malfunction period.* Throughout the malfunction period, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating during a malfunction period. At the end of the malfunction period, your source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation. Table 1 of this section follows:

TABLE 1 OF § 63.2850—REQUIREMENTS FOR COMPLIANCE WITH HAP EMISSION STANDARDS

Are you required to . . .	For periods of normal operation? [a]	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	Before [date 181 days after date of publication of final rule in the **Federal Register**], for malfunction periods subject to § 63.2850(e)(2)? [a]
(a)(1) Operate and maintain your source in accordance with general duty provisions of § 63.6(e) before [date 181 days after date of publication of final rule in the **Federal Register**]?	Yes. Additionally, the HAP emission limits will apply.	Yes, you are required to minimize emissions to the extent practicable throughout the initial startup period. Such measures should be described in the SSM plan.	Yes, you are required to minimize emissions to the extent practicable throughout the initial startup period. Such measures should be described in the SSM plan.
(a)(2) Operate and maintain your source in accordance with general duty provisions of § 63.6(e) on and after [date 181 days after date of publication of final rule in the **Federal Register**]?	No, you must meet the requirements of § 62.2840(g). Additionally, the HAP emission limits will apply.	No, you must meet the requirements of § 62.2840(g).	
(b) Determine and record the extraction solvent loss in gallons from your source?	Yes, as described in § 63.2853 ..	Yes, as described in § 63.2862(e) (before [date 181 days after date of publication of final rule in the **Federal Register**]) and § 63.2862(f) (on and after [date 181 days after date of publication of final rule in the **Federal Register**]).	Yes, as described in § 63.2862(e).
(c) Record the volume fraction of HAP present at greater than 1 percent by volume and gallons of extraction solvent in shipment received?	Yes	Yes	Yes.
(d) Determine and record the tons of each oilseed type processed by your source?	Yes, as described in § 63.2855 ..	No	No.
(e) Determine the weighted average volume fraction of HAP in extraction solvent received as described in § 63.2854 by the end of the following calendar month?	Yes	No. Except for solvent received by a new or reconstructed source commencing operation under an initial startup period, the HAP volume fraction in any solvent received during an initial startup period is included in the weighted average HAP determination for the next operating month.	No, the HAP volume fraction in any solvent received during a malfunction period is included in the weighted average HAP determination for the next operating month.
(f) Determine and record the actual solvent loss, weighted average volume fraction HAP, oilseed processed and compliance ratio for each 12 operating month period as described in § 63.2840 by the end of the following calendar month?	Yes	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for a malfunction period.
(g) Submit a Notification of Compliance Status or Annual Compliance Certification as appropriate?	Yes, as described in §§ 63.2860(d) and 63.2861(a).	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the initial startup period.	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the malfunction period.

TABLE 1 OF § 63.2850—REQUIREMENTS FOR COMPLIANCE WITH HAP EMISSION STANDARDS—Continued

Are you required to . . .	For periods of normal operation? [a]	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	Before [date 181 days after date of publication of final rule in the **Federal Register**], for malfunction periods subject to § 63.2850(e)(2)? [a]
(h)(1) Submit a Deviation Notification Report by the end of the calendar month following the month in which you determined that the compliance ratio exceeds 1.00 as described in § 63.2861(b) before [date 181 days after date of publication of final rule in the **Federal Register**]?	Yes	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for a malfunction period.
(h)(2) Submit a Deviation Notification Report as described in § 63.2861(b) on and after [date 181 days after date of publication of final rule in the **Federal Register**]?	Yes	Yes	No.
(i) Submit a Periodic SSM Report as described in § 63.2861(c)?	No, a SSM activity is not categorized as normal operation.	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**].	Yes.
(j) Submit an Immediate SSM Report as described in § 63.2861(d)?	No, a SSM activity is not categorized as normal operation.	Yes, only before [date 181 days after date of publication of final rule in the **Federal Register**] and if your source does not follow the SSM plan.	Yes, only if your source does not follow the SSM plan.
(k) Submit an Initial Startup Report as described in § 63.2861(e) on and after [date 181 days after date of publication of final rule in the **Federal Register**]?	No	Yes	No.

[a] Beginning on [date 181 days after date of publication of final rule in the **Federal Register**], you must meet the requirements of this table for normal operating periods or for initial startup periods subject to § 63.2850(c)(2) or (d)(2) at all times. The column ''For malfunction periods subject to § 63.2850(e)(2)?'' is not applicable beginning on [date 181 days after date of publication of final rule in the **Federal Register**].

■ 5. Section 63.2851 is amended by revising paragraph (a) introductory text and adding paragraph (a)(8) to read as follows:

§ 63.2851 What is a plan for demonstrating compliance?

(a) You must develop and implement a written plan for demonstrating compliance that provides the detailed procedures you will follow to monitor and record data necessary for demonstrating compliance with this subpart. Procedures followed for quantifying solvent loss from the source and amount of oilseed processed vary from source to source because of site-specific factors such as equipment design characteristics and operating conditions. Typical procedures include one or more accurate measurement methods such as weigh scales, volumetric displacement, and material mass balances. Because the industry does not have a uniform set of procedures, you must develop and implement your own site-specific plan for demonstrating compliance before the compliance date for your source. You must also incorporate the plan for demonstrating compliance by reference in the source's title V permit and keep the plan on-site and readily available as long as the source is operational. If you make any changes to the plan for demonstrating compliance, then you must keep all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision. The plan for demonstrating compliance must include the items in paragraphs (a)(1) through (8) of this section:

* * * * *

(8) On and after [date 181 days after date of publication of final rule in the **Federal Register**], if you choose to operate your source under an initial start-up period subject to § 63.2850(c)(2) or (d)(2), the items in paragraphs (c)(8)(i) and (ii) of this section:

(i) Your site-specific operating limits, and their basis, for temperature and pressure for the desolventizing and oil distillation units associated with solvent recovery.

(ii) A detailed description of all methods of measurement your source will use to measure temperature and pressure, including the measurement frequency.

* * * * *

■ 6. Section 63.2852 is revised to read as follows:

§ 63.2852 What is a startup, shutdown, and malfunction plan?

Before [date 181 days after date of publication of final rule in the **Federal Register**], you must develop a written SSM plan in accordance with § 63.6(e)(3). You must complete the SSM plan before the compliance date for your source. You must also keep the SSM plan on-site and readily available as long as the source is operational. The SSM plan provides detailed procedures for operating and maintaining your source to minimize emissions during a qualifying SSM event for which the source chooses the § 63.2850(e)(2) malfunction period, or the § 63.2850(c)(2) or (d)(2) initial startup period. The SSM plan must specify a program of corrective action for malfunctioning process and air pollution control equipment and reflect the best practices now in use by the industry to minimize emissions. Some

or all of the procedures may come from plans you developed for other purposes such as a Standard Operating Procedure manual or an Occupational Safety and Health Administration Process Safety Management plan. To qualify as a SSM plan, other such plans must meet all the applicable requirements of these NESHAP. The provisions of this section do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

■ 7. Section 63.2853 is amended by:

■ a. Revising paragraph (a)(2) introductory text and the heading to Table 1 of § 63.2853;

■ b. Adding Table 2 of § 63.2853 in paragraph (a)(2); and

■ c. Revising paragraphs (a)(3) and (a)(5)(i), (c)(1), (3), and (4).

The revisions and addition read as follows:

§ 63.2853 How do I determine the actual solvent loss?

* * * * *

(a) * * *

(2) *Source operating status.* You must categorize the operating status of your source for each recorded time interval in accordance with criteria in Table 1 or Table 2 of this section, as follows:

Table 1 of § 63.2853—Categorizing Your Source Operating Status Before [date 181 days after date of publication of final rule in the **Federal Register**]

* * * * *

TABLE 2 OF § 63.2853—CATEGORIZING YOUR SOURCE OPERATING STATUS ON AND AFTER

[Date 181 days after date of publication of final rule in the Federal Register]

If during a recorded time interval . . .	then your source operating status is . . .
(i) Your source processes any amount of listed oilseed and source is not operating under an initial startup operating period subject to § 63.2850(c)(2) or (d)(2).	A normal operating period.
(ii) Your source processes no agricultural product and your source is not operating under an initial startup period subject to § 63.2850(c)(2) or (d)(2).	A nonoperating period.
(iii) You choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2)	An initial startup period.
(iv) Your source processes agricultural products not defined as listed oilseed	An exempt period.

(3) *Measuring the beginning and ending solvent inventory.* You are required to measure and record the solvent inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in § 63.2851, to determine the extraction solvent inventory, and maintain readily available records of the actual solvent loss inventory, as described in § 63.2862(c)(1). In general, you must measure and record the solvent inventory only when the source is actively processing any type of agricultural product. When the source is not active, some or all of the solvent working capacity is transferred to solvent storage tanks which can artificially inflate the solvent inventory.

* * * * *

(5) * * *

(i) *Solvent destroyed in a control device.* You may use a control device to reduce solvent emissions to meet the emission standard. The use of a control device does not alter the emission limit for the source. If you use a control device that reduces solvent emissions through destruction of the solvent instead of recovery, then determine the gallons of solvent that enter the control device and are destroyed there during each normal operating period. All solvent destroyed in a control device during a normal operating period can be subtracted from the total solvent loss. Examples of destructive emission control devices include catalytic incinerators, boilers, or flares. Identify and describe, in your plan for demonstrating compliance, each type of reasonable and sound measurement method that you use to quantify the gallons of solvent entering and exiting the control device and to determine the destruction efficiency of the control device. You may use design evaluations to document the gallons of solvent destroyed or removed by the control device instead of performance testing under § 63.7. The design evaluations must be based on the procedures and options described in § 63.985(b)(1)(i)(A) through (C) or § 63.11, as appropriate. All data, assumptions, and procedures used in such evaluations must be documented and available for inspection. If you use performance testing to determine solvent flow rate to the control device or destruction efficiency of the device, follow the procedures as outlined in § 63.997(e)(1) and (2) and the requirements in paragraph (a)(5)(i)(A) of this section. Instead of periodic performance testing to demonstrate continued good operation of the control device, you may develop a monitoring plan, following the procedures outlined in § 63.988(c) and using operational parametric measurement devices such as fan parameters, percent measurements of lower explosive limits, and combustion temperature.

(A) On or after [date 181 days after date of publication of final rule in the **Federal Register**], you must conduct all performance tests under such conditions as the Administrator specifies to you based on representative performance of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown unless specified by the Administrator. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, you shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(B) [Reserved]

(c) * * *

(1) Nonoperating periods as described in paragraph (a)(2) of this section.

* * * * *

(3) Before [date 181 days after date of publication of final rule in the **Federal Register**] malfunction periods as described in § 63.2850(e)(2).

(4) Exempt operation periods as described in paragraph (a)(2) of this section.

■ 8. Section 63.2855 is amended by revising paragraphs (a)(3), (a)(5)(i), and (c)(3) to read as follows:

§ 63.2855 How do I determine the quantity of oilseed processed?

(a) * * *

(3) *Measuring the beginning and ending inventory for each oilseed.* You are required to measure and record the oilseed inventory on the beginning and ending dates of each normal operating period that occurs during an operating

month. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in § 63.2851, to determine the oilseed inventory on an as received basis and maintain readily available records of the oilseed inventory as described by § 63.2862(c)(3).

* * * * *

(5) * * *

(i) Oilseed that molds or otherwise become unsuitable for processing.

* * * * *

(c) * * *

(3) Before [date 181 days after date of publication of final rule in the **Federal Register**], malfunction periods as described in § 63.2850(e)(2).

* * * * *

■ 9. Section 63.2861 is amended by:

■ a. Revising paragraph (b) introductory text;

■ b. Adding paragraphs (b)(5) through (8);

■ c. Revising paragraphs (c) introductory text and (d) introductory text; and

■ d. Adding paragraphs (e) through (i).

The revisions and additions read as follows:

§ 63.2861 What reports must I submit and when?

* * * * *

(b) *Deviation notification report.* Submit a deviation report for each compliance determination you make in which the compliance ratio exceeds 1.00 as determined under § 63.2840(c) or if you deviate from the work practice standard for an initial startup period subject to § 63.2850(c)(2) or (d)(2). Submit the deviation report by the end of the month following the calendar month in which you determined the deviation. The deviation notification report must include the items in paragraphs (b)(1) through (7) of this section if you exceed the compliance ratio, and must include the items in paragraphs (b)(1), (2), and (5) through (8) of this section if you deviate from the work practice standard:

* * * * *

(5) Beginning on [date 181 days after date of publication of final rule in the **Federal Register**], the number of deviations and for each deviation the date, time, and duration of each deviation.

(6) Beginning on [date 181 days after date of publication of final rule in the **Federal Register**], a statement of the cause of each deviation (including unknown cause, if applicable).

(7) Beginning on [date 181 days after date of publication of final rule in the **Federal Register**], for each deviation, a list of the affected sources or equipment, an estimate of the quantity of HAP emitted over the emission requirements of § 63.2840, and a description of the method used to estimate the emissions.

(8) A description of the deviation from the work practice standard during the initial startup period, including the records of § 63.2862(f) for the deviation.

(c) *Periodic startup, shutdown, and malfunction report.* Before [date 181 days after date of publication of final rule in the **Federal Register**], if you choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2) or a malfunction period subject to § 63.2850(e)(2), you must submit a periodic SSM report by the end of the calendar month following each month in which the initial startup period or malfunction period occurred. The periodic SSM report must include the items in paragraphs (c)(1) through (3) of this section. The provisions of this paragraph (c) do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

* * * * *

(d) *Immediate SSM reports.* Before [date 181 days after date of publication of final rule in the **Federal Register**], if you handle a SSM during an initial startup period subject to § 63.2850(c)(2) or (d)(2) or a malfunction period subject to § 63.2850(e)(2) differently from procedures in the SSM plan and the relevant emission requirements in § 63.2840 are exceeded, then you must submit an immediate SSM report. Immediate SSM reports consist of a telephone call or facsimile transmission to the responsible agency within 2 working days after starting actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event. The letter must include the items in paragraphs (d)(1) through (3) of this section. The provisions of this paragraph (d) do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

* * * * *

(e) *Initial startup period reports.* If you choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2) on and after [date 181 days after date of publication of final rule in the **Federal Register**], you must submit an initial startup period report within 30 days after the initial startup period ends. The report must include the items in paragraphs (e)(1) through (3) of this section.

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) A compliance certification indicating whether the source was in compliance with the work practice standard of § 63.2840(h).

(f) On and after [date 181 days after date of publication of final rule in the **Federal Register**], if you conduct performance tests to determine solvent flow rate to a control device or destruction efficiency of a control device according to the requirements of § 63.2853(a)(5)(i), within 60 days after the date of completing each performance test, you must submit the results of the performance test following the procedures specified in paragraphs (f)(1) and (2) of this section.

(1) *Data collected using test methods supported by EPA's Electronic Reporting Tool (ERT) as listed on EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.* Submit the results of the performance test to EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on EPA's ERT website.

(2) *Data collected using test methods that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the ERT generated package or alternative file to EPA via CEDRI.

(3) *Confidential business information (CBI).* If you claim some of the information submitted under paragraph (f) or (g) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described in paragraph (f)(1) of this section.

(g) On and after [date 181 days after date of publication of final rule in the

Federal Register], you must submit the initial notification required in § 63.2860(b) and the annual compliance certification, deviation report, and initial startup report required in § 63.2861(a), (b), and (e) to the EPA via CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov*). The owner or operator must upload to CEDRI an electronic copy of each applicable notification in portable document format (PDF). The applicable notification must be submitted by the deadline specified in this subpart, regardless of the method in which the reports are submitted. You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is confidential business information (CBI), submit a complete report, including information claimed to be CBI, to EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described earlier in this paragraph.

(h) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 10. Section 63.2862 is amended by:

■ a. Revising paragraphs (b) and (c) introductory text;

■ b. Revising paragraphs (c)(3)(ii), (d) introductory text, and (e) introductory text; and

■ c. Adding paragraphs (f) through (h).

The revisions and additions read as follows:

§ 63.2862 What records must I keep?

* * * * *

(b) Before [date 181 days after date of publication of final rule in the **Federal Register**], prepare a plan for demonstrating compliance (as described in § 63.2851) and a SSM plan (as described in § 63.2852). In these two plans, describe the procedures you will follow in obtaining and recording data, and determining compliance under normal operations or a SSM subject to the § 63.2850(c)(2) or (d)(2) initial startup period or the § 63.2850(e)(2) malfunction period. Complete both plans before the compliance date for your source and keep them on-site and readily available as long as the source is operational. On and after [date 181 days after date of publication of final rule in the **Federal Register**], the requirement to prepare a SSM plan no longer applies, and the plan for demonstrating compliance must only describe the procedures you develop according to the requirements of § 63.2851.

(c) If your source processes any listed oilseed, record the items in paragraphs (c)(1) through (3) of this section:

* * * * *

(3) * * *

(ii) The operating status of your source, as described in § 63.2853(a)(2). On the log for each type of listed oilseed that is not being processed during a normal operating period, you must record which type of listed oilseed is being processed in addition to the source operating status.

* * * * *

(d) After your source has processed listed oilseed for 12 operating months,

record the items in paragraphs (d)(1) through (5) of this section by the end of the calendar month following each operating month:

* * * * *

(e) Before [date 181 days after date of publication of final rule in the **Federal Register**], for each SSM event subject to an initial startup period as described in § 63.2850(c)(2) or (d)(2), or a malfunction period as described in § 63.2850(e)(2), record the items in paragraphs (e)(1) through (3) of this section by the end of the calendar month following each month in which the initial startup period or malfunction period occurred. The provisions of this paragraph (e) do not apply on and after [date 181 days after date of publication of final rule in the **Federal Register**].

* * * * *

(f) On and after [date 181 days after date of publication of final rule in the **Federal Register**], for each initial startup period subject to § 63.2850(c)(2) or (d)(2), record the items in paragraphs (f)(1) through (6) of this section by the end of the calendar month following each month in which the initial startup period occurred.

(1) A description and dates of the initial startup period, and reason it qualifies as an initial startup.

(2) An estimate of the solvent loss in gallons for the duration of the initial startup or malfunction period with supporting documentation.

(3) Nominal design rate of the extractor and operating rate of the extractor for the duration of the initial startup period, or permitted production rate and actual production rate of your source for the duration of the initial startup period.

(4) Measured values for temperature and pressure for the desolventizing and oil distillation units associated with solvent recovery.

(5) Information to indicate the mineral oil absorption system was operating at all times during the initial startup period.

(6) Information to indicate the solvent condensers were operating at all times during the initial startup period.

(g) On and after [date 181 days after date of publication of final rule in the **Federal Register**], keep the records of deviations specified in paragraphs (f)(1) through (4) of this section for each compliance determination you make in which the compliance ratio exceeds 1.00 as determined under § 63.2840(c) or if you deviate from the work practice standard for an initial startup period subject to § 63.2850(c)(2) or (d)(2).

(1) The number of deviations, and the date, time, and duration of each deviation.

(2) A statement of the cause of each deviation (including unknown cause, if applicable).

(2) For each deviation, a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(3) Actions taken to minimize emissions in accordance with § 63.2840(g), and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(4) If you deviate from the work practice standard for an initial startup period, a description of the deviation from the work practice standard.

(h) Any records required to be maintained by this part that are submitted electronically via EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or EPA as part of an on-site compliance evaluation.

■ 11. Section 63.2870 is amended by revising Table 1 to § 63.2870 to read as follows:

§ 63.2870 What parts of the General Provisions apply to me?

* * * * *

TABLE 1 TO § 63.2870—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.	Yes.	
§ 63.2	Definitions	Definitions for part 63 standards.	Yes	Except as specifically provided in this subpart.
§ 63.3	Units and abbreviations	Units and abbreviations for part 63 standards.	Yes.	
§ 63.4	Prohibited activities and circumvention.	Prohibited activities; compliance date; circumvention; severability.	Yes.	
§ 63.5	Construction/reconstruction.	Applicability; applications; approvals.	Yes	Except for paragraphs in § 63.5 as listed below in this table.
§ 63.5(c)	[Reserved].			
§ 63.5(d)(1)(ii)(H)	Application for approval	Type and quantity of HAP, operating parameters.	No	All sources emit HAP. Subpart GGGG does not require control from specific emission points.
§ 63.5(d)(1)(ii)(I)	[Reserved].			

TABLE 1 TO § 63.2870—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.5(d)(1)(iii), (d)(2), (d)(3)(ii)	.....	Application for approval ...	No	The requirements of the application for approval for new, reconstructed and significantly modified sources are described in § 63.2860(b) and (c) of subpart GGGG. General provision requirements for identification of HAP emission points or estimates of actual emissions are not required. Descriptions of control and methods, and the estimated and actual control efficiency of such do not apply. Requirements for describing control equipment and the estimated and actual control efficiency of such equipment apply only to control equipment to which the subpart GGGG requirements for quantifying.
§ 63.6	Applicability of General Provisions.	Applicability	Yes	Except for paragraphs in § 63.6 as listed below in this table.
§ 63.6(b)(1) through (3)	Compliance dates, new and reconstructed sources.	.....	No	Section 63.2834 of subpart GGGG specifies the compliance dates for new and reconstructed sources.
§ 63.6(b)(6)	[Reserved].			
§ 63.6(c)(3) and (4)	[Reserved].			
§ 63.6(d)	[Reserved].			
§ 63.6(e)(1)(i)	Operation and Maintenance.	.....	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	See § 63.2840(g) for general duty requirement.
§ 63.6(e)(1)(ii)	Operation and Maintenance.	Requirement to correct malfunctions as soon as practicable..	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	See § 63.2840(g) for general duty requirement.
§ 63.6(e)(3)(i) through (e)(3)(ii) and § 63.6(e)(3)(v) through (vii).	Operation and maintenance requirements.	.....	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**].	Minimize emissions to the extent practicable. On or after [date 181 days after date of publication of final rule in the **Federal Register**], see § 63.2840(g) for general duty requirement.

TABLE 1 TO § 63.2870—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.6(e)(3)(iii)	Operation and maintenance requirements.		No	Minimize emissions to the extent practicable. On or after [date 181 days after date of publication of final rule in the **Federal Register**], see § 63.2840(g) for general duty requirement.
§ 63.6(e)(3)(iv)	Operation and maintenance requirements.		No	Report SSM and in accordance with § 63.2861(c) and (d).
§ 63.6(e)(3)(viii)	Operation and maintenance requirements.		Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	Except, before [date 181 days after date of publication of final rule in the **Federal Register**], report each revision to your SSM plan in accordance with § 63.2861(c) rather than § 63.10(d)(5) as required under § 63.6(e)(3)(viii).
§ 63.6(e)(3)(ix)	Title V permit		Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	
§ 63.6(f)(1)	Compliance with non-opacity emission standards except during SSM.	Comply with emission standards at all times except during SSM.	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	
§ 63.6(f)(2) and (3)	Methods for Determining Compliance.		Yes.	
§ 63.6(g)	Use of an Alternative Standard.		Yes.	
§ 63.6(h)	Opacity/Visible emission (VE) standards.		No	Subpart GGGG has no opacity or VE standards.
§ 63.6(i)	Compliance extension	Procedures and criteria for responsible agency to grant compliance extension.	Yes.	
§ 63.6(j)	Presidential compliance exemption.	President may exempt source category from requirement to comply with subpart.	Yes.	
§ 63.7(e)(1)	Performance testing requirements.	Representative conditions for performance test.	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	See § 63.2853(a)(5)(i)(A) for performance testing requirements.

TABLE 1 TO § 63.2870—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.7(e)(2) through (4), (f), (g), and (h).	Performance testing requirements.	Schedule, conditions, notifications and procedures.	Yes	Subpart GGGG requires performance testing only if the source applies additional control that destroys solvent. Section 63.2850(a)(6) requires sources to follow the performance testing guidelines of the General Provisions if a control is added.
§ 63.8	Monitoring requirements ..		No	Subpart GGGG does not require monitoring other than as specified therein.
§ 63.9	Notification requirements	Applicability and state delegation.	Yes	Except for paragraphs in § 63.9 as listed below in this table.
§ 63.9(b)(2)	Notification requirements	Initial notification requirements for existing sources.	No	Section 63.2860(a) of subpart GGGG specifies the requirements of the initial notification for existing sources.
§ 63.9(b)(3) through (5)	Notification requirements	Notification requirement for certain new/reconstructed sources.	Yes	Except the information requirements differ as described in § 63.2860(b) of subpart GGGG.
§ 63.9(e)	Notification of performance test.	Notify responsible agency 60 days ahead.	Yes	Applies only if performance testing is performed.
§ 63.9(f)	Notification of VE/opacity observations.	Notify responsible agency 30 days ahead.	No	Subpart GGGG has no opacity or VE standards.
§ 63.9(g)	Additional notifications when using a continuous monitoring system (CMS).	Notification of performance evaluation; Notification using COMS data; notification that exceeded criterion for relative accuracy.	No	Subpart GGGG has no CMS requirements.
§ 63.9(h)	Notification of compliance status.	Contents	No	Section 63.2860(d) of subpart GGGG specifies requirements for the notification of compliance status.
§ 63.10	Recordkeeping/reporting ..	Schedule for reporting, record storage.	Yes	Except for paragraphs in § 63.10 as listed below in this table.
§ 63.10(b)(2)(i)	Recordkeeping	Record SSM event	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	Before [date 181 days after date of publication of final rule in the **Federal Register**], applicable to periods when sources must implement their SSM plan as specified in subpart GGGG. On or after [date 181 days after date of publication of final rule in the **Federal Register**], meet the requirements of § 63.2862(f).

TABLE 1 TO § 63.2870—APPLICABILITY OF 40 CFR PART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.10(b)(2)(ii) and (iii)	Recordkeeping	Malfunction of air pollution equipment.	No	Before [date 181 days after date of publication of final rule in the **Federal Register**], applies only if air pollution control equipment has been added to the process and is necessary for the source to meet the emission limit. On or after [date 181 days after date of publication of final rule in the **Federal Register**], meet the requirements of § 63.2862(g).
§ 63.10(b)(2)(iv) and (v)	Recordkeeping	SSM recordkeeping	Yes, before [date 181 days after date of publication of final rule in the **Federal Register**]. No, on or after [date 181 days after date of publication of final rule in the **Federal Register**].	
§ 63.10(b)(2)(vi)	Recordkeeping	CMS recordkeeping	No	Subpart GGGG has no CMS requirements.
§ 63.10(b)(2)(viii) and (ix)	Recordkeeping	Conditions of performance test.	Yes	Applies only if performance tests are performed. Subpart GGGG does not have any CMS opacity or VE observation requirements.
§ 63.10(b)(2)(x) through (xii)	Recordkeeping	CMS, performance testing, and opacity and VE observations recordkeeping.	No	Subpart GGGG does not require CMS.
§ 63.10(c)	Recordkeeping	Additional CMS recordkeeping.	No	Subpart GGGG does not require CMS.
§ 63.10(d)(2)	Reporting	Reporting performance test results.	Yes	Applies only if performance testing is performed.
§ 63.10(d)(3)	Reporting	Reporting opacity or VE observations.	No	Subpart GGGG has no opacity or VE standards.
§ 63.10(d)(4)	Reporting	Progress reports	Yes	Applies only if a condition of compliance extension exists.
§ 63.10(d)(5)	Reporting	SSM reporting	No	Section 63.2861(c) and (d) specify SSM reporting requirements.
§ 63.10(e)	Reporting	Additional CMS reports	No	Subpart GGGG does not require CMS.
§ 63.11	Control device requirements.	Requirements for flares	Yes	Applies only if your source uses a flare to control solvent emissions. Subpart GGGG does not require flares.
§ 63.12	State authority and delegations.	State authority to enforce standards.	Yes.	
§ 63.13	State/regional addresses	Addresses where reports, notifications, and requests are sent.	Yes.	
§ 63.14	Incorporation by reference	Test methods incorporated by reference.	Yes.	
§ 63.15	Availability of information and confidentiality.	Public and confidential information.	Yes.	

■ 12. Section 63.2872 is amended by:
■ a. Revising the definitions for ''Compliance ratio'', ''Hazardous air pollutant (HAP)'', ''Initial startup period'' and ''Malfunction period'';
■ b. Adding a definition for ''Nonoperating month''; and
■ c. Revising the definitions for ''Nonoperating period'', ''Normal operating period'' and ''Operating month''.

The revisions and addition read as follows:

§ 63.2872 What definitions apply to this subpart?

* * * * *

Compliance ratio means a ratio of the actual HAP loss in gallons from the previous 12 operating months to an allowable HAP loss in gallons, which is determined by using oilseed solvent loss factors in Table 1 of § 63.2840, the weighted average volume fraction of HAP in solvent received for the previous 12 operating months, and the tons of each type of listed oilseed processed in the previous 12 operating months. Months during which no listed oilseed is processed, or months during which the § 63.2850(c)(2) or (d)(2) initial startup period or, before [date 181 days after date of publication of final rule in the **Federal Register**], the § 63.2850(e)(2) malfunction period applies, are excluded from this calculation. Equation 2 of § 63.2840 is used to calculate this value. If the value is less than or equal to 1.00, the source is in compliance. If the value is greater than 1.00, the source is deviating from compliance.

* * * * *

Hazardous air pollutant (HAP) means any substance or mixture of substances listed as a hazardous air pollutant under section 112(b) of the Clean Air Act.

* * * * *

Initial startup period means a period of time from the initial startup date of a new, reconstructed, or significantly modified source, for which you choose to operate the source under an initial startup period subject to § 63.2850(c)(2) or (d)(2), until the date your source operates for 15 consecutive days at or above 90 percent of the nominal design rate of the extractor or at or above 90 percent of the permitted production rate for your source. The initial startup period following initial startup of a new or reconstructed source may not exceed 6 calendar months. The initial startup period following a significant modification may not exceed 3 calendar months. Solvent and oilseed inventory information recorded during the initial startup period is excluded from use in any compliance ratio determinations.

* * * * *

Malfunction period means a period of time between the beginning and end of a process malfunction and the time reasonably necessary for a source to correct the malfunction for which you choose to operate the source under a malfunction period subject to § 63.2850(e)(2). This period may include the duration of an unscheduled process shutdown, continued operation during a malfunction, or the subsequent process startup after a shutdown resulting from a malfunction. During a malfunction period, a source complies with the standards by minimizing HAP emissions to the extent practicable. Therefore, solvent and oilseed inventory information recorded during a malfunction period is excluded from use in any compliance ratio determinations.

* * * * *

Nonoperating month means any entire calendar or accounting month in which a source processes no agricultural product.

Nonoperating period means any period of time in which a source processes no agricultural product. This operating status does not apply during any period in which the source operates under an initial startup period as described in § 63.2850(c)(2) or (d)(2), or, before [date 181 days after date of publication of final rule in the **Federal Register**], a malfunction period as described in § 63.2850(e)(2).

Normal operating period or *normal operation* means any period of time in which a source processes a listed oilseed that is not categorized as an initial startup period as described in § 63.2850(c)(2) or (d)(2), or, before [date 181 days after date of publication of final rule in the **Federal Register**], a malfunction period as described in § 63.2850(e)(2). At the beginning and ending dates of a normal operating period, solvent and oilseed inventory information is recorded and included in the compliance ratio determination.

* * * * *

Operating month means any calendar or accounting month in which a source processes any quantity of listed oilseed, excluding any entire calendar or accounting month in which the source operated under an initial startup period as described in § 63.2850(c)(2) or (d)(2), or, before [date 181 days after date of publication of final rule in the **Federal Register**], a malfunction period as described in § 63.2850(e)(2). An operating month may include time intervals characterized by several types of operating status. However, an operating month must have at least one normal operating period.

* * * * *

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Part III

The President

Executive Order 13877—Improving Price and Quality Transparency in American Healthcare To Put Patients First

Federal Register
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Presidential Documents

Title 3—

The President

Executive Order 13877 of June 24, 2019

Improving Price and Quality Transparency in American Healthcare To Put Patients First

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Purpose.* My Administration seeks to enhance the ability of patients to choose the healthcare that is best for them. To make fully informed decisions about their healthcare, patients must know the price and quality of a good or service in advance. With the predominant role that third-party payers and Government programs play in the American healthcare system, however, patients often lack both access to useful price and quality information and the incentives to find low-cost, high-quality care. Opaque pricing structures may benefit powerful special interest groups, such as large hospital systems and insurance companies, but they generally leave patients and taxpayers worse off than would a more transparent system.

Pursuant to Executive Order 13813 of October 12, 2017 (Promoting Healthcare Choice and Competition Across the United States), my Administration issued a report entitled ''Reforming America's Healthcare System Through Choice and Competition.'' The report recommends developing price and quality transparency initiatives to ensure that healthcare patients can make well-informed decisions about their care. In particular, the report describes the characteristics of the most effective price transparency efforts: they distinguish between the charges that providers bill and the rates negotiated between payers and providers; they give patients proper incentives to seek information about the price of healthcare services; and they provide useful price comparisons for ''shoppable'' services (common services offered by multiple providers through the market, which patients can research and compare before making informed choices based on price and quality).

Shoppable services make up a significant share of the healthcare market, which means that increasing transparency among these services will have a broad effect on increasing competition in the healthcare system as a whole. One study, cited by the Council of Economic Advisers in its 2019 Annual Report, examined a sample of the highest-spending categories of medical cases requiring inpatient and outpatient care. Of the categories of medical cases requiring inpatient care, 73 percent of the 100 highest-spending categories were shoppable. Among the categories of medical cases requiring outpatient care, 90 percent of the 300 highest-spending categories were shoppable. Another study demonstrated that the ability of patients to price-shop imaging services, a particularly fungible and shoppable set of healthcare services, was associated with a per-service savings of up to approximately 19 percent.

Improving transparency in healthcare will also further protect patients from harmful practices such as surprise billing, which occurs when patients receive unexpected bills at highly inflated prices from out-of-network providers they had no opportunity to select in advance. On May 9, 2019, I announced principles to guide efforts to address surprise billing. The principles outline how patients scheduling appointments to receive facility-based care should have access to pricing information related to the providers and services they may need, and the out-of-pocket costs they may incur. Having access to this type of information in advance of care can help patients avoid excessive charges.

Making meaningful price and quality information more broadly available to more Americans will protect patients and increase competition, innovation, and value in the healthcare system.

Sec. 2. *Policy.* It is the policy of the Federal Government to ensure that patients are engaged with their healthcare decisions and have the information requisite for choosing the healthcare they want and need. The Federal Government aims to eliminate unnecessary barriers to price and quality transparency; to increase the availability of meaningful price and quality information for patients; to enhance patients' control over their own healthcare resources, including through tax-preferred medical accounts; and to protect patients from surprise medical bills.

Sec. 3. *Informing Patients About Actual Prices.* (a) Within 60 days of the date of this order, the Secretary of Health and Human Services shall propose a regulation, consistent with applicable law, to require hospitals to publicly post standard charge information, including charges and information based on negotiated rates and for common or shoppable items and services, in an easy-to-understand, consumer-friendly, and machine-readable format using consensus-based data standards that will meaningfully inform patients' decision making and allow patients to compare prices across hospitals. The regulation should require the posting of standard charge information for services, supplies, or fees billed by the hospital or provided by employees of the hospital. The regulation should also require hospitals to regularly update the posted information and establish a monitoring mechanism for the Secretary to ensure compliance with the posting requirement, as needed.

(b) Within 90 days of the date of this order, the Secretaries of Health and Human Services, the Treasury, and Labor shall issue an advance notice of proposed rulemaking, consistent with applicable law, soliciting comment on a proposal to require healthcare providers, health insurance issuers, and self-insured group health plans to provide or facilitate access to information about expected out-of-pocket costs for items or services to patients before they receive care.

(c) Within 180 days of the date of this order, the Secretary of Health and Human Services, in consultation with the Attorney General and the Federal Trade Commission, shall issue a report describing the manners in which the Federal Government or the private sector are impeding healthcare price and quality transparency for patients, and providing recommendations for eliminating these impediments in a way that promotes competition. The report should describe why, under current conditions, lower-cost providers generally avoid healthcare advertising.

Sec. 4. *Establishing a Health Quality Roadmap.* Within 180 days of the date of this order, the Secretaries of Health and Human Services, Defense, and Veterans Affairs shall develop a Health Quality Roadmap (Roadmap) that aims to align and improve reporting on data and quality measures across Medicare, Medicaid, the Children's Health Insurance Program, the Health Insurance Marketplace, the Military Health System, and the Veterans Affairs Health System. The Roadmap shall include a strategy for establishing, adopting, and publishing common quality measurements; aligning inpatient and outpatient measures; and eliminating low-value or counterproductive measures.

Sec. 5. *Increasing Access to Data to Make Healthcare Information More Transparent and Useful to Patients.* Within 180 days of the date of this order, the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury, Defense, Labor, and Veterans Affairs, and the Director of the Office of Personnel Management, shall increase access to de-identified claims data from taxpayer-funded healthcare programs and group health plans for researchers, innovators, providers, and entrepreneurs, in a manner that is consistent with applicable law and that ensures patient privacy and security. Providing access to this data will facilitate the development of tools that empower patients to be better informed as they make decisions related to healthcare goods and services. Access to this data will also enable researchers and entrepreneurs to locate inefficiencies and opportunities for improvement, such as patterns of performance of medical procedures that are outside the recommended standards of care. Such data may be derived from the Transformed Medicaid Statistical Information System (T–MSIS) and other sources. As part of this process, the Secretary of Health and Human Services shall make a list of priority datasets that, if de-identified, could advance the policies set forth by this order, and shall report to the President on proposed plans for future release of these priority datasets and on any barriers to their release.

Sec. 6. *Empowering Patients by Enhancing Control Over Their Healthcare Resources.* (a) Within 120 days of the date of this order, the Secretary of the Treasury, to the extent consistent with law, shall issue guidance to expand the ability of patients to select high-deductible health plans that can be used alongside a health savings account, and that cover low-cost preventive care, before the deductible, for medical care that helps maintain health status for individuals with chronic conditions.

(b) Within 180 days of the date of this order, the Secretary of the Treasury, to the extent consistent with law, shall propose regulations to treat expenses related to certain types of arrangements, potentially including direct primary care arrangements and healthcare sharing ministries, as eligible medical expenses under section 213(d) of title 26, United States Code.

(c) Within 180 days of the date of this order, the Secretary of the Treasury, to the extent consistent with law, shall issue guidance to increase the amount of funds that can carry over without penalty at the end of the year for flexible spending arrangements.

Sec. 7. *Addressing Surprise Medical Billing.* Within 180 days of the date of this order, the Secretary of Health and Human Services shall submit a report to the President on additional steps my Administration may take to implement the principles on surprise medical billing announced on May 9, 2019.

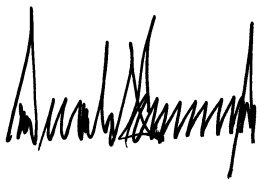
Sec. 8. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
June 24, 2019.

[FR Doc. 2019–13945
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