AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# FEDERAL REGISTER

Vol. 84 Friday,
No. 129 July 5, 2019

Pages 32013–32254

OFFICE OF THE FEDERAL REGISTER

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

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

**The seal of the National Archives and Records Administration authenticates the Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

**How To Cite This Publication:** Use the volume number and the page number. Example: 84 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

**PUBLIC**

**Subscriptions:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public subscriptions | **202–512–1806** |

**General online information** **202–512–1530; 1–888–293–6498**

**Single copies/back copies:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public single copies | **1–866–512–1800 (Toll-Free)** |

**FEDERAL AGENCIES**

**Subscriptions:**

Assistance with Federal agency subscriptions:

| | |
|---|---|
| Email | *FRSubscriptions@nara.gov* |
| Phone | **202–741–6000** |

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

# Contents

**Federal Register**

Vol. 84, No. 129

Friday, July 5, 2019

**African Development Foundation**
**NOTICES**
Meetings:
Board of Directors, 32119

**Agency for Healthcare Research and Quality**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32174–32175

**Agriculture Department**
*See* Animal and Plant Health Inspection Service
*See* Forest Service
*See* Procurement and Property Management Office, Agriculture Department

**Animal and Plant Health Inspection Service**
**NOTICES**
List of Regions Affected With Highly Pathogenic Avian Influenza:
Addition of Bulgaria, 32119

**Centers for Disease Control and Prevention**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32175–32189

**Civil Rights Commission**
**NOTICES**
Meetings:
Florida Advisory Committee, 32120
South Dakota Advisory Committee, 32120–32121

**Coast Guard**
**RULES**
Safety Zone:
Fireworks Display, Delaware River, Chester, PA, 32064–32066
Recurring Marine Events in Captain of the Port Long Island Sound Zone, 32063–32064
Special Local Regulation:
Recurring Marine Events in Captain of the Port Long Island Sound Zone, 32061
Zimovia Strait, Wrangell, AK, 32061–32063
**PROPOSED RULES**
Safety Zone:
Perch and Pilsner Festival, Lake Erie, Conneaut, OH, 32112–32114

**Commerce Department**
*See* Industry and Security Bureau
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration

**Committee for Purchase From People Who Are Blind or Severely Disabled**
**NOTICES**
Procurement List; Additions and Deletions, 32127–32128

**Commodity Futures Trading Commission**
**PROPOSED RULES**
Derivatives Clearing Organization General Provisions and Core Principles, 32104–32105
Foreign Futures and Options Transactions, 32105–32109

**Community Living Administration**
**PROPOSED RULES**
Grants for Supportive and Nutritional Services to Older Hawaiian Natives Program, 32116–32117

**Education Department**
**NOTICES**
Applications for New Awards:
Rehabilitation Training: Innovative Rehabilitation Training Program, 32135–32144
Rehabilitation Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling and Rehabilitation Training: Rehabilitation Long-Term Training Program—Rehabilitation Specialty Areas, 32144–32152
Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities—Model Demonstration Projects for Early Identification of Students With Dyslexia in Elementary School, 32152–32158
Trauma Recovery Demonstration Grant Program, 32128–32134

**Employment and Training Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Student Safety Assessment of Job Corps Participants, 32221–32222

**Energy Department**
*See* Federal Energy Regulatory Commission

**Environmental Protection Agency**
**RULES**
Air Quality State Implementation Plans; Approvals and Promulgations:
Delaware; Emissions Statements Rule Certification for the 2008 Ozone National Ambient Air Quality Standard, 32068–32072
District of Columbia; Nonattainment New Source Review Requirements for 2008 8-Hour Ozone Standard, 32072–32076
Missouri; Measurement of Emissions of Air Contaminants, 32066–32068
Decision on Supplemental Information on the Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 32094–32096
Pesticide Tolerances for Emergency Exemptions:
Indoxacarb, 32088–32094
Standards of Performance:
Stationary Compression Ignition Internal Combustion Engines, 32084–32088
State Plans for Designated Facilities and Pollutants; Approval and Promulgation:
Pennsylvania; Removal of Allegheny County Requirements Applicable to Gasoline Volatility in the Allegheny County Portion of the Pittsburgh-Beaver Valley Area, 32076–32083

PROPOSED RULES
Standards of Performance:
Stationary Compression Ignition Internal Combustion Engines, 32114–32116
NOTICES
Certain New Chemicals; Receipt and Status Information for April 2019, 32161–32168
Environmental Impact Statements; Availability, etc.:
Weekly Receipts, 32168–32169

**Federal Aviation Administration**
RULES
Airworthiness Directives:
Robinson Helicopter Company Helicopters, 32028–32030
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments, 32033–32040
PROPOSED RULES
Airworthiness Directives:
Embraer S.A. Airplanes, 32101–32104
Pilatus Aircraft Ltd. Airplanes, 32099–32101
NOTICES
Charter Renewal:
Commercial Space Transportation Advisory Committee, 32251

**Federal Communications Commission**
PROPOSED RULES
Connect America Fund, 32117–32118

**Federal Election Commission**
NOTICES
Meetings; Sunshine Act, 32169

**Federal Emergency Management Agency**
NOTICES
Flood Hazard Determinations, 32193–32198

**Federal Energy Regulatory Commission**
NOTICES
Combined Filings, 32159–32161
Environmental Impact Statements; Availability, etc.:
Pacific Gas and Electric Co. and City of Santa Clara, CA, Bucks Creek Hydropower Project, 32161

**Federal Highway Administration**
NOTICES
Environmental Impact Statements; Availability, etc.:
Mid-States Corridor, Southern Indiana, 32251–32252

**Federal Reserve System**
NOTICES
Announcement of Financial Sector Liabilities, 32169–32170
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 32170

**Federal Trade Commission**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32170–32173

**Fish and Wildlife Service**
NOTICES
Endangered and Threatened Species:
Recovery Permit Applications, 32209–32212

**Food and Drug Administration**
NOTICES
Guidance:
Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Correction, 32189

**Foreign Assets Control Office**
NOTICES
Blocking or Unblocking of Persons and Properties, 32252

**Forest Service**
NOTICES
Meetings:
Sabine-Angelina Resource Advisory Committee, 32119–32120

**General Services Administration**
NOTICES
Meetings:
Public Buildings Reform Board, 32173

**Health and Human Services Department**
*See* Agency for Healthcare Research and Quality
*See* Centers for Disease Control and Prevention
*See* Community Living Administration
*See* Food and Drug Administration
*See* Health Resources and Services Administration
*See* National Institutes of Health
NOTICES
Request for Comments:
National Youth Sports Strategy, 32190

**Health Resources and Services Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Nurse Anesthetist Traineeship Program Specific Data Forms, 32189–32190

**Homeland Security Department**
*See* Coast Guard
*See* Federal Emergency Management Agency
*See* U.S. Customs and Border Protection

**Housing and Urban Development Department**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Housing Administration Healthcare Facility Documents, 32198–32205
Privacy Act; Systems of Records, 32205–32209

**Industry and Security Bureau**
NOTICES
Meetings:
Information Systems Technical Advisory Committee, 32121

**Interior Department**
*See* Fish and Wildlife Service
*See* Land Management Bureau
*See* National Park Service
*See* Surface Mining Reclamation and Enforcement Office

**International Trade Administration**
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany, 32126–32127
Certain Cold-Rolled Steel Flat Products From the Republic of Korea, 32123–32124
Certain Softwood Lumber Products From Canada, 32121–32123
Oil Country Tubular Goods From the People's Republic of China, 32125–32126
Meetings:
Renewable Energy and Energy Efficiency Advisory Committee, 32124–32125

**International Trade Commission**
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain LED Lighting Devices and Components Thereof, 32218–32220
Certain Reload Cartridges for Laparoscopic Surgical Staplers, 32220–32221
Laminated Woven Sacks From China, 32221
Persulfates From China, 32217–32218
Quartz Surface Products From China, 32216–32217
Steel Wire Garment Hangers From China, 32217

**Labor Department**
*See* Employment and Training Administration

**Land Management Bureau**
NOTICES
Environmental Assessments; Availability, etc.:
GCC Energy, LLC, Coal Lease-by-Application and Mine Plan Modification COC–78825, La Plata County, CO, 32212–32213
New Elk Coal Co., LLC, Coal Lease-by-Application COC–71978, Las Animas County, CO, 32212

**National Aeronautics and Space Administration**
NOTICES
Meetings:
NASA Advisory Council; Aeronautics Committee, 32222–32223

**National Institutes of Health**
NOTICES
Meetings:
Center for Scientific Review, 32190–32191
National Institute of Environmental Health Sciences, 32191

**National Oceanic and Atmospheric Administration**
RULES
Fisheries Off West Coast States:
Pacific Coast Groundfish Fishery; Trawl Logbook, 32096–32098

**National Park Service**
NOTICES
Meetings:
Native American Graves Protection and Repatriation Review Committee, 32214

**Nuclear Regulatory Commission**
NOTICES
Meetings:
Best Practices for Establishment and Operation of Local Community Advisory Boards in Response to a Portion of the Nuclear Energy Innovation and Modernization Act, 32223–32224

**Overseas Private Investment Corporation**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32224–32225

**Presidential Documents**
PROCLAMATIONS
Special Observances:
Pledge to America's Workers Month (Proc. 9907), 32013–32014

**Procurement and Property Management Office, Agriculture Department**
RULES
Designation of Product Categories for Federal Procurement, 32015–32028

**Securities and Exchange Commission**
RULES
Auditor Independence With Respect to Certain Loans or Debtor-Creditor Relationships, 32040–32060
NOTICES
Applications:
Deregistration, 32229–32230
Meetings:
Fixed Income Market Structure Advisory Committee, 32237–32238
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BYX Exchange, Inc., 32227–32229
Cboe BZX Exchange, Inc., 32230–32232
Cboe C2 Exchange, Inc., 32225–32227
Cboe EDGA Exchange, Inc., 32235–32237
Cboe EDGX Exchange, Inc., 32233–32235
Investors Exchange LLC, 32238–32244
New York Stock Exchange LLC, 32232–32233
The Nasdaq Stock Market, LLC, 32245–32246

**State Department**
NOTICES
Culturally Significant Objects Imported for Exhibition:
Mapa Wiya (Your Map's Not Needed): Australian Aboriginal Art From the Fondation Opale, 32246
List of Participating Countries and Entities in the Kimberley Process Certification Scheme, 32247–32248

**Surface Mining Reclamation and Enforcement Office**
PROPOSED RULES
Kansas Regulatory Program, 32109–32110
Louisiana Abandoned Mine Land Reclamation Plan, 32111–32112
NOTICES
Record of Decision:
Coal Hollow Mine Mining Plan, 32214–32216

**Trade Representative, Office of United States**
NOTICES
Hearing:
Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute, 32248–32251

**Transportation Department**
*See* Federal Aviation Administration
*See* Federal Highway Administration

**Treasury Department**
*See* Foreign Assets Control Office

**U.S. Customs and Border Protection**
**NOTICES**
Quarterly IRS Interest Rates Used in Calculating Interest On Overdue Accounts and Refunds on Customs Duties, 32192–32193

**Veterans Affairs Department**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
VA Post-Separation Transition Assistance Program Assessment Longitudinal Survey, 32252–32253
Meetings:
Creating Options for Veterans Expedited Recovery Commission, 32253–32254
Veterans' Advisory Committee on Rehabilitation, 32253

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.


**3 CFR**

**Proclamations:**

9907 ..... 32013

**7 CFR**

3201 ..... 32015

**14 CFR**

39 ..... 32028

97 (4 documents) ..... 32030, 32033, 32037, 32038

**Proposed Rules:**

39 (2 documents) ..... 32099, 32101

**17 CFR**

210 ..... 32040

**Proposed Rules:**

1 ..... 32104

30 ..... 32105

39 ..... 32104

140 ..... 32104

**30 CFR**

**Proposed Rules:**

916 ..... 32109

918 ..... 32111

**33 CFR**

100 (2 documents) ..... 32061

165 (2 documents) ..... 32063, 32064

**Proposed Rules:**

165 ..... 32112

**40 CFR**

52 (4 documents) ..... 32066, 32068, 32072, 32076

60 ..... 32084

180 ..... 32088

435 ..... 32094

**Proposed Rules:**

60 ..... 32114

**45 CFR**

**Proposed Rules:**

1323 ..... 32116

**47 CFR**

**Proposed Rules:**

54 ..... 32117

**50 CFR**

660 ..... 32096

Federal Register
Vol. 84, No. 129
Friday, July 5, 2019

# Presidential Documents

**Title 3—**

**The President**

**Proclamation 9907 of July 1, 2019**

## Pledge to America's Workers Month, 2019

**By the President of the United States of America**

**A Proclamation**

This month, we celebrate Pledge to America's Workers Month. Last year, I signed an Executive Order establishing the President's National Council for the American Worker. The Council, made up of 14 Federal agencies, is charged with developing a national strategy for training and reskilling workers for high-demand occupations and the industries of the future. The Federal Government, however, cannot do it alone. That is why we also launched the Pledge to America's Workers, a call-to-action for States and the private sector to create new education and training opportunities to better serve the American worker and encourage private investment in workforce development. As of today, a strong bipartisan majority of our Nation's Governors and more than 280 companies and associations have signed the Pledge, committing to create nearly 10 million enhanced career and training opportunities for America's workforce. On this inaugural Pledge to America's Workers Month, my Administration calls on more States and employers, both large and small, to sign the Pledge to strengthen the economy and ensure one of America's greatest assets—its workforce—is prepared for the jobs of today and tomorrow.

As President, I have worked to revitalize our country's economy and usher in a new era of American prosperity. Since taking office, 5.4 million jobs have been added to our Nation's economy. This year, wage growth hit its fastest pace in a decade, boosting the buying power of American workers. My Administration has unleashed an economic expansion that has brought a record number of Americans back into the labor market. Not only has the national unemployment rate dropped to 3.6 percent, the lowest rate in half a century, but unemployment has reached historic lows among minorities, veterans, and individuals with disabilities. In May, a record 75 percent of people who started that work had been out of the labor force the previous month rather than unemployed. In other words, we are bringing more people off the sidelines and into the labor force than ever before. We are striving for and achieving inclusive growth, so that all Americans, especially those who have been marginalized, can find meaningful work and the training needed to fill vacant jobs.

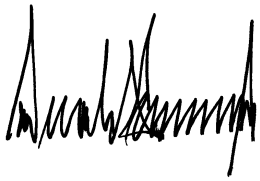
Our country's flourishing job market also poses exciting new opportunities. In each of the past 14 months, the United States has had more job openings than job seekers, meaning there remains room for even more Americans to enter the labor force. My Administration stands ready to help American workers gain the skills needed to fill the approximately 7.4 million open jobs. That is why last month, the Department of Labor launched the new Industry-Recognized Apprenticeship pathway, encouraging companies to offer on-the-job training in new, emerging, and high-growth sectors of our economy.

Throughout Pledge to America's Workers Month, we applaud the States, employers, and associations who have signed the Pledge. And we encourage those that have not yet signed the Pledge to do so and commit to new education and training opportunities over the next 5 years. Together, with

the industrious spirit of the American workforce, we will build a more prosperous future for all generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 2019 as Pledge to America's Workers Month.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of July, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.



[FR Doc. 2019–14472
Filed 7–3–19; 8:45 am]
Billing code 3295–F9–P

# Rules and Regulations

Federal Register
Vol. 84, No. 129
Friday, July 5, 2019

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

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

## DEPARTMENT OF AGRICULTURE

### Office of Procurement and Property Management

### 7 CFR Part 3201

**RIN 0599–AA26**

## Designation of Product Categories for Federal Procurement

**AGENCY:** Office of Procurement and Property Management, USDA.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Department of Agriculture (USDA) is amending the Guidelines for Designating Biobased Products for Federal Procurement (Guidelines) to add 30 sections that will designate the product categories within which biobased products would be afforded procurement preference by Federal agencies and their contractors. These 30 product categories contain finished products that are made, in large part, from intermediate ingredients that have been designated for Federal procurement preference. Additionally, USDA is amending the existing designated product categories of general purpose de-icers, firearm lubricants, laundry products, and water clarifying agents.

**DATES:** This rule is effective August 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Karen Zhang, USDA, Office of Procurement and Property Management, Room 1640, USDA South Building, 1400 Independence Avenue SW, Washington, DC 20250; email: *biopreferred_support@amecfw.com;* phone 919–765–9969. Information regarding the Federal preferred procurement program (one initiative of the BioPreferred Program) is available at *http://www.biopreferred.gov.*

**SUPPLEMENTARY INFORMATION:** The information presented in this preamble is organized as follows:

I. Authority
II. Background
III. Discussion of Public Comments
IV. Summary of Changes
V. Regulatory Information
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Regulatory Flexibility Act (RFA)
C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights
D. Executive Order 12988: Civil Justice Reform
E. Executive Order 13132: Federalism
F. Unfunded Mandates Reform Act of 1995
G. Executive Order 12372: Intergovernmental Review of Federal Programs
H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
I. Paperwork Reduction Act
J. E-Government Act
K. Congressional Review Act

## I. Authority

These product categories are designated under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), as amended by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), and further amended by the Agricultural Act of 2014 (the 2014 Farm Bill) and the Agricultural Improvement Act of 2018 (the 2018 Farm Bill), 7 U.S.C. 8102. (Section 9002 of the 2002 Farm Bill, as amended by the 2008, 2014, and 2018 Farm Bills, is referred to in this document as ''section 9002''.)

## II. Background

As part of the BioPreferred Program, USDA published, on September 14, 2018, a proposed rule in the **Federal Register** (FR) for the purpose of designating a total of 30 product categories for the preferred procurement of biobased products by Federal agencies (referred to hereafter in this FR document as the ''preferred procurement program''). This proposed rule can be found at 83 FR 46780.

Section 9002 provides for the preferred procurement of biobased products by Federal procuring agencies and is referred to hereafter in this **Federal Register** document as the ''Federal preferred procurement program.'' Under the provisions specified in the ''Guidelines for Designating Biobased Products for Federal Procurement'' in title 7 of the U.S. Code of Federal Regulations (CFR), part 3201 (Guidelines), the USDA BioPreferred Program ''designates'' product categories to which the preferred procurement requirements apply by listing them in subpart B of 7 CFR part 3201.

The term ''product category'' is used as a generic term in the designation process to mean a grouping of specific products that perform a similar function. As originally finalized, the Guidelines included provisions for the designation of product categories that were composed of finished, consumer products such as mobile equipment hydraulic fluids, penetrating lubricants, or hand cleaners and sanitizers.

The 2008, 2014, and 2018 Farm Bills directed USDA to expand the scope of the Guidelines to include the designation of product categories composed of both intermediate ingredients and feedstock materials and finished products made from those materials. Specifically, the 2008 Farm Bill stated that USDA shall ''designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) that will be subject to'' Federal preferred procurement, ''designate those intermediate ingredients and feedstocks that are or can be used to produce items that will be subject'' to Federal preferred procurement, and ''automatically designate items composed of [designated] intermediate ingredients and feedstocks . . . if the content of the designated intermediate ingredients and feedstocks exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate).''

In the proposed rule, USDA proposed to designate 30 product categories that contain finished products made from biobased intermediate ingredients and feedstocks. USDA also proposed to amend the existing designated product categories of general purpose de-icers, firearm lubricants, laundry products, and water clarifying agents.

This final rule designates the proposed product categories within which biobased products will be afforded Federal procurement preference. USDA has determined that

each of the product categories being designated under this rulemaking meets the necessary statutory requirements; that they are being produced with biobased products; and that their procurement will carry out the following objectives of section 9002: To improve demand for biobased products; to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities; and to enhance the Nation's energy security by substituting biobased products for products derived from imported oil and natural gas.

When USDA designates by rulemaking a product category for preferred procurement under the BioPreferred Program, manufacturers of all products under the umbrella of that product category that meet the requirements to qualify for preferred procurement can claim that status for their products. To qualify for preferred procurement, a product must be within a designated product category and must contain at least the minimum biobased content established for the designated product category. With the designation of these specific product categories, USDA invites the manufacturers and vendors of qualifying products to provide information on the product, contacts, and performance testing for posting on its BioPreferred website, *http://www.biopreferred.gov.* Procuring agencies will be able to utilize this website as one tool to determine the availability of qualifying biobased products under a designated product category. Once USDA designates a product category, procuring agencies are required generally to purchase biobased products within the designated product category where the purchase price of the procurement product exceeds $10,000 or where the quantity of such products or of functionally equivalent products purchased over the preceding fiscal year equaled $10,000 or more.

*Subcategorization.* In this final rule, USDA is subcategorizing one of the product categories. That product category is concrete repair materials, and the proposed subcategories are: Concrete leveling and concrete patching. USDA is also adding a new subcategory for dryer sheets to the laundry products product category that was designated previously (73 FR 27994, May 14, 2008).

*Minimum Biobased Contents.* The minimum biobased contents being established in this rule are based on products for which USDA has biobased content test data. USDA obtains biobased content data in conjunction with product manufacturers' and vendors' applications for certification to use the USDA Certified Biobased Product label. Products that are certified to display the label must undergo biobased content testing by an independent, third-party testing lab using ASTM D6866, ''Standard Test Methods for Determining the Biobased Content of Solid, Liquid, and Gaseous Samples Using Radiocarbon Analysis.'' These test data are maintained in the BioPreferred Program database, and their use in setting the minimum biobased content for designated product categories results in a more efficient process for both the Program and manufacturers and vendors of products within the product categories.

*Overlap with the U.S. Environmental Protection Agency's (EPA) Comprehensive Procurement Guideline program for recovered content products under the Resource Conservation and Recovery Act (RCRA) section 6002.* Some of the products that are categorized in biobased product categories that are designated for Federal preferred procurement under the BioPreferred Program may overlap with product categories that the U.S. Environmental Protection Agency (EPA) has designated under its Comprehensive Procurement Guideline (CPG) for products containing recovered (or recycled) materials. A list of EPA's CPG program product categories may be found on its website (*https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program*) and in 40 CFR part 247. In this final rule, some products that are categorized in the product categories of concrete curing agents; concrete repair materials—concrete leveling; concrete repair materials—concrete patching; exterior paints and coatings; folders and filing products; other lubricants; playground and athletic surface materials; product packaging; rugs or floor mats; shopping and trash bags; soil amendments; and transmission fluids may also be categorized in one or more of the following product categories that are designated in EPA's CPG program:

- Construction Products: Cement and Concrete; Consolidated and Reprocessed Latex Paint for Specified Uses;
- Landscaping Products: Compost Made From Recovered Organic Materials; Fertilizer Made From Recovered Organic Materials;
- Miscellaneous Products: Mats;
- Non-Paper Office Products: Binders, Clipboards, File Folders, Clip Portfolios, and Presentation Folders; Plastic Envelopes; Plastic Trash Bags;
- Paper Products: Paperboard and Packaging;
- Parks and Recreation Products: Playground Surfaces; Running Tracks; and
- Vehicular Products: Re-refined Lubricating Oil.

*Federal Government Purchase of Sustainable Products.* The Federal government's sustainable purchasing program includes the following three mandatory preference programs for designated products: The BioPreferred Program, the EPA's CPG program, and the Environmentally Preferable Purchasing program. The Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB) encourage agencies to implement these components comprehensively when purchasing products and services.

*Other Federal Preferred Procurement Programs.* Federal procurement officials should also note that many biobased products may be available for purchase by Federal agencies through the AbilityOne Program (formerly known as the Javits-Wagner-O'Day (JWOD) program). Under this program, members of organizations including the National Industries for the Blind (NIB) and SourceAmerica (formerly known as the National Industries for the Severely Handicapped) offer products and services for preferred procurement by Federal agencies.

Some biobased products that are categorized in the product categories of adhesives; cleaning tools; clothing; de-icers; durable cutlery; durable tableware; exterior paints and coatings; feminine care products; folders and filing products; gardening supplies and accessories; kitchenware and accessories; other lubricants; rugs and floor mats; and toys and sporting gear could be available for purchase in one or more of the following product categories in the AbilityOne Catalog:

- Cleaning and Janitorial Products,
- Clothing,
- Furniture,
- Hardware and Paints,
- Kitchen and Breakroom Supplies,
- Mailing and Shipping Supplies,
- Office Supplies,
- Outdoor Supplies, and
- Skin and Personal Care.

Because additional categories of products are frequently added to the AbilityOne Program, it is possible that biobased products within other product categories being designated today may be available through the AbilityOne Program in the future. Procurement of biobased products through the AbilityOne Program would further the objectives of both the AbilityOne Program and the Federal preferred procurement program.

*Outreach.* To augment its own research, USDA consults with industry and Federal stakeholders to the Federal preferred procurement program during the development of the rulemaking packages for the designation of product categories. USDA consults with stakeholders to gather information used in determining the order of product category designation and in identifying the following: Manufacturers producing and marketing products that are categorized within a product category proposed for designation; performance standards used by Federal agencies evaluating products to be procured; and warranty information used by manufacturers of end-user equipment and other products with regard to biobased products.

## III. Discussion of Public Comments

USDA solicited comments on the proposed rule for 90 days ending on November 13, 2018. USDA received five comments by that date. All of the comments were from manufacturers of biobased products. The comments are presented below, along with USDA's responses, and are shown under the product categories to which they apply.

### *Concrete Repair Materials*

*Comment:* Two commenters recommend including an additional sub-category under Concrete Repair Materials that would include products designed to preserve concrete. The commenters note that the two subcategories that were included in the proposed rule, Concrete Repair Materials—Concrete Leveling and Concrete Repair Materials—Concrete Patching, do not take into consideration products that work to preserve the concrete instead of repairing it. The commenters suggest including a third subcategory called ''Concrete Repair Materials—Concrete Preservation'' that would include products that are designed to protect concrete from further deterioration.

*Response:* USDA thanks the commenters for their suggestions regarding an additional subcategory for the Concrete Repair Materials category. USDA agrees that Concrete Repair Materials—Concrete Preservation sounds like a reasonable subcategory. However, the commenters have not supplied enough information to designate this additional subcategory at this time. USDA will continue to collect information about concrete preservation products, and a concrete preservation subcategory will be evaluated for inclusion in future rulemaking actions. In the meantime, USDA would like to encourage manufacturers of concrete preservation products who would like to participate in the BioPreferred Program to use the product category ''Wood and Concrete Sealers'' found in § 3201.42.

### *Epoxy Systems*

*Comment:* One commenter supports the creation of the Epoxy Systems category and agrees that biobased technologies exist that can provide performance properties that meet market requirements as well as the proposed 23 percent minimum biobased content requirement.

*Response:* USDA thanks the commenter for their support of the proposed designation of the Epoxy Systems product category.

### *Exterior Paints and Coatings*

*Comment:* One commenter suggests adding performance criteria to the description for this category. The commenter expresses concern that without performance test standards associated with the category, higher performing biobased products with less than 83 percent biobased content would be excluded.

*Response:* USDA agrees that some exterior paint and coating products may not meet the 83 percent minimum biobased content requirement; however, the data available to USDA show that there are exterior paint and coating products that are capable of meeting the 83 percent minimum. USDA does not generally consider performance criteria when establishing product categories. USDA does give manufacturers an opportunity to provide data on performance criteria as supplemental information when submitting information about their products. While this information is not considered when determining criteria for eligibility to participate in the BioPreferred Program, performance criteria may be taken into consideration when determining the need to establish subcategories. In the future, USDA may add subcategories to the Exterior Paints and Coatings category based on performance criteria if the data support this.

### *Rugs and Floor Mats*

*Comment:* One commenter believes that the proposed minimum biobased content (23 percent) will be extremely difficult to achieve for fiber-based rugs, runners, and floor mats due to the carpet-like structure of these types of floor coverings. The commenter states that the carpet structure of carpet-based rugs, which does not lend itself to be coated with a backing system with enough biobased formulation to reach the 23 percent biobased content requirement, accounts for 70 percent of the structure of the rug. Thus, the commenter recommends adding language to clarify that carpet-like rugs and floor coverings be included in the previously designated Carpets category rather than in the proposed Rugs and Floor Mats category. The commenter believes that non-fiber-based chair pads or floor mats would not have this issue and would be able to meet the 23 percent biobased content requirement.

*Response:* USDA reviewed the commenter's suggestions and agreed that it would add clarity to revise the definition. USDA's intent was not to supersede the designated product category ''Carpets'' (found in § 3201.33) for products composed of woven, tufted, or knitted fiber and a backing system, regardless of whether or not they are wall-to-wall carpet products. USDA has revised the proposed definition to clarify that products that include backing systems would fall under the Carpets category rather than the Rugs and Floor Mats category. Loose fiber, woven rugs or plastic-type floor mats will fall under the Rugs and Floor Mats category.

### *Traffic and Zone Marking Paints*

*Comment:* One commenter suggests that the category name be changed to ''Parking Lot and Road Marking Paints.'' The commenter states that while ''Traffic and Zone Marking Paints'' is common verbiage in the pavement maintenance industry, the phrase does not adequately convey the types of products that might fall into the category to individuals who are not overly familiar with the industry, including federal purchasing agents and specifiers. The commenter believes that changing the category name to ''Parking Lot and Road Marking Paints'' will make it more obvious to specifiers that biobased alternatives exist for their parking lot and road marking projects. The commenter also suggests changing the minimum biobased content to 32 percent rather than the proposed 30 percent.

*Response:* USDA agrees that finding a name for a product category that will be familiar to all users of these types of products is difficult. Because ''Traffic and Zone Marking Paints'' is a common phrase used by those in the industry, and it has been used for the Voluntary Labeling initiative for a significant period of time, USDA believes this is a reasonable name for the category. Although the name of the product category will not be revised, USDA agrees that the definition of the category can be revised to clarify the types of products that are included in this

category. To promote awareness of newly designated product categories, USDA prepares ''Fact Sheets'' describing the new designated categories and their definitions and posts this information on the BioPreferred website so that it is available to federal purchasing agents. Procuring agencies will be able to utilize the information available on the website as one tool to determine and become familiar with the categories of products that are designated for Federal procurement preference, as well as the availability of qualifying biobased products under a designated product category.

USDA did not revise the proposed minimum biobased content for this product category. As discussed in the Preamble to the proposed rule, USDA has biobased content data on five traffic and zone marking paints, and these products have biobased contents ranging from 33 to 38 percent. USDA set the minimum for this category based on the products with tested biobased contents of 33 percent, taking into account the slight imprecision of three percentage points in the ASTM D6866 test method used to measure biobased content.

## IV. Summary of Changes

After consideration of the public comments received in response to the proposed rule, USDA made some changes in the final rule. These changes are summarized below. In the final rule, USDA has revised the definitions of the categories Rugs and Floors Mats and Traffic and Zone Marking Paints. These changes were made to clarify or add examples of the types of products that will be included or excluded in each of these categories. The definition for the Rugs and Floor Mats category has been revised to clarify that products composed of woven, tufted, or knitted fiber and a backing system are excluded from this category as they are already included in the designated product category ''Carpets.'' The definition for the Traffic and Zone Marking Paints category has been revised to clarify the types of products (and the common usages of these products) that would fall into this category for those who may not be familiar with the traffic and zone marking paint industry.

In addition, USDA has revised the minimum biobased content requirement for the Folders and Filing Products category to account for new data that USDA obtained. After the proposed rule was published, USDA obtained new biobased content data regarding the products upon which the proposed minimum for this category was set. These products were reformulated and now each contain 59 percent biobased content, as measured by ASTM D6866. USDA did not find a reason to exclude either of these products and has determined that it is reasonable to change the minimum biobased content for this category to include these products. Thus, the minimum biobased content for this product category is 56 percent, based on the products with tested biobased content of 59 percent.

## V. Regulatory Information

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

Executive Order 12866, as supplemented by Executive Order 13563, requires agencies to determine whether a regulatory action is ''significant.'' The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This final rule has been determined by the Office of Management and Budget to be not significant for purposes of Executive Order 12866. We are not able to quantify the annual economic effect associated with this final rule. USDA attempted to obtain information on the Federal agencies' usage within the proposed new product categories being added and the existing categories being amended. These efforts were largely unsuccessful. Therefore, attempts to determine the economic impacts of this final rule would require estimation of the anticipated market penetration of biobased products based upon many assumptions. In addition, because agencies have the option of not purchasing products within designated product categories if price is ''unreasonable,'' the product is not readily available, or the product does not demonstrate necessary performance characteristics, certain assumptions may not be valid. While facing these quantitative challenges, USDA relied upon a qualitative assessment to determine the impacts of this final rule.

#### 1. Summary of Impacts

This final rule is expected to have both positive and negative impacts to individual businesses, including small businesses. USDA anticipates that the Federal preferred procurement program will ultimately provide additional opportunities for businesses and manufacturers to begin supplying products under the proposed designated biobased product categories to Federal agencies and their contractors. However, other businesses and manufacturers that supply only non-qualifying products and do not offer biobased alternatives may experience a decrease in demand from Federal agencies and their contractors. USDA is unable to determine the number of businesses, including small businesses, that may be adversely affected by this final rule. The final rule, however, will not affect existing purchase orders, nor will it preclude businesses from modifying their product lines to meet new requirements for designated biobased products. Because the extent to which procuring agencies will find the performance, availability and/or price of biobased products acceptable is unknown, it is impossible to quantify the actual economic effect of the rule.

#### 2. Benefits of the Final Rule

The designation of these product categories provides the benefits outlined in the objectives of section 9002: To increase domestic demand for many agricultural commodities that can serve as feedstocks for production of biobased products and to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities. On a national and regional level, this final rule can result in expanding and strengthening markets for biobased materials used in these product categories.

#### 3. Costs of the Final Rule

Like the benefits, the costs of this final rule have not been quantified. Two types of costs are involved: Costs to producers of products that will compete with the preferred products and costs to Federal agencies to provide procurement preference for the preferred products. Producers of competing products may face a decrease in demand for their products to the extent Federal agencies refrain from purchasing their products. However, it is not known to what extent this may occur. Pre-award procurement costs for

Federal agencies may rise minimally as the contracting officials conduct market research to evaluate the performance, availability, and price reasonableness of preferred products before making a purchase.

*B. Regulatory Flexibility Act (RFA)*

The RFA, 5 U.S.C. 601–602, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

USDA evaluated the potential impacts of its proposed designation of these product categories to determine whether its actions would have a significant impact on a substantial number of small entities. Because the Federal preferred procurement program established under section 9002 applies only to Federal agencies and their contractors, small governmental (city, county, etc.) agencies are not affected. Thus, this final rule will not have a significant economic impact on small governmental jurisdictions.

USDA anticipates that this program will affect entities, both large and small, that manufacture or sell biobased products. For example, the designation of product categories for Federal preferred procurement will provide additional opportunities for businesses to manufacture and sell biobased products to Federal agencies and their contractors. Similar opportunities will be provided for entities that supply biobased materials to manufacturers.

The intent of section 9002 is largely to stimulate the production of new biobased products and to energize emerging markets for those products. Because the program continues to evolve, however, it is unknown how many businesses will ultimately be affected. While USDA has no data on the number of small businesses that may choose to develop and market biobased products within the product categories designated by this rulemaking, the number is expected to be small. Because biobased products represent an emerging market for products that are alternatives to traditional products with well-established market shares, only a small percentage of all manufacturers, large or small, are expected to develop and market biobased products. Thus, the number of small businesses manufacturing biobased products affected by this rulemaking is not expected to be substantial.

The Federal preferred procurement program may decrease opportunities for businesses that manufacture or sell non-biobased products or provide components for the manufacturing of such products. Most manufacturers of non-biobased products within the product categories being proposed for designation for Federal preferred procurement in this rule are expected to be included under the following North American Industry Classification System (NAICS) codes:

- 314 Textile Product Mills;
- 3169 Other Leather and Allied Product Manufacturing;
- 32419 Other Petroleum and Coal Products Manufacturing;
- 3255 Paint, Coating, and Adhesive Manufacturing;
- 3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing;
- 325212 Synthetic Rubber Manufacturing;
- 325998 All Other Miscellaneous Chemical Product and Preparation Manufacturing;
- 325220 Artificial and Synthetic Fibers and Filaments Manufacturing;
- 32611 Plastics Packaging Materials and Unlaminated Film and Sheet Manufacturing;
- 32614 Polystyrene Foam Product Manufacturing;
- 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing;
- 32616 Plastics Bottle Manufacturing;
- 32619 Other Plastics Product Manufacturing;
- 3262 Rubber Product Manufacturing;
- 3322 Cutlery and Handtool Manufacturing;
- 3324 Boiler, Tank, and Shipping Container Manufacturing;
- 3328 Coating, Engraving, Heat Treating, and Allied Activities;
- 33992 Sporting and Athletic Goods Manufacturing;
- 33993 Doll, Toy, and Game Manufacturing;
- 33994 Office Supplies (except Paper) Manufacturing;
- 339994 Broom, Brush, and Mop Manufacturing; and
- 339999 All Other Miscellaneous Manufacturing.

USDA obtained information on these 24 NAICS categories from the U.S. Census Bureau's Economic Census database. USDA found that in 2012, the Survey of Business Owners data indicate that there were about 42,365 firms with paid employees within these 24 NAICS categories. When considering the 2012 Business Patterns Geography Area Series data in conjunction, these firms owned a total of about 48,532 individual establishments. Thus, the average number of establishments per company is about 1.15. The 2012 Business Patterns Geography Area Series data also reported that of the 48,532 individual establishments, about 48,306 (99.5 percent) had fewer than 500 paid employees. USDA also found that the average number of paid employees per firm among these industries was about 35. Thus, nearly all of the businesses meet the Small Business Administration's definition of a small business (less than 500 employees, in most NAICS categories).

USDA does not have data on the potential adverse impacts on manufacturers of non-biobased products within the product categories being designated by this final rule, but believes that the impact will not be significant. The ratio of the total number of companies with USDA Certified Biobased Products that are categorized in the product categories included in this final rule to the total number of firms with paid employees in each of the NAICS codes listed above is 0.0038. Thus, USDA believes that the number of small businesses manufacturing non-biobased products within these product categories and selling significant quantities of those products to government agencies that would be affected by this rulemaking to be relatively low. Also, this final rule will not affect existing purchase orders, and it will not preclude procuring agencies from continuing to purchase non-biobased products when biobased products do not meet the availability, performance, or reasonable price criteria. This final rule will also not preclude businesses from modifying their product lines to meet new specifications or solicitation requirements for these products containing biobased materials.

After considering the economic impacts of this final rule on small entities, USDA certifies that this action will not have a significant economic impact on a substantial number of small entities.

While not a factor relevant to determining whether the final rule will have a significant impact for RFA purposes, USDA has concluded that the effect of the rule will be to provide positive opportunities for businesses engaged in the manufacture of these biobased products. Purchase and use of these biobased products by procuring agencies increases demand for these products and results in private sector development of new technologies,

creating business and employment opportunities that enhance local, regional, and national economies.

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

This final rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that would have implications for these rights.

*D. Executive Order 12988: Civil Justice Reform*

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This final rule does not preempt State or local laws, is not intended to have retroactive effect, and does not involve administrative appeals.

*E. Executive Order 13132: Federalism*

This final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Provisions of this final rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

*F. Unfunded Mandates Reform Act of 1995*

This final rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, and tribal governments, or the private sector. Therefore, a statement under section 202 of UMRA is not required.

*G. Executive Order 12372: Intergovernmental Review of Federal Programs*

For the reasons set forth in the final rule related notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

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

This final rule does not significantly or uniquely affect ''one or more Indian tribes . . . the relationship between the Federal Government and Indian tribes, or . . . the distribution of power and responsibilities between the Federal Government and Indian tribes.'' Thus, no further action is required under Executive Order 13175.

*I. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection under this final rule is currently approved under OMB control number 0503–0011.

*J. E-Government Act Compliance*

USDA is committed to compliance with the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. USDA is implementing an electronic information system for posting information voluntarily submitted by manufacturers or vendors on the products they intend to offer for Federal preferred procurement under each designated product category. For information pertinent to E-Government Act compliance related to this rule, please contact Karen Zhang at (202) 401–4747.

*K. Congressional Review Act*

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, that includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USDA has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**.

**List of Subjects in 7 CFR Part 3201**

Biobased products, Business and industry, Government procurement.

For the reasons stated in the preamble, the Department of Agriculture is amending 7 CFR part 3201 as follows:

## PART 3201—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT

■ 1. The authority citation for part 3201 continues to read as follows:

**Authority:** 7 U.S.C. 8102.

■ 2. Section 3201.37 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

### § 3201.37 De-Icers.

(a) *Definition.* Chemical products (*e.g.,* salts, fluids) that are designed to aid in the removal of snow and/or ice, and/or in the prevention of the buildup of snow and/or ice, by lowering the freezing point of water.

* * * * *

(c) *Preference compliance dates.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased de-icers. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased de-icers.

■ 3. Section 3201.38 is revised to read as follows:

### § 3201.38 Firearm cleaners, lubricants, and protectants.

(a) *Definition.* Products that are designed to care for firearms by cleaning, lubricating, protecting, or any combination thereof. Examples include products that are designed for use in firearms to reduce the friction and wear between the moving parts of a firearm, to keep the weapon clean, and/or to prevent the formation of deposits that could cause the weapon to jam.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 32 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance dates.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased firearm cleaners, lubricants, and protectants. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased firearm cleaners, lubricants, and protectants.

■ 4. Section 3201.40 is amended by adding paragraphs (a)(2)(iii) and (b)(3) and revising paragraph (c) to read as follows:

### § 3201.40 Laundry products.

(a) * * *

(2) * * *

(iii) *Dryer sheets.* These are small sheets that are added to laundry in clothes dryers to eliminate static cling, soften fabrics, or otherwise improve the characteristics of the fabric.

(b) * * *

(3) Dryer sheets—90 percent.

(c) *Preference compliance dates.* (1) No later than May 14, 2009, procuring agencies, in accordance with this part, will give a procurement preference for those qualifying biobased laundry products specified in paragraphs (a)(2)(i) and (ii) of this section. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased laundry products.

(2) No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for those qualifying biobased laundry products specified in paragraph (a)(2)(iii) of this section. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased laundry products.

■ 5. Section 3201.99 is revised to read as follows:

**§ 3201.99 Water and wastewater treatment chemicals.**

(a) *Definition.* Chemicals that are specifically formulated to purify raw water or to treat and purify wastewater from residential, commercial, industrial, and agricultural systems. Examples include coagulants, flocculants, neutralizing agents, activated carbon, or defoamers. This category excludes microbial cleaning products.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 87 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased water and wastewater treatment chemicals. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased water and wastewater treatment chemicals.

■ 6. Add §§ 3201.120 through 3201.149 to subpart B to read as follows:

## Subpart B—Designated Product Categories and Intermediate Ingredients or Feedstocks

Sec.

* * * * *

3201.120 Adhesives.
3201.121 Animal habitat care products.
3201.122 Cleaning tools.
3201.123 Concrete curing agents.
3201.124 Concrete repair materials.
3201.125 Durable cutlery.
3201.126 Durable tableware.
3201.127 Epoxy systems.
3201.128 Exterior paints and coatings.
3201.129 Facial care products.
3201.130 Feminine care products.
3201.131 Fire logs and fire starters.
3201.132 Folders and filing products.
3201.133 Foliar sprays.
3201.134 Gardening supplies and accessories.
3201.135 Heating fuels and wick lamps.
3201.136 Kitchenware and accessories.
3201.137 Other lubricants.
3201.138 Phase change materials.
3201.139 Playground and athletic surface materials.
3201.140 Powder coatings.
3201.141 Product packaging.
3201.142 Rugs and floor mats.
3201.143 Shopping and trash bags.
3201.144 Soil amendments.
3201.145 Surface guards, molding, and trim.
3201.146 Toys and sporting gear.
3201.147 Traffic and zone marking paints.
3201.148 Transmission fluids.
3201.149 Wall coverings.

**§ 3201.120 Adhesives.**

(a) *Definition.* Adhesives are compounds that temporarily or permanently bind two item surfaces together. These products include glues and sticky tapes used in construction, household, flooring, and industrial settings. This category excludes epoxy systems.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 24 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased adhesives. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased adhesives.

**§ 3201.121 Animal habitat care products.**

(a) *Definition.* Animal habitat care products are products that are intended to improve the quality of animal habitats such as cleaning supplies, sanitizers, feeders, and products that control, mask, or suppress pet odors. This category excludes animal bedding or litter products and animal cleaning products.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 22 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased animal habitat care products. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased animal habitat care products.

**§ 3201.122 Cleaning tools.**

(a) *Definition.* Cleaning tools are objects that are used to clean a variety of surfaces or items and can be used multiple times. This category includes tools such as brushes, scrapers, abrasive pads, and gloves that are used for cleaning. The expendable materials used in cleaning, such as glass cleaners, single-use wipes, and all-purpose cleaners, are excluded from this category, as these materials better fit in other categories.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 22 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased cleaning tools. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased cleaning tools.

**§ 3201.123 Concrete curing agents.**

(a) *Definition.* Concrete curing agents are products that are designed to enhance and control the curing process of concrete.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 59 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased concrete curing agents. By that date, Federal agencies

responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased concrete curing agents.

(d) *Determining overlap with a designated product category in the EPA's Comprehensive Procurement Guideline (CPG) program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Construction Products: Cement and Concrete. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Construction Products: Cement and Concrete and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Concrete curing agents within this designated product category can compete with similar concrete curing agents with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Construction Products: Cement and Concrete containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.12.

### § 3201.124 Concrete repair materials.

(a) *Definition.* (1) Products that are designed to repair cracks and other damage to concrete.

(2) Concrete repair materials for which preferred procurement applies are:

(i) *Concrete repair materials—concrete leveling.* Concrete repair materials—concrete leveling are products that are designed to repair cracks and other damage to concrete by raising or stabilizing concrete.

(ii) *Concrete repair materials—concrete patching.* Concrete repair materials—concrete patching are products that are designed to repair cracks and other damage to concrete by filling and patching the concrete.

(b) *Minimum biobased content.* The minimum biobased content for all concrete repair materials shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product. The applicable minimum biobased contents are:

(1) Concrete repair materials—concrete leveling—23 percent.

(2) Concrete repair materials—concrete patching—69 percent.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased concrete repair materials. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased concrete repair materials.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Construction Products: Cement and Concrete. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Construction Products: Cement and Concrete and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Concrete repair materials within this designated product category can compete with similar concrete repair materials with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Construction Products: Cement and Concrete containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.12.

### § 3201.125 Durable cutlery.

(a) *Definition.* Durable cutlery consists of dining utensils that are designed to be used multiple times.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 28 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased durable cutlery. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased durable cutlery.

### § 3201.126 Durable tableware.

(a) *Definition.* Durable tableware consists of multiple-use drinkware and dishware including cups, plates, bowls, and serving platters.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 28 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased durable tableware. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased durable tableware.

### § 3201.127 Epoxy systems.

(a) *Definition.* Epoxy systems are two-component systems that are epoxy-based and are used as coatings, adhesives, surface fillers, and composite matrices.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 23 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased epoxy systems. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased epoxy systems.

### § 3201.128 Exterior paints and coatings.

(a) *Definition.* Exterior paints and coatings are pigmented liquid products that typically contain pigments to add color and are formulated for use on outdoor surfaces. When these products

dry, they typically form a protective layer and provide a coat of color to the applied surface. This category includes paint and primers but excludes wood and concrete sealers and stains and specialty coatings such as roof coatings, wastewater system coatings, and water tank coatings.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 83 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased exterior paints and coatings. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased exterior paints and coatings.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Construction Products: Consolidated and Reprocessed Latex Paint for Specified Uses. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Construction Products: Consolidated and Reprocessed Latex Paint for Specified Uses and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Exterior paints and coatings within this designated product category can compete with similar exterior paints and coatings with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Construction Products: Consolidated and Reprocessed Latex Paint for Specified Uses containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.12.

**§ 3201.129 Facial care products.**

(a) *Definition.* Facial care products are cleansers, moisturizers, and treatments specifically designed for the face. These products are used to care for the condition of the face by supporting skin integrity, enhancing its appearance, and relieving skin conditions. This category does not include tools and applicators, such as those used to apply facial care products.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 88 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased facial care products. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased facial care products.

**§ 3201.130 Feminine care products.**

(a) *Definition.* Feminine care products are products that are designed for maintaining feminine health and hygiene. This category includes sanitary napkins, panty liners, and tampons.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 65 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased feminine care products. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased feminine care products.

**§ 3201.131 Fire logs and fire starters.**

(a) *Definition.* Fire logs and fire starters are devices or substances that are used to start a fire intended for uses such as comfort heat, decoration, or cooking. Examples include fire logs and lighter fluid. This category excludes heating fuels for chafing dishes, beverage urns, warming boxes, and wick lamps.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 92 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased fire logs and fire starters. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased fire logs and fire starters.

**§ 3201.132 Folders and filing products.**

(a) *Definition.* Folders and filing products are products that are designed to hold together items such as loose sheets of paper, documents, and photographs with clasps, fasteners, rings, or folders. This category includes binders, folders, and document covers.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 56 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased folders and filing products. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased folders and filing products.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product categories of Non-Paper Office Products: Binders, Clipboards, File Folders, Clip Portfolios, and Presentation Folders and Non-Paper Office Products: Plastic Envelopes. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product

categories of Non-Paper Office Products: Binders, Clipboards, File Folders, Clip Portfolios, and Presentation Folders and Non-Paper Office Products: Plastic Envelopes and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Biobased folders and filing products within this designated product category can compete with similar folders and filing products with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Non-Paper Office Products: Binders, Clipboards, File Folders, Clip Portfolios, and Presentation Folders and Non-Paper Office Products: Plastic Envelopes containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.16.

### § 3201.133 Foliar sprays.

(a) *Definition.* Foliar sprays are products that are applied to the leaves of plants and provide plants with nutrients. These products may also repair plants from previous pest attacks. Examples include liquid fertilizers, foliar feeds, and micronutrient solutions.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 50 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased foliar sprays. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased foliar sprays.

### § 3201.134 Gardening supplies and accessories.

(a) *Definition.* Gardening supplies and accessories are products that are used to grow plants in outdoor and indoor settings. Examples include seedling starter trays, nonwoven mats or substrates for hydroponics, and flower or plant pots. This category excludes compost activators and accelerators; erosion control materials; fertilizers, including soil inoculants; foliar sprays; mulch and compost materials; and soil amendments.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 43 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased gardening supplies and accessories. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased gardening supplies and accessories.

### § 3201.135 Heating fuels and wick lamps.

(a) *Definition.* Heating fuels and wick lamps are products that create controlled sources of heat or sustain controlled open flames that are used for warming food, portable stoves, beverage urns, or fondue pots. This category also includes wick lamps and their fuels that create controlled sources of light indoors and in camping or emergency preparedness situations. This category excludes fire logs and fire starters and candles and wax melts.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 75 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased heating fuels and wick lamps. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased heating fuels and wick lamps.

### § 3201.136 Kitchenware and accessories.

(a) *Definition.* Kitchenware and accessories are products designed for food or drink preparation. These products include cookware and bakeware, such as baking cups, cookie sheets, parchment paper, and roasting bags or pans; cooking utensils, such as brushes, tongs, spatulas, and ladles; and food preparation items, such as cutting boards, measuring cups, mixing bowls, coffee filters, food preparation gloves, and sandwich and snack bags. These products exclude kitchen appliances, such as toasters, blenders, and coffee makers; disposable tableware; disposable cutlery; disposable containers; durable tableware; durable cutlery; and cleaning tools.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 22 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased kitchenware and accessories. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased kitchenware and accessories.

### § 3201.137 Other lubricants.

(a) *Definition.* Other lubricants are lubricant products that do not fit into any of the BioPreferred Program's specific lubricant categories. This category includes lubricants that are formulated for specialized uses. Examples of other lubricants include lubricants used for sporting or exercise gear and equipment, musical instruments, and specialized equipment such as tree shakers. This category excludes lubricants that are covered by the specific lubricant categories such as chain and cable lubricants, firearm lubricants, forming lubricants, gear lubricants, multi-purpose lubricants, penetrating lubricants, pneumatic equipment lubricants, and slide way lubricants.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 39 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased other lubricants. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased other lubricants.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Vehicular Products: Re-Refined Lubricating Oil. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred

Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Vehicular Products: Re-Refined Lubricating Oil and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Other lubricants within this designated product category can compete with similar other lubricants with recycled content. According to the Resource Conservation and Recovery Act of 1976, section 6002, Federal agencies must give preference in their purchasing programs for the U.S. Environmental Protection Agency's CPG-designated Vehicular Products: Re-Refined Lubricating Oil containing recovered materials as products. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.11.

**§ 3201.138 Phase change materials.**

(a) *Definition.* Phase change materials are products that are capable of absorbing and releasing large amounts of thermal energy by freezing and thawing at certain temperatures. Heat is absorbed or released when the material changes from solid to liquid and vice versa. Applications may include, but are not limited to, conditioning of buildings, medical applications, thermal energy storage, or cooling of food. Materials such as animal fats and plant oils that melt at desirable temperatures are typically used to make products in this category.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 71 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased phase change materials. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased phase change materials.

**§ 3201.139 Playground and athletic surface materials.**

(a) *Definition.* Playground and athletic surface materials are products that are designed for use on playgrounds and athletic surfaces. Examples include materials that are applied to the surfaces of playgrounds, athletic fields, and other sports surfaces to enhance or change the color or general appearance of the surface and to provide safety and/or performance benefits. Such materials include, but are not limited to, top coatings, primers, line marking paints, and rubberized pellets that are used on athletic courts, tracks, natural or artificial turf, and other playing surfaces. This category does not include the artificial turf or surface itself, as that is included in the carpets product category.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 22 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased playground and athletic surface materials. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased playground and athletic surface materials.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product categories of Parks and Recreation Products: Playground Surfaces and Running Tracks. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product categories of Parks and Recreation Products: Playground Surfaces and Running Tracks and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Playground and athletic surface materials within this designated product category can compete with similar playground and athletic surface materials with recycled content. According to the Resource Conservation and Recovery Act of 1976, section 6002, Federal agencies must give preference in their purchasing programs for the U.S. Environmental Protection Agency's CPG-designated product categories of Parks and Recreation Products: Playground Surfaces and Running Tracks containing recovered materials as products. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.10.

**§ 3201.140 Powder coatings.**

(a) *Definition.* Powder coatings are polymer resin systems that are combined with stabilizers, curatives, pigments, and other additives and ground into a powder. These coatings are applied electrostatically to metallic surfaces and then cured under heat. Powder coatings are typically used for coating metals, such as vehicle and bicycle parts, household appliances, and aluminum extrusions.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 34 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased powder coatings. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased powder coatings.

**§ 3201.141 Product packaging.**

(a) *Definition.* Product packaging items are used to protect, handle, and retain a product during activities related but not limited to its storage, distribution, sale, and use. These containers are typically designed to be used once. This category excludes packing and insulating materials and shopping and trash bags.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 25 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased product packaging. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased product packaging.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Paper Products: Paperboard and Packaging. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Paper Products: Paperboard and Packaging and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Product packaging within this designated product category can compete with similar product packaging with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Paper Products: Paperboard and Packaging containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.10.

### § 3201.142 Rugs and floor mats.

(a) *Definition.* Rugs or floor mats are floor coverings that are used for decorative or ergonomic purposes and that are not attached to the floor. This category includes items such as area rugs, rug runners, chair mats, and bathroom and kitchen mats. This category excludes products composed of woven, tufted, or knitted fiber and a backing system because these products fall under the ''Carpets'' product category.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 23 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased rugs and floor mats. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased rugs and floor mats.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Miscellaneous Products: Mats. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Miscellaneous Products: Mats and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Rugs and floor mats within this designated product category can compete with similar rugs or floor mats with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Miscellaneous Products: Mats containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.17.

### § 3201.143 Shopping and trash bags.

(a) *Definition.* Shopping and trash bags are open-ended bags that are typically made of thin, flexible film and are used for containing and transporting items such as consumer goods and waste. Examples include trash bags, can liners, shopping or grocery bags, pet waste bags, compost bags, and yard waste bags. This category does not include product packaging, disposable containers, or semi-durable and non-durable films.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 22 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased shopping and trash bags. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased shopping and trash bags.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Non-Paper Office Products: Plastic Trash Bags. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product category of Non-Paper Office Products: Trash Bags and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Shopping and trash bags within this designated product category can compete with similar shopping and trash bags with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Non-Paper Office Products: Trash Bags containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.17.

### § 3201.144 Soil amendments.

(a) *Definition.* Soil amendments are materials that enhance the physical characteristics of soil through improving water retention or drainage, improving nutrient cycling, promoting microbial growth, or changing the soil's pH. This category excludes foliar sprays and chemical fertilizers.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 72 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased soil amendments. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased soil amendments.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product categories of Landscaping Products: Compost Made From Recovered Organic Materials and Landscaping Products: Fertilizer Made From Recovered Organic Materials. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated product categories Landscaping Products: Compost Made From Recovered Organic Materials and Landscaping Products: Fertilizer Made From Recovered Organic Materials and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Soil amendments within this designated product category can compete with similar soil amendments with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated Landscaping Products: Compost Made From Recovered Organic Materials and Landscaping Products: Fertilizer Made From Recovered Organic Materials containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.15.

### § 3201.145 Surface guards, molding, and trim.

(a) *Definition.* Surface guards, molding, and trim products are typically used during construction or manufacturing. These products are designed to protect surfaces, such as walls and floors, from damage or to cover the exposed edges of furniture or floors.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 26 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased surface guards, molding, and trim. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased surface guards, molding, and trim.

### § 3201.146 Toys and sporting gear.

(a) *Definition.* Toys and sporting gear are products that are designed for indoor or outdoor recreational use including, but not limited to, toys; games; and sporting equipment and accessories such as balls, bats, racquets, nets, and bicycle seats. This category does not include products such as cleaners, lubricants, and oils that are used to maintain or clean toys and sporting gear.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 32 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased toys and sporting gear. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased toys and sporting gear.

### § 3201.147 Traffic and zone marking paints.

(a) *Definition.* Traffic and zone marking paints are products that are formulated and marketed for marking and striping parking lots, roads, streets, highways, or other traffic surfaces including, but not limited to, curbs, crosswalks, driveways, sidewalks, and airport runways.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 30 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased traffic and zone marking paints. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased traffic and zone marking paints.

### § 3201.148 Transmission fluids.

(a) *Definition.* Transmission fluids are liquids that lubricate and cool the moving parts in a transmission to prevent wearing and to ensure smooth performance.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 60 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased transmission fluids. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased transmission fluids.

(d) *Determining overlap with a designated product category in the EPA's CPG program.* Qualifying products within this product category may overlap with the EPA's CPG-designated recovered content product category of Vehicular Products: Re-refined Lubricating Oil. USDA is requesting that manufacturers of these qualifying biobased products provide information on the BioPreferred Program's website about the intended uses of the product, information on whether the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether a qualifying biobased product overlaps with the EPA's CPG-designated Vehicular Products: Re-Refined Lubricating Oil and which product should be afforded the preference in purchasing.

**Note 1 to Paragraph (d):** Transmission fluids within this designated product category can compete with similar transmission fluids with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency CPG-designated product categories Vehicular Products: Re-Refined Lubricating Oil containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.11.

**§ 3201.149 Wall coverings.**

(a) *Definition.* Wall coverings are materials that are applied to walls using an adhesive. This category includes, but is not limited to, wallpaper, vinyl wall coverings, and wall fabrics. This category excludes all types of paints or coatings.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 62 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than July 6, 2020, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased wall coverings. By that date, Federal agencies responsible for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased wall coverings.

**Donald K. Bice,**

*Deputy Assistant Secretary for Administration, U.S. Department of Agriculture.*

[FR Doc. 2019–14038 Filed 7–3–19; 8:45 am]

**BILLING CODE 3410–93–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2019–0361; Product Identifier 2019–SW–015–AD; Amendment 39–19673; AD 2019–12–18]**

**RIN 2120–AA64**

## Airworthiness Directives; Robinson Helicopter Company Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson) Model R44 II helicopters. This AD requires inspecting the engine air induction hose (hose) and replacing any hose that is not airworthy. This AD was prompted by multiple reports of separation between the outer and inner layers of the hoses. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective July 5, 2019.

The FAA must receive comments on this AD by August 19, 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 Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; phone 310–539–0508; fax 310–539–5198; or at *https://robinsonheli.com/robinson-r44-service-bulletins/.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

### Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0361; 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:** Roger Gretler, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone 562- 627–5251; email *roger.gretler@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

The FAA has received reports of separation between the outer and inner layers of the hose part number (P/N) A785–31. The FAA's investigation shows that, to date, 12 hoses have been inspected and all 12 out of a suspect population of 100 exhibit this condition. The suspect population is traced to a specific manufacturing batch marked by code 1Q18. This condition, if not addressed, could result in blockage of air flow to the engine, engine stoppage, and subsequent loss of control of the helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

### Record of Ex Parte Communication

In preparation of AD actions such as notices of proposed rulemaking and immediately adopted final rules, it is the practice of the FAA to obtain technical information and information on operational and economic impacts from design approval holders and aircraft operators. The FAA discussed certain aspects of this AD by email and telephone with Robinson. A summary of the discussions can be found in the rulemaking docket. For information on locating the docket, see ''Examining the AD Docket.''

### Related Service Information

The FAA reviewed Robinson R44 Service Bulletin SB–97, dated April 11, 2019 (SB). The SB applies to Robinson Model R44 II helicopters serial numbers (S/N) 14248 through 14286, except 14269, and to any A785–31 hoses shipped as spares from May through November 2018. The SB specifies, within 1 flight hour or prior to further flight if engine roughness or power loss is, or has been encountered, visually inspecting the hose for separation, flexing the hose to listen for a crinkling sound, which is an indication of separation, and replacing any hose that shows indication of separation. The SB also specifies replacing or discarding all affected hoses by June 30, 2019.

### 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, for Robinson R44 II helicopters S/N 14248 through 14268 and 14270 through 14286 or with a hose P/N A785–31 installed after April 30, 2018, within 10 hours time-in-service (TIS), inspecting the inside of the hose for separation between the outer and inner layers, and flexing the hose in all directions while listening for a crinkling sound, which is an indication of separation. If there is any separation or a crinkling sound, this AD requires replacing the hose before further flight. If there is no separation and no crinkling sound, this AD requires replacing the hose within 50 hours TIS. Finally, after the effective date of this AD, installing on any helicopter a hose

P/N A785–31 marked with code 1Q18 is prohibited.

**Differences Between the AD and the Service Information**

The SB specifies corrective action within one flight hour or prior to further flight if engine roughness or power loss is, or has been, encountered. This AD requires corrective action within 10 hours TIS. The compliance times specified in this AD differ from the SB because the FAA determined 10 hours TIS is a reasonable amount of time to comply with the required corrective actions. The SB applies only to those serial-numbered helicopters with an affected hose installed, whereas this AD also applies to helicopters with a hose that has been replaced after April 30, 2018.

**Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b)(3) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

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 corrective actions must be made within 10 hours TIS. Therefore, 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–2019–0361 and Product Identifier 2019–SW–015–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 may affect up to 88 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD. Labor costs are estimated at $85 per work-hour. Inspecting the hose takes about 0.5 work-hour and replacing it takes about 0.5 work-hour. Parts cost are about $134 per hose for an estimated cost of $219 per helicopter.

According to Robinson's service information, 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 the cost estimate.

**Authority for This Rulemaking**

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

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

**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):

**2019–12–18 Robinson Helicopter Company:** Amendment 39–19673; Docket No. FAA–2019–0361; Product Identifier 2019–SW–015–AD.

**(a) Effective Date**

This AD is effective July 5, 2019.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Robinson Helicopter Company Model R44 II helicopters certificated in any category.

**(d) Subject**

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code: 7160, Engine Air Intake System.

**(e) Unsafe Condition**

This AD was prompted by a report of separation between the outer and inner layers of a hose. This condition, if not addressed, could result in blockage of air flow to the engine, engine stoppage, and subsequent loss of control of the helicopter. The FAA is issuing this AD to prevent the unsafe condition on these helicopters.

**(f) Compliance**

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

**(g) Required Actions**

(1) For helicopters with an engine air induction hose (hose) part number A785–31 installed after April 30, 2018 or helicopter serial numbers 14248 through 14268 and 14270 through 14286, within 10 hours time-in-service (TIS):

(i) Inspect the inside of the hose for separation between the outer and inner layers, and flex the hose in all directions while listening for a crinkling sound, which is an indication of separation.

(ii) If there is any separation or a crinkling sound, replace the hose before further flight.

(iii) If there is no separation and no crinkling sound, replace the hose within 50 hours TIS.

(2) After the effective date of this AD, do not install on any helicopter a hose part number A785–31 marked with code 1Q18.

**(h) 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 (i)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-ACO-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.

**(i) Related Information**

(1) For more information about this AD, contact Roger Gretler, Aviation Safety Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone 562–627–5251; email *roger.gretler@faa.gov.*

(2) For information about AMOCs, contact *9-ANM-LAACO-ACO-AMOC-Requests@faa.gov.*

(3) For copies of the service information referenced in this AD, contact: Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; phone 310–539–0508; fax 310–539–5198; or at *https://robinsonheli.com/robinson-r44-service-bulletins/.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

**(j) Material Incorporated by Reference**

None.

Issued in Fort Worth, Texas, on June 25, 2019.

**James A. Grigg,**

*Acting Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2019–14205 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 97

**[Docket No. 31259; Amdt. No. 3858]**

## Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 5, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 5, 2019.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

**For Examination**

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

**Availability**

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

**Availability and Summary of Material Incorporated by Reference**

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

## The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on June 14, 2019.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * EFFECTIVE UPON PUBLICATION*

| AIRAC date | State | City | Airport | FDC No. | FDC date | Subject |
|---|---|---|---|---|---|---|
| 18–Jul–19 | AR | Warren | Warren Muni | 9/0506 | 6/7/19 | RNAV (GPS) RWY 21, Orig-A. |
| 18–Jul–19 | AR | Warren | Warren Muni | 9/0507 | 6/7/19 | RNAV (GPS) RWY 3, Orig-A. |
| 18–Jul–19 | CA | Merced | Merced Rgnl/Macready Field | 9/0516 | 6/7/19 | ILS OR LOC RWY 30, Amdt 14E. |
| 18–Jul–19 | MO | Ava | Ava Bill Martin Memorial | 9/0587 | 6/7/19 | RNAV (GPS) RWY 13, Orig-A. |
| 18–Jul–19 | IA | Ames | Ames Muni | 9/0612 | 6/7/19 | RNAV (GPS) RWY 19, Amdt 1A. |
| 18–Jul–19 | KY | Henderson | Henderson City-County | 9/0614 | 6/7/19 | RNAV (GPS) RWY 9, Amdt 1. |
| 18–Jul–19 | ID | Gooding | Gooding Muni | 9/0615 | 6/7/19 | RNAV (GPS) RWY 25, Orig-A. |
| 18–Jul–19 | MI | Bad Axe | Huron County Memorial | 9/0738 | 6/7/19 | RNAV (GPS) RWY 4, Orig-A. |
| 18–Jul–19 | MI | Bad Axe | Huron County Memorial | 9/0743 | 6/7/19 | RNAV (GPS) RWY 17, Orig-A. |
| 18–Jul–19 | TN | Millington | Millington-Memphis | 9/1794 | 6/10/19 | ILS OR LOC RWY 22, Amdt 5. |
| 18–Jul–19 | TN | Millington | Millington-Memphis | 9/1795 | 6/10/19 | RNAV (GPS) RWY 22, Amdt 2. |
| 18–Jul–19 | TN | Millington | Millington-Memphis | 9/1796 | 6/10/19 | VOR OR TACAN RWY 22, Amdt 3. |
| 18–Jul–19 | MD | Easton | Easton/Newnam Field | 9/1859 | 6/10/19 | RNAV (GPS) RWY 22, Amdt 1B. |
| 18–Jul–19 | MI | Alma | Gratiot Community | 9/1868 | 6/10/19 | RNAV (GPS) RWY 27, Amdt 1A. |
| 18–Jul–19 | MO | Dexter | Dexter Muni | 9/5019 | 6/4/19 | RNAV (GPS) RWY 18, Amdt 1. |
| 18–Jul–19 | MO | Dexter | Dexter Muni | 9/5020 | 6/4/19 | RNAV (GPS) RWY 36, Amdt 1A. |
| 18–Jul–19 | MI | Boyne Falls | Boyne Mountain | 9/5021 | 6/6/19 | RNAV (GPS) RWY 35, Orig-A. |
| 18–Jul–19 | MN | Tower | Tower Muni | 9/5022 | 6/4/19 | RNAV (GPS) RWY 26, Orig-A. |
| 18–Jul–19 | MO | Ava | Ava Bill Martin Memorial | 9/5026 | 6/5/19 | RNAV (GPS) RWY 31, Orig-B. |
| 18–Jul–19 | MN | Tower | Tower Muni | 9/5027 | 6/4/19 | RNAV (GPS) RWY 8, Orig. |
| 18–Jul–19 | MI | Ann Arbor | Ann Arbor Muni | 9/5030 | 6/6/19 | RNAV (GPS) RWY 6, Amdt 2C. |
| 18–Jul–19 | MI | Ann Arbor | Ann Arbor Muni | 9/5031 | 6/6/19 | RNAV (GPS) RWY 24, Amdt 2D. |
| 18–Jul–19 | LA | Eunice | Eunice | 9/5037 | 6/6/19 | RNAV (GPS) RWY 34, Orig-A. |
| 18–Jul–19 | MO | Branson | Branson | 9/5039 | 6/5/19 | RNAV (GPS) RWY 14, Orig-A. |
| 18–Jul–19 | MI | Alma | Gratiot Community | 9/5040 | 6/6/19 | RNAV (GPS) RWY 9, Amdt 1A. |
| 18–Jul–19 | MO | Kaiser/Lake Ozark | Lee C Fine Memorial | 9/5041 | 6/5/19 | RNAV (GPS) RWY 4, Amdt 1A. |
| 18–Jul–19 | MI | Alma | Gratiot Community | 9/5042 | 6/6/19 | RNAV (GPS) RWY 18, Orig. |
| 18–Jul–19 | MI | Linden | Prices | 9/5047 | 6/5/19 | RNAV (GPS) RWY 9, Amdt 1A. |
| 18–Jul–19 | MI | Linden | Prices | 9/5049 | 6/5/19 | RNAV (GPS) RWY 27, Amdt 1A. |
| 18–Jul–19 | MI | Adrian | Lenawee County | 9/5051 | 6/5/19 | RNAV (GPS) RWY 5, Amdt 1A. |
| 18–Jul–19 | MO | Butler | Butler Memorial | 9/5054 | 6/5/19 | RNAV (GPS) RWY 18, Orig-A. |
| 18–Jul–19 | MO | Butler | Butler Memorial | 9/5055 | 6/5/19 | RNAV (GPS) RWY 36, Orig-A. |
| 18–Jul–19 | ME | Wiscasset | Wiscasset | 9/5061 | 6/4/19 | RNAV (GPS) RWY 7, Orig-A. |
| 18–Jul–19 | ME | Wiscasset | Wiscasset | 9/5063 | 6/4/19 | RNAV (GPS) RWY 25, Orig-A. |
| 18–Jul–19 | ME | Millinocket | Millinocket Muni | 9/5064 | 6/4/19 | RNAV (GPS) RWY 11, Orig-A. |
| 18–Jul–19 | AL | Centreville | Bibb County | 9/5065 | 6/4/19 | RNAV (GPS) RWY 10, Orig. |
| 18–Jul–19 | AL | Wetumpka | Wetumpka Muni | 9/5067 | 6/4/19 | RNAV (GPS) RWY 9, Orig-B. |
| 18–Jul–19 | AL | Prattville | Prattville-Grouby Field | 9/5068 | 6/4/19 | RNAV (GPS) RWY 9, Amdt 2E. |

| AIRAC date | State | City | Airport | FDC No. | FDC date | Subject |
|---|---|---|---|---|---|---|
| 18–Jul–19 | AL | Brewton | Brewton Muni | 9/5070 | 6/4/19 | RNAV (GPS) RWY 6, Orig-A. |
| 18–Jul–19 | AL | Brewton | Brewton Muni | 9/5072 | 6/4/19 | RNAV (GPS) RWY 12, Orig. |
| 18–Jul–19 | AL | Brewton | Brewton Muni | 9/5073 | 6/4/19 | RNAV (GPS) RWY 30, Orig. |
| 18–Jul–19 | AL | Brewton | Brewton Muni | 9/5074 | 6/4/19 | RNAV (GPS) RWY 24, Orig-A. |
| 18–Jul–19 | KY | Elizabethtown | Addington Field | 9/5075 | 6/3/19 | RNAV (GPS) RWY 23, Orig. |
| 18–Jul–19 | MN | Willmar | Willmar Muni-John L Rice Field | 9/5076 | 6/4/19 | RNAV (GPS) RWY 31, Amdt 1B. |
| 18–Jul–19 | GA | Quitman | Quitman Brooks County | 9/5077 | 6/4/19 | RNAV (GPS) RWY 10, Amdt 1B. |
| 18–Jul–19 | GA | Quitman | Quitman Brooks County | 9/5078 | 6/4/19 | RNAV (GPS) RWY 28, Amdt 1B. |
| 18–Jul–19 | KY | Flemingsburg | Fleming-Mason | 9/5079 | 6/3/19 | RNAV (GPS) RWY 7, Orig-A. |
| 18–Jul–19 | LA | Bunkie | Bunkie Muni | 9/5081 | 6/6/19 | RNAV (GPS) RWY 18, Orig. |
| 18–Jul–19 | MN | Alexandria | Chandler Field | 9/5082 | 6/4/19 | RNAV (GPS) RWY 22, Orig-A. |
| 18–Jul–19 | LA | Winnfield | David G Joyce | 9/5083 | 6/5/19 | RNAV (GPS) RWY 27, Orig-A. |
| 18–Jul–19 | MD | Gaithersburg | Montgomery County Airpark | 9/5084 | 6/4/19 | RNAV (GPS) RWY 14, Amdt 3B. |
| 18–Jul–19 | MA | Westfield/Springfield | Westfield-Barnes Rgnl | 9/5085 | 6/4/19 | RNAV (GPS) RWY 2, Orig-C. |
| 18–Jul–19 | LA | Many | Hart | 9/5086 | 6/6/19 | RNAV (GPS) RWY 30, Orig-A. |
| 18–Jul–19 | GA | Greensboro | Greene County Rgnl | 9/5087 | 6/4/19 | RNAV (GPS) RWY 7, Amdt 1D. |
| 18–Jul–19 | IA | Ames | Ames Muni | 9/5088 | 6/4/19 | RNAV (GPS) RWY 13, Amdt 1A. |
| 18–Jul–19 | IA | Ames | Ames Muni | 9/5092 | 6/4/19 | RNAV (GPS) RWY 31, Amdt 1A. |
| 18–Jul–19 | CA | Santa Ynez | Santa Ynez | 9/5094 | 6/3/19 | GPS RWY 8, Orig-B. |
| 18–Jul–19 | GA | Adel | Cook County | 9/5097 | 6/5/19 | RNAV (GPS) RWY 23, Amdt 1A. |
| 18–Jul–19 | GA | Adel | Cook County | 9/5098 | 6/5/19 | RNAV (GPS) RWY 5, Amdt 1A. |
| 18–Jul–19 | ID | Caldwell | Caldwell Industrial | 9/5100 | 6/4/19 | RNAV (GPS) RWY 12, Amdt 1A. |
| 18–Jul–19 | ID | Caldwell | Caldwell Industrial | 9/5105 | 6/4/19 | RNAV (GPS) RWY 30, Amdt 1A. |
| 18–Jul–19 | CA | California City | California City Muni | 9/5109 | 6/3/19 | RNAV (GPS) RWY 6, Orig-A. |
| 18–Jul–19 | CA | Los Banos | Los Banos Muni | 9/5111 | 6/3/19 | RNAV (GPS) RWY 14, Orig-C. |
| 18–Jul–19 | GA | Canon | Franklin County | 9/5113 | 6/5/19 | RNAV (GPS) RWY 26, Orig-A. |
| 18–Jul–19 | CA | Los Banos | Los Banos Muni | 9/5114 | 6/3/19 | RNAV (GPS) RWY 32, Amdt 1. |
| 18–Jul–19 | CA | Half Moon Bay | Half Moon Bay | 9/5119 | 6/3/19 | RNAV (GPS) RWY 12, Amdt 1. |
| 18–Jul–19 | WA | Burlington/Mount Vernon | Skagit Rgnl | 9/5120 | 6/3/19 | RNAV (GPS) RWY 29, Amdt 2. |
| 18–Jul–19 | CA | Half Moon Bay | Half Moon Bay | 9/5121 | 6/3/19 | RNAV (GPS) RWY 30, Amdt 1. |
| 18–Jul–19 | MN | Benson | Benson Muni | 9/5122 | 6/4/19 | RNAV (GPS) RWY 14, Amdt 1. |
| 18–Jul–19 | MN | Benson | Benson Muni | 9/5123 | 6/4/19 | RNAV (GPS) RWY 32, Amdt 1. |
| 18–Jul–19 | IL | Litchfield | Litchfield Muni | 9/5124 | 5/30/19 | RNAV (GPS) RWY 36, Orig-B. |
| 18–Jul–19 | ME | Auburn/Lewiston | Auburn/Lewiston Muni | 9/5125 | 6/5/19 | RNAV (GPS) RWY 22, Amdt 1B. |
| 18–Jul–19 | MO | Potosi | Washington County | 9/5126 | 6/6/19 | RNAV (GPS) RWY 2, Amdt 2B. |
| 18–Jul–19 | CA | Fullerton | Fullerton Muni | 9/5127 | 6/3/19 | RNAV (GPS) RWY 24, Orig-B. |
| 18–Jul–19 | MN | Albert Lea | Albert Lea Muni | 9/5128 | 6/4/19 | RNAV (GPS) RWY 17, Amdt 2A. |
| 18–Jul–19 | MN | Albert Lea | Albert Lea Muni | 9/5129 | 6/4/19 | RNAV (GPS) RWY 35, Amdt 1B. |
| 18–Jul–19 | KY | Hopkinsville | Hopkinsville-Christian County | 9/5130 | 6/3/19 | RNAV (GPS) RWY 8, Orig-A. |
| 18–Jul–19 | IL | Litchfield | Litchfield Muni | 9/5132 | 5/30/19 | RNAV (GPS) RWY 27, Orig-A. |
| 18–Jul–19 | IL | Litchfield | Litchfield Muni | 9/5133 | 5/30/19 | RNAV (GPS) RWY 9, Orig-A. |
| 18–Jul–19 | IL | Litchfield | Litchfield Muni | 9/5134 | 5/30/19 | RNAV (GPS) RWY 18, Orig-B. |
| 18–Jul–19 | KY | Henderson | Henderson City-County | 9/5136 | 6/5/19 | RNAV (GPS) RWY 27, Amdt 1. |
| 18–Jul–19 | MN | Pinecreek | Piney Pinecreek Border | 9/5137 | 6/4/19 | RNAV (GPS) RWY 15, Orig-A. |
| 18–Jul–19 | MN | Pinecreek | Piney Pinecreek Border | 9/5138 | 6/4/19 | RNAV (GPS) RWY 33, Orig-A. |
| 18–Jul–19 | KY | Danville | Stuart Powell Field | 9/5139 | 6/3/19 | RNAV (GPS) RWY 12, Orig-A. |
| 18–Jul–19 | AZ | Mesa | Falcon Fld | 9/5140 | 6/3/19 | RNAV (GPS) RWY 4L, Amdt 1B. |
| 18–Jul–19 | MA | Nantucket | Nantucket Memorial | 9/5141 | 6/4/19 | RNAV (GPS) RWY 15, Orig-A. |
| 18–Jul–19 | AR | Corning | Corning Muni | 9/5145 | 5/30/19 | RNAV (GPS) RWY 36, Orig-C. |
| 18–Jul–19 | MI | Sault Ste Marie | Sault Ste Marie Muni/Sanderson Field. | 9/5146 | 6/5/19 | RNAV (GPS) RWY 14, Orig-B. |
| 18–Jul–19 | ID | Gooding | Gooding Muni | 9/5148 | 6/4/19 | RNAV (GPS) RWY 7, Orig. |
| 18–Jul–19 | AR | Corning | Corning Muni | 9/5149 | 5/30/19 | RNAV (GPS) RWY 18, Orig-B. |
| 18–Jul–19 | CA | Merced | Merced Rgnl/Macready Field | 9/5151 | 6/3/19 | RNAV (GPS) RWY 12, Orig-B. |
| 18–Jul–19 | MN | Cambridge | Cambridge Muni | 9/5152 | 6/4/19 | RNAV (GPS) RWY 16, Orig-A. |
| 18–Jul–19 | MN | Cambridge | Cambridge Muni | 9/5153 | 6/4/19 | RNAV (GPS) RWY 34, Orig-A. |
| 18–Jul–19 | CA | Jackson | Westover Field Amador County | 9/5154 | 6/3/19 | GPS RWY 1, Orig-B. |
| 18–Jul–19 | CA | Bakersfield | Meadows Field | 9/5155 | 6/3/19 | RNAV (GPS) RWY 12L, Amdt 1B. |
| 18–Jul–19 | CA | Daggett | Barstow-Daggett | 9/5158 | 6/3/19 | RNAV (GPS) RWY 22, Amdt 2B. |
| 18–Jul–19 | CA | Eureka | Murray Field | 9/5159 | 6/5/19 | RNAV (GPS) RWY 12, Orig-A. |
| 18–Jul–19 | AZ | Glendale | Glendale Muni | 9/5164 | 6/3/19 | RNAV (GPS) RWY 1, Orig-C. |
| 18–Jul–19 | AZ | Glendale | Glendale Muni | 9/5165 | 6/3/19 | RNAV (GPS) RWY 19, Amdt 2A. |
| 18–Jul–19 | FL | Cross City | Cross City | 9/5167 | 5/30/19 | RNAV (GPS) RWY 31, Amdt 1A. |
| 18–Jul–19 | FL | Wauchula | Wauchula Muni | 9/5168 | 5/30/19 | RNAV (GPS) RWY 36, Amdt 1C. |
| 18–Jul–19 | FL | Wauchula | Wauchula Muni | 9/5171 | 5/30/19 | RNAV (GPS) RWY 18, Amdt 1C. |
| 18–Jul–19 | UT | Salt Lake City | Salt Lake City Intl | 9/5172 | 6/4/19 | ILS OR LOC RWY 34R, ILS RWY 34R (SA CAT I), ILS RWY 34R (CAT II AND III), AMDT 4C. |
| 18–Jul–19 | FL | Brooksville | Brooksville-Tampa Bay Rgnl | 9/5173 | 5/30/19 | RNAV (GPS) RWY 21, Amdt 1D. |
| 18–Jul–19 | FL | Brooksville | Brooksville-Tampa Bay Rgnl | 9/5174 | 5/30/19 | RNAV (GPS) RWY 27, Amdt 1D. |
| 18–Jul–19 | FL | Brooksville | Brooksville-Tampa Bay Rgnl | 9/5175 | 5/30/19 | RNAV (GPS) RWY 9, Amdt 1D. |
| 18–Jul–19 | FL | Brooksville | Brooksville-Tampa Bay Rgnl | 9/5176 | 5/30/19 | RNAV (GPS) RWY 3, Amdt 1D. |
| 18–Jul–19 | FL | Naples | Naples Muni | 9/5193 | 6/4/19 | RNAV (GPS) RWY 5, Amdt 2. |
| 18–Jul–19 | IN | Columbus | Columbus Muni | 9/5200 | 5/30/19 | RNAV (GPS) RWY 32, Orig-A. |
| 18–Jul–19 | IN | Columbus | Columbus Muni | 9/5202 | 5/30/19 | RNAV (GPS) RWY 5, Orig-A. |
| 18–Jul–19 | IN | Columbus | Columbus Muni | 9/5203 | 5/30/19 | RNAV (GPS) RWY 23, Orig-B. |
| 18–Jul–19 | IL | Casey | Casey Muni | 9/5204 | 5/30/19 | RNAV (GPS) RWY 22, Orig. |
| 18–Jul–19 | IL | Casey | Casey Muni | 9/5205 | 5/30/19 | RNAV (GPS) RWY 4, Orig-A. |
| 18–Jul–19 | MN | Baudette | Baudette Intl | 9/5206 | 6/4/19 | RNAV (GPS) RWY 12, Amdt 1. |
| 18–Jul–19 | IN | Bedford | Virgil I Grissom Muni | 9/5209 | 5/30/19 | RNAV (GPS) RWY 13, Orig-A. |
| 18–Jul–19 | IL | Chicago/Lake In The Hills | Lake In The Hills | 9/5211 | 5/30/19 | RNAV (GPS) RWY 8, Orig-A. |
| 18–Jul–19 | IL | Chicago/Lake In The Hills | Lake In The Hills | 9/5212 | 5/30/19 | RNAV (GPS) RWY 26, Orig-A. |
| 18–Jul–19 | IN | Angola | Tri-State Steuben County | 9/5213 | 5/30/19 | RNAV (GPS) RWY 5, Orig-D. |

| AIRAC date | State | City | Airport | FDC No. | FDC date | Subject |
|---|---|---|---|---|---|---|
| 18–Jul–19 | IN | Angola | Tri-State Steuben County | 9/5214 | 5/30/19 | RNAV (GPS) RWY 23, Orig-D. |
| 18–Jul–19 | DC | Washington | Washington Dulles Intl | 9/5216 | 5/30/19 | ILS OR LOC RWY 19L, Amdt 15C. |
| 18–Jul–19 | IN | Bloomington | Monroe County | 9/5230 | 5/30/19 | RNAV (GPS) RWY 17, Amdt 1B. |
| 18–Jul–19 | IN | Bloomington | Monroe County | 9/5231 | 5/30/19 | RNAV (GPS) RWY 24, Orig-B. |
| 18–Jul–19 | IN | Bloomington | Monroe County | 9/5232 | 5/30/19 | RNAV (GPS) RWY 6, Orig-C. |
| 18–Jul–19 | FL | Crestview | Bob Sikes | 9/5259 | 5/30/19 | RNAV (GPS) RWY 35, Amdt 1C. |
| 18–Jul–19 | MO | Chillicothe | Chillicothe Muni | 9/5285 | 6/5/19 | RNAV (GPS) RWY 14, Orig-A. |
| 18–Jul–19 | MO | Chillicothe | Chillicothe Muni | 9/5286 | 6/5/19 | RNAV (GPS) RWY 32, Amdt 1A. |
| 18–Jul–19 | MD | Ocean City | Ocean City Muni | 9/5287 | 6/5/19 | RNAV (GPS) RWY 32, Orig-C. |
| 18–Jul–19 | CO | Lamar | Lamar Muni | 9/5292 | 6/3/19 | RNAV (GPS) RWY 8, Amdt 1A. |
| 18–Jul–19 | CO | Lamar | Lamar Muni | 9/5293 | 6/3/19 | RNAV (GPS) RWY 18, Amdt 1B. |
| 18–Jul–19 | CO | Lamar | Lamar Muni | 9/5294 | 6/3/19 | RNAV (GPS) RWY 36, Amdt 1A. |
| 18–Jul–19 | CO | Lamar | Lamar Muni | 9/5295 | 6/3/19 | RNAV (GPS) RWY 26, Orig-B. |
| 18–Jul–19 | MD | Frederick | Frederick Muni | 9/5296 | 6/5/19 | RNAV (GPS) RWY 5, Orig-D. |
| 18–Jul–19 | GA | Montezuma | Dr C P Savage Sr. | 9/5298 | 6/4/19 | RNAV (GPS) RWY 36, Orig-B. |
| 18–Jul–19 | AR | Carlisle | Carlisle Muni | 9/5358 | 6/3/19 | RNAV (GPS) RWY 27, Orig-A. |
| 18–Jul–19 | AR | Carlisle | Carlisle Muni | 9/5359 | 6/3/19 | RNAV (GPS) RWY 9, Amdt 1A. |
| 18–Jul–19 | CO | Denver | Front Range | 9/5360 | 6/3/19 | ILS OR LOC RWY 35, Amdt 2. |
| 18–Jul–19 | CO | Fort Collins/Loveland | Northern Colorado Rgnl | 9/5382 | 6/3/19 | RNAV (GPS) RWY 15, Orig-A. |
| 18–Jul–19 | WA | Ephrata | Ephrata Muni | 9/5386 | 6/3/19 | RNAV (GPS) RWY 21, Orig-A. |
| 18–Jul–19 | WA | Pullman/Moscow | Pullman/Moscow Rgnl | 9/5404 | 6/3/19 | RNAV (GPS) RWY 24, Amdt 1C. |
| 18–Jul–19 | CO | Cortez | Cortez Muni | 9/5413 | 6/3/19 | RNAV (GPS) Z RWY 21, Orig-A. |
| 18–Jul–19 | CO | Cortez | Cortez Muni | 9/5414 | 6/3/19 | RNAV (GPS) RWY 3, Orig-A. |
| 18–Jul–19 | CO | Meeker | Meeker Coulter Fld | 9/5415 | 6/3/19 | RNAV (GPS) RWY 3, Amdt 3C. |
| 18–Jul–19 | CO | Gunnison | Gunnison-Crested Butte Rgnl | 9/5419 | 6/3/19 | ILS OR LOC RWY 6, Amdt 5. |
| 18–Jul–19 | MI | Bad Axe | Huron County Memorial | 9/5426 | 6/3/19 | RNAV (GPS) RWY 22, Orig-B. |
| 18–Jul–19 | MI | Bad Axe | Huron County Memorial | 9/5428 | 6/3/19 | RNAV (GPS) RWY 35, Orig-B. |
| 18–Jul–19 | CO | Holyoke | Holyoke | 9/5430 | 6/3/19 | RNAV (GPS) RWY 32, Orig-D. |
| 18–Jul–19 | GA | Cedartown | Polk County Airport-Cornelius Moore Field. | 9/5432 | 6/4/19 | RNAV (GPS) RWY 10, Orig-B. |
| 18–Jul–19 | GA | Cedartown | Polk County Airport-Cornelius Moore Field. | 9/5434 | 6/4/19 | RNAV (GPS) RWY 28, Orig-B. |
| 18–Jul–19 | GA | Griffin | Griffin-Spalding County | 9/5445 | 6/5/19 | RNAV (GPS) RWY 14, Orig-E. |
| 18–Jul–19 | GA | Griffin | Griffin-Spalding County | 9/5446 | 6/5/19 | RNAV (GPS) RWY 32, Orig-B. |
| 18–Jul–19 | LA | Oakdale | Allen Parish | 9/6048 | 6/6/19 | RNAV (GPS) RWY 18, Orig. |
| 18–Jul–19 | CO | Colorado Springs | City Of Colorado Springs Muni | 9/6091 | 6/3/19 | ILS OR LOC RWY 17L, Amdt 3A. |
| 18–Jul–19 | WA | Ephrata | Ephrata Muni | 9/6098 | 6/3/19 | RNAV (GPS) RWY 3, Orig-A. |
| 18–Jul–19 | WA | Ellensburg | Bowers Field | 9/6100 | 6/3/19 | RNAV (GPS) RWY 29, Amdt 1. |
| 18–Jul–19 | LA | Vivian | Vivian | 9/6492 | 6/3/19 | RNAV (GPS) RWY 9, Orig-B. |
| 18–Jul–19 | LA | Vivian | Vivian | 9/6493 | 6/3/19 | RNAV (GPS) RWY 27, Orig-B. |
| 18–Jul–19 | FL | Daytona Beach | Daytona Beach Intl | 9/6546 | 6/4/19 | RNAV (GPS) RWY 25L, Amdt 1B. |
| 18–Jul–19 | FL | Daytona Beach | Daytona Beach Intl | 9/6547 | 6/4/19 | RNAV (GPS) RWY 34, Amdt 2D. |
| 18–Jul–19 | FL | Naples | Naples Muni | 9/6964 | 6/4/19 | RNAV (GPS) RWY 23, Amdt 1. |
| 18–Jul–19 | FL | Daytona Beach | Daytona Beach Intl | 9/6972 | 6/4/19 | RNAV (GPS) RWY 7R, Orig-E. |
| 18–Jul–19 | IL | Lincoln | Logan County | 9/7027 | 6/6/19 | RNAV (GPS) RWY 3, Orig-A. |
| 18–Jul–19 | IL | Lincoln | Logan County | 9/7028 | 6/6/19 | RNAV (GPS) RWY 21, Orig-A. |
| 18–Jul–19 | FL | Deland | Deland Muni-Sidney H Taylor Field. | 9/7033 | 6/4/19 | RNAV (GPS) RWY 5, Orig-B. |
| 18–Jul–19 | FL | Deland | Deland Muni-Sidney H Taylor Field. | 9/7034 | 6/4/19 | RNAV (GPS) RWY 12, Orig-A. |
| 18–Jul–19 | FL | Deland | Deland Muni-Sidney H Taylor Field. | 9/7035 | 6/4/19 | RNAV (GPS) RWY 23, Orig-A. |
| 18–Jul–19 | FL | Deland | Deland Muni-Sidney H Taylor Field. | 9/7036 | 6/4/19 | RNAV (GPS) RWY 30, Orig-A. |
| 18–Jul–19 | KY | Glasgow | Glasgow Muni | 9/7895 | 6/4/19 | RNAV (GPS) RWY 8, Amdt 2A. |
| 18–Jul–19 | AR | Mc Gehee | Mc Gehee Muni | 9/8145 | 6/4/19 | RNAV (GPS) RWY 18, Orig-A. |
| 18–Jul–19 | ME | Lincoln | Lincoln Rgnl | 9/8146 | 6/4/19 | RNAV (GPS) RWY 17, Orig-B. |

[FR Doc. 2019–14133 Filed 7–3–19; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 31256; Amdt. No. 3855]**

## Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addingnew obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 5, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 5, 2019.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey

Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

## Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

## Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

## The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 31, 2019.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

*Effective 18 July 2019*

Falmouth, MA, Cape Cod Coast Guard Air Station, COPTER ILS Y OR LOC Y RWY 23, Amdt 2A

Fitchburg, MA, Fitchburg Muni, NDB–A, Amdt 4C, CANCELLED

Ogdensburg, NY, Ogdensburg Intl, RNAV (GPS) RWY 9, Amdt 1A

*Effective 15 August 2019*

Hooper Bay, AK, Hooper Bay, RNAV (GPS) RWY 13, Amdt 1C

Hooper Bay, AK, Hooper Bay, RNAV (GPS) RWY 31, Amdt 1C

Nome, AK, Nome, VOR/DME RWY 10, Amdt 3, CANCELLED

St Paul Island, AK, St Paul Island, ILS OR LOC RWY 36, Amdt 4

Talkeetna, AK, Talkeetna, RNAV (GPS) RWY 1, Amdt 1A

Talkeetna, AK, Talkeetna, RNAV (GPS) RWY 19, Orig-A

Talkeetna, AK, Talkeetna, VOR RWY 1, Amdt 3A

Muscle Shoals, AL, Northwest Alabama Rgnl, ILS Y OR LOC Y RWY 30, Orig-B
Muscle Shoals, AL, Northwest Alabama Rgnl, ILS Z OR LOC Z RWY 30, Amdt 6B
Muscle Shoals, AL, Northwest Alabama Rgnl, RNAV (GPS) RWY 12, Amdt 2B
Muscle Shoals, AL, Northwest Alabama Rgnl, RNAV (GPS) RWY 30, Amdt 2B
Muscle Shoals, AL, Northwest Alabama Rgnl, VOR RWY 12, Amdt 6B
Jonesboro, AR, Jonesboro Muni, RNAV (GPS) RWY 23, Amdt 1B
North Little Rock, AR, North Little Rock Muni, Takeoff Minimums and Obstacle DP, Orig-A
Fresno, CA, Fresno Chandler Executive, RNAV (GPS) RWY 12, Amdt 1
Fresno, CA, Fresno Chandler Executive, RNAV (GPS) RWY 30, Amdt 1
Fresno, CA, Fresno Chandler Executive, Takeoff Minimums and Obstacle DP, Amdt 3
Fresno, CA, Fresno Chandler Executive, VOR/DME OR GPS–C, Amdt 5A, CANCELLED
Hanford, CA, Hanford Muni, RNAV (GPS) RWY 32, Amdt 2
Hanford, CA, Hanford Muni, RNAV (GPS)-B, Amdt 1
Hanford, CA, Hanford Muni, VOR–A, Amdt 10
Akron, CO, Colorado Plains Rgnl, RNAV (GPS) RWY 11, Amdt 2A
Akron, CO, Colorado Plains Rgnl, RNAV (GPS) RWY 29, Amdt 1A
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 28, Amdt 1B
Salida, CO, Salida Arpt Harriett Alexander Field, RNAV (GPS)-A, Orig-A
Salida, CO, Salida Arpt Harriett Alexander Field, Takeoff Minimums and Obstacle DP, Amdt 1A
Windsor Locks, CT, Bradley Intl, RNAV (GPS) Y RWY 24, Amdt 4A
Bartow, FL, Bartow Executive, RNAV (GPS) RWY 5, Orig-C
Bartow, FL, Bartow Executive, RNAV (GPS) RWY 9L, Amdt 1C
Bartow, FL, Bartow Executive, RNAV (GPS) RWY 23, Orig-C
Bartow, FL, Bartow Executive, RNAV (GPS) RWY 27R, Amdt 1B
Bartow, FL, Bartow Executive, Takeoff Minimums and Obstacle DP, Orig-A
Bartow, FL, Bartow Executive, VOR RWY 9L, Amdt 2E
Keystone Heights, FL, Keystone Airpark, RNAV (GPS) RWY 5, Orig-A
Keystone Heights, FL, Keystone Airpark, VOR/DME RWY 5, Amdt 1, CANCELLED
Miami, FL, Miami Intl, ILS OR LOC RWY 26L, Amdt 16A
Orlando, FL, Kissimmee Gateway, Takeoff Minimums and Obstacle DP, Orig-A
Palm Coast, FL, Flagler Executive, RNAV (GPS) RWY 11, Amdt 2A
Plant City, FL, Plant City, RNAV (GPS) RWY 10, Amdt 1D
Sarasota/Bradenton, FL, Sarasota/Bradenton Intl, RNAV (GPS) RWY 4, Amdt 2C
Sarasota/Bradenton, FL, Sarasota/Bradenton Intl, RNAV (GPS) RWY 22, Amdt 2B
Tallahassee, FL, Tallahassee Intl, RNAV (GPS) RWY 9, Amdt 2B
Tallahassee, FL, Tallahassee Intl, RNAV (GPS) RWY 18, Amdt 2B
Tallahassee, FL, Tallahassee Intl, RNAV (GPS) RWY 27, Amdt 2C
Umatilla, FL, Umatilla Muni, RNAV (GPS) RWY 1, Orig-B, CANCELLED
Umatilla, FL, Umatilla Muni, RNAV (GPS) RWY 19, Orig-B, CANCELLED
Umatilla, FL, Umatilla Muni, RNAV (GPS)-A, Orig
Umatilla, FL, Umatilla Muni, RNAV (GPS)-B, Orig
Atlanta, GA, DeKalb-Peachtree, RNAV (GPS)-A, Orig
Cochran, GA, Cochran, RNAV (GPS) RWY 29, Amdt 1B
LaGrange, GA, LaGrange-Callaway, ILS OR LOC RWY 31, Amdt 3
LaGrange, GA, LaGrange-Callaway, RNAV (GPS) RWY 3, Amdt 1
LaGrange, GA, LaGrange-Callaway, RNAV (GPS) RWY 13, Amdt 1
LaGrange, GA, LaGrange-Callaway, RNAV (GPS) RWY 31, Amdt 1
LaGrange, GA, LaGrange-Callaway, Takeoff Minimums and Obstacle DP, Amdt 2
LaGrange, GA, LaGrange-Callaway, VOR RWY 13, Amdt 17
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 30, Amdt 1C
Driggs, ID, Driggs-Reed Memorial, RNAV (GPS) RWY 4, Amdt 2A
Bolingbrook, IL, Bolingbrook's Clow Intl, RNAV (GPS)-B, Amdt 1B
Bolingbrook, IL, Bolingbrook's Clow Intl, VOR–A, Amdt 1B
Flora, IL, Flora Muni, RNAV (GPS) RWY 21, Amdt 2D
Indianapolis, IN, Indianapolis Metropolitan, RNAV (GPS) RWY 15, Amdt 2
Marion, IN, Marion Muni, RNAV (GPS) RWY 15, Amdt 1
Coffeyville, KS, Coffeyville Muni, RNAV (GPS) RWY 17, Orig
Colby, KS, Shalz Field, RNAV (GPS) RWY 17, Amdt 1A
Elkhart, KS, Elkhart-Morton County, RNAV (GPS) RWY 35, Amdt 1B
Lawrence, KS, Lawrence Muni, RNAV (GPS) RWY 15, Orig-C
Louisville, KY, Bowman Field, RNAV (GPS) RWY 33, Orig-C
Louisville, KY, Louisville Muhammad Ali Intl, ILS OR LOC RWY 17L, Amdt 5
Louisville, KY, Louisville Muhammad Ali Intl, ILS OR LOC RWY 17R, Amdt 4
Louisville, KY, Louisville Muhammad Ali Intl, ILS OR LOC RWY 35L, ILS RWY 35L SA CAT I, ILS RWY 35L CAT II, ILS RWY 35L CAT III, Amdt 4
Louisville, KY, Louisville Muhammad Ali Intl, ILS OR LOC RWY 35R, ILS RWY 35R SA CAT I, ILS RWY 35R CAT II, ILS RWY 35R CAT III, Amdt 5
Louisville, KY, Louisville Muhammad Ali Intl, Takeoff Minimums and Obstacle DP, Amdt 5A
Williamsburg, KY, Williamsburg-Whitley County, Takeoff Minimums and Obstacle DP, Amdt 2
Abbeville, LA, Abbeville Chris Crusta Memorial, LOC RWY 16, Amdt 1
Minden, LA, Minden, RNAV (GPS) RWY 19, Orig-B
Pittsfield, MA, Pittsfield Muni, RNAV (GPS) RWY 8, Amdt 1B
Easton, MD, Easton/Newnam Field, ILS OR LOC RWY 4, Amdt 2C
Easton, MD, Easton/Newnam Field, RNAV (GPS) RWY 15, Orig-C
Jackman, ME, Newton Field, Takeoff Minimums and Obstacle DP, Orig
Alpena, MI, Alpena County Rgnl, RNAV (GPS) RWY 19, Orig-A
Alpena, MI, Alpena County Rgnl, VOR RWY 19, Amdt 16
Bay City, MI, James Clements Muni, RNAV (GPS) RWY 18, Orig-D
Benton Harbor, MI, Southwest Michigan Rgnl, RNAV (GPS) RWY 10, Amdt 1C
Benton Harbor, MI, Southwest Michigan Rgnl, VOR RWY 28, Amdt 19C
Hancock, MI, Houghton County Memorial, ILS OR LOC RWY 31, Amdt 15A
Hancock, MI, Houghton County Memorial, LOC BC RWY 13, Amdt 12A
Hancock, MI, Houghton County Memorial, RNAV (GPS) RWY 31, Orig-A
Hancock, MI, Houghton County Memorial, VOR RWY 25, Amdt 17C
Fergus Falls, MN, Fergus Falls Muni-Einar Mickelson Fld, RNAV (GPS) RWY 31, Orig-A
Grand Marais, MN, Grand Marais/Cook County, NDB RWY 28, Amdt 1B
Grand Marais, MN, Grand Marais/Cook County, RNAV (GPS) RWY 28, Amdt 3A
Warren, MN, Warren Muni, RNAV (GPS) RWY 30, Orig-A
Camdenton, MO, Camdenton Memorial-Lake Rgnl, VOR–A, Amdt 6
Eldon, MO, Eldon Model Airpark, RNAV (GPS) RWY 18, Orig-B
Eldon, MO, Eldon Model Airpark, RNAV (GPS) RWY 36, Orig-B

Eldon, MO, Eldon Model Airpark, Takeoff Minimums and Obstacle DP, Orig-A
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, ILS OR LOC RWY 15, Amdt 2
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, NDB RWY 32, Orig-B, CANCELLED
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, RNAV (GPS) RWY 15, Amdt 1
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, RNAV (GPS) RWY 33, Amdt 1
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, VOR RWY 15, Amdt 1
Fort Leonard Wood, MO, Waynesville-St Robert Rgnl Forney Fld, VOR RWY 33, Amdt 1
Moberly, MO, Omar N Bradley, RNAV (GPS) RWY 31, Orig-B
Hattiesburg-Laurel, MS, Hattiesburg-Laurel Rgnl, ILS OR LOC RWY 18, Amdt 7C
Tupelo, MS, Tupelo Rgnl, NDB RWY 36, Amdt 5B
Glasgow, MT, Wokal Field/Glasgow-Valley County, RNAV (GPS) RWY 12, Orig-B
Glasgow, MT, Wokal Field/Glasgow-Valley County, RNAV (GPS) RWY 30, Orig-B
Glasgow, MT, Wokal Field/Glasgow-Valley County, Takeoff Minimums and Obstacle DP, Orig-A
Glasgow, MT, Wokal Field/Glasgow-Valley County, VOR RWY 12, Amdt 3B
Glasgow, MT, Wokal Field/Glasgow-Valley County, VOR RWY 30, Amdt 4B
Raleigh/Durham, NC, Raleigh-Durham Intl, VOR RWY 5R, Amdt 13F
Beach, ND, Beach, RNAV (GPS) RWY 12, Orig-A
Beach, ND, Beach, RNAV (GPS) RWY 30, Orig-A
Kenmare, ND, Kenmare Muni, RNAV (GPS) RWY 26, Orig-B
Mohall, ND, Mohall Muni, RNAV (GPS) RWY 31, Orig-A
Mohall, ND, Mohall Muni, VOR/DME–A, Orig, CANCELLED
Rugby, ND, Rugby Muni, RNAV (GPS) RWY 12, Orig-C
Gothenburg, NE, Gothenburg Muni, VOR–A, Amdt 3C
Hastings, NE, Hastings Muni, VOR RWY 14, Amdt 17
Holdrege, NE, Brewster Field, VOR–A, Amdt 3A
Kearney, NE, Kearney Rgnl, ILS OR LOC RWY 36, Amdt 3
Kearney, NE, Kearney Rgnl, RNAV (GPS) RWY 13, Orig-C
Kearney, NE, Kearney Rgnl, RNAV (GPS) RWY 18, Amdt 1
Kearney, NE, Kearney Rgnl, RNAV (GPS) RWY 36, Amdt 2
Kearney, NE, Kearney Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Kearney, NE, Kearney Rgnl, VOR RWY 18, Amdt 14
Minden, NE, Pioneer Village Field, VOR–A, Amdt 1
Belmar/Farmingdale, NJ, Monmouth Executive, RNAV (GPS) RWY 14, Orig-D
Belmar/Farmingdale, NJ, Monmouth Executive, RNAV (GPS) RWY 32, Orig-C
Belmar/Farmingdale, NJ, Monmouth Executive, VOR–A, Amdt 3C
Lakewood, NJ, Lakewood, VOR RWY 6, Amdt 6B, CANCELLED
Artesia, NM, Artesia Muni, RNAV (GPS) RWY 22, Amdt 1B
Artesia, NM, Artesia Muni, Takeoff Minimums and Obstacle DP, Amdt 1A
Buffalo, NY, Buffalo Niagara Intl, ILS OR LOC RWY 23, ILS RWY 23 SA CAT 1, Amdt 33
Glens Falls, NY, Floyd Bennett Memorial, RNAV (GPS) RWY 30, Orig-C
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Y RWY 24R, Amdt 5
Newark, OH, Newark-Heath, VOR–A, Amdt 13A
Shelby, OH, Shelby Community, Takeoff Minimums and Obstacle DP, Amdt 2A
Urbana, OH, Grimes Field, RNAV (GPS) RWY 2, Amdt 1B
Elk City, OK, Elk City Rgnl Business, RNAV (GPS) RWY 17, Amdt 2A
Elk City, OK, Elk City Rgnl Business, RNAV (GPS) RWY 35, Amdt 2A
Stigler, OK, Stigler Rgnl, RNAV (GPS) RWY 35, Amdt 1C
Newport, OR, Newport Muni, VOR RWY 16, Amdt 9B
Portland, OR, Portland Intl, RNAV (RNP) Z RWY 28R, Amdt 1C
Johnstown, PA, John Murtha Johnstown-Cambria Co, ILS OR LOC RWY 33, Amdt 7B
Johnstown, PA, John Murtha Johnstown-Cambria Co, VOR RWY 5, Amdt 6A
Johnstown, PA, John Murtha Johnstown-Cambria Co, VOR Y RWY 15, Amdt 9A
Johnstown, PA, John Murtha Johnstown-Cambria Co, VOR Y RWY 23, Amdt 8B
Johnstown, PA, John Murtha Johnstown-Cambria Co, VOR Z RWY 15, Amdt 7A
Selinsgrove, PA, Penn Valley, RNAV (GPS) RWY 17, Amdt 1A
Selinsgrove, PA, Penn Valley, RNAV (GPS) RWY 35, Orig-A
Selinsgrove, PA, Penn Valley, VOR–A, Amdt 7D
Wilkes-Barre, PA, Wilkes-Barre Wyoming Valley, RNAV (GPS) RWY 7, Orig-B
Darlington, SC, Darlington County, VOR–A, Amdt 7B
Milbank, SD, Milbank Muni, RNAV (GPS) RWY 31, Orig-A
Paris, TN, Henry County, RNAV (GPS) RWY 20, Amdt 1A
Sparta, TN, Upper Cumberland Rgnl, ILS OR LOC RWY 4, Amdt 1B
Sparta, TN, Upper Cumberland Rgnl, NDB RWY 4, Amdt 4B
Sparta, TN, Upper Cumberland Rgnl, RNAV (GPS) RWY 4, Orig-D
Angleton/Lake Jackson, TX, Texas Gulf Coast Rgnl, ILS OR LOC RWY 17, Amdt 6
Crosbyton, TX, Crosbyton Muni, RNAV (GPS) RWY 17, Amdt 1
Dallas, TX, Dallas Love Field, ILS Y OR LOC Y RWY 13R, Amdt 6B
Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, ILS OR LOC RWY 13R, ILS RWY 13R SA CAT I, ILS RWY 13R SA CAT II, Amdt 9B
Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 18, Amdt 2A
Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 36, Amdt 2A
Harlingen, TX, Valley Intl, Takeoff Minimums and Obstacle DP, Orig-A
Houston, TX, Ellington, ILS Z OR LOC Z RWY 17R, Amdt 7
Houston, TX, Ellington, ILS Z OR LOC Z RWY 22, Amdt 4
Houston, TX, Ellington, ILS Z OR LOC Z RWY 35L, Amdt 7
Houston, TX, Ellington, RNAV (GPS) RWY 22, Amdt 2D
Houston, TX, Sugar Land Rgnl, RNAV (GPS) RWY 17, Amdt 2A
Kenedy, TX, Kenedy Rgnl, RNAV (GPS) RWY 16, Orig-C
Kenedy, TX, Kenedy Rgnl, RNAV (GPS) RWY 34, Orig-B
Kenedy, TX, Kenedy Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2A
Kenedy, TX, Kenedy Rgnl, VOR–A, Amdt 7A
Palestine, TX, Palestine Muni, VOR RWY 18, Amdt 6
Taylor, TX, Taylor Muni, VOR RWY 17, Amdt 1C
Temple, TX, Draughon-Miller Central Texas Rgnl, ILS OR LOC RWY 15, Amdt 13
Temple, TX, Draughon-Miller Central Texas Rgnl, RNAV (GPS) RWY 2, Amdt 1, CANCELLED
Temple, TX, Draughon-Miller Central Texas Rgnl, RNAV (GPS) RWY 15, Amdt 2A
Temple, TX, Draughon-Miller Central Texas Rgnl, RNAV (GPS) RWY 33, Amdt 2A
Temple, TX, Draughon-Miller Central Texas Rgnl, VOR RWY 33, Amdt 4A, CANCELLED
Tyler, TX, Tyler Pounds Rgnl, ILS OR LOC RWY 13, Amdt 22, CANCELLED
Tyler, TX, Tyler Pounds Rgnl, RNAV (GPS) RWY 22, Amdt 3A

Tyler, TX, Tyler Pounds Rgnl, VOR RWY 4, Amdt 5A
Tyler, TX, Tyler Pounds Rgnl, VOR RWY 31, Amdt 3A
Van Horn, TX, Culberson County, JURDU ONE, Graphic DP
Van Horn, TX, Culberson County, Takeoff Minimums and Obstacle DP, Amdt 1
Waco, TX, TSTC Waco, NDB RWY 35R, Amdt 12
Waco, TX, TSTC Waco, RNAV (GPS) RWY 35R, Amdt 2
Waco, TX, Waco Rgnl, VOR RWY 14, Amdt 23C
Beaver, UT, Beaver Muni, RNAV (GPS)-A, Orig-A
Bryce Canyon, UT, Bryce Canyon, RNAV (GPS) RWY 3, Orig-D
Heber, UT, Heber Valley, RNAV (GPS)-A, Amdt 3A
Heber, UT, Heber Valley, Takeoff Minimums and Obstacle DP, Amdt 4A
Hot Springs, VA, Ingalls Field, ILS OR LOC RWY 25, Amdt 5
Louisa, VA, Louisa County/Freeman Field, LOC RWY 27, Amdt 4
Louisa, VA, Louisa County/Freeman Field, RNAV (GPS) RWY 9, Amdt 1
Louisa, VA, Louisa County/Freeman Field, RNAV (GPS) RWY 27, Amdt 2
Norfolk, VA, Hampton Roads Executive, RNAV (GPS) RWY 10, Amdt 1
Norfolk, VA, Hampton Roads Executive, RNAV (GPS) RWY 28, Orig
Roanoke, VA, Roanoke-Blacksburg Rgnl/Woodrum Field, Takeoff Minimums and Obstacle DP, Amdt 11A
Roanoke, VA, Roanoke-Blacksburg Rgnl/Woodrum Field, VOR/DME–A, Amdt 7B
Winchester, VA, Winchester Rgnl, RNAV (GPS) RWY 14, Amdt 1B
Bellingham, WA, Bellingham Intl, ILS OR LOC RWY 16, ILS RWY 16 SA CAT I, Amdt 8A
Bellingham, WA, Bellingham Intl, RNAV (GPS) Y RWY 16, Amdt 3C
Bellingham, WA, Bellingham Intl, RNAV (RNP) Z RWY 16, Amdt 1A
Bellingham, WA, Bellingham Intl, RNAV (RNP) Z RWY 34, Amdt 1A
Chetek, WI, Chetek Muni-Southworth, RNAV (GPS) RWY 35, Orig-D
Kenosha, WI, Kenosha Rgnl, RNAV (GPS) RWY 15, Orig-B
Mosinee, WI, Central Wisconsin, ILS OR LOC RWY 8, Amdt 14A
Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 8, Amdt 1D
Wausau, WI, Wausau Downtown, RNAV (GPS) RWY 13, Amdt 1B
Wausau, WI, Wausau Downtown, RNAV (GPS) RWY 31, Amdt 1A
Wisconsin Rapids, WI, Alexander Field South Wood County, RNAV (GPS) RWY 2, Orig-B
Clarksburg, WV, North Central West Virginia, ILS OR LOC RWY 21, Amdt 4A
Clarksburg, WV, North Central West Virginia, RNAV (GPS) RWY 3, Amdt 2A
Clarksburg, WV, North Central West Virginia, RNAV (GPS) RWY 21, Amdt 2A
Martinsburg, WV, Eastern WV Rgnl/Shepherd Fld, RNAV (GPS) RWY 8, Amdt 1C
Rawlins, WY, Rawlins Muni/Harvey Field, Takeoff Minimums and Obstacle DP, Amdt 6
Sheridan, WY, Sheridan County, RNAV (GPS) RWY 15, Amdt 1A
Sheridan, WY, Sheridan County, Takeoff Minimums and Obstacle DP, Amdt 4A

[FR Doc. 2019–14130 Filed 7–3–19; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 31257; Amdt. No. 3856]**

## Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 5, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 5, 2019.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

**For Examination**

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

**Availability**

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

**Availability and Summary of Material Incorporated by Reference**

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 31, 2019.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

| AIRAC date | State | City | Airport | FDC No. | FDC date | Subject |
|---|---|---|---|---|---|---|
| 18–Jul–19 | TX | Paris | Cox Field | 9/3372 | 5/23/19 | VOR RWY 35, Amdt 2. |
| 18–Jul–19 | SD | Martin | Martin Muni | 9/8802 | 5/23/19 | RNAV (GPS) RWY 32, Amdt 1. |
| 18–Jul–19 | MA | Fitchburg | Fitchburg Muni | 9/8831 | 5/23/19 | RNAV (GPS) RWY 32, Orig-D. |
| 18–Jul–19 | MA | Fitchburg | Fitchburg Muni | 9/8832 | 5/23/19 | RNAV (GPS) RWY 14, Orig-C. |

[FR Doc. 2019–14128 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 31258; Amdt. No. 3857]**

### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 5, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 5, 2019.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

**For Examination**

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

## Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

## Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

## The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC on June 14, 2019.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

*Effective 15 August 2019*

Fairbanks, AK, Fairbanks Intl, Takeoff Minimums and Obstacle DP, Amdt 6A
Kenai, AK, Kenai Muni, ILS Y OR LOC Y RWY 20R, Orig
Kenai, AK, Kenai Muni, ILS Z OR LOC Z RWY 20R, Amdt 7
Koyukuk, AK, Koyukuk, RNAV (GPS) RWY 6, Orig-A
Koyukuk, AK, Koyukuk, RNAV (GPS) RWY 24, Orig-A
Shaktoolik, AK, Shaktoolik, RNAV (GPS) RWY 15, Amdt 2
Shaktoolik, AK, Shaktoolik, RNAV (GPS) RWY 33, Amdt 1
Shaktoolik, AK, Shaktoolik, Takeoff Minimums and Obstacle DP, Amdt 1
Fayette, AL, Richard Arthur Field, RNAV (GPS) RWY 19, Amdt 1D
Lawrence, MA, Lawrence Muni, RNAV (GPS) RWY 5, Amdt 2
Lawrence, MA, Lawrence Muni, VOR RWY 23, Amdt 12A, CANCELLED
Auburn, NE, Farington Field, RNAV (GPS) RWY 34, Orig-A

Cincinnati, OH, Cincinnati Muni Airport Lunken Field, Takeoff Minimums and Obstacle DP, Amdt 15

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, ILS OR LOC RWY 25, Amdt 25B

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, RNAV (GPS) RWY 7, Orig-A

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, RNAV (GPS) RWY 11, Orig-A

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, RNAV (GPS) RWY 25, Orig-C

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, RNAV (GPS) RWY 29, Orig-A

Pendleton, OR, Eastern Oregon Rgnl at Pendleton, VOR RWY 7, Amdt 15A

Johnstown, PA, John Murtha Johnstown-Cambria Co, RNAV (GPS) RWY 15, Amdt 1A

Johnstown, PA, John Murtha Johnstown-Cambria Co, RNAV (GPS) RWY 33, Amdt 1A

Johnstown, PA, John Murtha Johnstown-Cambria Co, VOR Z RWY 23, Amdt 4B

Wilkes-Barre/Scranton, PA, Wilkes-Barre/Scranton Intl, ILS OR LOC RWY 22, Amdt 10

Ponce, PR, Mercedita, Takeoff Minimums and Obstacle DP, Amdt 6

Humboldt, TN, Humboldt Muni, RNAV (GPS) RWY 4, Orig-A

Paris, TN, Henry County, RNAV (GPS) RWY 2, Orig-A

Abilene, TX, Abilene Rgnl, LOC RWY 17R, Orig-B

Dallas, TX, Dallas Love Field, ILS Y OR LOC Y RWY 13L, ILS Y RWY 13L SA CAT I, ILS Y RWY 13L SA CAT II, Amdt 34

Dallas, TX, Dallas Love Field, RNAV (GPS) Z RWY 13L, Amdt 4

Eagle Pass, TX, Maverick County Memorial Intl, RNAV (GPS) RWY 13, Amdt 1A

Morrisville, VT, Morrisville-Stowe State, RNAV (GPS)-A, Amdt 1

Spokane, WA, Felts Field, RNAV (GPS)-A, Amdt 1A, CANCELLED

[FR Doc. 2019–14129 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–13–P**

## SECURITIES AND EXCHANGE COMMISSION

## 17 CFR Part 210

**[Release No. 33–10648; 34–86127; FR–85; IA–5255; IC–33511; File No. S7–10–18]**

**RIN 3235–AM01**

## Auditor Independence With Respect to Certain Loans or Debtor-Creditor Relationships

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (''Commission'') is adopting amendments to its auditor independence rules to refocus the analysis that must be conducted to determine whether an auditor is independent when the auditor has a lending relationship with certain shareholders of an audit client at any time during an audit or professional engagement period. The amendments focus the analysis on beneficial ownership rather than on both record and beneficial ownership; replace the existing 10 percent bright-line shareholder ownership test with a ''significant influence'' test; add a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities; and exclude from the definition of ''audit client,'' for a fund under audit, any other funds, that otherwise would be considered affiliates of the audit client under the rules for certain lending relationships. The amendments will more effectively identify debtor-creditor relationships that could impair an auditor's objectivity and impartiality, as opposed to certain more attenuated relationships that are unlikely to pose such threats, and thus will focus the analysis on those borrowing relationships that are important to investors.

**DATES:** The final rules are effective on October 3, 2019.

**FOR FURTHER INFORMATION CONTACT:** Peggy Kim, Senior Special Counsel, Office of the Chief Accountant, or Giles T. Cohen, Acting Chief Counsel, at (202) 551–5300; Daniel Rooney, Assistant Chief Accountant, Chief Accountant's Office, Division of Investment Management, at (202) 551–6918; or Joel Cavanaugh, Senior Counsel, Investment Company Regulation Office, Division of Investment Management, at (202) 551–6792, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** We are adopting amendments to 17 CFR 210.2–01 (''Rule 2–01 of Regulation S–X'').

### Table of Contents

I. Introduction
II. Final Amendments
A. Overview of the Final Amendments
B. Focus the Analysis on Beneficial Ownership
1. Proposed Amendments
2. Comments
3. Final Amendments
C. Significant Influence Test
1. Proposed Amendments
2. Comments
3. Final Amendments
D. Reasonable Inquiry Compliance Threshold
1. Proposed Amendments
2. Comments
3. Final Amendments
E. Excluding Other Funds That Would Be Considered Affiliates of the Audit Client
1. Proposed Amendments
2. Comments
3. Final Amendments
F. Other Comments
1. Materiality Qualifier
2. Other Potential Changes to the Auditor Independence Rules
III. Other Matters
IV. Paperwork Reduction Act
V. Economic Analysis
A. General Economic Considerations
B. Baseline
C. Anticipated Benefits and Costs
1. Anticipated Benefits
2. Anticipated Costs and Potential Unintended Consequences
D. Effects on Efficiency, Competition, and Capital Formation
E. Alternatives
VI. Final Regulatory Flexibility Analysis
A. Need for the Amendments
B. Significant Issues Raised by Public Comment
C. Small Entities Subject to the Final Rules
D. Projected Reporting, Recordkeeping and Other Compliance Requirements
E. Agency Action To Minimize Effect on Small Entities
VII. Codification Update
VIII. Statutory Basis

### I. Introduction

The Commission's auditor independence standard set forth in Rule 2–01 of Regulation S–X requires auditors [1] to be independent of their audit clients both ''in fact and in appearance.'' [2] Rule 2–01(b) provides that the Commission will not recognize

[1] Rule 2–01 refers to ''accountants'' rather than ''auditors.'' We use these terms interchangeably in this Release.

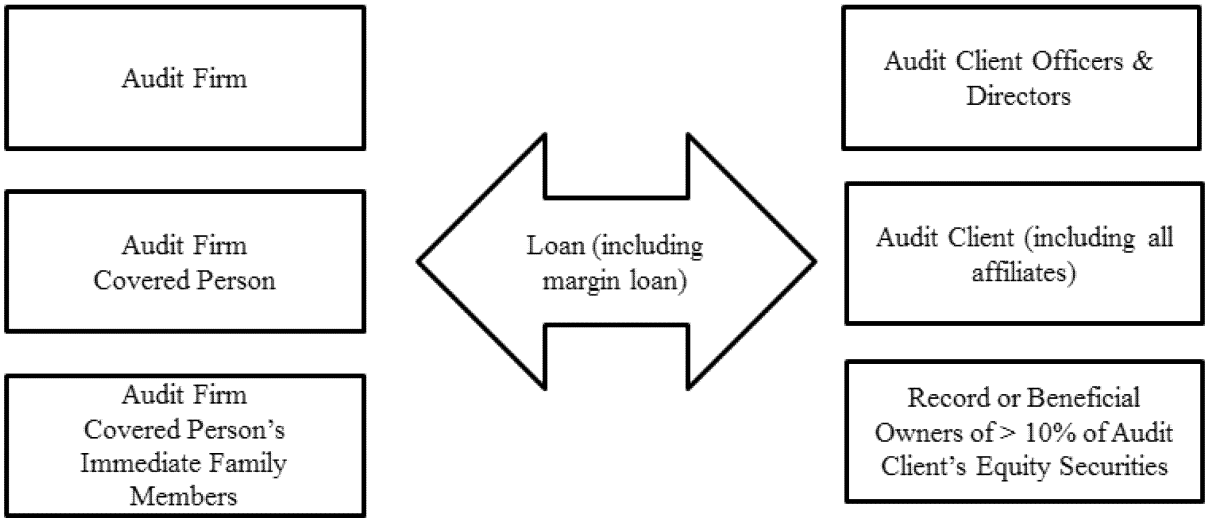
[2] *See* Preliminary Note 1 to Rule 2–01 and Rule 2–01(b) of Regulation S–X. *See also United States* v. *Arthur Young & Co.,* 465 U.S. 805, 819 n.15 (1984) (''It is therefore not enough that financial statements be accurate; the public must also perceive them as being accurate. Public faith in the reliability of a corporation's financial statements depends upon the public perception of the outside auditor as an independent professional.'').

an accountant as independent with respect to an audit client if the accountant is not (or if a reasonable investor with knowledge of all relevant facts and circumstances would conclude that the accountant is not) capable of exercising objective and impartial judgment on all issues encompassed within the accountant's engagement.[3] Furthermore, in determining whether an accountant is independent, the Commission will consider all relevant circumstances, including all relationships between an accountant and the audit client.[4]

Rule 2–01(c) sets forth a nonexclusive list of circumstances that the Commission considers to be inconsistent with the independence standard in Rule 2–01(b), including certain direct financial relationships between an accountant and audit client and other circumstances where the accountant has a financial interest in the audit client.[5] In particular, the existing restriction on debtor-creditor relationships in Rule 2–01(c)(1)(ii)(A) (the ''Loan Provision'') generally provides that an accountant is not independent when (a) the accounting firm, (b) any covered person[6] in the accounting firm (*e.g.,* the audit engagement team and those in the chain of command), or (c) any of the covered person's immediate family members has any loan (including any margin loan) to or from (x) an audit client, or (y) an audit client's officers, directors, or (z) record or beneficial owners of more than 10 percent of the audit client's equity securities.[7] Simply because a lender to an auditor holds 10 percent or less of an audit client's equity securities does not, in itself, establish that the auditor is independent under Rule 2–01 of Regulation S–X. The general standard under Rule 2–01(b) and the remainder of Rule 2–01(c) still apply to auditors and their audit clients regardless of the applicability of the Loan Provision.

In the below illustration, pursuant to the Loan Provision, a lending relationship between any entity in the left hand column and any entity in the right-hand column impairs independence, unless an exception applies.

*Figure 1.* Loan Provision Relationships




When the Commission proposed the Loan Provision in 2000, it noted that a debtor-creditor relationship between an auditor and its audit client reasonably could be viewed as ''creating a self-interest that competes with the auditor's obligation to serve only investors' interests.''[8] The Commission's concern about a competing self-interest extended beyond loans directly between the auditor and its audit client to loans between the auditor and those shareholders of the audit client who have a ''special and influential role'' with the audit client.[9] As a proxy for identifying a ''special and influential role,'' the Commission adopted a bright-line test for loans to or from a record or beneficial owner of more than 10 percent of an audit client's equity securities.[10]

Under Rule 2–01(f)(6) of Regulation S–X, the term ''audit client'' is defined to include any affiliate of the entity whose financial statements are being

[3] *See* Rule 2–01(b) of Regulation S–X.

[4] *See id.*

[5] *See* Rule 2–01(c) of Regulation S–X; *see also* Revision of the Commission's Auditor Independence Requirements, Release No. 33–7919 (Nov. 21, 2000) [65 FR 76008 (Dec. 5, 2000)] (''2000 Adopting Release'') *available at https://www.sec.gov/rules/final/33-7919.htm,* at 65 FR 76009 (''The amendments [to Rule 2–01 adopted in 2000] identify certain relationships that render an accountant not independent of an audit client under the standard in Rule 2–01(b). The relationships addressed include, among others, financial, employment, and business relationships between auditors and audit clients . . . .'').

[6] *See* Rule 2–01(f)(11) of Regulation S–X (defining the term ''covered person'').

[7] *See* 2000 Adopting Release, *supra* footnote 5 at 65 FR 76035.

[8] *See* Proposed Rule: Revision of the Commission's Auditor Independence Requirements, Release No. 33–7870 (June 30, 2000) [65 FR 43148 (July 12, 2000)] (''2000 Proposing Release''), *available at https://www.sec.gov/rules/proposed/34-42994.htm,* at 65 FR 43161.

[9] *See* 2000 Adopting Release, *supra* footnote 5, at 65 FR 76035.

[10] The Commission proposed that the Loan Provision include a five-percent equity ownership threshold, but raised the threshold to 10 percent when it adopted the Loan Provision. *See* 2000 Adopting Release, *supra* footnote 5, at 65 FR 76035. As the basis for its use of a 10 percent threshold, the Commission pointed to similar 10 percent ownership thresholds elsewhere in the federal securities laws, including 17 CFR 210.1–02(r) (Rule 1–02(r) of Regulation S–X) (defining ''principal holder of equity securities''), Rule 1–02(s) of Regulation S–X (defining ''promoter''), and Section 16 of the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*] (the ''Exchange Act'') (requiring reporting to the Commission of beneficial ownership information by directors, officers, and beneficial owners of more than 10 percent of any class of equity securities of an issuer). *Id.*

audited.[11] Rule 2–01(f)(4) provides that ''affiliates of the audit client'' include entities that control, are controlled by, or are under common control with the audit client.[12] As a result, generally, an accounting firm is not independent under the Loan Provision if it has a lending relationship with an entity having record or beneficial ownership of more than 10 percent of the equity securities of either (a) the firm's audit client; or (b) any entity that is a controlling parent company of the audit client, a controlled subsidiary of the audit client, or an entity under common control with the audit client.

In addition, the term ''affiliate of the audit client'' includes each entity in an investment company complex (''ICC'') of which the audit client is a part.[13] Accordingly, in the ICC context, an accounting firm is considered not independent under the Loan Provision if it has a lending relationship with an entity having record or beneficial ownership of more than 10 percent of any entity within the ICC, regardless of which entities in the ICC are audited by the accounting firm.

The Commission has become aware that, in certain circumstances, the existing Loan Provision may not be functioning as it was intended. Registered investment companies, other pooled investment vehicles, and registered investment advisers have expressed concerns about the Loan Provision in both public disclosures and, together with their auditors, in extensive consultations with Commission staff.[14] It has become clear that there are certain fact patterns in which an auditor's objectivity and impartiality are not impaired despite a failure to comply with the requirements of the Loan Provision. These fact patterns have arisen most frequently with respect to funds, although as noted in the Proposing Release, non-fund issuers also have faced challenges associated with the Loan Provision.[15]

The Commission understands that accounting firms use loans to help finance their core business operations. Accounting firms frequently obtain financing to pay for their labor and out-of-pocket expenses before they receive payments from audit clients for those services. Accounting firms also use financing to fund current operations and provide capital to fund ongoing investments in their audit methodologies and technology. Accounting firms borrow from commercial banks or through private placement debt issuances, typically purchased by large financial institutions, both of which give rise to debtor-creditor relationships.[16] For creditor diversification purposes, credit facilities provided or arranged by commercial banks are often syndicated among multiple financial institutions, thereby expanding the number of lenders to an accounting firm. As a result, accounting firms typically have a wide array of borrowing arrangements. These arrangements facilitate firms' provision of audit services to investors and other market participants, but also multiply the number of lenders that may be record or beneficial owners of securities in audit clients and that must be analyzed under the Loan Provision.

These accounting firms' financing methods appear to have resulted in various scenarios in which the Loan Provision deems an accounting firm's independence to be impaired, notwithstanding that the relevant facts and circumstances regarding the relationships between the auditor and the audit client suggest that in most cases the auditor's objectivity and impartiality do not appear to be affected as a practical matter. Nevertheless, auditors and audit committees[17] may feel obligated to devote substantial resources to evaluating potential instances of non-compliance with the existing Loan Provision, which could distract auditors' and audit committees' attention from matters that may be more likely to bear on the auditor's objectivity and impartiality.[18] Audit committees' receipt of a high volume of communications of such relationships could dilute the impact of communications that identify issues that may actually raise concerns about an auditor's independence.

Similarly, numerous violations of the independence rules that no reasonable investor would view as implicating an auditor's objectivity and impartiality could desensitize market participants to other, more significant violations of the independence rules. Respect for the

[11] *See* Rule 2–01(f)(6) of Regulation S–X.

[12] *See* Rule 2–01(f)(4) of Regulation S–X, in which an ''affiliate of the audit client'' includes the following: (1) An entity that has control over the audit client, or over which the audit client has control, or which is under common control with the audit client, including the audit client's parents and subsidiaries; (2) An entity over which the audit client has significant influence, unless the entity is not material to the audit client; (3) An entity that has significant influence over the audit client, unless the audit client is not material to the entity; and (4) Each entity in the investment company complex when the audit client is an entity that is part of an investment company complex.

[13] *See id.* ''Investment company complex'' in Rule 2–01(f)(14) of Regulation S–X includes: (1) An investment company and its investment adviser or sponsor; (2) Any entity controlled by or controlling an investment adviser or sponsor in paragraph (f)(14)(i)(A), or any entity under common control with an investment adviser or sponsor in paragraph (f)(14)(i)(A) if the entity: (i) Is an investment adviser or sponsor; or (ii) Is engaged in the business of providing administrative, custodian, underwriting, or transfer agent services to any investment company, investment adviser, or sponsor; and (3) Any investment company or entity that would be an investment company but for the exclusions provided by section 3(c) of the Investment Company Act of 1940 (15 U.S.S. 80a–3(c) that has an investment adviser or sponsor included in the definition by either paragraph (f)(14)(i)(A) or (B).

[14] *See* Section I.B. of Auditor Independence With Respect to Certain Loans or Debtor-Creditor Relationships, Release No. 33–10491 (May 2, 2018) [83 FR 20753 (May 8, 2018)] (''Proposing Release''), at 83 FR 20756.

[15] *See* footnote 20 of the Proposing Release. As discussed below, our amendments to Rule 2–01 will define ''fund'' as it relates to the Loan Provision as: (i) An investment company or an entity that would be an investment company but for the exclusions provided by Section 3(c) (15 U.S.C. 80a–3(c)) of the Investment Company Act of 1940 (the ''Investment Company Act''); or (ii) a commodity pool as defined in Section 1a(10) of the U.S. Commodity Exchange Act, as amended (''CEA'') that is not an investment company or does not rely on Section 3 of the Investment Company Act. *See* Rule 2–01(c)(1)(ii)(A)(*2*)(*ii*).

[16] The Commission further understands that insurance companies may purchase accounting firms' private placement notes. Insurance companies may also act as sponsors of insurance products and may be record owners, on behalf of contract holders, of certain investment companies' equity securities.

[17] The audit committees of issuers, including registered investment companies, may also be focused on this issue because, under the Sarbanes-Oxley Act of 2002 (''Sarbanes-Oxley Act''), audit committees are responsible for the selection, compensation, and oversight of such issuers' independent auditors. *See* 17 CFR 240.10A–3 (Rule 10A–3 under the Exchange Act). In this Release, we use the term ''audit committee,'' when referring to funds, generally to refer to audit committees established by a fund's board of directors or trustees or, where no formal audit committee exists (*e.g.,* for certain private funds), those responsible for the governance of the fund. In the absence of an audit committee, the entire board of directors will be considered to be the audit committee. *See, e.g.,* Standards Relating to Listed Company Audit Committees, Release No. 33–8220 (Apr. 3, 2003) [68 FR 18788 (Apr. 16, 2003)].

[18] For audits conducted pursuant to the standards of the Public Company Accounting Oversight Board (''PCAOB''), auditors are required to communicate any relationships, including lending relationships, with the audit client that may reasonably be thought to bear on independence to the audit committee at least annually. *See, e.g.,* PCAOB Rule 3526 (requiring a registered public accounting firm, at least annually with respect to each of its audit clients, to: (1) Describe, in writing, to the audit committee of the audit client, all relationships between the registered public accounting firm or any affiliates of the firm and the audit client or persons in financial reporting oversight roles at the audit client that, as of the date of the communication, may reasonably be thought to bear on independence; (2) discuss with the audit committee of the audit client the potential effects of the relationships described in subsection (b)(1) on the independence of the registered public accounting firm; (3) affirm to the audit committee of the audit client, in writing, that, as of the date of the communication, the registered public accounting firm is independent in compliance with Rule 3520; and (4) document the substance of its discussion with the audit committee of the audit client).

seriousness of these obligations, and attention to any breach or potential breach of these obligations, is better fostered through limiting violations to those instances in which the auditor's independence would be impaired in fact or in appearance.

Moreover, searching for, identifying, and assessing non-compliance or potential non-compliance with the Loan Provision and reporting these instances to audit committees also may generate significant costs for entities and their advisers and auditors, which are ultimately borne by shareholders. These costs are unlikely to have corresponding benefits to the extent that the Loan Provision's breadth identifies and requires analysis of circumstances that are unlikely to bear on the auditor's independence.

In addition, the compliance challenges associated with the Loan Provision can have broader disruptive effects, particularly for funds.[19] For example, in order for a registered open-end fund to make a continuous offering of its securities, it must maintain a current prospectus by periodically filing post-effective amendments to its registration statement that contain updated financial information audited by an independent public accountant in accordance with Regulation S–X.[20] In addition, the federal securities laws require that investment companies registered under the Investment Company Act transmit annually to shareholders and file with the Commission financial statements audited by an independent registered public accounting firm.[21] Accordingly, non-compliance with the auditor independence rules in some cases could result in affected funds not being able to offer or sell shares, investors not being able to rely on affected financial statements, or funds (and, indirectly, but importantly, their investors) having to incur the costs of re-audits.

In order to provide time for the Commission to address these challenges, and recognizing that funds and their advisers were most acutely affected by the Loan Provision, the Commission staff issued a no-action letter to Fidelity Management & Research Company in 2016 regarding the application of the Loan Provision (''Fidelity No-Action Letter'').[22] In the Fidelity No-Action Letter, the staff stated that it would not recommend enforcement action to the Commission, even though certain Fidelity entities identified in the letter used audit firms that were not in compliance with the Loan Provision, subject to certain conditions specified in the letter (*e.g.,* that notwithstanding such non-compliance, the audit firm had concluded that it is objective and impartial with respect to the issues encompassed within the engagement).[23] Staff has continued to receive inquiries from registrants and accounting firms regarding the application of the Loan Provision, clarification of the Fidelity No-Action Letter, and requests for consultation regarding issues not covered in the Fidelity No-Action Letter.

In order to address the compliance challenges discussed above, on May 2, 2018, the Commission proposed amendments to its auditor independence rules to refocus the analysis that must be conducted to determine whether an auditor is independent when the auditor has a lending relationship with certain shareholders of an audit client at any time during an audit or professional engagement period.[24] The proposed amendments to the Loan Provision were intended to more effectively identify debtor-creditor relationships that could impair an auditor's objectivity and impartiality, as opposed to certain more attenuated relationships that are unlikely to present threats to objectivity or impartiality. To achieve this objective, the proposed amendments to the Loan Provision would have: (1) Focused the analysis solely on beneficial ownership rather than on both record and beneficial ownership; (2) replaced the existing 10 percent bright-line shareholder ownership test with a ''significant influence'' test; (3) added a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities; and (4) amended the definition of ''audit client'' for a fund under audit to exclude funds that otherwise would be considered affiliates of the audit client. The Commission also requested comment on certain other potential amendments to its auditor independence rules.

In developing the final amendments, we considered the thirty-one comment letters received in response to the Proposing Release.[25] Most commenters expressed general support for the proposed amendments, and only a few commenters did not.

## II. Final Amendments

### *A. Overview of the Final Amendments*

We are adopting amendments to Rule 2–01 of Regulation S–X that we believe would more effectively identify those debtor-creditor relationships that could impair an auditor's objectivity and impartiality, yet would not include certain attenuated relationships that are unlikely to present threats to objectivity or impartiality.[26] Because compliance challenges associated with applying the Loan Provision have arisen with entities other than funds, and given that we did not receive comments objecting to our proposal to apply these amendments broadly, the final amendments will apply to entities beyond the investment management industry, including

[19] Registered investment advisers that have custody of client funds or securities also face compliance challenges from the Loan Provision. These advisers generally are required by 17 CFR 275.206(4)–2 (Rule 206(4)–2 (the ''Custody Rule'') under the Investment Advisers Act of 1940 (the ''Investment Advisers Act'')) to obtain a surprise examination conducted by an independent public accountant or, for pooled investment vehicles, may be deemed to comply with the requirement by distributing financial statements audited by an independent public accountant to the pooled investment vehicle's investors. An auditor's inability, or potential inability, to comply with the Loan Provision raises questions concerning an adviser's ability to satisfy the requirements of the Custody Rule.

[20] *See generally* Section 10(a)(3) of the Securities Act of 1933 (the ''Securities Act'') [15 U.S.C. 77a *et seq.*] and Item 27 of Form N–1A.

[21] 15 U.S.C. 80a–1 *et seq. See* 17 CFR 270.30e–1 and 17 CFR 270.30b2–1 (Rules 30e–1 and 30b2–1 under the Investment Company Act).

[22] *See* No-Action Letter from the Division of Investment Management to Fidelity Management & Research Company (June 20, 2016) (''June 20, 2016 Letter''), *available at https://www.sec.gov/divisions/investment/noaction/2016/fidelity-management-research-company-062016.htm.* The June 20, 2016 Letter provided temporary no-action relief and was to expire 18 months from the issuance date. On September 22, 2017, the staff extended the June 20, 2016 Letter until the effective date of any amendments to the Loan Provision adopted by the Commission that are designed to address the concerns expressed in the June 20, 2016 Letter. *See* No-Action Letter from the Division of Investment Management to Fidelity Management & Research Company (Sept. 22, 2017) (''September 22, 2017 Letter''), *available at https://www.sec.gov/divisions/investment/noaction/2017/fidelity-management-research-092217-regsx-rule-2-01.htm.* The Fidelity No-Action Letter therefore will be withdrawn on the effective date of the amendments we are adopting in this release.

[23] The June 20, 2016 Letter described the following circumstances, each of which could have potential implications under the Loan Provision: (i) ''An institution that has a lending relationship with an Audit Firm holds of record, for the benefit of its clients or customers (for example, as an omnibus account holder or custodian), more than 10 percent of the shares of a Fidelity Entity;'' (ii) ''An insurance company that has a lending relationship with an Audit Firm holds more than 10 percent of the shares of a Fidelity Fund in separate accounts that it maintains on behalf of its insurance contract holders;'' and (iii) ''An institution that has a lending relationship with an Audit Firm and acts as an authorized participant or market maker to a Fidelity ETF and holds of record or beneficially more than 10 percent of the shares of a Fidelity ETF.''

[24] *See generally* Proposing Release.

[25] The comment letters received in response to the Proposing Release are available at *https://www.sec.gov/comments/s7-10-18/s71018.htm.*

[26] *See* Rule 2–01(b) of Regulation S–X.

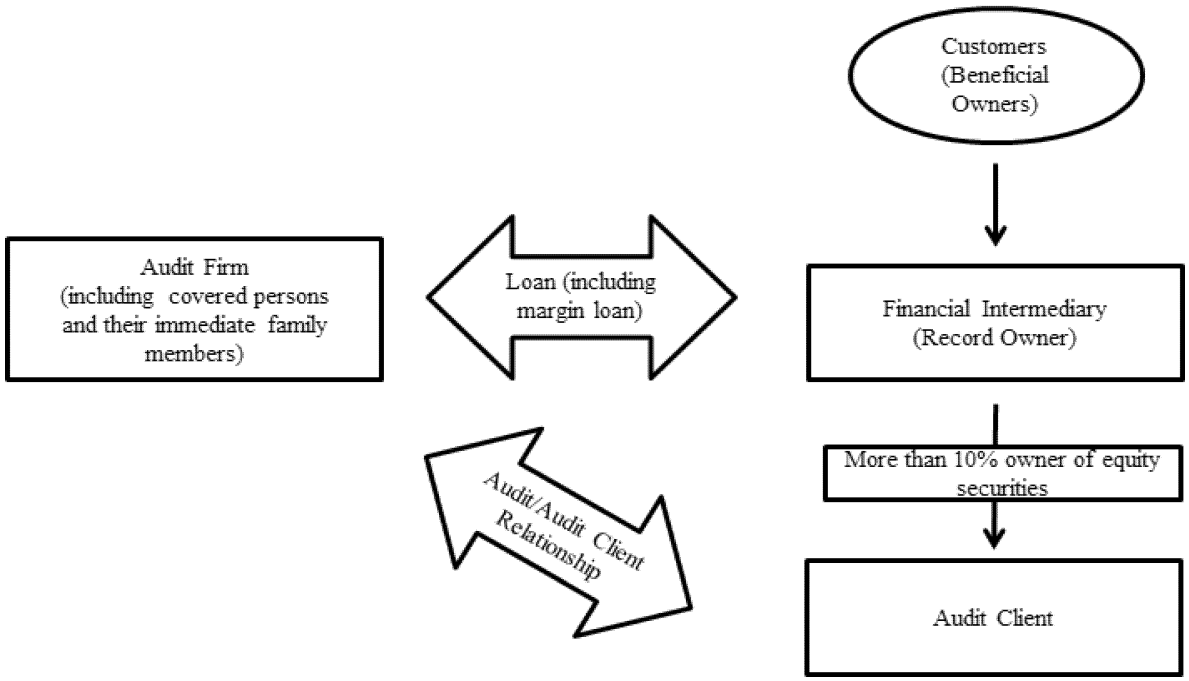
operating companies and registered broker-dealers.

We are adopting the amendments generally as proposed with a few additional changes. As was proposed, we are focusing the analysis on beneficial ownership rather than on both record and beneficial ownership. Also, as proposed, we are replacing the existing 10 percent bright-line shareholder ownership test with a ''significant influence'' test and adding a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities. In addition, we are excluding from the definition of ''audit client,'' for a fund under audit, any other funds that otherwise would be considered affiliates of the audit client under the Loan Provision. In a change from the proposal and in response to comments, the final amendments define ''fund'' for these purposes to also exclude commodity pools and we clarify that foreign funds (as described below) are excluded for purposes of the definition of audit client. Finally, the Chairman has directed the staff to formulate recommendations to the Commission for possible additional changes to the auditor independence rules, as discussed further below.

*B. Focus the Analysis on Beneficial Ownership*

Where a lender to an auditor holds more than 10 percent of the equity securities of that auditor's audit client either as a beneficial owner or as a record owner, current rules dictate that the auditor is not independent of the audit client. As noted in the Proposing Release, one challenge associated with the Loan Provision is that it applies to both ''record'' and ''beneficial'' owners of the audit client's equity securities. However, publicly traded shares, as well as certain fund shares, often are registered in the name of a relatively small number of financial intermediaries [27] as ''record'' owners for the benefit of their clients or customers. Certain of these financial intermediaries may also be lenders to public accounting firms or be affiliated with financial institutions that may be lenders to public accounting firms. As a result, audit clients may have financial intermediaries that own, on a ''record'' basis, more than 10 percent of the issuer's shares and are also lenders to public accounting firms, covered persons of accounting firms, and their immediate family members, or are affiliated with companies that are lenders to public accounting firms (see Figure 2 below for illustration). However, these financial intermediaries are not ''beneficial'' owners and may not have control over whether they are ''record'' owners of more than 10 percent of the issuer's shares.

*Figure 2.* Audit Firm is not independent under the Loan Provision when a Financial Intermediary that is a lender to the Audit Firm is also a record owner of more than 10 percent of the equity securities of the Audit Client.




For example, open-end funds, such as mutual funds, may face significant challenges, because the record ownership percentages of open-end funds may fluctuate greatly within a given period for reasons completely out of the control or knowledge of a lender who is also a fund shareholder of record, regardless of their diligence in monitoring compliance. Specifically, as a result of underlying customer activity in an omnibus account (such as when beneficial owners purchase or redeem their shares in an open-end fund) or as a result of the activity of other record or beneficial owners, the record ownership of a lender that is a financial intermediary holding fund shares for customers may exceed, or conversely fall below, the 10 percent threshold within a given period without any

[27] *See infra* footnote 28.

affirmative action on the part of the financial intermediary.[28] In this scenario, the financial intermediary's holdings might constitute less than 10 percent of a mutual fund and, as a result of subsequent redemptions by beneficial owners through other non-affiliated financial intermediaries, the same investment could then constitute more than 10 percent of the mutual fund. However, regardless of their diligence in monitoring compliance, the financial intermediary, the fund, and the auditor may not know that the 10 percent threshold had been exceeded until after the fact.

1. Proposed Amendments

Under the proposed amendments, the Loan Provision would apply only to beneficial owners of the audit client's equity securities and not to those who merely hold the audit client's equity securities as a holder of record on behalf of their beneficial owners.[29] The Proposing Release noted that tailoring the Loan Provision to focus on the beneficial ownership of the audit client's equity securities would more effectively identify shareholders ''having a special and influential role with the issuer'' and therefore better capture those debtor-creditor relationships that may impair an auditor's independence.[30]

2. Comments

Commenters generally supported the proposed amendment to focus the analysis on beneficial owners,[31] and several of these commenters agreed that tailoring the Loan Provision to focus only on the beneficial ownership of the audit client's equity securities would more effectively identify shareholders ''having a special and influential role with the issuer'' and therefore better capture those debtor-creditor relationships that may impair an auditor's independence.[32] One commenter expressed the view that auditors should not have any lending relationship with any shareholders of an audit client.[33] Several commenters requested clarification of the definition of ''beneficial owner'' and expressed support for defining ''beneficial owner'' to refer to those owners with an economic interest in the relevant securities.[34] A number of commenters requested that the Commission reiterate the guidance set forth in footnote 22 of the Proposing Release,[35] describing the entities that are excluded from the scope of the Loan Provision (*e.g.,* entities that are under common control with or controlled by the beneficial owner are excluded from the scope).[36]

A few commenters agreed that the proposed amendment would ease compliance burdens,[37] and two commenters stated that the proposed amendment did not raise other auditor independence concerns.[38] Two commenters expressed the view that, even if the Commission amended the Loan Provision to provide for evaluation of beneficial ownership alone, the other proposed amendments would still be necessary and appropriate.[39]

3. Final Amendments

After considering the comments received, and consistent with the proposal, we are adopting amendments that focus the analysis on beneficial ownership rather than on both record and beneficial ownership. We continue to believe that tailoring the Loan Provision to focus on the beneficial ownership of the audit client's equity securities would more effectively identify shareholders ''having a special and influential role with the issuer'' and therefore better capture those debtor-creditor relationships that may impair an auditor's independence.

In response to commenters who requested clarification of the term ''beneficial owner,'' we are providing additional guidance that financial intermediaries, who hold shares as record owners, and who have limited authority to make or direct voting or investment decisions on behalf of the underlying shareholders of the audit clients, are not considered ''beneficial owners'' for purposes of the Loan Provision.[40] Furthermore, if the financial intermediary undertakes steps to remove its discretion over the voting

[28] Financial intermediaries such as broker-dealers, banks, trusts, insurance companies, and retirement plan third-party administrators perform the recordkeeping of open-end fund positions and provide services to customers, including beneficial owners and other intermediaries and, in most cases, aggregate their customer records into a single or a few ''omnibus'' accounts registered in the intermediary's name on the fund transfer agent's recordkeeping system. Shares of other types of registered investment companies, such as closed-end funds, also are frequently held by broker-dealers and other financial intermediaries as record owners on behalf of their customers, who are not required and may be unwilling to provide, information about the underlying beneficial owners to accounting firms, and particularly accounting firms that do not audit the fund. In addition, a financial intermediary may act as an authorized participant or market maker to an exchange-traded fund (''ETF'') and be the holder of record or beneficial owner of more than 10 percent of an ETF.

An open-end fund, or open-end company, is a management company that is offering for sale or has outstanding any redeemable securities of which it is the issuer. A closed-end fund, or closed-end company, is any management company other than an open-end company. *See* Section 5 of the Investment Company Act [15 U.S.C. 80a–5]. ETFs registered with the Commission are organized either as open-end management companies or unit investment trusts. *See* Section 4 of the Investment Company Act [15 U.S.C. 80a–4] (defining the terms ''management company'' and ''unit investment trust''). References to ''funds'' in this Release include ETFs, unless specifically noted.

[29] An equity holder who acquired such ownership by buying a certificated share would be both a record owner and a beneficial owner and thus would continue to be analyzed under the Loan Provision.

[30] *See* Proposing Release at 20760.

[31] *See, e.g.,* CII; Letter from Deloitte LLP, dated June 29, 2018 (''Deloitte''); Letter from PricewaterhouseCoopers LLP, dated June 29, 2018 (''PwC''); Letter from KPMG LLP, dated July 3, 2018 (''KPMG''); Letter from Crowe LLP, dated July 3, 2018 (''Crowe''); Letter from Center for Audit Quality, dated July 3, 2018 (''CAQ''); Letter from National Association of State Boards of Accountancy, dated July 5, 2018 (''NASBA''); Letter from New York State Society of Certified Public Accountants, dated July 6, 2018 (NYSCPA''); Letter from Piercy, Bowler, Taylor & Kern, dated July 6, 2018 (''PBTK''); Letter from MFS Funds Board Audit Committee, dated July 6, 2018 (''MFS Funds''); Letter from Prof. Joseph A. Grundfest, dated July 9, 2018 (''Grundfest''); Letter from Grant Thornton LLP, dated July 9, 2018 (''Grant Thornton''); Letter from Mutual Fund Directors Forum, dated July 9, 2018 (''MFDF''); Letter from BDO USA, LLP, dated July 9, 2018 (''BDO''); Letter from Ernst & Young LLP, dated July 9, 2018 (''EY''); Letter from Fidelity Management Research Company, dated July 9, 2018 (''Fidelity''); Letter from Association of the Bar of the City of New York, dated July 9, 2018 (''NYC Bar''); Letter from Investment Company Institute and Independent Directors Council, dated July 9, 2018 (''ICI/IDC''); Letter from U.S. Chamber of Commerce Center for Capital Markets Competitiveness, dated July 9, 2018 (''CCMC''); Letter from RSM US LLP, dated July 9, 2018 (''RSM''); Letter from T. Rowe Price Funds, dated July 9, 2018 (''T. Rowe Price''); Letter from Financial Executives International, dated July 9, 2018 (''FEI''); Letter from American Institute of Certified Public Accountants, dated July 9, 2018 (''AICPA''); Letter from American Investment Council, dated Jul 9, 2018 (''AIC''); Letter from Securities Industry and Financial Markets Association, dated July 9, 2018 (''SIFMA''); Letter from Invesco Funds, dated July 9, 2018 (''Invesco''); and Letter from Federated Investors, Inc., dated July 10, 2018 (''Federated'').

[32] *See, e.g.,* CII, Deloitte, PwC, CAQ, BDO, EY, RSM, and ICI/IDC.

[33] *See* Letter from Tinee Carraker, dated May 20, 2018 (''Carraker'').

[34] *See, e.g.,* Deloitte, PwC, KPMG, CAQ, Grant Thornton, ICI/IDC, and Invesco.

[35] *See* footnote 22 of the Proposing Release: ''We note that the Loan Provision can be implicated by lending relationships between an auditing firm and those that control the record or beneficial owner of more than 10 percent of the shares of an audit client (*i.e., entities that are under common control with or controlled by the record or beneficial owner are not as such implicated by the Loan Provision*)'' (emphasis added). *See also* footnote 5 of the Fidelity No-Action Letter.

[36] *See, e.g.,* Deloitte, PwC, KPMG, Grant Thornton, ICI/IDC, Invesco, MFS Funds, T. Rowe Price, SIFMA, and Federated.

[37] *See, e.g.,* KPMG, Crowe, CAQ, and EY.

[38] *See* KPMG and EY.

[39] *See* KPMG and EY.

[40] By providing this guidance, we are not interpreting 17 CFR 240.13d–3 (Exchange Act Rule 13d–3), applying the existing standards for determining who is a beneficial owner under Rule 13d–3, or altering these standards.

or disposition of shares, the financial intermediary generally will not be considered to be a beneficial owner for purposes of the Loan Provision. Such steps could include, for example: (1) Mirror voting (*i.e.,* the intermediary is obligated to vote the shares held by it in the same proportion as the vote of all other shareholders); (2) the financial intermediary holds the shares in an irrevocable voting trust without discretion for the institution to vote the shares; (3) an agreement to pass through the voting rights to an unaffiliated third-party entity; or (4) the intermediary has otherwise relinquished its right to vote such shares.[41] As requested by commenters, we also are reiterating the guidance set forth in the Proposing Release,[42] but with certain conforming changes because the final amendments remove the reference to ''record owners'' from the Loan Provision and replace the 10 percent bright-line test with a significant influence test.[43] Accordingly, entities that are under common control with or controlled by the beneficial owner of the audit client's equity securities when such beneficial owner has significant influence over the audit client, are excluded from the scope of the Loan Provision.

*C. Significant Influence Test*

As discussed in the Proposing Release, the current bright-line 10 percent test may be both over- and under-inclusive as a means of identifying those debtor-creditor relationships that actually impair the auditor's objectivity and impartiality. For example, the existing Loan Provision may apply even in situations where the lender may be unable to influence the audit client through its holdings (such as with omnibus accounts that hold as record owner more than 10 percent of the equity shares of an audit client). In such circumstances, the lender's ownership of an audit client's equity securities alone would not threaten an audit firm's objectivity and impartiality. Conversely, the existing Loan Provision does not apply if the auditor's lender owns 10 percent or less of the audit client's equity securities, despite the fact that such an owner may be able to exert significant influence over the audit client through contractual or other means. A holder of 10 percent or less of an audit client's equity securities could, for example, have the contractual right to remove or replace a pooled investment vehicle's investment adviser.

1. Proposed Amendments

The Commission proposed to replace the existing 10 percent bright-line test in the Loan Provision with a ''significant influence'' test similar to that referenced in other parts of the Commission's auditor independence rules.[44] Specifically, the proposed amendment would provide, in part, that an accountant would not be independent when the accounting firm, any covered person in the firm, or any of his or her immediate family members has any loan (including any margin loan) to or from an audit client, or an audit client's officers, directors, or beneficial owners (known through reasonable inquiry) of the audit client's equity securities where such beneficial owner has significant influence over the audit client.[45] Although not specifically defined, the term ''significant influence'' appears in other parts of Rule 2–01 of Regulation S–X,[46] and the Proposing Release noted that use of the term ''significant influence'' in the proposed amendment was intended to refer to the principles in the Financial Accounting Standards Board's (''FASB's'') ASC Topic 323, Investments—Equity Method and Joint Ventures.[47]

2. Comments

(a) Significant Influence Test

Most commenters supported the proposed amendment to replace the 10 percent bright-line shareholder ownership test with a significant influence test.[48] Generally, these commenters agreed that significant influence is a more appropriate framework to identify those lending relationships that impair an accountant's objectivity and impartiality.[49] A few commenters supported codifying the significant influence test found in ASC 323 (or specific elements of that test) in our rules to promote consistent application,[50] but one commenter did not support codification in our rules so as to avoid confusion in the future if changes are made to ASC 323.[51] A few commenters requested that we affirm that the Commission's auditor independence standards involve a shared responsibility of the audit client and the auditor.[52] One commenter did not support replacing the 10 percent bright-line test with a significant influence test in part because the commenter questioned the quality of the equity method of accounting in general.[53]

(b) ASC 323

Many commenters agreed that the framework in ASC 323 is generally appropriate for assessing significant influence.[54] Several commenters, however, asserted that the concepts in ASC 323 may not be useful to apply to funds or may not be routinely applied in the fund context.[55] Two commenters asserted that ASC 323 is not an appropriate framework for the ''significant influence'' test, and instead proposed a decision framework with a ''singular focus on the beneficial owner's ability to exert significant influence over the audit client's operating and financial policies,'' based on the totality of the facts and circumstances.[56] A number of commenters requested that the Commission reiterate the fund guidance

[41] *See* 2000 Adopting Release, *supra* footnote 5.

[42] *See supra* footnote 35.

[43] *See supra* Section II.C.

[44] *See* Rule 2–01(c)(1)(i)(E)(*1*)(*i*) and (*ii*), (c)(1)(i)(E)(*2*) and (*3*), and (f)(4)(ii) and (iii) of Regulation S–X.

[45] *See* proposed Rule 2–01(c)(1)(ii)(A) (replacing the phrase ''record or beneficial owners of more than ten percent of the audit client's equity securities'' with ''beneficial owners (known through reasonable inquiry) of the audit client's equity securities, where such beneficial owner has significant influence over the audit client''). Under the proposed amendments, the rule would continue to have exceptions for four types of loans: (1) Automobile loans and leases collateralized by the automobile; (2) loans fully collateralized by the cash surrender value of an insurance policy; (3) loans fully collateralized by cash deposits at the same financial institution; and (4) a mortgage loan collateralized by the borrower's primary residence provided the loan was not obtained while the covered person in the firm was a covered person. We discuss the proposed ''known through reasonable inquiry'' standard below. *See infra* Section II.D.

[46] *See* Rule 2–01(c)(1)(i)(E) (''investments in audit clients'') and Rule 2–01(f)(4) of Regulation S–X (''affiliate of the audit client'' definition).

[47] *See* Proposing Release at section II.C; ASC 323 Investments—Equity Method and Joint Ventures (''ASC 323''). *See also* 2000 Adopting Release, *supra* footnote 5, at 65 FR 76034, note 284 (referring to Accounting Principles Board Opinion No. 18, ''The Equity Method of Accounting for Investments in Common Stock'' (Mar. 1971), which was codified at ASC 323).

[48] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, NASBA, NYSCPA, PBTK, MFS Funds, Grundfest, Grant Thornton, MFDF, BDO, EY, Fidelity, NYC Bar, ICI/IDC, CCMC, RSM, T. Rowe Price, First Data, FEI, AICPA, AIC, SIFMA, Invesco, and Federated.

[49] *See, e.g.,* Deloitte, PwC, KPMG, CAQ, NYSCPA, Grant Thornton, BDO, EY, ICI/IDC, Fidelity, RSM, FEI, AICPA, and Invesco.

[50] *See, e.g.,* KPMG, NYSCPA, and Grant Thornton.

[51] *See* EY.

[52] *See e.g.,* Deloitte, CAQ, and Crowe.

[53] *See* CII.

[54] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, NYSCPA, Grant Thornton, BDO, EY, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, RSM, and FEI.

[55] *See, e.g.,* PwC, KPMG, Crowe, CAQ, EY, and Grant Thornton.

[56] *See* KPMG and Invesco.

from the Proposing Release,[57] which clarified that in the fund context, the operating and financial policies relevant to the significant influence test would include the fund's portfolio management processes. A few commenters recommended that the Commission provide additional guidance regarding the application of the significant influence test in the fund context (*e.g.,* mutual funds, preferred stockholders in closed-end funds, and exchange-traded funds).[58]

Several commenters agreed that it would be appropriate to consider the nature of the services provided by the investment adviser as a factor in determining whether a beneficial owner has significant influence.[59] Several commenters also supported analyzing the concept of ''portfolio management processes'' as the first step to the significant influence test for investment companies. These commenters agreed that, in circumstances in which the advisory contract grants the investment adviser significant discretion with respect to the fund's portfolio management processes, it is unlikely that a shareholder will have significant influence and the factors in ASC 323 would not have to be further analyzed.[60] Some commenters recommended that the Commission confirm that an audit firm need not monitor beneficial ownership if it initially determines that, based on portfolio management processes, the audit client cannot be subject to significant influence and periodically determines that there are no changes to the fund's governance structure and governing documents.[61] Two commenters proposed a framework that focused on the beneficial owner's ability to exert significant influence over the audit client's operating and financial policies, based on the totality of the circumstances, and to avoid the exclusive reliance on the ASC 323 framework in the investment fund context.[62]

(c) Rebuttable Presumption

ASC 323 incorporates a rebuttable presumption of significant influence once beneficial ownership meets or exceeds 20 percent of an investee's voting securities.[63] Two commenters recommended codifying the rebuttable presumption assessment under the proposed significant influence test consistent with the accounting standard,[64] and one commenter stated that although ASC 323 includes a rebuttable presumption with respect to 20 percent ownership, it is merely a guide and may be raised or lowered depending on the facts and circumstances.[65] A few commenters did not support applying the 20 percent rebuttable presumption to funds, but rather supported an analysis of the rights of fund owners under the fund's governance provisions.[66] Two commenters viewed the 20 percent rebuttable presumption as substituting a new 20 percent bright-line test for the existing 10 percent bright-line test, in the absence of the fund guidance set forth in the Proposing Release.[67] One commenter was concerned that the 20 percent rebuttable presumption could potentially conflict with the analysis of ''control'' under the federal securities laws by introducing a new standard that could increase compliance costs.[68]

(d) Participation on an Advisory Committee

The Proposing Release noted that if a shareholder in a private fund, for example, has a side letter agreement outside of the standard partnership agreement that allows for participation in portfolio management processes (including participation on a fund advisory committee), then the shareholder would likely have significant influence.[69] A few commenters asserted that although participation on an advisory committee should be one factor in assessing significant influence, this factor alone is not likely to indicate significant influence.[70] Two commenters noted that the responsibilities of an advisory committee can vary.[71] One of these commenters noted that, when the board or advisory committee has substantive oversight responsibility or decision-making capacity over operating and financial policies significant to the fund, the commenter would likely view a shareholder on the board or advisory committee as having significant influence. In the absence of those characteristics, the commenter indicated that it would likely not consider a member of the board or advisory committee to have significant influence.[72] The other commenter stated that the purpose of an advisory committee generally is to provide suggestions to the investment adviser or general partner, and that advisory committees typically do not oversee the investment adviser or general partner and do not participate in the portfolio management process.[73]

Two commenters asserted that the right to remove a general partner or adviser was unlikely to indicate significant influence.[74] Another commenter supported drawing a distinction between rights that provide a shareholder with an ability to actively participate in fund investment decisions (*e.g.,* approval or veto rights over a new fund investment), which would indicate significant influence, and rights that allow a shareholder to address inappropriate behavior on the part of the investment adviser (*e.g.,* a right to remove an adviser for cause or the right to approve material changes to the fund governance documents), which would not indicate significant influence.[75]

(e) Authorized Participants

Authorized participants (''APs'') for ETFs deposit or receive basket assets in exchange for creation units of the fund. The Proposing Release noted that the deposit or receipt of basket assets by an AP that is also a lender to the auditor alone would not constitute significant influence over an ETF audit client. Several commenters agreed that the deposit or receipt of basket assets by an authorized participant that is also a lender to the auditor would not alone constitute significant influence over an ETF audit client.[76] A few commenters stated that market makers also should not be considered to have significant influence over an ETF audit client since their objective is not to influence the fund or the portfolio management process, but to provide liquidity to ETFs.[77] One commenter recommended that the Commission clarify that market makers typically would not be

[57] *See, e.g.,* Deloitte, Crowe, CAQ, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, Fidelity, and Invesco. *See also* the discussion of fund guidance in the Proposing Release at 20761.

[58] *See, e.g.,* PwC, KPMG, Grant Thornton, ICI/IDC, and EY.

[59] *See, e.g.,* Deloitte, Grant Thornton, KPMG, EY, and CAQ.

[60] *See, e.g.,* Deloitte, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, and Invesco. Deloitte added this as a first step for limited partnerships and general partners.

[61] *See, e.g.,* ICI/IDC and T. Rowe Price.

[62] *See* KPMG and Invesco.

[63] Conversely, ASC 323 also incorporates a rebuttable presumption of no significant influence if beneficial ownership is less than twenty percent of investee's voting securities.

[64] *See* FEI and Grant Thornton.

[65] *See* NYSCPA.

[66] *See, e.g.,* ICI/IDC, T. Rowe Price, Invesco, KPMG, EY, and Fidelity.

[67] *See* Fidelity and Invesco.

[68] *See* NYC Bar.

[69] *See* Proposing Release, at 83 FR 20761.

[70] *See, e.g.,* Deloitte, KPMG, and CAQ.

[71] *See* Deloitte and PwC.

[72] *See* PwC.

[73] *See* Deloitte.

[74] *See* Deloitte and PwC.

[75] *See* EY.

[76] *See, e.g.,* Deloitte, KPMG, EY, PwC, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, and Federated.

[77] *See, e.g.,* Deloitte, EY, and PwC.

considered to have significant influence for purposes of the Loan Provision.[78]

(f) Evaluation of Compliance With the Loan Provision

The Proposing Release indicated that, if the auditor determines that significant influence does not exist based on the facts and circumstances at the time of the auditor's initial evaluation,[79] the auditor should monitor the Loan Provision on an ongoing basis, which could be done, for example, by reevaluating its determination when there is a material change in the fund's governance structure and governing documents, publicly available information about beneficial owners, or other information that may implicate the ability of a beneficial owner to exert significant influence of which the audit client or auditor becomes aware. Several commenters agreed with this proposal.[80] A few commenters indicated that communications with shareholders or documentation regarding investor rights could be examples of other information implicating significant influence of which the audit client or auditor becomes aware.[81]

The Proposing Release also requested comment on whether the Commission should permit the Loan Provision or other financial relationships to be addressed at specific dates during the audit and professional engagement period, or the beginnings or ends of specific periods, or under specified circumstances. Rule 2–01(c)(1) of Regulation S–X provides that an accountant is not independent if the accountant has an independence-impairing relationship specified in the rule at any point during the audit and professional engagement period. Certain existing disclosure requirements require information about beneficial owners as of a specified date.[82] Several commenters expressed the view that specific dates were not needed to assess compliance with the Loan Provision, and that the frequency and timing of the evaluation should be developed based on the particular facts and circumstances relevant to the audited entity.[83]

A few commenters supported including specific dates or periods, such as:

- The onset of the engagement period and the balance sheet date for each audit;[84]
- At the planning and reporting stages of the audit and potentially significant or material events;[85] or
- The beginning of the engagement, prior to accepting a new engagement, and when the governance structure (including any contractual relationships) of the audit client changes.[86]

(g) Alternatives to the Significant Influence Test

Two commenters proposed alternatives to the significant influence test: (1) Focusing on material direct financial interests,[87] and (2) focusing the analysis on beneficial ownership, but maintaining the existing 10 percent bright-line shareholder ownership test.[88] The commenter that recommended maintaining the existing 10 percent bright-line ownership test but applying it to beneficial owners argued that this alternative approach would be simpler and easier to understand than the proposed significant influence test.[89] This commenter also asserted that the alternative approach would address most of the issues raised in the Fidelity No-Action Letter and avoid replacing the 10 percent bright-line test with a significant influence test that incorporates a 20% rebuttable presumption.[90]

One commenter stated that alternatives to the significant influence test are not needed.[91] The Proposing Release also requested comment on whether the modifier ''significant'' should be removed, such that the test would hinge on whether a lender shareholder has influence over an audit client. Two commenters opposed the removal of the modifier ''significant'' from the significant influence test, arguing that it would not achieve the objective of more effectively identifying those lending relationships that impair objectivity and impartiality.[92] Another commenter did not support an alternative test based on mere ''influence,'' describing significant influence as being able to alter management's decision-making process, whereas mere ''influence'' could be disregarded by management.[93]

3. Final Amendments

After carefully considering the comments received, and consistent with the proposal, we are adopting amendments to replace the existing 10 percent bright-line test in the Loan Provision with a ''significant influence'' test similar to that referenced in other parts of the Commission's auditor independence rules and based on the concepts applied in ASC 323. We are not adopting an alternative framework, as suggested by two commenters,[94] that focuses on the beneficial owner's ability to exert significant influence over the audit client's operating and financial policies, based on the totality of the facts and circumstances, rather than the concepts applied in ASC 323. We continue to believe that given its use in other parts of the Commission's independence rules,[95] the concept of ''significant influence'' is one with which audit firms and their clients are already required to be familiar and would effectively identify those debtor-creditor relationships that could impair an auditor's objectivity and impartiality. In this regard, introducing a separate significant influence determination for these purposes would introduce additional complexity to the auditor independence rules without, in our view, necessarily resulting in more accurate assessments of auditor independence.

While the term ''significant influence'' in the final amendment refers to the principles in ASC 323, we agree with the commenter who stated that the specific considerations described in the significant influence test in ASC 323 should not be codified in our rules so as to avoid confusion in the future if changes are made to ASC 323.[96] For similar reasons, we are not codifying ASC 323's 20 percent rebuttable presumption in our rules.

While audit firms and audit committees of operating companies already should be familiar with application of the ''significant influence'' concept, we appreciate that this concept is not as routinely applied

[78] *See* Deloitte.

[79] For funds, the auditor's initial determination would be based on an evaluation of a fund's governance structure and governing documents, the manner in which its shares are held or distributed, and any contractual arrangements, among any other relevant factors.

[80] *See, e.g.,* Deloitte, PwC, Crowe, CAQ, Grant Thornton, and EY.

[81] *See e.g.,* PwC, Crowe, and CAQ.

[82] *See, e.g.,* Item 18 of Form N–1A and Item 19 of Form N–2.

[83] *See, e.g.,* Deloitte, PwC, Crowe, CAQ, Grant Thornton, BDO, EY, and RSM.

[84] *See* KPMG.

[85] *See* FEI.

[86] *See* Invesco.

[87] *See* Invesco.

[88] *See* CII. A separate commenter suggested that auditors should resign or the engagement partner be replaced in circumstances involving both significant influence and related party transactions, but did not provide further explanation. *See* Letter from Elisabeth Rossen, dated June 3, 2018 (''Rossen'').

[89] *See* CII.

[90] *See id.*

[91] *See* Grant Thornton.

[92] *See* KPMG and EY.

[93] *See* NYSCPA.

[94] *See* Invesco and KPMG.

[95] *See supra* footnote 44.

[96] *See* EY.

by funds for financial reporting purposes. Therefore, in response to comments requesting that the Commission reiterate the fund guidance from the Proposing Release [97] and comments recommending additional guidance regarding the application of the significant influence test in the fund context,[98] we are reiterating the fund guidance in the Proposing Release, with further clarification about the application in this context of the rebuttable presumption and other fund specific issues. In the fund context, we believe that the operating and financial policies relevant to the significant influence test would include the fund's investment policies and day-to-day portfolio management processes, including those governing the selection, purchase and sale, and valuation of investments, and the distribution of income and capital gains (collectively ''portfolio management processes''). An audit firm could analyze, in its initial assessment under the rule, whether significant influence over the fund's portfolio management processes exists based on an evaluation of the fund's governance structure and governing documents, the manner in which its shares are held or distributed, and any contractual arrangements, among any other relevant factors.

We believe that it would be appropriate to consider the nature of the services provided by the fund's investment adviser(s) pursuant to the terms of an advisory contract with the fund as part of this analysis. In circumstances where the terms of the advisory agreement grant the adviser significant discretion with respect to the fund's portfolio management processes and the shareholder does not have the ability to influence those portfolio management processes, significant influence generally would not exist and the evaluation of significant influence would be complete unless there is a material change in the fund's governance structure and governing documents (as discussed below). This should be the case even if the shareholder holds 20 percent or more of a fund's equity securities, which would otherwise trigger the rebuttable presumption under application of the concepts described in ASC 323.

The ability to vote on the approval of a fund's advisory contract or a fund's fundamental policies on a *pro rata* basis with all holders of the fund alone generally should not lead to the determination that a shareholder has significant influence. Similarly, the ability to remove or terminate a fund's advisory contract alone generally should not lead to a determination that a shareholder has significant influence.

As the Commission observed in the Proposing Release, if a shareholder in a private fund, for example, has a side letter agreement outside of the standard partnership agreement that allows for participation in portfolio management processes (including participation on a fund advisory committee), then the shareholder would likely have significant influence. In response to commenters noting that the responsibilities of an advisory committee can vary,[99] we are further clarifying that a shareholder in a private fund that participates on a fund advisory committee would likely have significant influence if that committee involves substantive oversight responsibility or decision-making capacity over operating and financial policies significant to the fund.

In addition, we believe that the deposit or receipt of basket assets by an AP that is also a lender to the auditor would not alone constitute significant influence over an ETF audit client. Similarly, in circumstances where a market maker is a lender to the auditor, the deposit or receipt of basket assets by a market maker (acting through an AP) would not alone constitute significant influence over such an ETF audit client.

Holders of a closed-end fund's preferred stock have certain rights that may be relevant to a significant influence analysis.[100] The determination of whether preferred stockholders have significant influence over the fund would be based on an evaluation of the relevant facts and circumstances.

Further to the guidance set forth above, we wish to emphasize that auditor independence is a shared responsibility between the audit firm and audit client.[101] The reliability of the process for identifying beneficial owners will be enhanced when both auditors and audit clients take responsibility for promoting the accuracy of information required to assess the auditor's independence.

If the auditor determines that significant influence over the fund's management processes does not exist at the time of the initial application of the rule, the auditor should monitor the Loan Provision on an ongoing basis.[102] We continue to believe, as expressly supported by several commenters,[103] that the auditor could satisfy this obligation to monitor its independence on an ongoing basis by reevaluating its determination in response to a material change in the fund's governance structure and governing documents, Commission filings about beneficial owners,[104] or other information which may implicate the ability of a beneficial owner to exert significant influence of which the audit client or auditor becomes aware. Outside of the fund context, audit firms and their audit clients should continue to monitor the auditor's independence on an ongoing basis by using their existing processes for determining whether significant influence exists consistent with the principles of ASC 323. In this regard, we agree with those commenters [105] who indicated that the frequency and timing of the significant influence evaluation should be based on the particular facts and circumstances relevant to the audited entity, consistent with the requirement that the auditor be independent throughout the audit and professional engagement period. Accordingly, we have not included specific dates, periods or circumstances upon which the significant influence evaluation should occur.

[97] *See supra* footnote 57.

[98] *See supra* footnote 58.

[99] *See* Deloitte and PwC.

[100] *See* section 18(a)(2)(C) of the Investment Company Act. *See also* ICI/IDC.

[101] *See* Commission Final Rule, *Revision of the Commission's Auditor Independence Requirements,* Release No. 33–7919 (Nov. 21, 2000) (''[Issuers and other registrants] have the legal responsibility to file the financial information with the Commission, as a condition to accessing the public securities markets, and it is their filings that are legally deficient if auditors who are not independent certify their financial statements''). Moreover, many Commission regulations require entities to file or furnish financial statements that have been audited by an independent auditor. For example, Items 25 and 26 of Schedule A to the Securities Act [15 U.S.C. 77aa(25) and (26)] and Section 17(e) of the Exchange Act [15 U.S.C. 78q] expressly require that financial statements be certified by independent public or certified accountants. In addition, Sections 12(b)(1)(J) and (K) and 13(a)(2) of the Exchange Act [15 U.S.C. 78l and 78m], Sections 8(b)(5) and 30(e) and (g) of the Investment Company Act [15 U.S.C. 80a–8 and 80a–29], and Section 203(c)(1)(D) of the Investment Advisers Act [15 U.S.C. 80b–3(c)(1)] authorize the Commission to require the filing of financial statements that have been audited by independent accountants. Title 17 CFR 240.17a–5(f)(1) (Paragraph (f)(1) of Rule 17a–5 under the Exchange Act) requires that for audits under paragraph (d) of Rule 17a–5 of broker-dealers registered with the Commission, an independent public accountant must be independent in accordance with Rule 2–01 of Regulation S–X. *See also id.* (discussing Rule 206(4)–2 under the Investment Advisers Act).

[102] *See* Proposing Release at 20761.

[103] *See, e.g.,* Deloitte, PwC, Crowe, CAQ, Grant Thornton, and EY.

[104] This language is a slight change from the guidance provided in the Proposing Release, which referenced ''publicly available information about beneficial owners.'' *See* Proposing Release at 20765. We believe reference to Commission filings is more precise and will clarify the scope of monitoring that is discussed above.

[105] *See* KPMG, FEI, and Invesco.

Finally, although we carefully considered the comments regarding alternatives to the significant influence test, we have not been persuaded to retain the existing 10 percent bright-line shareholder ownership test. We believe that in situations where the lender is unable to influence the audit client through its holdings, the lender's ownership of an audit client's equity securities alone would not threaten an audit firm's objectivity and impartiality. In these situations, we continue to believe that the significant influence test would more effectively determine which shareholders have ''a special and influential role with the issuer'' by focusing on a shareholder's ability to influence the policies and management of an audit client.

We disagree with the commenter who expressed support for retaining a 10 percent bright-line test based on beneficial ownership.[106] We continue to believe that a test based on significant influence, rather than one based on numerical bright lines, will better address the compliance challenges associated with the Loan Provision while also more effectively identifying debtor-creditor relationships that could impair an auditor's objectivity and impartiality. One potential benefit of the final amendments is that the significant influence test could potentially identify risks to auditor independence that might not have been identified under the existing 10 percent bright-line test. For example, a beneficial owner that holds slightly less than 10 percent of an audit client's equity securities is likely to have similar incentives and ability to influence the auditor's report than a beneficial owner that holds slightly more than 10 percent of the same audit client's equity securities. The existing 10 percent threshold in the Loan Provision would differentially classify these two hypothetical situations, despite their similarity. Under the final amendments, an audit firm, where it is evaluating beneficial owners for significant influence, would evaluate both beneficial owners to determine if they have significant influence, thus providing a consistent analysis under the Loan Provision for these economically similar fact patterns. Regarding the alternative of focusing on material direct financial interests, we discuss our reasons for not adopting a materiality qualifier below.[107]

One commenter raised concerns that the 20 percent rebuttable presumption included in the significant influence analysis would introduce a new standard and require performing multiple layers of overlapping and potentially conflicting analysis.[108] The commenter cited to the definition of ''affiliate of the audit client'' set forth in Rule 2–01(f)(4) of Regulation S–X to suggest that the reference to ''control'' under that definition could overlap with the application of the significant influence test.[109] However, the concept of ''significance influence'' in ASC 323 is distinct from any reference to ''control'' in Rule 2–01(f)(4) or elsewhere under the federal securities laws. Specifically, the determination of whether an entity has control of another entity is distinct from whether an entity has significant influence over the audit client. For this reason, we do not believe the concept of ''significant influence'' in ASC 323 overlaps with other definitions. Moreover, the concept of ''significant influence,'' which includes the 20 percent rebuttable presumption, is not a new standard but has been part of the Commission's auditor independence rules since 2000 and part of the accounting standards since 1971.[110]

### *D. Reasonable Inquiry Compliance Threshold*

#### 1. Proposed Amendments

As noted in the Proposing Release, another challenge in the application of the current Loan Provision involves the difficulty in accessing information about the ownership percentage of an audit client for purposes of the current 10 percent bright-line test. The proposed amendments to the Loan Provision would have addressed concerns about accessibility to records or other information about beneficial ownership by adding a ''known through reasonable inquiry'' standard with respect to the identification of such owners. Under this proposed amendment, an audit firm, in coordination with its audit client, would be required to assess beneficial owners of the audit client's equity securities who are known through reasonable inquiry. The Proposing Release noted that if an auditor does not know after reasonable inquiry that one of its lenders is also a beneficial owner of the audit client's equity securities, including because that lender invests in the audit client indirectly through one or more financial intermediaries, the auditor's objectivity and impartiality is unlikely to be impacted by its debtor-creditor relationship with the lender. The Proposing Release also noted that this ''known through reasonable inquiry'' standard is generally consistent with regulations implementing the Investment Company Act, the Securities Act, and the Exchange Act,[111] and therefore is a concept that already should be familiar to those charged with compliance with the Loan Provision.

#### 2. Comments

Commenters generally expressed support for the proposed amendment to add a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities.[112] A number of these commenters agreed that the proposed amendment would address compliance challenges and further agreed that if an auditor does not know after reasonable inquiry that one of its lenders is also a beneficial owner of the audit client's equity securities, the auditor's objectivity and impartiality is unlikely to be impacted by its debtor-creditor relationship with the lender.[113]

Other commenters requested guidance on what constituted ''reasonable

[106] *See* CII.

[107] *See infra* Section II.F.1.

[108] *See* NYC Bar.

[109] *See id.*

[110] *See* Accounting Principles Board (APB) Opinion No. 18 (March 1971).

[111] *See, e.g.,* 17 CFR 240.3b–4 (Rule 3b–4 under the Exchange Act [15 U.S.C. 78a *et seq.*]) (stating, with respect to the definition of foreign private issuer, that if, after reasonable inquiry, you are unable to obtain information about the amount of shares represented by accounts of customers resident in the United States, you may assume, for purposes of this definition, that the customers are residents of the jurisdiction in which the nominee has its principal place of business.); 17 CFR 230.144(g) (Rule 144(g) under the Securities Act) (noting that the term brokers' transactions in section 4(4) of the Securities Act shall be deemed to include transactions by a broker in which such broker after reasonable inquiry is not aware of circumstances indicating that the person for whose account the securities are sold is an underwriter with respect to the securities or that the transaction is a part of a distribution of securities of the issuer); 17 CFR 230.502(d) (Rule 502(d) under the Securities Act) (stating, with respect to limits on resales under Regulation D, that the issuer shall exercise reasonable care to assure that the purchasers of the securities are not underwriters within the meaning of section 2(a)(11) of the Securities Act, which reasonable care may be demonstrated by reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons). Registered investment companies also are subject to a similar requirement to disclose certain known beneficial owners. *See* Item 18 of Form N–1A (''State the name, address, and percentage of ownership of each person who owns of record or is known by the Fund to own beneficially 5% or more of any Class of the Fund's outstanding equity securities.''); and Item 19 of Form N–2 (''State the name, address, and percentage of ownership of each person who owns of record or is known by the Registrant to own of record or beneficially five percent or more of any class of the Registrant's outstanding equity securities.'').

[112] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, NASBA, NYSCPA, PBTK, MFS Funds, Grundfest, Grant Thornton, MFDF, BDO, EY, Fidelity, NYC Bar, ICI/IDC, CCMC, RSM, T. Rowe Price, FEI, AICPA, AIC, SIFMA, Invesco, and Federated.

[113] *See, e.g.,* Deloitte, PwC, KPMG, CAQ, Grant Thornton, MFDF, BDO, RSM, FEI, and AICPA.

inquiry,'' [114] such as whether reviewing publicly available information or information readily available to the issuer would be sufficient for this purpose. Several commenters requested substituting the proposed ''known through reasonable inquiry'' standard with a ''known'' standard,[115] while two commenters viewed both the ''known'' and ''known through reasonable inquiry'' standards to be similar.[116]

3. Final Amendments

After considering the comments received, we are adopting the amendment to add a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities as proposed. In response to commenters, we believe auditors and their audit clients could conduct the reasonable inquiry analysis by looking to the audit client's governance structure and governing documents, Commission filings about beneficial owners, or other information prepared by the audit client which may relate to the identification of a beneficial owner.[117]

In addition, we have determined not to substitute a ''known through reasonable inquiry'' standard with a ''known'' standard because we believe an inquiry by the auditor and the audit client in conjunction with the consideration of the audit client's governance structure, governing documents, Commission filings, or other information prepared by the audit client, would be a practical approach that would not impose an undue burden in identifying and evaluating beneficial owners of the audit client's equity securities.

*E. Excluding Other Funds That Would Be Considered Affiliates of the Audit Client*

As discussed in the Proposing Release, the current definition of ''audit client'' in Rule 2–01 of Regulation S–X includes all ''affiliates of the audit client,'' which broadly encompasses, among others, each entity in an ICC of which the audit client is a part. In the fund context, this expansive definition of ''audit client'' could result in an audit firm being deemed not to be independent as to a broad range of entities, even where an auditor does not audit that entity.[118] Yet, in the investment management context, investors in a fund typically do not possess the ability to influence the policies or management of another fund in the same fund complex. Although an investor in one fund in a series company can vote on matters put to shareholders of the company as a whole, rather than only to shareholders of one particular series, even an investor with a substantial investment in one series would be unlikely to have a controlling percentage of voting power of the company as a whole.

Moreover, as noted in the Proposing Release, for the purposes of the Loan Provision, the inclusion of certain entities in the ICC as a result of the definition of ''audit client'' is in tension with the Commission's original goal to facilitate compliance with the Loan Provision without decreasing its effectiveness.[119] Indeed, auditors often have little transparency into the investors of other funds in an ICC (unless they also audit those funds), and therefore, are likely to have little ability to collect such beneficial ownership information.

1. Proposed Amendments

In order to address these compliance challenges, the proposed rules, for purposes of the Loan Provision, would have excluded from the definition of audit client, for a fund under audit, any other fund that otherwise would be considered an affiliate of the audit client.[120] Thus, for example, if an auditor were auditing Fund ABC, a series in Trust XYZ, the audit client for purposes of the Loan Provision would exclude all other series in Trust XYZ and any other fund that otherwise would be considered an affiliate of the audit client. The proposed amendment would have, without implicating an auditor's objectivity and impartiality, addressed the compliance challenges associated with the application of the Loan Provision where the audit client is part of an ICC, such as when an accountant is an auditor of only one fund within an ICC, and the auditor must be independent of every other fund (and other entity) within the ICC, regardless of whether the auditor audits that fund.

2. Comments

Many commenters supported the proposal to amend the definition of ''audit client'' for a fund under audit to exclude funds that otherwise would be considered affiliates of the audit client.[121] Several of these commenters also agreed that the proposed amendment would address some of the compliance challenges associated with the Loan Provision while still effectively identifying lending relationships that may impair independence.[122] Two commenters, however, asserted that affiliates of an audit client should not be categorically excluded from the definition of ''audit client'' when evaluating significant influence.[123] Many commenters supported expanding the proposed amendment to exclude other non-fund affiliates in an investment company complex or private fund complex (*e.g.,* investment advisers, broker-dealers, and service providers, such as custodians, administrators, and transfer agents),[124] while other

[114] *See, e.g.,* KPMG, CAQ, Grant Thornton, BDO, EY, ICI/IDC, MFS Funds, RSM, T. Rowe Price, FEI, SIFMA, and Federated.

[115] *See, e.g.,* ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Invesco, and Federated.

[116] *See* EY and FEI.

[117] *See also supra* Section II.C.

[118] For example, under the current Loan Provision, an audit firm (''Audit Firm B'') could be deemed not to be independent as to an audit client under the following facts: Audit Firm A audits an investment company (''Fund A'') for purposes of the Custody Rule. A global bank (''Bank'') has a greater than 10 percent interest in Fund A. Bank is a lender to a separate Audit Firm B, but has no lending relationship with Audit Firm A. Audit Firm B audits another investment company (''Fund B'') that is part of the same ICC as Fund A because it is advised by the same registered investment adviser as Fund A. Under these facts, Audit Firm B would not be independent under the existing Loan Provision because the entire ICC would be tainted as a result of Bank's investment relationship with Fund A.

[119] *See* Proposing Release at 20762. *See also* 2000 Adopting Release, *supra* footnote 5, at 76035 (The Commission, in adopting an ownership threshold of 10 percent, rather than the five percent proposed, stated that ''[w]e have made this change because we believe that doing so will not make the rule significantly less effective, and may significantly increase the ease with which one can obtain the information necessary to assure compliance with this rule.'').

[120] *See* proposed Rule 2–01(c)(1)(ii)(A)(*2*) of Regulation S–X which provided that for purposes of paragraph (c)(1)(ii)(A), the term *audit client* for a fund under audit excludes any other fund that otherwise would be considered an *affiliate of the audit client.* The term *fund* means an investment company or an entity that would be an investment company but for the exclusions provided by section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)).

[121] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, NASBA, PBTK, MFS Funds, Grundfest, Grant Thornton, MFDF, BDO, EY, Fidelity, NYC Bar, ICI/IDC, CCMC, RSM, T. Rowe Price, First Data, FEI, AICPA, AIC, SIFMA, Invesco, and Federated.

[122] *See, e.g.,* KPMG, BDO, EY, and FEI.

[123] *See* KPMG and NYSCPA. One of these commenters stated that affiliates of the audit client should be excluded from the definition of ''audit client'' for the purposes of the Loan Provision, and also described scenarios where it believes it is possible that an investor's significant influence over an entity can affect other affiliates of that entity. For example, the commenter described a scenario where the policies for the portfolio management of the fund under audit span a wider group of funds. Under this scenario, an investor may have significant influence in a large fund in the complex that could result in effective influence over a sister fund, where both funds are managed by the same team under the same policies. *See* KPMG.

[124] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, MFS Funds, BDO, EY, Fidelity, ICI/IDC, RSM, T.

Continued

commenters supported broadening the proposed exclusion to all audit clients, not just fund affiliates.[125] Several commenters recommended we address downstream affiliates of excluded funds, such as portfolio companies of the excluded funds.[126] These commenters generally argued that downstream affiliates of excluded funds that are not audit clients do not pose a threat to auditor independence since these affiliates, and investors in these affiliates, do not have the ability to exert significant influence over the entity under audit.[127]

Several other commenters also suggested excluding from the definition of ''audit client'' other pooled investment vehicles in an investment company complex that may be deemed to be an affiliate of the audit client, including pooled products that are not investment companies and do not rely on Section 3(c) of the Investment Company Act (*e.g.,* commodity pools), as well as certain foreign funds.[128] These commenters were concerned that these types of pooled investment vehicles could be deemed to be ''affiliates of the audit client,'' even though a lender likely would not have the ability to influence these other funds in the fund complex.[129] Another commenter stated that investment advisers that are part of an ICC of which an audit client is a part may conduct business that is unrelated to serving as the investment adviser to registered investment companies.[130] A number of commenters also specifically discussed excluding certain entities in the typical private equity fund structure from the definition of audit client, including other funds advised by the private equity sponsor when the private equity sponsor is the audit client.[131] We also received other comments on the ''affiliate of the audit client'' definition, which would impact other provisions of the auditor independence rules and are discussed below.[132]

3. Final Amendments

We are adopting, as proposed, the amendment to the Loan Provision to exclude from the definition of audit client, for a fund under audit, any other fund (*e.g.,* ''sister fund'') that otherwise would be considered an affiliate of the audit client. Commenters generally supported this exclusion. However, in response to commenters that urged us to exclude commodity pools that are part of an ICC, we have expanded the definition of ''fund'' in the final amendments to provide that a commodity pool that is not an investment company or does not rely on Section 3 of the Investment Company Act also is not considered a fund for purposes of the Loan Provision.[133] A foreign fund that is part of an ICC would be covered by the exclusion for funds other than the fund under audit.

We agree that investors in a fund typically do not possess the ability to influence the policies or management of other ''sister'' funds and that this does not depend on whether the funds are investment companies or other types of pooled investment vehicles. We also believe that expanding the definition of ''fund'' to encompass commodity pools is consistent with our intent to exclude for a fund under audit any other funds that otherwise would be considered an affiliate of the audit client.

Commenters also urged that we exclude any downstream affiliates of excluded funds. We do not believe it is necessary to expressly carve these entities out of the audit client definition. However, to avoid any confusion, we are clarifying that, for purposes of the Loan Provision, the exclusion of sister funds from the audit client definition also excludes entities that would otherwise be included in the audit client definition solely by virtue of their association with an excluded sister fund. This clarification should remove any questions about whether entities in which a sister fund invests (and that have an even more attenuated relationship to a fund audit client) could themselves be treated as an audit client for purposes of the Loan Provision. We agree with commenters that these types of affiliates do not have the ability to exert significant influence over the entity under audit in these circumstances and, therefore, should not be treated as an audit client.

*F. Other Comments*

In the Proposing Release, the Commission also requested comment on other matters that might have an effect on the proposed amendments or the Loan Provision and any suggestions for additional changes to other parts of Rule 2–01 of Regulation S–X.

**1. Materiality Qualifier**

The Proposing Release did not include a materiality qualifier for the Loan Provision but requested comment on whether one should be included. Although a number of commenters expressed support for a materiality qualifier,[134] there were diverse recommendations about how it should be applied. A number of commenters expressed support for assessing the materiality of the loan to the auditor or covered person,[135] while other commenters supported assessing the materiality of the lender's investment in the audit client.[136] Several commenters held the view that if their recommendation to exclude all affiliates of the entity under audit was adopted, then a materiality qualifier would not be necessary.[137]

After carefully considering the comments, we believe that the final amendments appropriately address the compliance challenges raised by the existing Loan Provision while

Rowe Price, AICPA, AIC, SIFMA, Invesco, and Federated.

[125] *See, e.g.,* Deloitte, PwC, KPMG, CAQ, Grant Thornton, BDO, EY, NYC Bar, RSM, First Data, FEI, and AICPA.

[126] *See, e.g.,* Crowe, CAQ, Grant Thornton, RSM, EY, and AICPA. Crowe supported excluding downstream entities unless they had significant influence over an entity being audited.

[127] *See, e.g.,* Crowe, CAQ, and RSM.

[128] *See, e.g.,* ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, and Invesco. As discussed below, for purposes of Rule 2–01, a ''commodity pool'' would be a commodity pool as defined in Section 1a(10) of the CEA that is not an investment company and does not rely on Section 3(c) of the Investment Company Act. *See, e.g.,* Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operations and Commodity Trading Advisors on Form PF, Investment Company Act Release No. 3308 (Oct. 31, 2011) [76 FR 71128 (Nov. 16, 2011)]. We use the term ''foreign fund'' in this release to refer to an ''investment company'' as defined in Section 3(a)(1)(A) of the Investment Company Act that is organized outside the U.S. and that does not offer or sell its securities in the U.S. in connection with a public offering. *See* Section 7(d) of the Investment Company Act (prohibiting a foreign fund from using the U.S. mails or any means or instrumentality of interstate commerce to offer or sell its securities in connection with a public offering unless the Commission issues an order permitting the foreign fund to register under the Act). A foreign fund may conduct a private U.S. offering in the United States without violating Section 7(d) of the Act only if the foreign fund conducts its activities with respect to U.S. investors in compliance with either section 3(c)(1) or 3(c)(7) of the Act (or some other available exemption or exclusion). *See* Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than $150 Million in Assets Under Management, and Foreign Private Advisers, Investment Advisers Act Release No. 3222 (June 22, 2011) [76 FR 39646 (July 6, 2011)].

[129] *See* ICI/IDC.

[130] *See* Invesco.

[131] *See, e.g.,* AIC, EY, RSM, CCMC, Deloitte, CAQ, and Grundfest.

[132] *See infra* Section II.F.2.

[133] A commodity pool that is an investment company or that relies on Section 3 of the Investment Company Act would already be covered by the fund exclusion.

[134] *See, e.g.,* Deloitte, PwC, KPMG, Crowe, CAQ, PTBK, Grant Thornton, BDO, EY, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, CCMC, RSM, First Data, FEI, AICPA, and Invesco.

[135] *See, e.g.,* Deloitte, PwC, KPMG, CAQ, BDO, EY, ICI/IDC, MFS Funds, T. Rowe Price, SIFMA, Federated, RSM, First Data, and Invesco.

[136] *See, e.g.,* PwC, Crowe, CAQ, PTBK, Grant Thornton, BDO, EY, CCMC, RSM, First Data, and FEI.

[137] *See, e.g.,* KPMG, Crowe, CAQ, EY, Grant Thornton, RSM, and AICPA.

refocusing the rule on the qualitative nature of those lending relationships auditors may have with lenders that ''hav[e] a special and influential role with the audit client.'' Accordingly, we have retained the significant influence test, as proposed, rather than having the analysis turn on whether a specific loan may be material to the lender or audit firm. We also believe that given the size of the financial institutions, in terms of revenue or other quantitative measures, and the audit firms that have lending relationships with them, a materiality qualifier would result in scoping out from the Loan Provision a broad range of lending relationships and would not sufficiently address the threat to auditor independence, in fact or appearance, posed by at least some of these lending relationships. Furthermore, when determining whether an accountant is capable of exercising objective and impartial judgment, the auditor and audit client should consider all relevant circumstances between an accountant and the audit client,[138] which would include any qualitative and quantitative factors. Moreover, adding a materiality qualifier could cause the auditor independence inquiry to be affected by fluctuating market conditions, rather than an assessment that is market neutral.[139]

2. Other Potential Changes to the Auditor Independence Rules

The final amendments are intended to address the significant practical challenges associated with the existing Loan Provision. The Proposing Release also solicited comment on other changes to the Loan Provision and to the other auditor independence rules. Generally, these comments can be categorized as follows: (1) Relating to the Loan Provision, but not the significant compliance challenges that need to be immediately addressed (*e.g.,* other types of loans that commenters suggested should be excluded from the Loan Provision, such as student loans); (2) broadly impacting provisions of the auditor independence rules, including the Loan Provision (*e.g.,* comments relating to the ''covered person'' and ''affiliate of the audit client'' definitions); or (3) broadly impacting provisions of the auditor independence rules other than the Loan Provision (*e.g.,* suggestions to narrow the look-back period for domestic initial public offerings so that the period is similar to that for foreign private issuers). In response to these comments and the need for more information gathering as to how best to address these categories of comments, the Chairman has directed the staff to formulate recommendations to the Commission for possible additional changes to the auditor independence rules in a future rulemaking.

## III. Other Matters

If any of the provisions of these amendments, or the application of these provisions to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

Pursuant to the Congressional Review Act,[140] the Office of Information and Regulatory Affairs has designated these amendments as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

## IV. Paperwork Reduction Act

The final amendments do not impose any new ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA''),[141] nor do they create any new filing, reporting, recordkeeping, or disclosure requirements. Accordingly, we are not submitting the final amendments to the Office of Management and Budget for review in accordance with the PRA.[142] We did not receive any comments about our conclusion that there are no collections of information.

## V. Economic Analysis

As discussed above, the Commission is adopting amendments to the Loan Provision in Rule 2–01 of Regulation S–X to focus the analysis on beneficial ownership rather than both record and beneficial ownership; replace the existing 10 percent bright-line shareholder ownership test with a ''significant influence'' test;[143] add a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities; and exclude from the definition of ''audit client,'' for a fund under audit, any other funds that otherwise would be considered affiliates of the audit client under the Loan Provision.

Under the existing rules, the 10 percent bright-line shareholder ownership test does not recognize an accountant as independent if the accounting firm, any covered person in the firm, or any of his or her immediate family members has certain loans to or from an audit client or an audit client's officers, directors, or record or beneficial owners of more than 10 percent of the audit client's equity securities. In addition, under the existing rules, ''audit client'' is defined broadly to include any affiliate of the entity whose financial statements are being audited, which, for funds, would include each entity in an ICC of which the audit client is a part. As discussed above, Commission staff has engaged in extensive consultations with audit firms, funds, and operating companies regarding the application of the Loan Provision. These consultations revealed that a number of entities face significant practical challenges to comply with the Loan Provision. These discussions also revealed that in certain scenarios, in which the Loan Provision was implicated, the auditor's objectivity and impartiality in performing the required audit and interim reviews were not impaired.

We are mindful of the benefits obtained from and the costs imposed by our rules and amendments.[144] The following economic analysis seeks to identify and consider the likely benefits and costs that will result from the final amendments, including their effects on efficiency, competition, and capital formation. The discussion below elaborates on the likely economic effects of the final amendments.

### *A. General Economic Considerations*

In order for the reported information to be useful to investors, it needs to be relevant and reliable. The independent audit of such information by impartial skilled professionals (*i.e.,* auditors) is intended to enhance the reliability of

[138] *See* Rule 2–01(b) of Regulation S–X.

[139] For example, fluctuating market conditions could cause changes in the value of the assets securing a loan, thereby leading to different determinations at different times of the materiality of a lending relationship.

[140] 5 U.S.C. 801 *et seq.*

[141] 44 U.S.C. 3501 *et seq.*

[142] 44 U.S.C. 3507(d) and 5 CFR 1320.11.

[143] *See* Section II.C for a discussion of the concept of ''significant influence.''

[144] Section 2(b) of the Securities Act [15 U.S.C. 77b(b)], Section 3(f) of the Exchange Act [17 U.S.C. 78c(f)], Section 2(c) of the Investment Company Act [15 U.S.C. 80a–2(c)], and Section 202(c) of the Investment Advisers Act [15 U.S.C. 80b–2(c)] require the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition and capital formation. Additionally, Section 23(a)(2) of the Exchange Act [15 U.S.C. 78w(a)(2)] requires the Commission, when adopting rules under the Exchange Act, to consider, among other things, the impact that any new rule would have on competition and not to adopt any rule that would impose a burden on competition that is not necessary or appropriate in furtherance of the Exchange Act.

financial reports.[145] Conflicts of interest between companies or funds and their auditors may impair the objectivity and impartiality of the auditors in certifying the audit client's reported performance, thus lowering the credibility and usefulness of these disclosures to investors. Academic literature discusses and documents the importance of the role of auditors as an external governance mechanism for the firm.[146] These studies generally find that better audit quality improves financial reporting by increasing the credibility of the financial reports.

An accounting firm is not independent under the Loan Provision's existing bright-line shareholder ownership test if the firm has a lending relationship with an entity having record or beneficial ownership of more than 10 percent of the equity securities of either: (1) The firm's audit client; or (2) any ''affiliate of the audit client,'' including, but not limited to, any entity that is a controlling parent company of the audit client, a controlled subsidiary of the audit client, or an entity under common control with the audit client. The magnitude of a party's investment in a company or fund is likely to be positively related with any incentive of that party to use leverage over the auditor with whom the party has a lending relationship in order to obtain personal gain.

The 10 percent bright-line test in the Loan Provision does not, however, distinguish between holders of record and beneficial owners even though beneficial owners are more likely to pose a risk to auditor independence than record owners given that the financial gain of beneficial owners is tied to the performance of their investment, and as such, beneficial owners may have strong incentives to influence the auditor's report. Record owners, on the other hand, may not benefit from the performance of securities of which they are record owners, and as such, they may have low incentives to influence the report of the auditor. Both the magnitude and the type of ownership in the audit client, are likely to be relevant factors in determining whether incentives exist for actions that could impair auditor independence. Beneficial ownership of a company's or fund's equity securities by a lender to the company's or fund's auditor is likely to pose a more significant risk to auditor independence than record ownership of the company's or fund's securities by the same lender.

The current Loan Provision may in some cases over-identify and in other cases under-identify threats to auditor independence. The likelihood that the provision over-identifies threats to auditor independence will tend to be higher when the lender is not a beneficial owner of an audit client and does not have incentives to influence the auditor's report, but has record holdings that exceed the 10 percent ownership threshold. On the other hand, under-identification of the threat to auditor independence may occur when the lender is a beneficial owner—implying the existence of potential incentives to influence the auditor's report—and the investment is close to, but does not exceed, the 10 percent ownership threshold.[147]

We are not aware of academic studies that specifically examine the economic effects of the Loan Provision. The remainder of the economic analysis in this section presents the baseline against which we perform our analysis, the anticipated benefits and costs of the final amendments, potential effects on efficiency, competition and capital formation, and an analysis of alternatives to the final amendments.

*B. Baseline*

The final amendments will change the Loan Provision compliance requirements for the universe of affected registrants. We believe the main affected parties will be audit clients, audit firms, and institutions engaging in financing transactions with audit firms and their partners and employees. Other parties that may be affected are covered persons and their immediate family members. Indirectly, the final amendments will affect audit clients' investors.

We are not able to precisely estimate the number of current auditor engagements that will be immediately affected by the final amendments. Specifically, precise data on how audit firms finance their operations and how covered persons arrange their personal financing are not available to us, and no commenters provided data to enable such an estimate. As such we are not able to identify pairs of auditors-institutions (lenders). Moreover, sufficiently detailed and complete data on fund ownership are not available to us, and no commenters provided such data, thus limiting our ability to estimate the prevalence/frequency of instances of significant fund ownership by institutions that are also lenders to fund auditors.

Although data on fund ownership are not readily available, academic studies of operating companies have shown that, for a selected sample of firms, the average blockholder (defined as beneficial owners of five percent or more of a company's stock) holds about 8.5 percent of a company's voting stock.[148] These studies also show that numerous banks and insurance companies are included in the list of blockholders. These findings suggest that the prevalence of instances of significant ownership by institutions that are also lenders to auditors could be high.

As mentioned above, the final amendments will impact audits for the universe of affected entities. The baseline analysis below focuses mainly on the investment management industry because that is where the most widespread issues with Loan Provision compliance have been identified to date; however, the final rule will affect entities outside of this space, which are also subject to the auditor independence rules.[149]

As shown in Table 1 below, as of December 2018, there were approximately 12,577 fund series, with total net assets of $23 trillion, that are covered by Morningstar Direct with identified accounting firms.[150] In addition, there were 23 accounting firms performing audits for these investment companies, though these auditing services were concentrated among the four largest accounting firms. Indeed, about 86 percent of the funds were audited by the four largest accounting firms, corresponding to 98 percent of the aggregate fund asset value.[151]

[145] *See* M. Defond & J. Zhang, *A Review of Archival Auditing Research,* 58 J. Acct. & Econ. 275–326 (2014).

[146] *See e.g.,* N. Tepalagul & L. Lin, *Auditor Independence and Audit Quality: A Literature Review,* 30 J. Acct. Audit. & Fin. 101–121 (2015); M. Defond & J. Zhang, *A Review of Archival Auditing Research,* 58 J. Acct. & Econ. 275–326 (2014); Y. Chen, S. Sadique, B. Srinidhi, & M. Veeraraghavan, *Does High-Quality Auditing Mitigate or Encourage Private Information Collection?;* and R. Ball, S. Jayaraman & L. Shivakumar, *Audited Financial Reporting and Voluntary Disclosure as Complements: A Test of the Confirmation Hypothesis,* J. Acct. & Econ. 53(1): 136–166 (2012).

[147] We are unable to estimate the extent to which the 10 percent ownership threshold may over- or under-identify threats to independence because, among other reasons, fund ownership data is not readily available.

[148] *See* Y. Dou, O. Hope, W. Thomas & Y. Zou, *Blockholder Heterogeneity and Financial Reporting Quality,* working paper (2013).

[149] Based on data in the SEC's EDGAR database, during the period from January 1, 2018 to December 31, 2018, there were a total of 6,919 entities that filed at least one Form 10–K, 20–F, or 40–F, or an amendment to one of these forms. This total does not include investment companies and business development companies.

[150] These fund statistics are based on information available from Morningstar Direct, and may not represent the universe of fund families. The statistics include open-end funds, closed-end funds, and exchange traded funds.

[151] According to aggregated information from Forms 2, as of December 31, 2018, there were 1,862

TABLE 1—AUDITED FUND SERIES AND THEIR INVESTMENT COMPANY AUDITORS

[As of December 31, 2018]

| | |
|---|---|
| Total Number of Fund Series | 12,577 |
| Average Number of Fund Series Per Auditor | 547 |
| Average Net Assets (in millions) Per Auditor | 1,023,086 |
| Four Largest Audit Firms: | |
| Total Number of Fund Series | 10,876 |
| Average Number of Fund Series Per Auditor | 2,719 |
| Average Net Assets (in millions) Per Auditor | 5,757,533 |
| % of Four Audit Firms by Series | 86% |
| % of Four Audit Firms by Net Assets | 98% |

The scope of the auditor independence rules, including the Loan Provision, extends beyond the audit client to encompass affiliates of the audit client. According to Morningstar Direct, as of December 31, 2018, 543 out of 901 fund families [152] have more than one fund, 162 have at least 10 funds, 57 have more than 50 funds, and 38 have more than 100 funds. According to the Investment Company Institute, also as of December 31, 2018, there were approximately 11,587 open-end funds and around 5,500 closed-end funds, with many funds belonging to the same fund family. Given that many fund complexes have several funds, with some complexes having several hundred funds, if any auditor is deemed not in compliance with the Loan Provision with respect to one fund, under the current rule it cannot audit any of the other funds within the same ICC.

In response to compliance challenges, and as discussed above, Commission staff issued the Fidelity No-Action Letter. The Fidelity No-Action Letter, however, did not resolve all compliance uncertainty, was limited in scope, and provided staff-level no-action relief to the requestor based on the specific facts and circumstances in the request. Importantly, the Fidelity No-Action Letter did not amend the underlying rule. Staff has continued to receive inquiries from registrants and accounting firms regarding the application of the Loan Provision, or clarification of the Fidelity No-Action Letter, and requests for consultation regarding issues not covered in the Fidelity No-Action Letter. As a result of the remaining compliance uncertainty, auditors and audit committees may spend a significant amount of time and effort to comply with the Loan Provision.

*C. Anticipated Benefits and Costs*

1. Anticipated Benefits

Overall, we anticipate monitoring for non-compliance throughout the reporting period will be less burdensome for registrants under the final amendments. For example, based on the 10 percent bright-line test, an auditor may be in compliance at the beginning of the reporting period. However, the percentage of ownership may change during the reporting period, which may result in an auditor becoming non-compliant, even though there may be no threat to the auditor's objectivity or impartiality. A significant influence framework is likely to better identify a lack of independence and help avoid such anomalous outcomes.

There are also potential benefits associated with excluding record holders from the Loan Provision. Currently, the Loan Provision uses the magnitude of ownership by an auditor's lender as an indication of the likelihood of a threat to auditor independence regardless of the nature of ownership. From an economic standpoint, the nature of ownership also could determine whether the lender has incentives as well as the ability to use any leverage (due to the lending relationship) over the auditor that could affect the objectivity of the auditor. For example, a lender that is a record owner of the audit client's equity securities may be less likely to attempt to influence the auditor's report than a lender that is a beneficial owner of the audit client's equity securities because, unlike a record holder, a beneficial owner has an economic interest in the equity securities. By taking into account the nature as well as the magnitude of ownership, the final amendments will focus on additional qualitative information to assess the relationship between the lender and the investee (*e.g.,* a company or fund). Thus, we believe that, where there may be weak incentives by the lender to influence the audit, such as when the lender is only a holder of record, the final amendments will exclude relationships that are not likely to be a risk to auditor independence. The final amendments will thus provide benefits to the extent that they alleviate compliance and related burdens that auditors and audit clients would otherwise incur to analyze debtor-creditor relationships that are not likely to threaten an auditor's objectivity and impartiality. Affected registrants also will be less likely to disqualify auditors in situations that do not pose a risk to auditor independence, thereby reducing auditor search costs for these entities.

The potential expansion of the pool of eligible auditors also could result in better matching between the auditor and the client. For example, auditors tend to exhibit a degree of specialization in certain industries.[153] If fewer auditors are considered to be independent due to the Loan Provision, then companies may have to select an auditor without the relevant specialization to perform the audit. Such an outcome could impact the quality of the audit and, as a consequence, negatively impact the quality of financial reporting to the detriment of the users of information contained in audited financial reports. Because they lack experience in the relevant industry, this outcome also may lead to less specialized auditors expending more time to perform the audit service, thereby increasing audit fees for registrants. We anticipate that the final amendments likely will positively impact audit quality for scenarios such as the one described above. Relatedly, if the final amendments expand the pool of eligible auditors, we expect increased competition among auditors, which could reduce the cost of audit services to affected companies and, if such cost savings are passed through to investors, could result in a lower cost to investors. However, as discussed in Section V.B above, the audit industry is highly concentrated, and as a consequence, such a benefit may not be significant.[154]

audit firms registered with the PCAOB (of which 984 are domestic audit firms, with the remaining 878 audit firms located outside the United States). The concentration in the provision of audit services for investment companies is indicative of the overall market as well. According to a report by Audit Analytics, the four largest accounting firms audit 75% of accelerated and large accelerated filers. *See Who Audits Larger Public Companies-2018 Edition, available at http://www.auditanalytics.com/blog/who-audits-larger-public-companies-2018-edition.*

[152] These fund statistics are based on information available from Morningstar Direct and may not represent the universe of fund families. The statistics include open-end funds, closed-end funds and ETFs.

[153] *See e.g.,* N. Dopuch & D. Simunic, *Symposium, Competition in Auditing: An Assessment,* Fourth Symposium on Auditing Research, p 401–450 (1982); and R.W. Knechel, V. Naiker & G. Pachecho, *Does Audit Industry Specialization Matter? Evidence from Market Reaction to Auditor Switches,* 26 Audit. J. Prac. & Theory 19–45 (2007).

[154] The final amendments could result in some crowding-out effect, as the four largest audit firms may be deemed to be independent with more clients, potentially crowding out smaller audit firms. We discuss this effect in more detail in Section V.D below. However, we believe that better matching between auditors' specialization and their clients and reduced unnecessary auditor turnovers

Continued

Another potential benefit of the final amendments is that the replacement of the bright-line test with the significant influence test could potentially identify risks to auditor independence that might not have been identified under the existing 10 percent bright-line test.[155] For example, a beneficial owner that holds slightly less than 10 percent of an audit client's equity securities is likely to have similar incentives and ability to influence the auditor's report than a beneficial owner that holds the same audit client's equity securities at slightly above the 10 percent threshold. The existing Loan Provision differentially classifies these two hypothetical situations, despite their similarity. To the extent that the final amendments are able to improve identification of potential risks to auditor independence through the use of qualitative criteria, investors are likely to benefit from the final amendments. In the example above, under the final amendments, an audit firm will evaluate both beneficial owners to determine if they have significant influence, thus providing a consistent analysis under the Loan Provision for these economically similar fact patterns.

Another potential benefit of replacing the bright-line ownership test with a significant influence test is that fluctuations in the ownership percentage that do not change the economics of the relationship between the auditor and the audit client likely will not result in the auditor being deemed not to be independent. For instance, there may be instances in which non-compliance with the Loan Provision may occur during the reporting year, after an auditor is selected by the registrant or fund. Particularly for companies in the investment management industry, an auditor may be deemed to comply with the Loan Provision using the bright-line test when the auditor is hired by the fund but, due to external factors, such as redemption of investments by other owners of the fund during the period, the lender's ownership level may increase and exceed 10 percent. Such outcomes will be less likely under the final amendments, which take into account multiple qualitative factors in determining whether the Loan Provision is implicated during the period. We anticipate that the final amendments likely will avoid changes in auditors' independence status solely as a result of small changes in the magnitude of ownership of audit client securities and thereby mitigate any negative consequences that can arise from uncertainty about compliance and the associated costs to the funds or companies and their investors.

Adding a ''known through reasonable inquiry'' standard could potentially improve the practical application of the Loan Provision, particularly in the context of funds. As described above, some of the challenges to compliance with the existing Loan Provision involve the lack of access to information about the ownership percentage of a fund that was also an audit client. If an auditor does not know that one of its lenders is also an investor in an audit client, including because that lender invests in the audit client indirectly through one or more financial intermediaries, the auditor's objectivity and impartiality may be less likely to be impacted by its debtor-creditor relationship with the lender. The ''known through reasonable inquiry'' standard we are adopting is generally consistent with regulations implementing the Investment Company Act, the Securities Act and the Exchange Act,[156] and therefore is a concept that already should be familiar to those charged with compliance with the provision. This standard is expected to reduce the compliance costs for audit firms as they could significantly reduce their search costs for information and data to determine beneficial ownership. Given that this will not be a new standard in the Commission's regulatory regime, we do not expect a significant adjustment to apply the ''known through reasonable inquiry'' standard for auditors and their audit clients.

Amending the definition of ''audit client'' to exclude any fund not under audit that otherwise would be considered an ''affiliate of the audit client'' might potentially lead to a larger pool of eligible auditors, potentially reducing the costs of switching auditors and creating better matches between auditors and clients. In addition, the larger set of potentially eligible auditors could improve matching between auditor specialization and client needs and may lead to an increase in competition among auditors. Though the concentrated nature of the audit industry may not give rise to a significant increase in competition,[157] the improved matching between specialized auditors and their clients should have a positive effect on audit quality. In contrast to the proposal, the final amendments also exclude commodity pools from the definition of ''audit client,'' extending these benefits to a broader set of auditor-client relationships.

The final amendments also could have a positive impact on the cost of audit firms' financing. The final amendments may result in an expanded set of choices among existing sources of financing. This could lead to more efficient financing activities for audit firms, thus potentially lowering the cost of capital for these firms. If financing costs for audit firms decrease as a result of the final amendments, then such savings may be passed on to the audit client in the form of lower audit fees. Investors also may benefit from reduced audit fees if the savings are passed on to investors. The Commission understands, however, that audit firms likely already receive market financing terms. Therefore, this effect may not be significant in practice.

Replacing the 10 percent bright-line test with the significant influence test also potentially allows more financing channels for the covered persons in accounting firms and their immediate family members.[158] For example, the covered persons may not be able to borrow money from certain lenders due to potential non-compliance with the existing Loan Provision. A larger set of financing channels may potentially lead to lower borrowing costs for covered persons. Lower borrowing costs may encourage covered persons to make additional investments.

2. Anticipated Costs and Potential Unintended Consequences

Using a significant influence test for the Loan Provision may increase the demands on the time of auditors and audit clients as they seek to familiarize themselves with the test and gather and assess the relevant information to apply the test. However, given that the significant influence test has been part of the Commission's auditor independence rules since 2000 and has existed in U.S. GAAP since 1971, we do not expect a significant learning curve in applying the test. We also do not expect significant compliance costs for auditors to implement the significant influence test in the context of the Loan Provision given that they already are required to apply the concept in other parts of the auditor independence rules. We recognize that funds do not generally apply a significant influence

could potentially prevent audit quality decline and in the long run may improve audit quality.

[155] This benefit will be limited to the extent that an auditor whose lending relationships are not implicated by the Loan Provision's existing 10 percent bright-line ownership test would be otherwise identified as not meeting the general independence requirement in Rule 2–01(b) of Regulation S–X.

[156] *See supra* footnote 111.

[157] *See infra* Section V.D.

[158] *See* Rule 2–01(f)(11) of Regulation S–X.

test for financial reporting purposes. As such, despite the fact that they are required to apply the significant influence test to comply with the existing Commission independence rules, their overall familiarity in other contexts may be less and thus the demands on their time to apply the test may be relatively greater than for operating companies. However, the Commission is reiterating and providing expanded guidance about the application of the significant influence test in the fund context,[159] which may reduce the attendant costs for funds.

The replacement of the bright-line test with the significant influence test and the adoption of the ''known through reasonable inquiry'' standard will introduce more judgment in the determination of compliance with the Loan Provision. As discussed earlier, the significant influence test contains multiple qualitative elements to be considered in determining whether an investor has significant influence over the operating and financial policies of the investee. As a result, there may be additional transition costs to the extent an auditor and audit client need to adjust their compliance activities to now focus on these new elements. The judgment involved in the application of the significant influence test also could lead to potential risks regarding auditor independence. In particular, because the significant influence test relies on qualitative factors that necessarily involve judgment, there is a risk that the significant influence test could result in mistakenly classifying a non-independent auditor as independent under the Loan Provision. However, auditor reputational concerns may impose some discipline on the application of the significant influence test in determining compliance with the Loan Provision, thus mitigating this risk.

*D. Effects on Efficiency, Competition, and Capital Formation*

The Commission believes that the final amendments are likely to improve the application of the Loan Provision, enhance efficiency of implementation, and reduce compliance burdens. The final amendments also may facilitate capital formation.

The final amendments may expand an audit client's choices by expanding the number of auditors that meet the auditor independence rules under the Loan Provision. As discussed earlier, the current bright-line test may be over-inclusive under certain circumstances. If more audit firms are eligible to undertake audit engagements without implicating the Loan Provision, then audit clients will have more options and, as a result, audit costs may decrease, although given the highly concentrated nature of the audit industry, this effect may not be significant. Moreover, the potential expansion of choice among eligible audit firms and the reduced risk of being required to switch auditors may lead to better matching between the audit client and the auditor. Improved matching between auditor specialties and audit clients could enable auditors to perform auditing services more efficiently, thus potentially reducing audit fees and increasing audit quality over the long term. Higher audit quality is linked to better financial reporting, which could result in a lower cost of capital. Reduced expenses and higher audit quality may decrease the overall cost of investing as well as the cost of capital with potential positive effects on capital formation. However, due to the concentrated nature of the audit industry, we acknowledge that any such effects may not be significant.

The replacement of the existing bright-line test with the significant influence test could more effectively capture those relationships that may pose a threat to an auditor's objectivity and impartiality. To the extent that the final amendments do so, the quality of financial reporting is likely to improve, and the amount of board attention to independence questions when impartiality is not at issue is likely to be reduced, thus allowing the board to focus on its other responsibilities. For example, an operating company's board might focus on hiring the best management, choosing the most value-enhancing investment projects, and monitoring management to maximize shareholder value, and this sharpened focus could potentially benefit shareholders. Furthermore, we expect that improved identification of threats to auditor independence would increase investor confidence about the quality and accuracy of the information reported. Reduced uncertainty about the quality and accuracy of financial reporting should attract capital, and thus facilitate capital formation.

Under the final amendments, audit firms would potentially be able to draw upon a larger set of lenders, which could lead to greater competition among lending institutions and thus lower borrowing costs for audit firms. Again, this could result in lower audit fees, lower fund fees, lower compliance expenses, and help facilitate capital formation, to the extent that lower borrowing costs for audit firms get passed on to their audit clients. However, as noted above, this effect may not be significant given that audit firms likely already receive market financing terms.

The final amendments also may lead to changes in the competitive structure of the audit industry. We expect more accounting firms to be eligible to provide auditing services and be in compliance with auditor independence under the final amendments. If larger audit firms are more likely to engage in significant financing transactions and are more likely not to be in compliance with the existing Loan Provision, then these firms are more likely to be positively affected by the final amendments. In particular, these firms may be able to compete for or retain a larger pool of audit clients. At the same time, the larger firms' potentially increased ability to compete for audit clients could potentially crowd out smaller audit firms. However, we estimate that four audit firms already perform 86 percent of audits in the investment management industry.[160] As a result, we do not expect any potential change in the competitive dynamics among auditors for registered investment companies to be significant.

*E. Alternatives*

The existing Loan Provision applies to loans to and from the auditor by ''record or beneficial owners of more than 10 percent of the audit client's equity securities.'' As discussed earlier, record owners are relatively less likely to have incentives to take actions that would threaten auditor independence than are beneficial owners. An alternative approach to the final amendments would be to maintain the 10 percent bright-line test, but to distinguish between types of ownership under the 10 percent bright-line test and tailor the rule accordingly. For example, record owners could be excluded from the 10 percent bright-line test, to which beneficial owners would remain subject. The potential benefit of distinguishing between types of ownership while retaining the 10 percent bright-line test is that applying a bright-line test would involve less judgment than a significant influence test. One commenter supported such an approach.[161]

[159] *See supra* section II.C.3.

[160] The market share of the four largest accounting firms in other industries is significantly high as well. According to the sample of 6,754 registrants covered by Audit Analytics in 2018, the four largest accounting firms' mean (median) market share across industries (based on two digit standard industry code) is 58% (56%). The upper quartile is as high as 62% with low quartile of the distribution being 49%.

[161] *See* CII.

Although excluding record holders could partially overcome the over-inclusiveness of the existing rule, we believe the significant influence test we are adopting will more effectively detect possible threats to auditor independence by focusing on the shareholder's ability to influence the financial and operating policies of an audit client. For example, merely owning more than 10 percent of an audit client's equity securities might not necessarily mean a lender to the auditor has the ability to influence the auditor's report (*i.e.,* the lender's ownership of the audit client's equity securities may not, in itself, threaten an audit firm's objectivity and impartiality). The adopted significant influence test also could identify risks to auditor independence in situations where a beneficial owner holds slightly under 10 percent of an audit client's equity and is likely to have incentives and ability to influence the auditor's report, but the lending relationship would not have been identified as independence-impairing under the existing 10 percent bright-line test.

A second alternative would be to use the materiality of a stock holding to the lender in conjunction with the significant influence test as a proxy for incentives that could threaten auditor independence. Specifically, the significance of the holding to the lender could be assessed based on the magnitude of the stock holding to the lender (*i.e.,* what percentage of the lender's assets are invested in the audit client's equity securities), after determining whether the lender has significant influence over the audit client. For example, two institutions that hold 15 percent of a fund may be committing materially different amounts of their capital to the specific investment. The incentives to influence the auditor's report are likely to be stronger for the lender that commits the relatively larger amount of capital to a specific investment. As such, the materiality of the investment to a lender with significant influence could be used as an indicator of incentives by the lender to attempt to influence the auditor's report and may better capture those incentives that could pose a threat to auditor independence. However, given the typical size of lending institutions, a materiality component might effectively exclude most, if not all, lending relationships, including those that pose a threat to an auditor's objectivity and impartiality. In addition, this alternative could impose additional costs on auditors and audit clients, as they would need to gather and analyze additional information to assess their compliance with the Loan Provision.

Another alternative would be to assess the materiality of the lending relationship between the auditor and the lending institution in conjunction with the significant influence test. A number of commenters supported such an approach.[162] The materiality of the lending relationship between the lender and the auditor, from both the lender's and the auditor's points of view, could act as an indicator of the leverage that the lender may have if it attempts to influence the auditor's report. However, given the typical size of most impacted audit firms and lending institutions, a materiality component might effectively exclude most, if not all, lending relationships, including those that pose a threat to an auditor's objectivity and impartiality. In addition, lending relationships could be affected by market conditions, which might affect the market neutrality of the auditor independence inquiry. For example, fluctuating market conditions could cause changes in the value of the assets securing a loan thereby causing different determinations at different times of the materiality of a lending relationship.

## VI. Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') [163] requires the Commission, in promulgating rules under section 553 of the Administrative Procedure Act,[164] to consider the impact of those rules on small entities. We have prepared this Final Regulatory Flexibility Analysis (''FRFA'') in accordance with Section 604 of the RFA.[165] This FRFA relates to final amendments to Rule 2–01 of Regulation S–X. An Initial Regulatory Flexibility Analysis (''IRFA'') was prepared in accordance with the RFA and was included in the Proposing Release. The Proposing Release included, and solicited comment on, the IRFA.

### *A. Need for the Amendments*

As discussed above, the primary reason for, and objective of, the final amendments is to address certain significant compliance challenges for audit firms and their audit clients resulting from application of the Loan Provision that do not otherwise appear to affect the impartiality or objectivity of the auditor. Specifically, the final amendments will:

- Focus the analysis on beneficial ownership;
- replace the existing 10 percent bright-line shareholder ownership test with a ''significant influence'' test;
- add a ''known through reasonable inquiry'' standard with respect to identifying beneficial owners of the audit client's equity securities; and
- exclude from the definition of ''audit client,'' for a fund under audit, any other funds that otherwise would be considered affiliates of the audit client under the Loan Provision.

The need for, and objectives of, the final amendments are discussed in more detail in Sections I and II above.

### *B. Significant Issues Raised by Public Comment*

In the Proposing Release, we requested comment on the IRFA, requesting in particular comment on the number of small entities that would be subject to the proposed amendments to Rule 2–01 of Regulation S–X, and the existence or nature of the potential impact of the proposed amendments on small entities discussed in the analysis. In addition, we requested comments regarding how to quantify the impact of the proposed amendments and alternatives that would accomplish our stated objectives while minimizing any significant adverse impact on small entities. We also requested that commenters describe the nature of any effects on small entities subject to the proposed amendments to Rule 2–01 of Regulation S–X and provide empirical data to support the nature and extent of such effects. Furthermore, we requested comment on the number of accounting firms with revenue under $20.5 million. We did not receive comments regarding the impact of our proposal on small entities.

### *C. Small Entities Subject to the Final Rules*

The final amendments will affect small entities that file registration statements under the Securities Act, the Exchange Act, and the Investment Company Act and periodic reports, proxy and information statements, or other reports under the Exchange Act or the Investment Company Act, as well as smaller registered investment advisers and smaller accounting firms. The RFA defines ''small entity'' to mean ''small business,'' ''small organization,'' or ''small governmental jurisdiction.'' [166] The Commission's rules define ''small business'' and ''small organization'' for purposes of the Regulatory Flexibility Act for each of the types of entities

[162] *See supra* footnote 136.

[163] 5 U.S.C. 601 *et seq.*

[164] 5 U.S.C. 553.

[165] 5 U.S.C. 604.

[166] 5 U.S.C. 601(6).

regulated by the Commission. Title 17 CFR 230.157 [167] and 17 CFR 240.0–10(a) [168] define an issuer, other than an investment company, to be a ''small business'' or ''small organization'' if it had total assets of $5 million or less on the last day of its most recent fiscal year. We estimate that, as of December 31, 2018, there are approximately 1,173 issuers, other than registered investment companies, that may be subject to the final amendments.[169] The final amendments will affect small entities that have a class of securities that are registered under Section 12 of the Exchange Act or that are required to file reports under Section 15(d) of the Exchange Act. In addition, the final amendments will affect small entities that file, or have filed, a registration statement that has not yet become effective under the Securities Act and that has not been withdrawn.

An investment company is considered to be a ''small business'' for purposes of the RFA, if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less at the end of the most recent fiscal year.[170] We estimate that, as of December 2018, there were 114 investment companies that would be considered small entities.[171] We estimate that, as of December 31, 2018, there were 59 open-end investment companies that will be subject to the final amendments that may be considered small entities. This number includes open-end ETFs.[172]

For purposes of the RFA, an investment adviser is a small entity if it:

(1) Has assets under management having a total value of less than $25 million;

(2) did not have total assets of $5 million or more on the last day of the most recent fiscal year; and

(3) does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year.[173] We estimate that there are approximately 552 investment advisers that will be subject to the final amendments that may be considered small entities.[174]

For purposes of the RFA, a broker-dealer is considered to be a ''small business'' if its total capital (net worth plus subordinated liabilities) is less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a–5(d) under the Exchange Act,[175] or, if not required to file such statements, a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the last day of the preceding fiscal year (or in the time that it has been in business, if shorter); and that is not affiliated with any person (other than a natural person) that is not a small business or small organization.[176] As of December 2018, there were approximately 985 small entity broker-dealers that will be subject to the final amendments.[177]

Our rules do not define ''small business'' or ''small organization'' for purposes of accounting firms. The Small Business Administration (SBA) defines ''small business,'' for purposes of accounting firms, as those with under $20.5 million in annual revenues.[178] We have limited data indicating revenues for accounting firms, and we cannot estimate the number of firms with less than $20.5 million in annual revenue. We also did not receive any data from commenters that would enable us to make such an estimate.

*D. Projected Reporting, Recordkeeping and Other Compliance Requirements*

The final amendments will not impose any reporting, recordkeeping, or disclosure requirements. The final amendments will impose new compliance requirements with respect to the Loan Provision.

Although we are replacing the 10 percent bright-line test with a ''significant influence'' test that requires the application of more judgment, we believe that the final amendments will not significantly increase costs for smaller entities, including smaller accounting firms. The concept of ''significant influence'' already exists in the auditor independence rules and in U.S. GAAP,[179] and accounting firms, issuers and their audit committees are already required to apply the concept in these contexts and may have developed practices, processes or controls for complying with these provisions.[180] We believe that these entities likely will be able to leverage any existing practices, processes, or controls to comply with the final amendments. We are also providing additional guidance in this release to clarify the application of the significant influence test in the fund context, which may further facilitate compliance.

We also believe that the ''known through reasonable inquiry'' standard will not significantly increase costs for smaller entities, including smaller accounting firms. The ''known through reasonable inquiry'' standard is generally consistent with regulations implementing the Investment Company Act, the Securities Act, and the Exchange Act.[181] Smaller entities, including smaller accounting firms, should therefore already be familiar with the concept. To further facilitate compliance, we are also providing additional guidance in this release to clarify what the ''known through reasonable inquiry'' standard requires.

In addition, we believe that the final amendments to exclude record owners and certain fund affiliates for purposes of the Loan Provision will reduce costs for smaller entities, including smaller accounting firms.

Compliance with the final amendments will require the use of professional skills, including accounting and legal skills. The final amendments are discussed in detail in Section II above. We discuss the economic impact, including the estimated costs, of the final amendments in Section V above.

*E. Agency Action To Minimize Effect on Small Entities*

The RFA directs us to consider significant alternatives that would accomplish our stated objectives, while minimizing any significant adverse impacts on small entities. Accordingly, we considered the following alternatives:

[167] Securities Act Rule 157.

[168] Exchange Act Rule 0–10(a).

[169] This estimate is based on staff analysis of issuers, excluding co-registrants, with EDGAR filings on Forms 10–K, 20–F, and 40–F, or amendments filed during the calendar year of January 1, 2018 to December 31, 2018. The analysis is based on data from XBRL filings, Compustat, and Ives Group Audit Analytics.

[170] 17 CFR 270.0–10(a).

[171] This estimate is based on staff review of data obtained from Morningstar Direct as well as data reported on Forms N–CEN, N–Q, 10–K, and 10–Q filed with the Commission as of June 2018.

[172] This estimate is derived from an analysis of data obtained from Morningstar Direct as well as data reported on Form N–SAR filed with the Commission for the period ending June 30, 2017.

[173] 17 CFR 275.0–7.

[174] This estimate is based on Commission-registered investment adviser responses to Form ADV, Part 1A, Items 5.F and 12.

[175] 17 CFR 240.17a–5(d).

[176] 17 CFR 240.0–10(c).

[177] This estimate is based on the most recent information available, as provided in Form X–17A–5 Financial and Operational Combined Uniform Single Reports filed pursuant to Section 17 of the Exchange Act and Rule 17a-5 thereunder.

[178] 13 CFR 121.201 and North American Industry Classification System (NAICS) code 541211. The SBA calculates ''annual receipts'' as all revenue. *See* 13 CFR 121.104.

[179] *See* ASC 323 and *supra* footnote 44.

[180] Although the concept of ''significant influence'' is not as routinely applied today in the funds context for financial reporting purposes, nevertheless, the concept of significant influence is applicable to funds under existing auditor independence rules.

[181] *See supra* footnote 111.

• Establishing different compliance or reporting requirements or timetables that take into account the resources available to small entities;

• clarifying, consolidating, or simplifying compliance and reporting requirements under the amendments for small entities;

• using performance rather than design standards; and

• exempting small entities from coverage of all or part of the amendments.

In connection with the amendments to Rule 2–01 of Regulation S–X, we do not think it feasible or appropriate to establish different compliance or reporting requirements or timetables for small entities. The amendments are designed to address compliance challenges for both large and small issuers and audit firms. With respect to clarification, consolidation or simplification of compliance and reporting requirements for small entities, the amendments do not contain any new reporting requirements. While the amendments create a new compliance requirement that focuses on ''significant influence'' over the audit client to better identify those lending relationships that could impair an auditor's objectivity and impartiality, that standard is more qualitative in nature and its application will vary according to the circumstances. This more flexible standard will be applicable to all issuers, regardless of size.

With respect to using performance rather than design standards, we note that our amendments establishing a ''significant influence'' test and adding a ''known through reasonable inquiry'' standard are more akin to performance standards. Rather than prescribe the specific steps necessary to apply such standards, the amendments recognize that ''significant influence'' and ''known through reasonable inquiry'' can be implemented in a variety of ways. We believe that the use of these standards will accommodate entities of various sizes while potentially avoiding overly burdensome methods that may be ill-suited or unnecessary given the entity's particular facts and circumstances.

The amendments are intended to address significant compliance challenges for audit firms and their clients, including those that are small entities. In this respect, exempting small entities from the amendments would increase, rather than decrease, their regulatory burden relative to larger entities.

## VII. Codification Update

The ''Codification of Financial Reporting Policies'' announced in Financial Reporting Release No. 1 [182] (April 15, 1982) is updated by adding at the end of Section 602, under the Financial Reporting Release Number (FR–85) assigned to this final release, the text in Sections I and II of this release.

The Codification is a separate publication of the Commission. It will not be published in the Code of Federal Regulations.

## VIII. Statutory Basis

The amendments described in this release are being adopted under the authority set forth in Schedule A and Sections 7, 8, 10, and 19 of the Securities Act, Sections 3, 10A, 12, 13, 14, 17, and 23 of the Exchange Act, Sections 8, 30, 31, and 38 of the Investment Company Act, and Sections 203 and 211 of the Investment Advisers Act.

## List of Subjects in 17 CFR Parts 210

Accountants, Accounting, Banks, Banking, Employee benefit plans, Holding companies, Insurance companies, Investment companies, Oil and gas exploration, Reporting and recordkeeping requirements, Securities, Utilities.

In accordance with the foregoing, the Commission amends title 17, chapter II of the Code of Federal Regulations as follows:

## PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, INVESTMENT COMPANY ACT OF 1940, INVESTMENT ADVISERS ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

■ 1. The authority citation for part 210 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77nn(25), 77nn(26), 78c, 78j–1, 78*l,* 78m, 78n, 78*o*(d), 78q, 78u–5, 78w, 78*ll,* 78mm, 80a–8, 80a–20, 80a–29, 80a–30, 80a–31, 80a–37(a), 80b–3, 80b–11, 7202 and 7262, and sec. 102(c), Pub. L. 112–106, 126 Stat. 310 (2012), unless otherwise noted.

■ 2. Amend § 210.2–01 by revising paragraph (c)(1)(ii)(A) to read as follows:

### § 210.2–01 Qualifications of accountants.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(A) *Loans/debtor-creditor relationship.* (*1*) Any loan (including any margin loan) to or from an audit client, or an audit client's officers, directors, or beneficial owners (known through reasonable inquiry) of the audit client's equity securities where such beneficial owner has significant influence over the audit client, except for the following loans obtained from a financial institution under its normal lending procedures, terms, and requirements:

(*i*) Automobile loans and leases collateralized by the automobile;

(*ii*) Loans fully collateralized by the cash surrender value of an insurance policy;

(*iii*) Loans fully collateralized by cash deposits at the same financial institution; and

(*iv*) A mortgage loan collateralized by the borrower's primary residence provided the loan was not obtained while the covered person in the firm was a covered person.

(*2*) For purposes of paragraph (c)(1)(ii)(A) of this section:

(*i*) The term *audit client* for a fund under audit excludes any other fund that otherwise would be considered an *affiliate of the audit client;*

(*ii*) The term *fund* means: An investment company or an entity that would be an investment company but for the exclusions provided by Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)); or a commodity pool as defined in Section 1a(10) of the U.S. Commodity Exchange Act, as amended [(7 U.S.C. 1–1a(10)], that is not an investment company or an entity that would be an investment company but for the exclusions provided by Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)).

* * * * *

By the Commission.

Dated: June 18, 2019.

**Vanessa Countryman,**

*Acting Secretary.*

[FR Doc. 2019–13429 Filed 7–3–19; 8:45 am]

BILLING CODE 8011–01–P

[182] 47 FR 21028 (May 17, 1982).

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

**[Docket No. USCG–2012–1036]**

## Special Local Regulations: Recurring Marine Events in Captain of the Port Long Island Sound Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce two special local regulations for marine events in the Sector Long Island Sound area of responsibility on the dates and times listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

**DATES:** The regulation in 33 CFR 100.100 Table 1 will be enforced during the dates and times indicated in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer Melanie Hughes, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203–468–4583, email *Melanie.a.hughes1@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations listed in 33 CFR 100.100 Table 1 on the specified dates and times as indicated in the following table:

| | |
|---|---|
| 6.1 Swim Across America Greenwich | • Date: June 22, 2019.<br>• Time: 5:30 a.m. to 12:30 p.m.<br>• Location: All navigable waters of Stamford Harbor within an area starting at a point in position 41°01′32.03″ N, 073°33′8.93″ W, then southeast to a point in position 41°01′15.01″ N, 073°32′55.58″ W; then southwest to a point in position 41°0′49.25″ N, 073°33′20.36″ W; then northwest to a point in position 41°0′58″ N, 073°33′27″ W; then northeast to a point in position 41°1′15.8″ N, 073°33′9.5″ W then heading north and ending at a point of origin (NAD 83). All positions are approximate. |
| 8.6 Smith Point Triathlon | • Date: August 04, 2019.<br>• Time: 6:15 a.m. to 8:15 a.m.<br>• Location: All waters of Narrow Bay near Smith Point Park in Mystic Beach, NY within the area bounded by land along its southern edge and points in position at 40°44′14.28″ N, 072°51′40.68″ W, then north to a point at position 40°44′20.83″ N, 072°51′40.68″ W; then east to a point at position 40°44′20.83″ N, 072°51′19.73″ W; then south to a point at position 40°44′14.85″ N, 072°51′19.73″ W; and then southwest along the shoreline back to the point of origin (NAD 83). All positions are approximate. |

Under the provisions of 33 CFR 100.100, the events listed above are established as special local regulations. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within these regulated areas unless they receive permission from the COTP or designated representative.

This notice is issued under authority of 33 CFR 100 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that these special local regulations need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: June 17, 2019.

**K.B. Red,**

*Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.*

[FR Doc. 2019–14393 Filed 7–3–19; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

**[Docket Number USCG–2019–0223]**

**RIN 1625–AA08**

## Special Local Regulation; Zimovia Strait, Wrangell, AK

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent special local regulation to enable vessel movement restrictions for certain waters of the Zimovia Strait. This action is necessary to provide for the safety of life on these navigable waters near Wrangell Harbor during power boat races on July 4, 2019 and every subsequent year on July 4. This rule prohibits persons and vessels from transiting through, mooring, or anchoring within the special local regulation race area unless authorized by the Captain of the Port Southeast Alaska or a designated representative.

**DATES:** This final rule is effective without actual notice on July 5, 2019. For the purposes of enforcement, actual notice will be used from July 1, 2019 through July 5, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in this docket, go to *https://www.regulations.gov,* type USCG–2019–0223 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Jesse Collins, Sector Juneau, Waterways Management Division, Coast Guard: telephone 907–463–2846, email *D17-SMB-Sector-Juneau-WWM@uscg.mil.*

**SUPPLEMENTARY INFORMATION:**

### I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Southeast Alaska
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

## II. Background Information and Regulatory History

On January 16, 2019, the Wrangell Chamber of Commerce notified the Coast Guard that it will be conducting high speed boat races from 11 a.m. to 7 p.m. on July 4, 2019, as part of the Wrangell 4th of July Celebration. The boat races will be taking place approximately 100 yards off of the city dock in Wrangell, AK. The Captain of the Port Southeast Alaska (COTP) has determined that potential hazards associated with the high speed races is a safety concern for anyone within the zone.

In response, on May 28, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local Regulation; Zimovia Strait, Wrangell, AK (84 FR 24732). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this annual boating event. During the comment period that ended June 28, 2019, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because it would inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event.

## III. Purpose and Legal Authority

The purpose of this rule is to ensure the safety of vessels and the navigable waters within a race area before, during, and after the scheduled event. The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034.

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

As stated above, we received no comments on our NPRM published on May 29, 2019 (84 FR 24732). There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The COTP is establishing a special local regulation from 11 a.m. to 7 p.m. on July 4, 2019, and every subsequent year on July 4th. The special local regulation will cover all navigable waters within the race area to include Wrangell Harbor entrance and an area extending Northwest along the shoreline approximately 1,000 yards and Southwest approximately 500 yards. No vessel or person is permitted to enter the special local regulation area without obtaining permission from the COTP or a designated representative. The regulatory text for this rule appears at the end of this document.

## V. Regulatory Analyses

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

### *A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771. This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. Vessel traffic will be able to safely transit around the race area, which will impact a small designated area in Wrangell Harbor for 8 hours. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the race area, and the rule will allow vessels to seek permission to enter or transit through the race area.

### *B. Impact on Small Entities*

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### *C. Collection of Information*

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

### *D. Federalism and Indian Tribal Governments*

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

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

### *E. Unfunded Mandates Reform Act*

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

### *F. Environment*

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made the

determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting eight (8) hours on one day a year that prohibits entry or transit through the area without obtaining permission from the COTP or a designated representative. It is categorically excluded from further review under paragraph L61in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A memorandum for the record for categorically excluded actions supporting this determination is available in the docket where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 100**

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

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

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.1701 to read as follows:

**§ 100.1701 Special Local Regulation; Wrangell 4th of July Celebration Boat Races, Wrangell, AK.**

(a) *Regulated area.* The following area is specified as a race area: All waters of Zimovia Straits, Wrangell, AK, approximately 1,000 yards to the Northwest and 500 yards to the Southwest of Wrangell Harbor entrance bounded by the following points: 56°28.077 N, 132°23.074 W, 56°28.440 N, 132°23.685 W, 56°28.277 N, 132°24.020 W, and 56°27.910 N, 132°23.400 W.

(b) *Regulations.* In accordance with the general regulations in this part, the regulated area shall be closed immediately prior to, during and immediately after the event to all persons and vessels not participating in the event and authorized by the event sponsor.

(c) *Authorization.* All persons or vessels who desire to enter the designated area created in this section while it is enforced must obtain permission from the on-scene patrol craft on VHF Ch 9.

(d) *Enforcement period.* This section will be enforced from 11 a.m. to 7 p.m. on July 4, each year unless otherwise specified in the Seventeenth District Local Notice to Mariners.

Dated: July 1, 2019.

**Matthew T. Bell, Jr.,**

*Commander, RADM, Seventeenth Coast Guard District, U.S. Coast Guard.*

[FR Doc. 2019–14417 Filed 7–3–19; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2012–1036]**

## Safety Zones, Recurring Marine Events in Captain of the Port Long Island Sound Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce ten safety zones in the Sector Long Island Sound area of responsibility on the date and time listed in the table below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

**DATES:** The regulation in 33 CFR 165.151 Table 1 will be enforced during the dates and times listed in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer Melanie Hughes, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203–468–4583, email *Melanie.a.Hughes1@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 Table 1 on the specified dates and times as indicated in the following table:

| | |
|---|---|
| 6.2 Town of Branford Fireworks | • Date: June 22–23, 2019.<br>• Time: 10 p.m. to 11 p.m.<br>• Location: Waters of Branford Harbor, Bridgeport, CT in approximate position, 41°9′04″ N, 073°12′49″ W (NAD 83). |
| 6.3 Vietnam Veterans/Town of East Haven Fireworks | • Date: June 29, 2019.<br>• Rain Date: July 1, 2019.<br>• Time: 9 p.m. to 11 p.m.<br>• Location: Waters off Cosey Beach, East Haven, CT in approximate position, 41°14′19″ N, 072°52′9.8″ W (NAD 83). |
| 6.4 Salute to Veterans Fireworks | • Date: June 29, 2019.<br>• Rain Date: June 30, 2019.<br>• Time: 9 p.m. to 10:30 p.m.<br>• Location: Waters off Reynolds Channel off Hempstead, NY in approximate position, 40°35′36.62″ N, 073°35′20.72″ W (NAD 83). |
| 6.5 Cherry Grove Arts Project Fireworks | • Date: June 22, 2019.<br>• Rain Date: June 23, 2019.<br>• Time: 9 p.m. to 11 p.m.<br>• Location: Waters of the Great South Bay off Cherry Grove, NY in approximate positions, 40°39′49.06″ N, 073°05′27.99″ W (NAD 83). |
| 7.1 Point O'Woods Fire Company Summer Fireworks | • Date: July 4, 2019.<br>• Rain Date: July 5, 2019.<br>• Time: 9 p.m. to 10:30 p.m.<br>• Location: Waters of the Great South Bay, Point O'Woods, NY in approximate position 40°39′18.57″ N, 073°08′5.73″ W (NAD 83). |
| 7.4 Norwalk Fireworks | • Date: July 3, 2019. |

| | |
|---|---|
| 7.6 Sag Harbor Fireworks | • Time: 8:30 p.m. to 10:30 p.m.<br>• Location: Waters off Calf Pasture Beach, Norwalk, CT in approximate position, 41°04′50″ N, 073°23′22″ W (NAD 83).<br>• Date: July 6, 2019.<br>• Rain Date: July 7, 2019.<br>• Time: 8:30 p.m. to 10:30 p.m.<br>• Location: Waters of Sag Harbor off Havens Beach, Sag Harbor, NY in approximate position 41°00′26″ N, 072°17′9″ W (NAD 83). |
| 7.29 Mashantucket Pequot Fireworks | • Date: July 13, 2019.<br>• Time: 8:30 p.m. to 10:30 p.m.<br>• Location: Waters of the Thames River, New London, CT in approximate position Barge 1, 41°21′03.03″ N, 072°5′24.5″ W Barge 2, 41°20′51.75″ N, 072°5′18.90″ W (NAD 83). |
| 7.42 Connetquot River Summer Fireworks | • Date: July 3, 2019.<br>• Rain Date: July 9, 2019.<br>• Time: 8:45 p.m. to 10:15 p.m.<br>• Location: Waters of the Connetquot River off Snapper Inn Resturant, Oakdale, NY in approximate position 40°43′32.38″ N, 073°9′02.64″ W (NAD 83). |
| 7.46 Irwin Family 4th of July | • Date: July 4, 2019.<br>• Time: 8:30 p.m. to 10:30 p.m.<br>• Location: Waters of the Great South Bay off The Helm Road, East Islip, NY in approximate position 40°42′12.28″ N, 073°12′00.08″ W (NAD 83). |

Under the provisions of 33 CFR 165.151, the events listed above are established as safety zones. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within these safety zones unless they receive permission from the COTP or designated representative.

This notice is issued under authority of 33 CFR 165 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that these safety zones need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: June 17, 2019.

**K.B. Reed,**

*Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.*

[FR Doc. 2019–14394 Filed 7–3–19; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket Number USCG–2019–0403]**

**RIN 1625–AA00**

## Safety Zone; Fireworks Display, Delaware River, Chester, PA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of the Delaware River near Talen Energy Stadium in Chester, PA, from 9:30 p.m. to 10:30 p.m. on July 6, 2019, during the Philadelphia Union Soccer Fireworks Display. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the boating public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

**DATES:** This rule is effective from 9:30 p.m. through 10:30 p.m. on July 6, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0403 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Thomas Welker, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard; telephone (215) 271–4814, email *Thomas.j.welker@uscg.mil.*

**SUPPLEMENTARY INFORMATION:**

### I. Table of Abbreviations

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

### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. The rule must be in force by July 6, 2019. We are taking immediate action to ensure the safety of spectators and the general public from hazards associated with the fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the potential safety hazards associated with a fireworks displays in this location.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Delaware Bay (COTP) has determined that potential hazards associated with the fireworks to be used in this July 6, 2019 display will be a safety concern for anyone within an 800-foot radius of the barge. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

## IV. Discussion of the Rule

This rule establishes a temporary safety zone on the waters of the Delaware River near Talen Energy Stadium in Chester, PA, during a fireworks display scheduled to take place between 9:30 p.m. and 10:30 p.m. on July 6, 2019. The fireworks will be set off from a barge in the river, which will be anchored at approximate position latitude 39°49′43.4″ N, longitude 075°22′38.0″ W. The safety zone includes all navigable waters within 800 feet of the fireworks barge. No person or vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If the COTP Delaware Bay or a designated representative grants authorization to enter, transit through, anchor in, or remain within the safety zone, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Local Notice to Mariners and Broadcast Notice to Mariners.

## V. Regulatory Analyses

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

### *A. Regulatory Planning and Review*

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

The impact of this rule is not significant for the following reasons: (1) The enforcement period will last one hour when vessel traffic is usually low; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative, a portion of the channel will remain open. Persons and vessels will be able to operate in the surrounding area during the enforcement period; (3) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene actual notice from designated representatives.

### *B. Impact on Small Entities*

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

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

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

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

### *C. Collection of Information*

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

### *D. Federalism and Indian Tribal Governments*

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

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

### *E. Unfunded Mandates Reform Act*

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

*F. Environment*

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable water in the Delaware River, during a fireworks display lasting approximately one hour. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

*G. Protest Activities*

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

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

**Authority:** 46 U.S.C. 70034, 70051; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0403 to read as follows:

**§ 165.T05–0403 Safety Zone; Fireworks Display, Delaware River, Chester, PA.**

(a) *Location.* The following area is a safety zone: All waters of Delaware River off Chester, PA, within 800 feet of the barge anchored in approximate position latitude 39°49′43.4″ N, longitude 075°22′38.0″ W.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) No vessel may take on bunkers or conduct lightering operations within the safety zone during its enforcement period.

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

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

(e) *Enforcement period.* This zone will be enforced from on or after 9:30 p.m. to no later than 10:30 p.m. on July 6, 2019.

Dated: June 28, 2019.

**Scott E. Anderson,**

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

[FR Doc. 2019–14419 Filed 7–3–19; 8:45 am]

BILLING CODE 9110–04–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R07–OAR–2019–0102; FRL–9995–61–Region 7]**

## Air Plan Approval; Missouri; Measurement of Emissions of Air Contaminants

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Missouri State Implementation Plan (SIP) received by EPA on December 11, 2018. The submission revises Missouri's regulation relating to measurement of emissions of air contaminants which allows the director to obtain air contaminant emission data upon request. This final action will amend the SIP to include revisions which are administrative in nature and do not impact the stringency of the SIP. Specifically, these revisions reformat the regulations and add definitions. Approval of these revisions will not impact air quality, ensures consistency between the State and Federally-approved rules, and ensures Federal enforceability of the State's rules.

**DATES:** This final rule is effective on August 5, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2019–0102. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

**FOR FURTHER INFORMATION CONTACT:** Deborah Bredehoft, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7164, or by email at *bredehoft.deborah@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

**Table of Contents**

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. The EPA's Response to Comments
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

### I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP that were received by EPA on December 11, 2018. On April 12, 2019, the EPA proposed in the **Federal Register** approval of the SIP submission. See 84 FR 14906. The SIP revision

revises Missouri's regulation, Title 10 Code of State Regulations (10 CSR) 10–6.180, ''Measurement of Emissions of Air Contaminates'', which allows the director to obtain air contaminant emission data from any source responsible for the emissions of air contaminants. The revisions are administrative in nature. They restructure the rule to meet Missouri's updated standard rule organizational format and add definitions specific to the regulatory text of 10 CSR 10–6.180 including air contaminant, director, facility, qualified personnel and source.

## II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 1, 2018, to June 7, 2018, and received no comment. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

## III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened April 12, 2019, the date of its publication in the **Federal Register** and closed on May 13, 2019. During this period, the EPA received three comments, one of which was adverse. The EPA will address the adverse comment. No changes were made to the proposals in this final action after consideration of the adverse comments received.

*Comment 1:* A commenter expressed concern regarding what specifically ensures Federal enforceability of the state's rules and if this is working towards an overreach of the EPA's legal abilities.

*Response 1:* Federal enforceability occurs when a state regulation is submitted by the State and is then approved into the federally approved SIP, and those approved regulations are promulgated as Federal law in the Code of Federal Regulations (see generally 40 CFR 52.1320 for the approved Missouri regulations). Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each state must submit these regulations and control strategies to the EPA for approval and incorporation into the federally enforceable SIP, and under CAA section 110, the EPA must approve state SIP submissions that meet the requirements of the CAA. The CAA requires each state to have a Federally approved SIP which protects air quality primarily by addressing air pollution at its point of origin.

The EPA does not believe this Federal enforceability of the state's rules is an overreach, because enforcement of the state regulation before and after it is incorporated into the federally approved SIP is primarily a state responsibility. In addition, Congress specifically provided that after a state regulation is part of the federally approved SIP, the EPA is authorized to take enforcement action against violators under CAA section 113 (and public citizens may enforce some approved SIP provisions under CAA section 113).

## IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's request to amend 10 CSR 10–6.180, ''Measurement of Emissions of Air Contaminants.'' Approval of these revisions will ensure consistency between state and Federally-approved rules. The EPA has determined that these changes will not adversely impact air quality.

## V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

## 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, 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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).

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

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 September 3, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

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

Dated: June 28, 2019.

**James Gulliford,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) amended by revising the entry ''10–6.180'' to read as follows:

**§ 52.1320 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Missouri Department of Natural Resources** | | | | |
| * | * | * | * | * |
| **Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri** | | | | |
| * | * | * | * | * |
| 10–6.180 ..... | Measurement of Emissions of Air Contaminants | 11/30/2018 | 7/5/2019, [insert **Federal Register** citation]. | |
| * | * | * | * | * |

* * * * *

[FR Doc. 2019–14327 Filed 7–3–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R03–OAR–2018–0825; FRL–9996–07–Region 3]**

### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Emissions Statements Rule Certification for the 2008 Ozone National Ambient Air Quality Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision formally submitted by the State of Delaware. Under section 182 of the Clean Air Act (CAA), states' SIPs must require stationary sources in ozone nonattainment areas to report annual emissions of nitrogen oxides ($NO_X$) and volatile organic compounds (VOC). This SIP revision provides Delaware's certification that its existing emissions statements program satisfies the emissions statements requirements of the CAA for the 2008 ozone National Ambient Air Quality Standards (NAAQS). EPA is approving Delaware's emissions statements program certification for the 2008 ozone NAAQS as a SIP revision in accordance with the requirements of the CAA.

**DATES:** This final rule is effective on August 5, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0825. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Sara Calcinore, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2043. Ms. Calcinore can also be reached via electronic mail at *calcinore.sara@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Under the CAA, EPA establishes NAAQS for criteria pollutants in order to protect human health and the environment. In response to scientific evidence linking ozone exposure to adverse health effects, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS, in 1979. See 44 FR 8202 (February 8, 1979). The CAA requires EPA to review and reevaluate the NAAQS every five years in order to consider updated information regarding the effects of the criteria pollutants on human health and the environment. On July 18, 1997, EPA promulgated a revised ozone NAAQS, referred to as the 1997 ozone NAAQS, of 0.08 ppm averaged over eight hours. See 62 FR 38855. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA strengthened the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. The 0.075 ppm standard is referred to as the 2008 ozone NAAQS. See 73 FR 16436 (March 27, 2008).

On May 21, 2012 and June 11, 2012, EPA designated nonattainment areas for the 2008 ozone NAAQS. 77 FR 30088 and 77 FR 34221. Effective July 20, 2012, New Castle County and Sussex County in Delaware were designated as marginal nonattainment for the 2008 ozone NAAQS. New Castle County was designated as part of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2008 ozone NAAQS nonattainment area, which includes the following counties: New Castle in Delaware; Cecil in Maryland; Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem in New Jersey; and Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania. 40 CFR 81.308, 81.321, 81.331, and 81.339. Sussex County was designated marginal nonattainment as the Seaford 2008 ozone NAAQS nonattainment area, which includes only Sussex County. 40 CFR 81.308.

Section 182 of the CAA identifies plan submission requirements for ozone nonattainment areas. Specifically, section 182(a)(3)(B) requires that states develop and submit, as a revision to their SIP, rules which establish annual reporting requirements for certain stationary sources. Sources that are within ozone nonattainment areas must annually report the actual emissions of $NO_X$ and VOC to the state. However, states may waive this reporting requirement for classes or categories of stationary sources that emit under 25 tons per year (tpy) of $NO_X$ or VOC if the state provides an inventory of emissions from these classes or categories of sources as required by CAA sections 172 and 182. See CAA section 182(a)(3)(B)(ii).

On March 6, 2015, EPA issued a final rule addressing a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including the emissions statements requirement of CAA section 182(a)(3)(B) (2015 final rule). 80 FR 12264. Per the preamble to EPA's 2015 final rule, the source emissions statements requirement applies to all areas designated nonattainment for the 2008 ozone NAAQS. See 80 FR 12264, 12291. The preamble to EPA's 2015 final rule also states that most areas that are required to have an emissions statements program for the 2008 ozone NAAQS already have a program in place due to a nonattainment designation for an earlier ozone NAAQS. Id. The preamble to EPA's 2015 final rule states that, ''If an area has a previously approved emissions statement rule in force for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS.'' Id. In cases where an existing emissions statements rule is still adequate to meet the emissions statements requirement under the 2008 ozone NAAQS, states may provide the rationale for that determination to EPA in a written statement for approval in the SIP to meet the requirements of CAA section 182(a)(3)(B). Id. In this statement, states should identify how the emissions statements requirement of CAA section 182(a)(3)(B) are met by their existing emissions statement rule. Id.

In summary, Delaware is required to submit, as a formal revision to its SIP, a statement certifying that Delaware's existing emissions statements program satisfies the requirements of CAA section 182(a)(3)(B) and covers Delaware's portions of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2008 ozone NAAQS nonattainment area (*i.e.* New Castle County) and the Seaford 2008 ozone NAAQS nonattainment area (*i.e.* Sussex County).

## II. Summary of SIP Revision and EPA Analysis

On June 29, 2018, the State of Delaware, through the Delaware Department of Natural Resources and Environmental Control (DNREC), submitted, as a formal revision to its SIP, a statement certifying that Delaware's existing SIP-approved emissions statements program under 7 DE Administrative Code 1117 Section 7.0 satisfies the emissions statements requirement for the 2008 ozone NAAQS.

On April 9, 2019 (84 FR 14075), EPA published a notice of proposed rulemaking (NPRM) for the State of Delaware. In the NPRM, EPA proposed to approve, as a SIP revision, Delaware's June 29, 2018 emissions statements certification as satisfying the requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. The rationale for EPA's proposed action can be found in the April 9, 2019 NPRM and will not be restated here.

## III. Public Comments and EPA Response

EPA received comments on the April 9, 2019 NPRM from three anonymous commenters. EPA received a comment on April 11, 2019 that was supportive of EPA's proposed action; EPA is not responding to that comment. The other two comments and EPA's responses are discussed below. The comments EPA received are included in the docket for this action, available online at *www.regulations.gov,* Docket ID: EPA–R03–OAR–2018–0825.

*Commenter 1:* On April 9, 2019, EPA received an anonymous comment on the NPRM. The commenter emphasizes the importance of emissions reporting of $NO_X$ and VOC in ozone nonattainment areas. The commenter expresses concern regarding states' ability to waive the emissions reporting requirement ''if they emit under 25 tons per year of $NO_X$ and/or VOC.'' The commenter states that the purpose of emissions reporting is to understand the total amount of emissions in a state ''no matter how little they emit'' and suggests that this would assist with the identification and resolution of air quality problems. The commenter also expresses concern that if a state has waived the emissions statements requirements and emissions in a state are low at the beginning of the year and

then increase, it would take a year to identify the increase in emissions which may delay potential actions by EPA.

*EPA Response:* Section 182(a)(3)(B)(ii) of the CAA permits states to waive the emissions statements requirement of CAA section 183(a)(3)(B)(i) for any class or category of stationary sources which emit less than 25 tpy of $NO_X$ or VOC if the state provides an inventory of emissions from these classes or categories of sources as required by CAA sections 172 and 182. As discussed in the NPRM, Section 7.1 of Delaware's emissions statements provisions under 7 DE Administrative Code 1117 Section 7.0 states that Delaware may, with EPA approval, ''waive the emissions statements requirements for classes or categories of stationary sources with facility-wide actual emissions of less than 25 tpy of $NO_X$ or VOCs if the class or category is included in the base year and periodic ozone SIP emission inventories, and the actual emissions were calculated using EPA-approved emission factors or other methods acceptable to the EPA.'' This is consistent with CAA section 182(a)(3)(B)(ii) and is more stringent than the requirements of the CAA as it requires EPA approval to waive the emissions statements requirement. Therefore, EPA continues to find that Delaware's emissions statements provisions under 7 DE Administrative Code 1117 Section 7.0 meet the requirements of CAA section 182(a)(3)(B)(ii) for the 2008 ozone NAAQS.

In addition, EPA disagrees with the commenter that permitting states to waive the emissions statements requirement for classes or categories of sources that emit less than 25 tpy of $NO_X$ or VOC will prevent EPA from obtaining data regarding a state's total emissions of $NO_X$ and VOC or delay EPA in identifying increases in emissions. As stated previously, states are required by CAA section 182(a)(3)(B) to have an emissions reporting program (also referred to as an ''emissions statements'' program) requiring sources located in ozone nonattainment areas that emit 25 tpy or more of $NO_X$ or VOC to annually report actual emissions to the State (emphasis added). The emissions statements requirement of CAA section 182(a)(3)(B) is separate from the requirements for the state to submit emissions data to EPA. States are required to submit emissions data to EPA under the Air Emissions Reporting Rule (AERR). 40 CFR, part 51, subpart A.[1] The AERR requires states to submit to EPA complete and comprehensive data on emissions from certain point, nonpoint, onroad, and nonroad sources triennially. In addition, the AERR requires annual reporting for larger, Type A, point sources.[2] Pursuant to 40 CFR 51.20, all anthropogenic stationary sources must be included in the emission inventory as either point or nonpoint sources; if a facility's emissions are too low to be considered a ''point source'', the emissions must be reported as nonpoint sources.[3] Therefore, the AERR provides for the reporting of complete and comprehensive data on a state's total emissions of $NO_X$ and VOC by the state to EPA. While states may use data submitted by sources through their emissions statements program to satisfy the AERR, the AERR is separate from the emissions statements requirement of CAA section 182(a)(3)(B). Therefore, the waiving of a class or category of source from a state's emissions statements program does not affect the state's obligation to report emissions from these sources to EPA under the AERR.

In addition, pursuant to CAA section 182(a)(3)(B)(ii), states may only waive the emissions statements requirement for any class or category of sources that emit less than 25 tpy of $NO_X$ or VOC if the state includes that class or category of sources in the base year and periodic inventories required by CAA section 172(c)(3), 182(a)(1), and 182(a)(3)(A) and emissions are calculated using emission factors established by EPA or other methods acceptable to EPA (emphasis added).[4] EPA uses the emissions data submitted by the states under the AERR to build the National Emissions Inventory (NEI), which in turn may be used by the states for their base year and periodic emission inventories.[5] A state's waiver of the emissions statements requirement for a class or category of sources that emit less than 25 tpy of $NO_X$ or VOC does not waive the requirement for the sources to be captured in the state's emissions inventory. Sources will be captured as either point or nonpoint sources in the emission inventories regardless of whether a state has waived them from their emissions statements program. Therefore, EPA will still have comprehensive data on emissions in a state that meets the emissions inventory requirements of the CAA. Regarding the concern about data not being submitted regularly enough, CAA section 182(a)(3)(B) only requires that ''[s]ubsequent statements shall be submitted at least every year thereafter.'' Therefore, Delaware's requirement for sources to submit emissions statements annually complies with the requirements of the CAA.

*Commenter 2:* EPA received an anonymous comment on April 19, 2019 inquiring how EPA's proposed action in the April 9, 2019 NPRM will affect corporations incorporated in Delaware and if these corporations will be required to change their business practices as a result of this rulemaking.

*EPA Response:* EPA's approval of Delaware's emissions statements certification for the 2008 ozone NAAQS will not change the existing emission statement requirements for corporations incorporated in Delaware. EPA's April 9, 2019 NPRM proposed to approve, as a SIP revision, Delaware's certification that the State's existing, SIP-approved emissions statements provisions under 7 DE Administrative Code 1117 Section 7.0 continue to satisfy the emissions statements requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. Delaware's existing emissions statements provisions were first approved by EPA into the Delaware SIP on April 29, 1996 (61 FR 7415) for a previous NAAQS and are therefore already effective. EPA's NPRM only proposed to find that these existing, unchanged provisions continue to satisfy the requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. Because Delaware's emissions statement requirements are unchanged, this SIP approval will not add any additional requirements for sources in Delaware. Therefore, EPA's approval of Delaware's emissions statements certification for the 2008 ozone NAAQS will not change the previously applicable emissions statement requirements for emission sources located in Delaware and therefore will not likely cause sources in Delaware to change their business practices. To the extent that the commenter is asking whether

[1] For more information on the AERR, see ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' May 2017, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2018–0825.

[2] The emission thresholds by pollutant for treatment of point sources can be found in Table 1 of Appendix A of the AERR at 40 CFR, part 51, subpart A.

[3] Pursuant to 40 CFR 51.15(b), sources on tribal lands are excluded from the AERR.

[4] See ''Draft Guidance on the Implementation of an Emission Statement Program'', July 1992, included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: EPA–R03–OAR–2018–0825.

[5] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

companies incorporated in Delaware but with facilities outside of Delaware that emit $NO_X$ or VOC will be affected by Delaware's emission statement regulation, the answer is no. Sources outside of Delaware will be required to report their emissions of $NO_X$ and VOC according to the regulations of the state in which that source is located.

## IV. Final Action

EPA is approving, as a SIP revision, the State of Delaware's June 29, 2018 emissions statements certification for the 2008 ozone NAAQS as approvable under CAA section 182(a)(3)(B). Delaware's emissions statements certification certifies that Delaware's existing SIP-approved emissions statements program under 7 DE Administrative Code 1117 Section 7.0 satisfies the requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS.

## V. Statutory and Executive Order Reviews

### *A. General Requirements*

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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### *B. Submission to Congress and the Comptroller General*

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).

### *C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 3, 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 approving Delaware's emissions statements certification for the 2008 ozone NAAQS 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 24, 2019.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

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.*

## Subpart I— Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding the entry ''Emissions Statements Rule Certification for the 2008 Ozone NAAQS'' at the end of the table to read as follows:

### § 52.420 Identification of plan.

* * * * *

(e) * * *

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| * | * * | * | * | * * |
| Emissions Statements Rule Certification for the 2008 Ozone NAAQS. | Delaware's portions of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 2008 ozone NAAQS nonattainment area (i.e. New Castle County) and the Seaford 2008 ozone NAAQS nonattainment area (i.e. Sussex County). | 06/29/2018 | 07/05/2019, [Insert **Federal Register** citation]. | Certification that Delaware's SIP-approved regulations under 7 DE Administrative Code 1117 Section 7.0 Emission Statement meet the emissions statements requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. |

[FR Doc. 2019–14360 Filed 7–3–19; 8:45 am]
**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R03–OAR–2018–0754; FRL–9995–97-Region 3]**

## Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nonattainment New Source Review Requirements for 2008 8-Hour Ozone Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the District of Columbia (the District). The revision is in response to EPA's February 3, 2017 Findings of Failure to Submit for various requirements relating to the 2008 8-hour ozone national ambient air quality standards (NAAQS). This SIP revision is specific to nonattainment new source review (NNSR) requirements. This action is being taken under the Clean Air Act (CAA).

**DATES:** This final rule is effective on August 5, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0754. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Johansen, Permits Branch (3AD10), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2156. Ms. Johansen can also be reached via electronic mail at *johansen.amy@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

On March 19, 2019 (84 FR 9995), EPA published a notice of proposed rulemaking (NPRM) for the District. In the NPRM, EPA proposed approval of the District's NNSR Certification for the 2008 8-hour ozone NAAQS. The formal SIP revision was submitted by the District on May 23, 2018. This SIP revision was in response to EPA's final 2008 8-hour ozone NAAQS Findings of Failure to Submit for NNSR requirements. See 82 FR 9158 (February 3, 2017). Specifically, the District certified that its existing NNSR program, covering the District portion of the Washington, DC-MD-VA Nonattainment Area (Washington Area) for the 2008 8-hour ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165, as amended by the final rule titled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule), for ozone and its precursors.[1] [2] See 80 FR 12264 (March 6, 2015).

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). See 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR 50.15, the 2008 8-hour ozone NAAQS is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.075 ppm.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Washington Area was classified as marginal nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. See 77 FR 30088. On March 6, 2015, EPA issued the final SIP Requirements Rule, which establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS. See 80 FR 12264. Areas that were designated as marginal ozone nonattainment areas were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. See 40 CFR 51.1103. The Washington Area did not attain the 2008 8-hour ozone NAAQS by July 20, 2015; however, the area did meet the CAA section 181(a)(5) criteria, as interpreted in 40 CFR 51.1107, for a one-year attainment date extension. See 81 FR 26697 (May 4, 2016). Therefore, on April 11, 2016, the EPA Administrator signed a final rule extending the Washington Area 8-hour

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 8-hour ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court or Court) issued an opinion on the EPA's SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 882 F.3d 1138, 2018 U.S. App. LEXIS 3636 (DC Cir. February 16, 2018). The D.C. Cir. Court found certain provisions from the SIP Requirements Rule to be inconsistent with the statute or unreasonable and vacated those provisions. Id. The Court found other parts of the SIP Requirements Rule reasonable and denied the petition for appeal on those provisions. Id.

ozone NAAQS attainment date from July 20, 2015 to July 20, 2016. Id.[3]

Based on initial nonattainment designations for the 2008 8-hour ozone NAAQS, as well as the March 6, 2015 final SIP Requirements Rule, the District was required to develop a SIP revision addressing certain CAA requirements for the Washington Area, and submit to EPA a NNSR Certification SIP or SIP revision no later than 36 months after the effective date of area designations for the 2008 8-hour ozone NAAQS (*i.e.,* July 20, 2015).[4] See 80 FR 12264 (March 6, 2015). EPA is approving the District's May 23, 2018 NNSR Certification SIP revision for the 2008 8-hour ozone NAAQS.

## II. Summary of SIP Revision and EPA Analysis

This rulemaking action is specific to the District's NNSR requirements. NNSR is a preconstruction review permit program that applies to new major stationary sources or major modifications at existing sources located in a nonattainment area. The specific NNSR requirements for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.160 through 165.

The District's SIP approved NNSR program, established in Chapters 1 (*Air Quality-General Rules*) and 2 (*Air Quality—General and Nonattainment Area Permits*) in Title 20 of the District of Columbia Municipal Regulations (DCMR), apply to the construction and modification of major stationary sources in nonattainment areas. In its May 23, 2018 SIP revision, the District certified that the versions of 20 DCMR Chapters 1 and 2 approved in the SIP are at least as stringent as the Federal NNSR requirements for the Washington Area.

In addition, on February 3, 2017, EPA found that 15 states and the District failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 8-hour ozone NAAQS that apply to nonattainment areas and/or states in the OTR. See 82 FR 9158. As explained in that rulemaking action, consistent with the CAA and EPA regulations, these Findings of Failure to Submit established certain deadlines for the imposition of sanctions, if a state does not submit a timely SIP revision addressing the requirements for which the finding is being made, and for the EPA to promulgate a Federal implementation plan (FIP) to address any outstanding SIP requirements.

EPA found, inter alia, that the District failed to submit SIP revisions in a timely manner to satisfy NNSR requirements for the Washington Area. The District submitted its May 23, 2018 SIP revision to address the specific NNSR requirements for the 2008 8-hour ozone NAAQS, located in 40 CFR 51.160 through 165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS and the Findings of Failure to Submit was discussed in the NPRM and will not be restated here.

## III. Public Comments and EPA Response

EPA received one set of relevant comments on the March 19, 2019 NPRM. A summary of the comments and EPA's responses are discussed in this Section. A copy of the comments can be found in the docket for this rulemaking action.

*Comment:* The commenter affirms that under the CAA the EPA sets NAAQS for six criteria pollutants and after each NAAQS is set, states throughout the United States are required to develop reduction strategies, plans, and programs in order to attain those NAAQS. Further, the commenter notes that in 2008 EPA revised the 8-hour ozone NAAQS to 0.075 parts per million, which is attained when the three-year average of the annual fourth-highest daily maximum average is less than 0.075 ppm. The commenter asserts there is evidence to show that there is a relationship between ozone exposure and a number of lung and heart related diseases in children and adults, which in some cases increases visits to the Emergency Department (ED). Lastly, the commenter notes that ozone impacts human health and, if EPA approves the District's SIP, it is going against EPA's missions to protect human and environmental health.

*EPA Response:* While not the subject of this rulemaking action, EPA thanks the commenter for their comments and agrees with the commenter's assertions, as it relates to setting the NAAQS and the impacts ozone can have on our health and the environment. In order to protect human health and welfare, the CAA requires EPA to establish NAAQS for certain common and widespread pollutants based on the latest science. Sections 108 and 109 of the CAA govern the establishment, review and revision, as appropriate, of the NAAQS for each of the six common criteria air pollutants: Ground-level ozone, particulate matter, carbon monoxide, lead, sulfur dioxide, and nitrogen dioxide. The CAA requires periodic review of the science upon which the standards are based and the standards themselves.

EPA concurs that ozone pollution can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Which may in turn, increase emergency room visits and days absent from school and work. Specific to the 2008 8-hour ozone NAAQS, EPA looked at many epidemiological studies to determine ozone's effect on the population.[5]

Upon EPA's comprehensive review of the ozone NAAQS, the 2008 8-hour ozone standard in this instance, EPA issued its final action to revise the NAAQS for ozone to establish new 8-hour standards. See 73 FR 16436 (March 27, 2008). In that action, the EPA promulgated identical revised primary (health-based) and secondary (welfare-based) ozone standards, designed to protect public health and welfare, of 0.075 parts per million (ppm).[6] Those standards are met when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm. See 40 CFR 50.15.

As discussed in the NPRM, promulgation of a revised NAAQS triggers a requirement for the EPA to designate areas of the country as nonattainment, attainment, or unclassifiable for the standards; for ozone NAAQS, this also involves classifying any nonattainment areas at the time of designation. See CAA sections 107(d)(1) and 181(a)(1). Ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's ''design value,'' which represents air quality in the area for the most recent three years).

[3] EPA approved a Determination of Attainment (DOA) for the 2008 8-hour ozone NAAQS for the Washington Area. This action was based on complete, certified, and quality assured ambient air quality monitoring data for the 2013–2015 monitoring period. See 82 FR 52651 (November 14, 2017). It should be noted that a DOA does not alleviate the need for the District to certify that its existing SIP approved NNSR program is as stringent as the requirements at 40 CFR 51.165, as NNSR applies in nonattainment areas until an area has been redesignated to attainment.

[4] Neither the District's obligation to submit the NNSR Certification SIP nor the requirements governing that submission were affected by the D.C. Circuit's February 16, 2018 decision on portions of the SIP Requirements Rule in *South Coast Air Quality Mgmt. Dist.* v. *EPA.*

[5] For more specifics on EPA's review of the health effects considered, see: U.S. Environmental Protection Agency, March 2008. Final Ozone NAAQS Regulatory Impact Analysis. EPA–452/R–08–003. *https://www3.epa.gov/ttn/ecas/docs/ria/naaqs-o3_ria_final_2008-03.pdf.*

[6] Since the 2008 primary and secondary NAAQS for ozone are identical, for convenience, we refer to both as ''the 2008 ozone NAAQS'' or ''the 2008 ozone standard.''

The possible classifications for ozone nonattainment areas are marginal, moderate, serious, severe, and extreme. See CAA section 181(a)(1). Nonattainment areas with a ''lower'' classification have ozone levels that are closer to the standard than areas with a ''higher'' classification.[7] On May 21, 2012 and June 11, 2012, the EPA issued rules designating 46 areas throughout the country as nonattainment for the 2008 ozone NAAQS, effective July 20, 2012, and establishing classifications for the designated nonattainment areas.[8] As noted previously, the Washington Area was designated as marginal for the 2008 8-hour ozone standard. Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment area planning requirements of CAA section 172 and also to the ozone-specific planning requirements of CAA section 182. States in the OTR are additionally subject to the requirements outlined in CAA section 184. Ozone nonattainment areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. For a marginal area, a state is required to submit a baseline emissions inventory and adopt a SIP requiring emissions statements from stationary sources and implementing a NNSR program for the relevant ozone standard. See CAA section 182(a). For a moderate area, a state needs to comply with the marginal area requirements, plus additional requirements, including the requirement to submit a demonstration that the area will attain in six years, the requirement to adopt and implement certain emissions controls, such as Reasonably Available Control Technology (RACT), and the requirement for greater emissions offsets for new or modified major stationary sources under the state's NNSR program. For each higher ozone nonattainment classification, a state needs to comply with all lower area classification requirements, plus additional emissions controls and more expansive NNSR offset requirements.

The CAA sets out specific requirements for states in the OTR.[9] Upon promulgation of the 2008 ozone NAAQS, states in the OTR were required to submit a SIP revision for RACT. See 40 CFR 51.1116. As noted in the March 19, 2019 NPRM, this requirement is the only recurring obligation for an OTR state upon revision of a NAAQS, unless that state also contains some portion of a nonattainment area for the revised NAAQS. In that case, the nonattainment requirements described above also apply to those portions of that state.

On March 6, 2015, the EPA established a final implementation rule for the 2008 ozone SIP Requirements Rule. See 80 FR 12264. The purpose of that action was to detail the requirements applicable to ozone nonattainment areas, as well as requirements that apply in the OTR, and provide specific deadlines for SIP submittals.

EPA agrees with the commenter and has taken the appropriate steps to promulgate ozone NAAQS that are protective of human health and the environment, in addition to providing ozone nonattainment areas with their specific statutory obligations under the CAA. EPA disagrees with the commenter's assertion that by approving the District's 2008 8-hour ozone SIP revision certifying that its NNSR program is adequate, EPA is somehow going against its mission to protect human health and the environment. To the contrary, EPA has determined that the District is meeting their statutory obligations relating to NNSR permitting as needed to work towards attaining and maintaining the 2008 8-hour ozone NAAQS, as required by the CAA and the final SIP Requirements Rule.

*Comment:* The commenter states that in 2012, the Washington Area was in nonattainment and, subsequently in 2015 EPA issued a rule requiring state, local, and tribal air quality management agencies to create plans and programs to reduce ozone pollution. The commenter notes that the Washington Area modified its SIP and that EPA should not approve the District's SIP (EPA assumes the commenter is referring to a revision to the District's SIP).

*EPA Response:* EPA agrees with the commenter's first point and notes that, as stated in the NPRM, the Washington Area was classified as marginal nonattainment for the 2008 8-hour ozone NAAQS on May 21, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. See 77 FR 30088.

As it relates to the commenter's second point, in EPA's March 19, 2019 NPRM and in the previous response to comment, EPA thoroughly discussed specific SIP requirements for the 2008 ozone NAAQS as set forth in the March 6, 2015 final SIP Requirements Rule and those specific requirements will not be restated here. See 84 FR 9995.

Lastly, it is unclear to EPA what SIP revision (or plan revision) the commenter is referring to and, therefore, EPA cannot offer a specific response, except to reaffirm that per the subject of this rulemaking action, EPA is finalizing its determination that the District's existing NNSR program for the 2008 8-hour ozone NAAQS is at least as stringent as the requirements at 40 CFR 51.165, as amended by the final SIP Requirements Rule, for ozone and its precursors. See 80 FR 12264 (March 6, 2015).

*Comment:* The commenter emphasized that the District's SIP states that because the District is in the OTR, they do not need to meet the NAAQS requirements. The commenter then notes that because they are in the OTR, they are only required to meet the threshold under the Federal OTR requirements.

*EPA Response:* EPA believes the commenter misunderstood the statement being made in the District's May 23, 2018 SIP revision. In EPA's March 19, 2019 NPRM, there was a thorough discussion related to applicable OTR requirements and those specifics will not be restated here, except to note that the entire District is currently designated as nonattainment for the 2008 8-hour ozone NAAQS. See ''Summary of SIP Revision and EPA Analysis'' in 84 FR 9995. Therefore, OTR emissions threshold requirements would not apply, but NNSR emissions thresholds (and all other NNSR requirements) continue to apply. See 40 CFR 51.165(a)(1)(iv)(A)(1). If EPA redesignates the Washington Area to attainment for the 2008 8-hour ozone NAAQS, at that time NNSR would no longer apply, but the Federal prevention of significant deterioration (PSD) and Federal OTR requirements (*i.e.,* emissions thresholds and other applicable requirements) would apply to major sources in the District.

*Comment:* The commenter asserts that despite the District never being classified as extreme nonattainment for ozone, the District should do a full review of their regulations.

*EPA Response:* EPA agrees with the commenter's first point and the District's own assertion in its May 23, 2018 SIP revision. The District has never been classified as extreme nonattainment for an ozone NAAQS. Regarding the statement that the District should do a full review of its regulations, that comment is outside the scope of this action. This specific

[7] See 40 CFR 51.1103 for the design value thresholds for each classification for the 2008 ozone NAAQS.

[8] 77 FR 30088 (May 21, 2012) and 77 FR 34221 (June 11, 2012).

[9] CAA section 184 details specific requirements for a group of states (and the District of Columbia) that make up the OTR. States in the OTR are required to submit RACT SIP revisions and mandate a certain level of emissions control for the pollutants that form ozone, even if the areas in the state meet the ozone standards.

rulemaking action is focused on NNSR requirements that apply to the nonattainment area and the District's SIP approved NNSR program, established in Chapters 1 (*Air Quality-General Rules*) and 2 (*Air Quality—General and Nonattainment Area Permits*) in Title 20 of the District of Columbia Municipal Regulations (DCMR). The District evaluated the necessary regulations for this rulemaking action and certified in its May 23, 2018 SIP revision that its existing Federally-approved NNSR program is at least as stringent as the Federal NNSR requirements found at 40 CFR 51.165, and based on EPA's analysis of that SIP revision, EPA agrees with the District and is moving forward to approve this rulemaking action.

*Comment:* The commenter makes a claim that in 2017, the Director of the District's Department of Energy and Environment (DOEE) claimed to be close to achieving the NAAQS standard for ozone, which has yet to happen.

*EPA Response:* While EPA cannot speak to specific statements made by the Director of DOEE, nor are those alleged statements the subject of this rulemaking action, EPA can identify its approval of a Determination of Attainment (DOA) for the 2008 8-hour ozone NAAQS for the Washington Area. That action was based on complete, certified, and quality assured ambient air quality monitoring data for the 2013–2015 monitoring period. See 82 FR 52651 (November 14, 2017). It should be noted that a DOA does not alleviate the need for the District to certify that its existing SIP approved NNSR program is as stringent as the requirements at 40 CFR 51.165, as NNSR applies in nonattainment areas until an area has been redesignated to attainment.

In addition, on March 12, 2018, the District submitted to EPA for its approval, a redesignation request and maintenance plan for the 2008 8-hour ozone NAAQS. EPA has already acted on the District's maintenance plan portion of that March 12, 2018 SIP submittal and proposed approval of the District's redesignation request on May 21, 2019. See 84 FR 15108 (April 15, 2019) and 84 FR 22996, respectively.

*Comment:* The commenter makes a statement that the District has not submitted a SIP which includes regional planning, an emissions inventory, sources of haze-causing pollutants and a long-term strategy since 2010 and that this report should be updated, because the District is still in nonattainment for ozone. The commenter further asserts that EPA should not approve the District's SIP, because the District is not in attainment for ozone. The commenter believes that the District should be required to submit a full revision of its 2010 SIP and include an emissions inventory and a long-term strategy at the very least.

*EPA Response:* It is unclear what ''full revision of the 2010 SIP'' the commenter is referencing, but to the extent the commenter is referring to a previously approved DOA and Clean Data Determination (CDD) for the 1997 8-hour Moderate Ozone Nonattainment Area, it is not the subject of this rulemaking action. See 77 FR 11739 (February 28, 2012). EPA received the District's SIP revision for that rulemaking action on June 15, 2010 and finalized the rulemaking in 2012.[10]

The commenter also suggests that the District should be required to submit a full revision of its 2010 SIP, with an emissions inventory and long-tern strategy at the very least. This comment is not germane to this rulemaking action, which is focused on the District's NNSR program. The applicable CAA requirements for the District were clearly articulated in the March 19, 2019 NPRM for this action and will not be restated here.

Finally, EPA disagrees with the commenter's statement that because the District is still in nonattainment, this SIP revision should not be approved. This SIP revision addressing NNSR requirements was submitted because the District was designated nonattainment for the 2008 8-hour ozone NAAQS. The SIP revision is an applicable requirement under the CAA for nonattainment areas and the District's SIP meets the applicable CAA standards; therefore, EPA is approving the SIP revision as required under CAA section 110(k)(3).

## IV. Final Action

EPA is approving the District's May 23, 2018 SIP revision addressing the NNSR requirements for the 2008 ozone NAAQS for the Washington Area. EPA has concluded that the District's submission fulfills the 40 CFR 51.1114 revisions requirement, meets the requirements of CAA section 110 and 172 and the minimum SIP requirements of 40 CFR 51.165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit. See 82 FR 9158.

## V. Statutory and Executive Order Reviews

### *A. General Requirements*

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).

[10] The commenter makes a statement with respect to ''haze-causing pollutants'' and while not the subject of this rulemaking, EPA wants to confirm that the District has met and continues to meet their statutory obligations found at 40 CFR 51.308, as it relates to regional haze. The latest regional haze approvals for the District are as follows: Regional Haze Five-Year Progress Report, See 82 FR 37305 (August 10, 2017) and Regional Haze SIP (1st Planning Period), See 77 FR 5191 (Februaury 2, 2012).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*B. Submission to Congress and the Comptroller General*

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).

*C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 3, 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 pertaining to the District's NNSR program and the 2008 8-hour ozone NAAQS 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 21, 2019.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

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.*

### Subpart J—District of Columbia

■ 2. In § 52.470, the table in paragraph (e) is amended by adding the entry ''2008 8-Hour Ozone Certification for Nonattainment New Source Review (NNSR)'' at the end of the table to read as follows:

**§ 52.470 Identification of plan.**

* * * * *

(e)* * *

| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|---|---|---|---|---|
| * | * | * | * | * |
| 2008 8-Hour Ozone Certification for Nonattainment New Source Review (NNSR). | The District of Columbia ... | 05/23/2018 | 07/05/2019, Insert **Federal Register** citation]. | |

[FR Doc. 2019–14144 Filed 7–3–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R03–OAR–2019–0144; FRL–9996–04–Region 3]**

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Allegheny County Requirements Applicable to Gasoline Volatility in the Allegheny County Portion of the Pittsburgh-Beaver Valley Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania, on behalf of the Allegheny County Health Department (ACHD). The Pennsylvania Department of Environmental Protection (PADEP) submitted a SIP revision on March 19, 2019 seeking to remove from the Pennsylvania SIP an Allegheny County requirement limiting summertime gasoline volatility in Allegheny County to 7.8 pounds per square inch (psi) Reid Vapor Pressure (RVP). The original purpose of that gasoline requirement was to address nonattainment under the 1-hour ozone national ambient air quality standard (NAAQS) in the Pittsburgh-Beaver Valley ozone nonattainment area (hereafter Pittsburgh-Beaver Valley Area). EPA acted in December 2018 to remove similar 7.8 psi RVP requirements that applied to the entire Pittsburgh-Beaver Valley Area, as the requirements are no longer needed to address nonattainment in the area and have been supplanted by other emissions control measures. This action serves to remove the separate comparable requirement in the Pennsylvania SIP that applies only to Allegheny County. The approval of this SIP revision is supported by the demonstration prepared by Pennsylvania in support of the earlier SIP revision. That demonstration shows that, pursuant to the Clean Air Act (CAA), removal of the 7.8 psi RVP requirements from the SIP will not interfere with the area's ability to attain or maintain any NAAQS, nor will it be inconsistent with any other CAA requirements. EPA is approving this revision to remove the ACHD requirements for use of 7.8 psi RVP gasoline in summer months from the Pennsylvania SIP, in accordance with the requirements of the CAA.

**DATES:** This final rule is effective on July 5, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2019–0144. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Brian Rehn, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2176. Mr. Rehn can also be reached via electronic mail at *rehn.brian@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

On April 26, 2019 (84 FR 17762), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania proposing to approve its revision to remove from the Pennsylvania SIP the ACHD requirements for use of 7.8 psi RVP gasoline during summer months in Allegheny County, Pennsylvania. The formal SIP revision requesting this removal of the ACHD summertime low RVP program for the Pittsburgh-Beaver Valley Area was submitted by PADEP, on Allegheny County's behalf, on March 19, 2019. In the NPRM, EPA proposed to approve Pennsylvania's request to remove the 7.8 psi RVP summertime gasoline requirement in Allegheny County from the Pennsylvania SIP.

EPA received several adverse comments on the April 26, 2019 proposed rulemaking. EPA has addressed the public comments received on this action below, in Section IV of this preamble. EPA is finalizing approval of Pennsylvania's request to remove the ACHD 7.8 psi RVP summer gasoline requirements applicable to Allegheny County from the SIP and has concluded that doing so does not interfere with the Pittsburgh-Beaver Valley Area's ability to attain or maintain any NAAQS under section 110(*l*) of the CAA.

## II. Summary of the Pennsylvania SIP Revision

### *A. Pennsylvania's Gasoline Volatility Requirements for the Pittsburgh-Beaver Valley Area*

On November 6, 1991, EPA designated and classified the Pittsburgh-Beaver Valley Area as moderate nonattainment for the 1979 1-hour ozone NAAQS. As part of Pennsylvania's efforts to bring the Pittsburgh-Beaver Valley Area into attainment of the then applicable ozone NAAQS, the PADEP and ACHD responded by adopting a range of ozone precursor emission control measures for the area—including adoption of separate state and Allegheny County rules to limit summertime gasoline volatility to 7.8 psi RVP. While Pennsylvania's RVP control rule applied to the entire Pittsburgh-Beaver Valley Area—Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties—ACHD adopted a substantially similar rule applicable only in Allegheny County.

Each of these overlapping RVP control rules was separately submitted to EPA for inclusion in the Pennsylvania SIP. PADEP promulgated its rule applicable to the entire Pittsburgh-Beaver Valley Area in the November 1, 1997 *Pennsylvania Bulletin* (27 Pa.B. 5601, effective November 1, 1997), codifying its rule at Subchapter C of Chapter 126 of the Pennsylvania Code of Regulations (25 Pa. Code Chapter 126, Subchapter C). Pennsylvania first submitted that rule for inclusion in the Pennsylvania SIP on April 17, 1998, which EPA approved on June 8, 1998 (63 FR 31116). The ACHD initially adopted its own substantially similar summertime gasoline 7.8 psi RVP rule (applicable only to Allegheny County) via Allegheny County Order No. 16782, Article XXI, sections 2102.40, 2105.90, and 2107.15 (effective May 15, 1998, amended August 12, 1999). On March 23, 2000, PADEP submitted this ACHD rule to EPA for incorporation into the Pennsylvania SIP, which EPA approved on April 17, 2001 (66 FR 19724), effective June 18, 2001.

### *B. PADEP and ACHD Actions To Suspend Low RVP Gasoline Requirements*

In the 2013 through 2014 session, the Pennsylvania General Assembly passed, and Governor Corbett signed into law, Act 50 (Pub. L. 674, No. 50 of May 14, 2014). Act 50 amended the Pennsylvania Air Pollution Control Act, directing PADEP to initiate a process to obtain approval from EPA of a SIP revision that demonstrates continued compliance with the NAAQS, through utilization of substitute, commensurate emissions reductions to offset the emissions reduction impact associated with repeal of the Pittsburgh-Beaver Valley Area 7.8 RVP gasoline requirement. Act 50 directs PADEP to repeal, upon EPA approval of its NAAQS noninterference demonstration, the summertime gasoline RVP limit provisions of 25 Pa. Code Chapter 126, Subchapter C.

On May 2, 2018, PADEP submitted a SIP revision to EPA requesting removal from the Pennsylvania SIP of the state requirements of Chapter 126, Subchapter C of the Pennsylvania Code, based upon a demonstration that the repeal of the RVP requirements rule (coupled with other ozone precursor emission reduction measures) would not interfere with the Pittsburgh-Beaver Valley Area's attainment of any NAAQS, per the requirements for noninterference set forth in section 110(*l*) of the CAA. Section 110(*l*) prohibits EPA from approving a SIP revision if the revision ''would interfere with any applicable requirement concerning attainment and reasonable further progress . . . or any other applicable requirement of [the Act.]''

On December 20, 2018 (83 FR 65301), EPA approved Pennsylvania's May 2018 request to remove from the SIP PADEP's rules under 25 Pa. Code Chapter 126 requiring 7.8 psi RVP gasoline during summer months in the greater Pittsburgh-Beaver Valley Area. EPA's action also approved Pennsylvania's CAA 110(*l*) NAAQS noninterference demonstration showing that the emissions impact from repeal of the 7.8 psi gasoline volatility requirements in the entire Pittsburgh-Beaver Valley Area (including Allegheny County) is offset by means of substitution of commensurate emissions reductions from other measures enacted by Pennsylvania. Upon the effective date of EPA's December 2018 action, Allegheny County remained subject to ACHD's 7.8 psi RVP summer gasoline limits, while the remainder of the Pittsburgh-Beaver Valley Area became subject to Federal 9.0 RVP summer gasoline limits.

ACHD subsequently revised its own 7.8 psi RVP rule (codified at Article XXI, §§ 2105.90 and 2107.15 of the Rules and Regulations of the Allegheny County Health Department; amended February 21, 2019, effective March 3, 2019) to suspend applicability of ACHD's 7.8 psi RVP summer gasoline requirements. This ACHD Article XXI rule revision established its effective date as the date of EPA's removal of the revised Article XXI sections from the Allegheny County portion of the Pennsylvania SIP. On March 19, 2019, PADEP submitted this SIP revision (on behalf of ACHD) to EPA to request removal of the ACHD's RVP rule requirements from the Pennsylvania SIP. It is this March 2019 request to remove the ACHD RVP program requirements from the SIP that is the subject of EPA's current rulemaking action.

## III. EPA's Analysis of Pennsylvania's SIP Revision

### *A. Pennsylvania's Estimate of the Impacts of Removing the 7.8 psi RVP Requirement*

EPA's primary consideration for determining the approvability of Pennsylvania's request (on behalf of ACHD) to remove the County requirements for a gasoline volatility control program from its SIP is whether this requested action complies with section 110 of the CAA, and specifically with section 110(*l*), governing removal of an EPA-approved SIP requirement.[1] Section 110(*l*) of the CAA prohibits EPA from approving any SIP revision if such revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA. An earlier Pennsylvania SIP revision submitted to EPA on May 2, 2018 included a ''noninterference demonstration'' explaining how the removal of the 7.8 psi RVP requirement would not interfere with attaining or maintaining any NAAQS in the entire Pittsburgh-Beaver Valley Area, including Allegheny County.

EPA evaluates each section 110(*l*) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets CAA section 110(*l*) as applying to all NAAQS that are in effect, including those that have been promulgated, but for which EPA has not yet made designations. In evaluating whether a given SIP revision would interfere with attainment or maintenance, as required by CAA section 110(*l*), EPA generally considers whether the SIP revision will allow for an increase in actual emissions into the air over what is allowed under the existing EPA-approved SIP. In the absence of an attainment demonstration or maintenance plan that demonstrates removal of an emissions control measure will not interfere with any applicable NAAQS or requirement of the CAA under section 110(*l*), states may substitute equivalent emissions reductions to compensate for any change to a SIP-approved program, with the purpose of providing that the status quo air quality is preserved.

As discussed in the NPRM for this action, for removal of the Allegheny County low-RVP requirement from the SIP, PADEP and ACHD relied upon the existing CAA 110(*l*) noninterference demonstration that was prepared in support of PADEP's May 2, 2018 SIP revision approved by EPA in December 2018. Because EPA had already acted on that demonstration applicable to removal of 7.8 psi RVP gasoline in the entire Pittsburgh-Beaver Valley Area, EPA did not completely reconsider the content and findings of that demonstration with respect to removal in this action of ACHD's similar rule applicable only to Allegheny County. EPA's review of the Commonwealth's analysis is contained in the docket for EPA's prior action (published December 20, 2018 (83 FR 65301)) to remove the PADEP 7.8 psi RVP program from the Pittsburgh-Beaver Valley Area. Based on our review of the information provided, EPA found that PADEP used reasonable methods and the appropriate tools (*e.g.,* emissions estimation models, emissions factors, and other methodologies) in estimating the effect on emissions from removing the 7.8 psi RVP summertime gasoline program for the purpose of demonstrating noninterference with any NAAQS under CAA 110(*l*).

The result of the analysis was that with the substituted measures, the entire Pittsburgh-Beaver Valley Area will experience lower levels of ozone pollution precursors of volatile organic compounds (VOCs) and nitrogen oxides ($NO_X$), and of fine particulate matter smaller than 2.5 microns ($PM_{2.5}$), with the substitute measures in place than it would with continued operation of the 7.8 psi RVP program in the area. In reviewing ACHD's March 2019 submittal, EPA considered whether there was any new circumstances or information since the May 2018 demonstration submitted by PADEP that would cause EPA to reconsider whether the prior analysis was still valid. Neither EPA nor the commenters identified any such changes in circumstances which would invalidate the May 2018 demonstration analysis.

EPA concludes that the Commonwealth's May 2018 demonstration supporting removal of the PADEP low-RVP rule (which covered the entire Pittsburgh-Beaver Valley Area from the SIP, including Allegheny County) continues to show that removal of state and local 7.8 RVP gasoline requirements will not interfere with the attainment or maintenance of any NAAQS in the area. Thus, the removal of the 7.8 psi low RVP fuel program requirements in the Allegheny County portion of the Pittsburgh-Beaver Valley Area does not interfere with Pennsylvania's ability to demonstrate compliance with any NAAQS. Based on the May 2018 PADEP CAA 110(*l*) noninterference analysis approved by EPA and reevaluated by EPA in this action (which is included as a supporting element of the March 2019 SIP revision), EPA concludes that the current action to remove the 7.8 psi RVP fuel requirement in Allegheny County will not negatively impact the Pittsburgh-Beaver Valley Area's ability to attain or maintain any NAAQS or interfere with reasonable further progress or with any other CAA applicable requirement.

## IV. Response to Comments Received During the Public Comment Period on the NPRM

EPA received comments from six separate commenters on our April 26, 2019 (84 FR 17762) proposed action. One of these commenters was supportive of EPA's proposed action, while the rest opposed at least some aspects of our proposed rulemaking. EPA's summary of the significant adverse comments received during the public comment period for the proposed rulemaking and our responses to those comments are listed below.

*Comment 1:* (EPA–R03–OAR–2019–0144–0020) The commenter notes that EPA granted a federal ''preemption waiver'' under section 221 (sic) (Title II) of the CAA but does not explain why that waiver is now being revoked. The commenter contends that EPA is on a march to deregulate and remove CAA protections to make sure areas such as Pittsburgh don't (sic) violate Federal VOC and ozone standards. The commenter recommends that EPA disapprove the Commonwealth's request to remove the Allegheny County 7.8 psi RVP program from the SIP until the preemption waiver is resolved. The commenter suggests that if a preemption waiver is no longer warranted, EPA must formally remove the preemption waiver from the SIP before EPA can remove the County low-RVP gasoline program from the SIP.

*Response 1:* EPA believes the commenter is referring to exclusive federal control over the regulation of fuels and fuel additives granted by section 211 of the CAA. Specifically, CAA section 211(c)(4)(A) preempts state fuel controls that are different from federal fuel controls and provides exceptions to exclusive federal regulation that include a waiver of preemption. Under CAA section 211(c)(4)(A), states (or political subdivisions thereof) are generally prohibited from prescribing, for purposes of motor vehicle emission control, any control of a component of

[1] CAA section 193, with respect to removal of requirements in place prior to enactment of the 1990 CAA Amendments, is not relevant because Pennsylvania's RVP control requirements in Allegheny County (or even the entire Pittsburgh-Beaver Valley Area) were not included in the SIP prior to enactment of the 1990 CAA amendments.

a fuel or fuel additive for use in a motor vehicle engine. However, under CAA section 211(c)(4)(C), a state may regulate fuel or fuel additives if it adopts such a measure as part of a SIP, but EPA may only approve such a program into a SIP after finding that the state or local control is necessary to achieve a primary or secondary NAAQS and if there are no other measures that would bring about timely attainment. Section 211(c)(4)(C)(i). EPA waived preemption and approved the Commonwealth's SIP requiring use of 7.8 psi RVP gasoline during summer months in the Pittsburgh-Beaver Valley Area (including Allegheny County) in two separate SIP revisions in 1998 and 2001.[2] It is the 2001 SIP approval requiring the use of low-RVP fuel in the Allegheny County portion of the Pittsburgh-Beaver Valley Area that the County is now seeking to remove from the SIP. On April 26, 2019 (84 FR 17764), EPA proposed to approve the County request to remove the use of low-RVP fuel in the Allegheny County portion of the Pittsburgh-Beaver Valley Area from the SIP. As explained earlier, EPA approval of a state fuel measure entails the waiver of preemption contained in CAA 211(c)(4)(C)(i). Under this provision, EPA may approve state fuel controls in a SIP if EPA determines that the fuel control is necessary to achieve the NAAQS that the SIP implements.

In sum, the Agency is required to consider CAA section 211(c)(4)(C) requirements when approving a state or local fuel control program that would serve in lieu of the otherwise applicable Federal fuel control program. EPA can only waive preemption if the requirements of CAA section 211(c)(4)(C)(i) and (v) are met. Nothing in these provisions, however, preclude either a state or local government from subsequently removing an approved state fuel measure.[3] Thus, there is no requirement for a ''waiver'' to remove the 7.8 psi RVP requirement from either the Allegheny County portion or the Pennsylvania portion of the SIP. Instead, as shown in Section III of this rulemaking action, Allegheny County or Pennsylvania need only comply with CAA section 110(*l*) given that the removal of 7.8 psi RVP requirement entails a SIP revision. As previously explained, CAA section 110(*l*) prohibits EPA from approving any SIP revision if such revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA.

The 7.8 psi state and local rules were cited as control measures that contributed to ozone reduction in Pennsylvania's April 9, 2001 maintenance plan supporting the Commonwealth's request for redesignation to attainment of the 1979 1-hour ozone NAAQS, which EPA approved on October 19, 2001 (66 FR 53094). In that same final rule, EPA determined that the Pittsburgh-Beaver Valley Area had attained the 1-hour ozone NAAQS by its legal attainment deadline, based on three years of air quality data. On the basis of that determination, EPA found that an attainment demonstration (and other related requirements under Part D of Title I of the CAA) were not applicable requirements under the CAA for the Pittsburgh-Beaver Valley 1-hour ozone nonattainment area. The Commonwealth's reasonable further progress plan for the Pittsburgh-Beaver Valley Area was prepared prior to adoption of the 7.8 psi RVP rule, and therefore did not include reductions from that measure to demonstrate progress towards achievement of the NAAQS. Therefore, EPA believes the only requirement that must be satisfied prior to removing an EPA approved state or local fuel control measure are the provisions of CAA section 110 related to SIP actions—and specifically the required showing that EPA approval of a revision to the SIP does not interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment, or other applicable CAA requirement.

*Comment 2:* (EPA–R03–OAR–0144–0016) The commenter contends that in the proposed action, EPA certifies that the action does not have a significant economic impact on a substantial number of small entities, but that comments submitted by Sunoco LLC during the County's rule adoption asserted that the rule revision will ''have economic advantages to both citizens and businesses of the Pittsburgh-Beaver Valley area.'' The commenter asks how EPA can certify that the action has no significant economic impact if one of the nation's largest oil producers emphasized the economic savings and asks to see EPA's analysis showing that removal of the program does not significantly impact small entities.

*Response 2:* EPA does not agree that it is required to assess the economic impact of approving Allegheny County's request to remove the low-RVP gas requirement from the Allegheny County portion of the Pennsylvania SIP. As explained in the introductory sentences to the Statutory and Executive Order Reviews section of the NPRM:

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

84 FR 17762, 17767 (April 26, 2019).

EPA's approval of the State's request to remove from the SIP the requirement to use low-RVP gasoline in Allegheny County merely approves an enacted state law (ACHD's removal of the low-RVP requirement from Allegheny County's regulations) as meeting the Federal CAA requirements and does not impose any additional requirements beyond those already imposed by state law. For this reason, EPA's action in approving this SIP revision does not have a significant impact under the Regulatory Flexibility Act.

*Comment 3:* (EPA–R03–OAR–0144–0016) The commenter contends that EPA failed to require a noninterference demonstration for the revoked 1-hour ozone NAAQS. The commenter argues that PADEP's noninterference demonstration (prepared by PADEP as part of its April 2018 SIP revision, supporting removal of both State and County low-RVP gasoline rules from the SIP) contains photochemical grid modeling that addresses only the 2008 8-hour ozone NAAQS and not the prior, revoked 1-hour ozone NAAQS. The commenter argues that because the 1-hour ozone standard is based on a substantially different averaging time and exceedance framework than the 8-hour NAAQS, EPA must ensure that

[2] On June 8, 1998 (63 FR 31116), EPA approved a SIP revision (submitted December 3, 1997; as revised April 17, 1998) by PADEP to require the use of 7.8 psi RVP gasoline in summer months in the 7-county Pittsburgh-Beaver Valley 1-hour ozone nonattainment area. On April 17, 2001 (66 FR 19724), EPA approved a SIP revision (submitted March 23, 2000) by PADEP, on behalf of ACHD, to require the use of 7.8 psi RVP gasoline in summer months in the Allegheny County portion of the same 1-hour ozone nonattainment area. EPA's rationale for granting a federal preemption waiver under CAA 211(c)(4)(C) is explained in the June 8, 1998 final rule, with the same rationale serving as the basis for the April 17, 2001 final rule.

[3] *See* for *e.g.,* SIP revision for the removal of 7.0 psi RVP from the state of Alabama SIP. 77 FR 23619 (April 20, 2012).

removal of an area-wide requirement (low-RVP fuel) is protective, as EPA claims.

*Response 3:* The Commonwealth's CAA 110(*l*) demonstration focused on demonstrating that current air quality can be maintained for all NAAQS without continuation of the existing 7.8 psi RVP gasoline control measure. The basis for the Commonwealth's demonstration is through substitution of equivalent or greater reductions in primarily VOC and $NO_X$ emissions from other measures to offset the VOC and $NO_X$ reductions that would no longer be achieved upon removal of the 7.8 psi RVP gasoline control measure.

In evaluating whether a SIP revision would interfere with maintenance or attainment, EPA generally considers whether the SIP revision will allow for an increase in actual emissions into the air over what is allowed under the existing EPA-approved SIP. In assessing compliance with CAA section 110(*l*), EPA treats each submission as a unique case, reviewing and acting upon each one on a case-by-case basis through regional SIP action. However, EPA did broach the subject of compliance with CAA 110(*l*) noninterference in guidance prepared specifically for removal of another control measure, entitled ''*Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,*'' August 7, 2012 [EPA–457/B–12–001]. Therein, EPA stated that it could propose to approve a SIP revision that removes or modifies a control measure if there is a basis in the state's submittal for concluding that the SIP revision does not interfere with attainment or maintenance of any NAAQS or requirements related to reasonable further progress towards attainment of a NAAQS. Suggested methods listed in that guidance document for demonstrating noninterference include: (1) Substitution of new control measures that offset the reductions of the pollutants addressed by the prior plan; (2) offset of emissions due to excess emission reductions not accounted for in the current SIP; or (3) emissions increases that are shown not to interfere with attainment. Pennsylvania has demonstrated that the emission reductions achieved by the 7.8 low RVP gasoline program have been offset by emission reduction measures not previously quantified or claimed in the approved SIP, and EPA approved the Commonwealth's noninterference demonstration for the entire Pittsburgh-Beaver Valley Area as part of our December 20, 2018 final rule approving the Commonwealth's removal of the PADEP 7.8 psi low-RVP control measure from the SIP (a measure that applied to the 7-county Pittsburgh-Beaver Valley Area, including Allegheny County).

As the commenter noted, the 1-hour ozone NAAQS was revoked by EPA under the Agency's requirements for implementation of the 1997 ozone NAAQS. 40 CFR 50.9(b), 62 FR 38894 (July 18, 1997), 69 FR 23951, 23969 (April 30, 2004). The 1-hour ozone NAAQS was no longer applicable in the Pittsburgh-Beaver Valley Area as of June 15, 2005. We need not consider whether this SIP revision interferes with the revoked 1-hour NAAQS. By definition, a revision cannot interfere with something that is no longer in effect, such as a revoked NAAQS. EPA has dealt with the anti-backsliding concerns related to revoked NAAQS by promulgating regulations to address that issue. Thus, so long as the anti-backsliding requirements in the ozone-requirements rule are met, further demonstration of noninterference under 110(*l*) are not necessary.

*Comment 4:* (EPA–R03–OAR–0144–0016) The commenter asks why EPA would remove a measure that achieves VOC reductions for a county that EPA has designated nonattainment for the 2012 $PM_{2.5}$ NAAQS, when VOC reductions could help the area attain the $PM_{2.5}$ NAAQS, because VOCs can be precursors to $PM_{2.5}$ formation. The commenter contends that EPA should not allow Allegheny County to remove the low-RVP gasoline program from the SIP until it has been shown that the area is able to meet the $PM_{2.5}$ NAAQS without the additional VOC reductions achieved by this rule.

*Response 4:* Section 110(*l*) of the CAA prohibits EPA from approving a plan revision '' . . . if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, . . . or any other applicable requirement of this chapter.'' In this SIP revision, EPA believes that the noninterference demonstration submitted by PADEP for the entire Pittsburgh-Beaver Valley Area does show that the small emission increase of VOCs resulting from removal of the low-RVP gasoline requirement are more than offset by reductions in VOC emissions from the shutdown of the Guardian Glass facility and the adoption of new limits on solvents, paints and adhesive adopted by Pennsylvania. In EPA's guidance on removing stage II gasoline vapor recovery controls, EPA lays out several alternative means of assessing noninterference. Therein, EPA specifically states, ''In evaluating whether a given SIP would interfere with attainment or maintenance, . . . EPA generally considers whether the SIP revision will allow for an increase in actual emissions into the air over what is allowed under the existing EPA-approved SIP. The EPA has not required that a state produce a new, complete attainment demonstration for every SIP revision, provided that the status quo air quality is preserved. *See, e.g., Kentucky Resources Council, Inc,* v. *EPA, 467 F.3d 986 (6th Cir. 2006).*[4]''

Pennsylvania has demonstrated noninterference with all NAAQS through primarily an emissions substitution approach, using methods prescribed by EPA guidance under section 110(*l*) of the CAA. EPA approved Pennsylvania's CAA section 110(*l*) noninterference demonstration for the entire Pittsburgh-Beaver Valley Area (including Allegheny County) on December 20, 2018 (83 FR 65301).

*Comment 5:* (EPA–R03–OAR–2019–0144–0021) Commenter notes that in Pennsylvania's prior SIP revision requesting removal of the state's low-RVP gasoline rule applicable to the Pittsburgh-Beaver Valley Area, PADEP stated that it wished to retain any remaining balance of creditable emission reductions from the permanent closure of the Guardian Industries glass manufacturing facility located in Allegheny County, Pennsylvania. However, EPA's proposed approval of this prior SIP action states that no remaining balance of credits would be held by the state, and EPA's final action did not address whether the remaining balance of creditable emission reductions were forfeited or retained by Pennsylvania. The commenter requests that EPA clarify whether the remaining balance of emission reductions are retained by Pennsylvania for future use and quantify how many remain and/or are forfeited, so that there is no future double counting of these emissions reductions.

*Response 5:* EPA received a similar comment in response to our proposal to approve removal of PADEP's 7.8 psi RVP gasoline program from the non-Allegheny County portions of the Pittsburgh-Beaver Valley Area.[5] In our final December 2018 rulemaking for the Pittsburgh-Beaver Valley Area 7.8 psi RVP program SIP removal action, EPA clarified that emission reduction from Guardian Glass closure remained available. The Guardian Glass facility permanently ceased operation in August 2015 but did not request that potentially

[4] *See* p. 4, ''*Guidance on Removing Stage II Gasoline Vapor Recovery Control Program from SIPs and Assessing Comparable Measures,*'' (April 7, 2012) [EPA–457/B–12–001].

[5] *See* 83 FR 27901, June 15, 2018.

creditable emission reductions be preserved in the emission inventory within one year of closure, which is a prerequisite for their use as emission reduction credits (ERCs) for nonattainment new source review (NNSR) purposes under Pennsylvania's rules governing that program (25 Pa. Code 127.207(2)). As a result, the reductions are no longer eligible for future use as ERCs for NNSR offset purposes, but they remain available for other uses. As EPA stated in our December 20, 2018 final rule, because these surplus emission reductions no longer qualify as ERCs under Pa. Code Chapter 127, Subchapter E, EPA believes they do not need to be memorialized in either a state plan approval, or a SIP revision or emission inventory. The facility's permits are no longer valid, and reactivation of the facility would be subject to NNSR and re-permitting.

However, that does not mean that these remaining emission reductions from closure of this facility have no use. PADEP reserved the right to request consideration of these reductions for future use for other SIP planning purposes other than NNSR offsets—potentially as part of a future demonstration relating to NAAQS planning requirements. Any such future use would require a SIP revision at that time, with a demonstration of the emission reductions viability for use in any future SIP revision. Although PADEP quantified the remaining reductions that are surplus after offsetting removal of the low-RVP gasoline program, the surplus reduction quantities listed in EPA's December 20, 2018 SIP action are not directly translatable to any future SIP planning use. Any future use of the remaining emission reductions would need to be reevaluated as part of a subsequent SIP action supporting their potential use at that time for SIP planning purposes.

EPA does not agree that it must quantify the remaining surplus or the amount that should be forfeited as part of this action. EPA has clarified its position that these reductions can no longer be used for NNSR offset purposes under the relevant state rule. EPA cannot memorialize the remaining emission reductions potentially available for future SIP purposes as the reductions must be re-evaluated in the context of the specific SIP action for which the Commonwealth wishes to use the reductions.

*Comment 6:* (EPA–R03–OAR–2019–0144–0019) The commenter argues that EPA and Allegheny County have not provided an adequate demonstration that removal of the low-RVP gasoline program will not interfere with attainment of the $PM_{2.5}$ NAAQS, because VOCs are a precursor to formation of ambient $PM_{2.5}$. The commenter contends that PADEP should perform modeling regarding the impacts of the removal of the RVP requirement, rather than simply comparing overall emissions increases and decreases of VOCs. Commenter claims that the submitted noninterference analysis only compares the magnitude of emissions reductions from the 2015 shutdown of the Guardian Industries facility and reductions from a regulation for control of VOCs from adhesives, sealants, primers, and solvents, promulgated by DEP, to the magnitude of the emissions increases from discontinuation of the low-RVP requirement. The commenter notes that Allegheny County has continued to be in nonattainment with the $PM_{2.5}$ standards despite the fact that the reductions in emissions relied upon by PADEP's analysis occurred prior to 2016. Commenter believes this continued nonattainment despite the reductions from earlier shutdowns and regulatory changes means the Department should be looking more closely at local impacts from regulatory initiatives rather than offsetting emissions at different locations.

*Response 6:* EPA is not evaluating the adequacy of the state's separate, ongoing efforts to develop an appropriate attainment area plan for the 2012 $PM_{2.5}$ NAAQS for the Allegheny County nonattainment area in this action. The commenter's concerns with respect to the modeling and monitoring analyses contained in the state's draft $PM_{2.5}$ attainment plan are not relevant to EPA's action to remove the 7.8. psi RVP rule from the SIP, and as such do not warrant consideration in this final rule. As indicated in response to a prior comment, in evaluating whether a SIP revision (*e.g.,* removal of an existing rule from the SIP) would interfere with attainment or maintenance of a NAAQS, per CAA section 110(*l*), EPA generally considers whether the SIP revision will allow for an increase in actual emissions in the air over what is allowed under the existing approved SIP, in an attempt to ensure that the status quo with regard to air quality is maintained. The EPA has not required that a state produce a new complete attainment demonstration for every SIP revision, provided that the status quo air quality is preserved.[6]

EPA has reviewed the Commonwealth's noninterference demonstration for this action to remove the 7.8 psi RVP rule from the Pennsylvania SIP and determined that the provided analysis shows that the emissions from removal of that rule have been fully offset by substitute reductions in VOCs and $NO_X$ from other measures not already in the approved SIP, and this analysis included consideration of the $PM_{2.5}$ NAAQS.[7] EPA believes that it would be inappropriate to evaluate the removal of the ACHD low-RVP rule from the SIP in this action premised upon the potential approvability of the County's proposed Allegheny County $PM_{2.5}$ attainment plan, as that plan is currently out for public comment by the County and may change in response to any comments received before it is formally submitted to EPA as a SIP revision. EPA is not evaluating the adequacy of the state's separate ongoing efforts to develop an appropriate attainment plan for the 2012 $PM_{2.5}$ NAAQS for the Allegheny County nonattainment area in this action. Further, the commenter's concern with respect to the modeling and monitoring analyses contained in the Commonwealth's draft $PM_{2.5}$ attainment plan is not relevant to EPA's action to remove the 7.8. psi RVP rule from the SIP, and as such do not warrant consideration in this final rule.

Therefore, EPA is not directly addressing the merits of these comments in this action and recommends that the commenter submit its comments to the County during the County's current administrative process and also during any future action EPA may take on that plan after the state formally submits the ultimate plan to EPA as a SIP revision. ACHD intends to submit to EPA a $PM_{2.5}$ attainment plan which will address the $PM_{2.5}$ issue. The proper place to evaluate how to achieve $PM_{2.5}$ attainment is in response to that plan.

*Comment 7:* The commenter contends that PADEPs approach of direct substitution of emissions of pollutants with reductions associated with other measures is inadequate to ensure that there is no increase in ambient pollution concentrations from such an approach, and that ambient concentration

[6] *See* p. 4, ''*Guidance on Removing Stage II Gasoline Vapor Recovery Control Program from SIPs and Assessing Comparable Measures,*'' (April 7, 2012) [EPA–457/B–12–001].

[7] *See* Table 8 (p. 23) of PADEP's ''*Final State Implementation Plan Revision to Remove Pittsburgh-Beaver Valley Area Summertime Low Reid Vapor Pressure Gasoline Volatility Requirements and Supporting Noninterference Demonstration Under Section 110(l) of the Clean Air Act*'' dated April 2018, which summarizes direct $PM_{2.5}$ (as well as VOC and $NO_X$) emission reductions from offsetting measures. The PADEP noninterference demonstration also discusses the Commonwealth's evaluation of $PM_{2.5}$ noninterference on pp. 25–26 of that document.

modelling is warranted to ensure NAAQS noninterference or other CAA requirements, such as potential impact on regional haze.

*Response 7:* While ambient concentration modeling is necessary for an attainment plan, it is not necessary to demonstrate attainment for purposes of amending the SIP to remove a rule. As was discussed in response to a prior comment, noninterference is the only CAA required test for removal of a rule that is not mandatory under the CAA, nor an applicable Part D measure mandated by the law. In demonstrating noninterference under CAA 110(*l*), ambient concentration modeling to show the impact of the removal of a rule is but one possible test of noninterference—albeit not a required one. Direct substitution of other measures that achieve equivalent emissions reductions to offset the removed measure is an allowable method of demonstrating CAA 110(*l*) noninterference.

*Comment 8:* (EPA–R03–OAR–2019–0144–0149) The commenter contends that removal of the low-RVP requirements may affect the control strategy for the $PM_{2.5}$ attainment demonstration. The commenter claims that PADEP should strengthen its control strategy to reduce concentrations of fine particulates presenting harm to individuals rather than finessing attainment by ignoring data at the Liberty monitor through mis-interpretation of an EPA guidance document. Among other things, that control strategy could include the continuation of the RVP requirements, depending on the results of a proper factual analysis.

*Response 8:* EPA believes that this comment should be addressed to ACHD's proposed attainment plan for the 2012 $PM_{2.5}$ NAAQS for Allegheny County, rather than to this action to remove the ACHD low-RVP measure from the SIP. The $PM_{2.5}$ attainment plan is currently undergoing the County's public comment process and has not yet been formally submitted to EPA as a SIP revision. As such, this comment should be submitted during ACHD's public comment period for the $PM_{2.5}$ attainment plan. Concerns raised by the commenter with respect to whether the area has actually attained the $PM_{2.5}$ standard or done so in a timely manner, or whether ACHD has followed EPA guidance related to the monitoring or modeling analyses that underlie that demonstration, are not relevant to EPA's current action regarding whether to approve the Commonwealth's request for removal the 7.8. psi RVP gasoline rule from the SIP.

*Comment 9:* Commenter claims the $PM_{2.5}$ Attainment Demonstration is flawed because it relies on unrepresentative meteorological data from the base year 2011 (p.4). Commenter alleges that the 2011 meteorological data contains the second lowest number of inversions (134) in a year, which is lower than the typical number of inversions in the last ten years (157). Also, commenter states that PADEP's claim that the 2011 data is more representative of normal years because the Pittsburgh area has had above normal temperatures and above normal levels of precipitation in ''recent years'' is not supported by the data.

*Response 9:* As explained above, this comment concerns the $PM_{2.5}$ attainment demonstration, rather than this SIP action, and EPA will therefore not address this comment here because it is beyond the scope of this rulemaking action.

*Comment 10:* Commenter claims that future emissions inventories for the proposed attainment demonstration may not be complete and accurate because RVP 7.8 psi compliant fuel was burned in the past but will not be burned in the future and it is not clear how or whether VOC emissions from the higher RVP fuels that will be burned in the future are tracked or accounted for in the future emission inventory. Some stationary sources have stored fuel with varying RVP, ranging from 7 psi to 13 psi. See Appendix D (Emissions Inventories) to Proposed Attainment Demonstration. At a minimum, there is a factual question regarding the degree to which the removal of the RVP requirements will affect the formation of fine particulates.

*Response 10:* Because this comment is questioning how the removal of low-RVP fuel will affect the emissions inventory for the $PM_{2.5}$ attainment demonstration, EPA believes it should be submitted as a comment on that plan. EPA believes it would be more appropriate to respond to this comment, if submitted as a comment on any action EPA proposes on ACHD's $PM_{2.5}$ attainment plan, in the context of responding to comments on that plan.

## V. Impacts on the Boutique Fuels List

Section 1541(b) of the Energy Policy Act of 2005 required EPA, in consultation with the U.S. Department of Energy, to determine the number of fuels programs approved into all SIPs as of September 1, 2004 and to publish a list of such fuels. On December 28, 2006 (71 FR 78192), EPA published the list of boutique fuels. EPA maintains the current list of boutique fuel programs on its website at: *https://www.epa.gov/gasoline-standards/state-fuels.* The final list of boutique fuels was based on a fuel type approach. CAA section 211(c)(4)(C)(v)(III) requires that EPA remove a fuel from the published list if it is either identical to a Federal fuel or is removed from the SIP in which it is approved. Under the adopted fuel type approach, EPA interpreted this requirement to mean that a fuel would have to be removed from all states' SIPs in which it was approved in order to remove the fuel type from the list. (71 FR 78195, December 28, 2006).

The 7.8 psi RVP fuel program is a fuel type that is included in EPA's boutique fuel list (published at 71 FR 78198, December 28, 2006, and maintained online at: *https://www.epa.gov/gasoline-standards/state-fuels*). Subsequent to the final effective date of EPA's approval of Pennsylvania's March 19, 2019 SIP revision to remove the ACHD rule under Article XXI, EPA will update the State Fuels and Gasoline Reid Vapor Pressure web pages with the effective date of the SIP removal. At that time, the entry for Pennsylvania will be deleted from the list of boutique fuels, because Allegheny County was the final remaining 7.8 psi RVP program area in the Commonwealth of Pennsylvania. However, the boutique fuels list will retain the 7.8 psi RVP fuel type, as this fuel program type continues to be in other state SIPs.

## VI. Final Action and Effective Date

### *A. Final Action*

EPA is approving Pennsylvania's March 19, 2019 SIP revision requesting the removal of ACHD's 7.8 psi RVP summer gasoline program for Allegheny County (under Article XXI of the Rules and Regulations of the Allegheny County Health Department; amended February 21, 2019, effective March 3, 2019) from the Pennsylvania SIP. Our approval of the March 19, 2019 SIP revision is being taken in accordance with CAA requirements in section 110.

### *B. Notice of Effective Date*

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. Chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under CAA section 307(d)(1) which states: ''The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies.'' Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies

underlying APA section 553(d) in making this rule effective on July 5, 2019. APA section 553(d) allows an effective date less than 30 days after publication for a rule ''that grants or recognizes an exemption or relieves a restriction.'' 5 U.S.C. 553(d)(1). This rule fits within that exception because it lifts a restriction on the introduction into commerce of gasoline with an RVP of greater than 7.8 psi sold in Allegheny County, Pennsylvania between June 1 and September 15 of each year. Because ACHD adopted this rule in February 2019 (just prior to the commencement of the May 1 regulatory compliance deadline requiring use of low-RVP fuel in the Summer 2019 fuel season) and then submitted the rule to EPA in March 2019, EPA's final action will coincide with the summer low-RVP compliance period, resulting in supply chain uncertainty for affected gasoline refining, distribution, and retail industries. Additionally, the effective date for ACHD's revocation of the low-RVP gasoline requirement is based upon EPA's final rulemaking effective date, creating further industry uncertainty with respect to regulatory compliance in the time prior to EPA's final rule effective date. Therefore, this action can be considered to relieve a restriction that would otherwise prevent the introduction into commerce of gasoline with an RVP of greater than 7.8 psi. By setting the effective date of this action to the date of final rule publication, EPA could alleviate potential supply disruption that might occur due to the timing of this action during the 2019 summer fuel control season. Therefore, EPA is making this action to remove the Allegheny County program from the Pennsylvania SIP effective on July 5, 2019.

## VII. Statutory and Executive Order Reviews

### *A. General Requirements*

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 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### *B. Submission to Congress and the Comptroller General*

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).

### *C. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 3, 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 to approve Pennsylvania's request for removal of summer season 7.8 psi RVP gasoline requirements for Allegheny County from the SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

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

Dated: June 24, 2019.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

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.*

## Subpart NN—Pennsylvania

### § 52.2020 [Amended]

■ 2. In § 52.2020, the table in paragraph (c)(2) is amended by removing:

■ a. The subheading entitled ''Subpart 9—Transportation Related Sources'' and the entry ''2105.90''; and

■ b. Under ''Part G—Methods'' the entry ''2107.15''.

[FR Doc. 2019–14258 Filed 7–3–19; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 60**

**[EPA–HQ–OAR–2018–0851; FRL–9992–21–OAR]**

**RIN 2060–AU27**

## Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is taking direct final action to promulgate amendments to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. This direct final action revises the emission standards for particulate matter (PM) for new stationary compression ignition (CI) engines located in remote areas of Alaska.

**DATES:** The direct final rule is effective on October 3, 2019, without further notice, unless the EPA receives significant adverse written comment by August 5, 2019 on the amendments, or if a public hearing is requested by July 10, 2019. If significant adverse comments are received on any or all of the amendments, the EPA will publish a timely withdrawal in the **Federal Register** clarifying which provisions will become effective and which provisions are being withdrawn due to adverse comment.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA–HQ–OAR–2018–0851, 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–2018–0851 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2018–0851.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2018–0851, 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 action, contact Melanie King, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2469; fax number: (919) 541–4991; and email address: *king.melanie@epa.gov.*

**SUPPLEMENTARY INFORMATION:** *Docket.* The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2018–0851. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* 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. 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–2018–0851. 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–2018–0851.

*Organization of this document.* The information in this preamble is organized as follows:

I. General Information
II. Background and Final Rule
III. Impacts of the Final Rule
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
L. Congressional Review Act (CRA)

## I. General Information

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and do not anticipate significant adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to amend the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, if the EPA receives significant adverse comments on this direct final rule. EPA does not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If the EPA receives significant adverse comment on all or a distinct portion of this direct final rule, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

## II. Background and Final Rule

On July 11, 2006, the EPA promulgated Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (71 FR 39154). These standards, known as new source performance standards (NSPS), implement section 111(b) of the Clean Air Act. The standards apply to new stationary sources of emissions, *i.e.,* sources whose construction, reconstruction, or modification begins after a standard for those sources is proposed. The NSPS for Stationary CI Internal Combustion Engines established limits on emissions of PM, nitrogen oxides ($NO_X$), carbon monoxide (CO) and non-methane hydrocarbons (NMHC). The emission standards are generally modeled after the EPA's standards for nonroad and marine diesel engines. The emission standards are phased in over several years and have Tiers with increasing levels of stringency, with Tier 4 as the most stringent level. The engine model year in which the Tiers take effect varies for different size ranges of engines. The Tier 4 final standards for new stationary non-emergency and nonroad CI engines generally began with either the 2014 or 2015 model year. The standards are codified at 40 CFR part 60, subpart IIII.

In 2011, the EPA finalized revisions to the NSPS for Stationary CI Engines (the ''2011 Amendments'') that amended the standards for engines located in remote areas of Alaska (76 FR 37954). The 2011 Amendments allowed owners and operators of stationary CI engines located in remote areas of Alaska to use engines certified to marine engine standards, rather than land-based nonroad engine standards. The 2011 Amendments also removed the requirements to meet Tier 4 emission standards for $NO_X$, CO, and NMHC that would necessitate the use of selective catalytic reduction (SCR) aftertreatment devices in light of issues associated with supply, storage, and use of the necessary chemical reductant (usually urea) in remote Alaska.[1] As discussed in the 2011 rulemaking, the remote communities in Alaska rely almost exclusively on diesel engines for electricity and heat and these engines need to be in working condition, particularly in the winter. These communities are scattered over long distances in remote areas and are not connected to population centers by road and/or power grid. Most of these communities are located in the most severe arctic environments in the United States. The costs for acquisition, operation, and maintenance of SCR aftertreatment controls are greater than for engines located elsewhere in the United States due to the remote location and severe arctic climate of the villages. The aftertreatment controls had not been tested in remote arctic climates, and engine owners and operates were concerned that there could be operational problems with the SCR aftertreatment systems in the remote arctic climates that could prevent stationary CI engines from functioning properly, especially since the majority of small power plants in remote areas are unstaffed. Given these concerns and the higher costs for SCR aftertreatment systems in the remote areas, the EPA determined in the 2011 Amendments that it would not be appropriate to require new stationary CI engines in remote areas of Alaska to meet emission standards for $NO_X$, CO, and NMHC that are based on the use of SCR aftertreatment devices.

For PM, the 2011 Amendments specified that stationary CI engines located in remote areas of Alaska would not have to meet emission standards that would necessitate the use of aftertreatment devices until the 2014 model year. The aftertreatment technology that was expected to be used to meet the PM standards is a diesel particulate filter (DPF). The EPA expected that providing additional time to gain experience with use of DPFs would alleviate some of the concerns associated with feasibility and costs of installing and operating DPFs in remote villages. In a letter to the EPA Administrator dated December 20, 2017, Governor Bill Walker of Alaska requested that the EPA rescind the PM emission standards based on aftertreatment for 2014 model year and later stationary CI engines in remote

[1] Remote areas of Alaska are defined in the Stationary CI Engine NSPS as those that either are not accessible by the Federal Aid Highway System (FAHS), or meet all of the following criteria: (1) The only connection to the FAHS is through the Alaska Marine Highway System, or the stationary CI engine operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid; (2) at least 10 percent of the power generated by the stationary CI engine on an annual basis is used for residential purposes; and (3) the generating capacity of the source is less than 12 megawatts, or the stationary CI engine is used exclusively for backup power for renewable energy.

areas of Alaska. The letter stated that it is difficult to operate and maintain PM aftertreatment controls on stationary CI engines in remote areas of Alaska because of cost, complexity, and unreliability. According to the letter, utilities in remote areas have been installing used, remanufactured, and rebuilt pre-2014 model year engines in the remote areas to avoid the requirement to use PM aftertreatment, instead of installing new engines that meet the Tier 3 marine engine standards. The EPA's expectation that experience with use of DPFs would alleviate feasibility and cost concerns was not realized and the requirement that 2014 model year and later engines use DPFs had in fact resulted in use of older engines. The letter indicated that new engines certified to the Tier 3 marine engine standards are notably cleaner than the non-certified engines currently in use in remote areas of Alaska, due to advances in diesel engine electronic fuel injection and electronic governors.

After receiving the letter from Governor Walker, the EPA contacted the Alaska Department of Environmental Conservation and the Alaska Energy Authority (AEA) to obtain more information about the issues described in the letter. In particular, the EPA asked for information regarding the state's concerns about the cost, complexity, and reliability of DPFs, as expressed in Governor Walker's letter. The EPA also asked for information on the number of stationary CI engines that are installed in remote areas of Alaska each year and whether any stationary CI engines with DPFs were currently operating in the remote areas. The AEA indicated that owners and operators of engines in rural communities have been delaying replacement of older engines because of the cost and concerns about having to install new engines with DPFs. As stated in Governor Walker's letter, the communities are using rebuilt older engines rather than installing new marine Tier 3 engines that would be lower-emitting and more efficient.

As noted previously, the communities in remote areas of Alaska are not accessible by the Federal Aid Highway System and/or not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid. They are isolated and most are located in the most severe arctic environments in the United States. It is critical for the engines in the communities to remain in working order since the engines are used for electricity and heating. Information provided by the AEA and engine dealers indicates that costs for engine and control device maintenance and repair are much higher than for engines located elsewhere in the United States due to the remote location and severe arctic climate. Technicians must travel to the remote areas for service and repairs, and travel costs for technicians and shipping costs for parts are much higher than in other areas. Information provided by the AEA indicated that travel costs can include chartering aircraft and can be approximately $3,000–$4,000 per trip, in addition to daily labor costs.[2] The travel time can range from 25 to 99 percent of the total labor invested in a job.[3] In addition to increased maintenance costs, a control device vendor indicated that costs for DPF installation on an engine in remote areas of Alaska can be more than double the costs for an engine in Texas.[4] The remote communities also have a shortage of operators who are trained for the DPF equipment. Typically, the filter element must be periodically removed and the accumulated ash must be cleaned from the filter and captured. The AEA indicates that few communities have the technical capacity to perform the necessary cleaning procedures for DPFs. Another concern related to the remote location is the difficulty and expense associated with proper disposal of the ash collected by the DPF and used filters in hazardous waste disposal facilities. The ash can contain metallic oxides which are hazardous to the environment or to public health.[5]

According to the AEA, experience with the use of DPFs in remote areas of Alaska is very limited. The AEA was aware of only one remote community that has installed DPFs on two engines in a power plant. The DPFs were installed in April 2018, so there has not been experience with the long-term operation of the engines and DPFs. The AEA noted that rather than having the emission controls integrated with the certified engine, as is typical for Tier 4 engines, the remote communities will have to purchase Tier 3 marine certified engines and equip the engines with DPFs that may come from third parties and are not integrated into the engine's computer system, which may increase the likelihood of problems occuring that could cause the engine to shut down. As stated previously, the engines are generally used for heating in the villages, so unexpected engine shutdowns could cause life safety issues. Providers of engines and emission controls in Alaska noted that they have experienced operational issues with nonroad and stationary Tier 4 engines with DPFs in other areas of Alaska, even when the controls were integrated with the engine by the original equipment manufacturer. For example, one provider noted that he serviced two Tier 4 engines that required numerous service calls and the addition of a parasitic load bank to maintain exhaust temperatures high enough for DPF regeneration, which increased fuel consumption and operating costs.[6] Another provider stated that they sold a number of nonroad Tier 4 engines equipped with DPFs that met extensive factory tests for reliability and durability, but experienced numerous problems with regeneration of the DPF once they were in-use by operators.[7]

After considering all of the information provided, including the information provided on the lack of experience with the use of DPFs on engines in remote areas of Alaska, the potential for operational issues, and the higher costs, the EPA has determined that such use of DPFs is not adequately demonstrated and is revising the provision in 40 CFR 60.4216 for 2014 model year and later stationary CI engines in remote areas of Alaska. The EPA is amending the provision to specify that 2014 model year and later stationary CI engines in remote areas of Alaska must be certified to Tier 3 p.m. standards. The EPA has determined that the Tier 3 standards reflect the best system of emission reduction that has been adequately demonstrated. The Tier 3 standards will limit emissions of PM to levels significantly below those of the older uncertified engines currently in use in many of the remote communities.

## III. Impacts of the Final Rule

A detailed discussion of the impacts of these amendments can be found in the *Impacts of the Amendments to the NSPS for Stationary Compression Ignition Internal Combustion Engines* memorandum, which is available in the

[2] Letter from Ben Hopkins, General Manager Kaktovik Enterprises LLC to Janet Reiser, Executive Director, Alaska Energy Authority, June 11, 2018. Available in the rulemaking docket.

[3] Letter from Bill Mossey, President, Pacific Power Group to Janet Reiser, Executive Director, AEA. August 10, 2018. Available in the rulemaking docket.

[4] Email from Marc Rost, Johnson Matthey to Melanie King, U.S. EPA. *Estimated DPF Capital and Operating Costs.* November 19, 2018.

[5] *Technical Bulletin on Diesel Particulate Filter Ash Disposal.* EPA National Clean Diesel Campaign. EPA–420–F–09–010. February 2009.

[6] Summary of April 17, 2018, meeting between the EPA and the AEA to discuss Governor Walker's request for regulatory relief. Available in the rulemaking docket.

[7] Letter from Bill Mossey, President, Pacific Power Group to Janet Reiser, Executive Director, AEA. August 10, 2018. Available in the rulemaking docket.

docket for this action. In the original 2006 rulemaking, the EPA assumed that even in the absence of the NSPS, emissions from stationary engines would be reduced to the same emission levels as nonroad engines through Tier 3, since engine manufacturers frequently use the same engine in both nonroad and stationary applications. Emission reductions and costs were only estimated for the difference between compliance with the Tier 3 standard and compliance with the Tier 4 standard in the original rulemaking.[8] Using a similar assumption, the foregone PM reductions and costs from these amendments are calculated based on the difference in emissions between the engines that are expected to be used once these amendments are finalized, which are Tier 3 marine engines, and the engines currently required by the regulations (known as the baseline), which are Tier 3 engines (either nonroad or marine) with a DPF. If the baseline is assumed to be a Tier 3 nonroad engine with a DPF, then the foregone PM reductions based on the difference between a Tier 3 marine engine and a Tier 3 nonroad engine with a DPF are 5.3 tons per year in the first year after the amendments. In the fifth year after the amendments, the foregone PM reductions would be 27 tons of PM per year, assuming the number of new engines installed each year remains constant. If the baseline is assumed to be Tier 3 marine with DPF, the difference between the Tier 3 marine emissions and the Tier 3 marine with DPF emissions is 6.6 tons of PM per year in the first year and 33 tons of PM in the fifth year. The cost savings in the fifth year after the amendments are estimated to be approximately $8.0 million (2017 dollars). We also show the cost savings using a present value (PV) in adherence to Executive Order 13771. The PV of the cost savings is estimated in 2016 dollars as $322.9 million at a discount rate of 3 percent and $111.2 million at a discount rate of 7 percent. Finally, the annualized cost savings over time can be shown as an equivalent annualized value (EAV), a value calculated consistent with the PV. The EAV of the cost savings is estimated in 2016 dollars as $9.7 million at a discount rate of 3 percent and $7.8 million at a discount rate of 7 percent. All of these PV and EAV estimates are discounted to 2016 and assume an indefinite time period after promulgation for their calculation.

Note that the AEA has indicated that owners and operators of engines in remote communities have been delaying replacement of older engines because of the cost and concerns about having to install new engines with DPFs. Thus, the costs and additional PM emission reductions from engines installed in 2014 and later have not been occurring as expected when the rule was originally issued in 2006. According to the AEA, if these amendments are not finalized, the remote communities will likely continue delaying replacement of older engines, and will not receive the benefits of the reduced PM emissions that will occur if the older engines are replaced by new Tier 3 engines. Replacing an older engine with an engine meeting the Tier 3 marine emission standard results in a significant reduction in PM emissions compared to the Tier 0 engine emissions. For example, for a 238 horsepower engine, PM emissions from a Tier 3 marine engine are reduced by 80 percent from a Tier 0 nonroad engine.

## IV. 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 the Office of Management and Budget (OMB) for review.

### *B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs*

This action is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the EPA's analysis of the potential costs and benefits associated with this action.

### *C. Paperwork Reduction Act (PRA)*

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0590.

### *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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. This action reduces the impact of the rule on owners and operators of stationary CI engines located in remote areas of Alaska. We have, therefore, concluded that this action will relieve regulatory burden for all directly regulated small entities.

### *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. While some Native Alaskan tribes and villages could be impacted by this amendment, this rule would reduce the compliance costs for owners and operators of stationary CI engines in remote areas of Alaska. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the

[8] *Emission Reduction Associated with NSPS for Stationary CI ICE.* Memorandum from Tanya Parise, Alpha-Gamma Technologies, Inc. to Jaime Pagán, EPA Energy Strategies Group. May 19, 2006. Document EPA–HQ–OAR–2005–0029–0288.

Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

*J. National Technology Transfer and Advancement Act (NTTAA)*

This rulemaking does not involve technical standards.

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

While some Native Alaskan tribes and villages could be impacted by this amendment, the EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The amendments will not have a significant effect on emissions and will likely remove barriers to the installation of new, lower emission engines in remote communities.

*L. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 60**

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: June 27, 2019.

**Andrew R. Wheeler,**

*Administrator.*

For the reasons set forth in the preamble, 40 CFR part 60 is amended as follows:

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

### Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

■ 2. Section 60.4216 is amended by revising paragraph (c) to read as follows:

**§ 60.4216 What requirements must I meet for engines used in Alaska?**

* * * * *

(c) Manufacturers, owners, and operators of stationary CI ICE that are located in remote areas of Alaska may choose to meet the applicable emission standards for emergency engines in §§ 60.4202 and 60.4205, and not those for non-emergency engines in §§ 60.4201 and 60.4204, except that for 2014 model year and later non-emergency CI ICE, the owner or operator of any such engine must have that engine certified as meeting at least Tier 3 p.m. standards.

* * * * *

[FR Doc. 2019–14372 Filed 7–3–19; 8:45 am]

BILLING CODE 6560–50–P

---

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 180

**[EPA–HQ–OPP–2019–0186; FRL–9994–37]**

## Indoxacarb; Pesticide Tolerances for Emergency Exemptions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for residues of indoxacarb in or on grass forage and grass hay. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on mixed stands of alfalfa and grasses. Tolerances are already established for residues of indoxacarb in/on alfalfa forage and alfalfa hay and this regulation establishes maximum permissible levels for residues of indoxacarb in or on grass forage and grass hay. The time-limited tolerances expire on December 31, 2022.

**DATES:** This regulation is effective July 5, 2019. Objections and requests for hearings must be received on or before September 3, 2019 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0186, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

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

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions

provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0186 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 3, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0186, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-EPA-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

## II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of indoxacarb, (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate, and its R-enantiomer, (R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl]amino] carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate, in/on grass, forage at 10 parts per million (ppm) and in/on grass, hay at 50 ppm. These time-limited tolerances expire on December 31, 2022.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

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

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

## III. Emergency Exemption for Indoxacarb in Mixed Stands of Alfalfa and Grasses and FFDCA Tolerances

The California Department of Pesticide Regulations (CDPR) notified EPA that an emergency condition exists with respect to control of alfalfa weevils in mixed stands of alfalfa and grasses in the Intermountain Region of California. According to CDPR, an urgent and nonroutine situation arose due to the weevils' developing resistance to the commonly relied-upon pyrethroids, and without a suitable pesticide control, significant losses were expected due to yield and quality decreases. Indoxacarb is registered for use in alfalfa but not for grasses and thus there was a need for an emergency exemption for use in mixed stands of alfalfa and grasses. After having reviewed the submission, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met. EPA has authorized a specific exemption under FIFRA section 18 for the use of indoxacarb on mixed stands of alfalfa and grasses for control of alfalfa weevils in California.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of indoxacarb in or on grass, forage and grass, hay. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2) and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption to address an urgent and non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2022, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on grass, forage and grass, hay after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed the levels that were authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether indoxacarb meets FIFRA's registration requirements for use on grasses or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerance decisions serve as bases for registration of indoxacarb by a State for special local needs under FIFRA section 24(c). Nor do these tolerances by themselves serve as authority for persons in any State other than California to use this pesticide on the applicable crops under FIFRA

section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for indoxacarb, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

## IV. Aggregate Risk Assessment and Determination of Safety

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of this emergency exemption use and the time-limited tolerances for combined residues of indoxacarb on grass, forage and grass, hay at 10 ppm and 50 ppm, respectively. There are existing tolerances for residues of indoxacarb in/on meat and milk commodities, and EPA has determined that the existing tolerances for meat and milk commodities will not be exceeded by additional residues in grass forage and hay. EPA's assessment of exposures and risks associated with establishing the time-limited tolerances follows.

### *A. Toxicological Points of Departure/ Levels of Concern*

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (PODs) and levels of concern (LOCs) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose or level at which no adverse effects are observed (the NOAEL) and the lowest level at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for indoxacarb used for human risk assessment is discussed in Unit III of the final rule published in the **Federal Register** of December 8, 2017 (82 FR 57860) (FRL–9970–39).

### *B. Exposure Assessment*

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to indoxacarb, EPA considered exposure under the time-limited tolerances established by this action as well as all existing indoxacarb tolerances in 40 CFR 180.564. EPA assessed dietary exposures from indoxacarb in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Acute effects were identified for indoxacarb. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture's (USDA's) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA used full distributions of residue levels from the results of field trials reflecting maximum use patterns in all commodities and used maximum Percent Crop Treated (PCT) estimates.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the EPA used food consumption information from the USDA's 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA used average residue levels based on the results of field trials reflecting maximum use patterns in all commodities and used average PCT estimates.

iii. *Cancer.* Based on the data referenced in Unit IV.A., EPA has concluded that indoxacarb does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, and the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the maximum and average PCT for the acute and chronic dietary assessments for existing uses as follows:

- *For acute dietary assessment:* Apples: 10%; apricots: 15%; blueberries: 5%; broccoli: 70%; cabbage: 35%; cantaloupe: 10%; cauliflower: 60%; celery: 5%; cherries: 2.5%; cotton: 2.5%; cucumbers: 10%; grapes: 5%; lettuce: 15%; nectarines: 15%; peaches: 10%; peanuts: 10%; pears: 2.5%; peppers: 30%; plums/prunes: 5%; potatoes: 2.5%; soybeans: 2.5%; spinach: 5%; squash: 5%; sweet corn: 10%; and tomatoes: 40%.
- *For chronic dietary assessment:* Apples: 5%; apricots: 5%; blueberries: 5%; broccoli: 45%; cabbage: 20%; cantaloupe: 5%; cauliflower: 35%; celery: 5%; cherries: 2.5%; cotton: 2.5%; cucumbers: 2.5%; grapes: 2.5%; lettuce: 5%; nectarines: 15%; peaches: 2.5%; peanuts: 5%; pears: 1%; peppers: 15%; plums/prunes: 5%; potatoes: 2.5%; soybeans: 1%; spinach: 2.5%; squash: 2.5%; sweet corn: 2.5%; and tomatoes: 20%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most

recent 6 to 7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than 2.5%. In those cases, estimates of average PCT between 1% and 2.5% are rounded to 2.5% and estimates of average PCT less than 1% are rounded to 1%. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except for those situations in which the maximum PCT is less than 2.5%. In those cases, EPA uses a maximum PCT value of 2.5%.

The Agency believes that the three conditions discussed in Unit IV.B.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which indoxacarb may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for indoxacarb in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of indoxacarb. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Surface Water Concentration Calculator (SWCC) model and the Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of indoxacarb for acute exposures are estimated to be 39 parts per billion (ppb) for surface water and 131 ppb for ground water; for chronic exposures the EDWCs are 11 ppb for surface water and 123 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, a time series distribution of ground water modeled residues was used to assess the contribution to drinking water. For chronic dietary risk assessment, a single point water concentration value of 123 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Indoxacarb is currently registered for the following uses that could result in residential exposures: Pet spot-on uses, spot and crack and crevice applications indoors, outdoor broadcast (*i.e.,* turf), perimeter and foundations, spot outdoors (*i.e.,* direct mound applications for fire ants), and crack and crevice outdoors. Based on these use scenarios, EPA assessed residential exposure using the following assumptions:

• Spot and crack and crevice exposures were not quantified due to formulation types that minimize the potential for handler and postapplication exposures (*i.e.,* gels or bait stations). Risks from spot and crack and crevice were not quantified because exposures from these formulation types are expected to be negligible.

• *Residential handler exposure:* There is a potential for dermal and inhalation exposure. Residential handler inhalation exposure is considered negligible for applying ready-to-use pet spot-ons. Residential handler dermal exposures are expected for ready-to-use pet spot-ons, however dermal exposures were not quantified due to the lack of a dermal endpoint. Residential handler inhalation and dermal exposures are considered negligible for applying ready-to-use materials (*i.e.,* baits or stations).

• *Residential post-application dermal and incidental oral exposure:* Postapplication assessments were not conducted for ant mound uses, because these are considered perimeter/spot uses; residential exposure is expected to be negligible. Spot and crack and crevice exposures were not quantified for gels or bait stations; exposure is considered negligible. A golfer assessment was not conducted, due to the lack of a dermal endpoint. Postapplication inhalation exposure is generally not assessed following application to pets and turf. The combination of low vapor pressure ($1.9 \times 10^{-10}$ mm Hg at 25 °C for indoxacarb) of active ingredients typically used in pet and turf pesticide products, and the small amounts of pesticide applied to pets is expected to result in only negligible inhalation exposure. Ingestion of granules is considered an episodic event and not a routine behavior. Because the Agency does not expect this to occur on a regular basis, concern for human health is related to acute poisoning rather than short-term residue exposure. For these reasons, the episodic ingestion scenario is not included in the aggregate assessment. The only route of residential exposure for inclusion in the adult aggregate assessment is inhalation. However, for adults it would be inappropriate to aggregate inhalation exposures with background dietary exposures because the toxicity endpoints for the inhalation and short-term oral routes are different. Therefore, the only residential exposures that were combined are for children 1 to <2 years old in the short-term aggregate assessment that reflects hand-to-mouth exposures from post-application exposure to spot treatment on carpets, and children 1 to <2 years old in the intermediate- and long-term aggregate assessment that reflects exposures from treated pets.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found indoxacarb to share a common mechanism of toxicity with any other substances, and

indoxacarb does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that indoxacarb does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

*C. Safety Factor for Infants and Children*

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no evidence of reproductive effects in rats. There was no evidence of increased susceptibility in developing fetuses or in the offspring following prenatal and/or postnatal exposure to indoxacarb in rats or rabbits. There was no evidence of increased susceptibility in the young in the developmental neurotoxicity study in rats.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for indoxacarb is complete.

ii. The acute neurotoxicity, subchronic toxicity, and developmental neurotoxicity studies for indoxacarb are available and all endpoints used in the risk assessment are protective of neurotoxic effects.

iii. There is no evidence that indoxacarb results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases.

The Agency estimated maximum and average PCT values for the acute and chronic dietary assessments, as shown in unit IV.B.1.iv. Food residues were taken from the results of supervised field trial studies reflecting maximum use patterns. Drinking water residues were included in the dietary assessments as follows: A point estimate of 123 ppb was used for the chronic assessment and the time series distribution of ground water modeled residues was used in the acute assessment as a residue distribution file in the Monte Carlo analysis. For food commodities, Residue Distribution Files (RDFs) were constructed for the probabilistic acute dietary assessment as appropriate, and average residues were used for blended commodities. For the chronic dietary assessment, either average residue levels from field trial studies were used or for crops where no residues were found, a value of ½ the limit of quantitation was assumed. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by indoxacarb.

*D. Aggregate Risks and Determination of Safety*

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that adequate MOEs exist.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to indoxacarb will occupy 56% of the aPAD for children ages 1–2, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to indoxacarb from food and water will utilize 35% of the cPAD for all infants <1 year old, the population group receiving the greatest exposure. EPA has concluded the combined long-term food, water, and residential exposures result in an aggregate MOE of 260 (food, water, and residential) for children aged 1–2. Because EPA's level of concern for indoxacarb is an MOE of 100 or below, this MOE is not of concern. For adults, residential inhalation exposures cannot be aggregated because they are based on different effects than for oral exposures. Therefore, long-term aggregate risk for adults is equivalent to the chronic dietary risk noted in this unit.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Indoxacarb is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure to children aged 1–2 years through food and water with short-term residential exposures to indoxacarb. For adults, residential inhalation exposures cannot be aggregated with chronic dietary because they are based on different effects than for oral exposures. Because chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk) and inhalation risk has been assessed for adults, no further assessment of short-term risk is necessary for adults, and EPA relies on the findings from the chronic dietary risk assessment and inhalation assessment, as noted in unit IV.D.2 and IV.D.3, for evaluating short-term risk to adults for indoxacarb.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 120 (food, water, and residential) for children aged 1–2. Because EPA's level of concern for indoxacarb is an MOE of 100 or below, this MOE is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Indoxacarb is currently registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure to children ages 1–2 years through food and water with intermediate-term residential exposures to indoxacarb. For adults, residential inhalation exposures cannot be aggregated with chronic dietary because they are based on different effects than for oral exposures. Because chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess

intermediate-term risk), no further assessment of intermediate-term risk is necessary for adults, and EPA relies on the findings from the chronic dietary risk assessment, as noted in unit IV.D.2, for evaluating intermediate-term risk to adults for indoxacarb.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures for children aged 1–2 years result in an aggregate MOE of 260. Because EPA's level of concern for indoxacarb is an MOE of 100 or below, this MOE is not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, indoxacarb is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to indoxacarb residues.

## V. Other Considerations

### *A. Analytical Enforcement Methodology*

For the enforcement of tolerances established on crops, two High Performance Liquid Chromatograph/Ultraviolet Detection (HPLC/UV) methods, DuPont protocols AMR 2712–93 and DuPont–11978, are available for use. The limits of quantitation (LOQs) for these methods range from 0.01 to 0.05 ppm for a variety of plant commodities. A third procedure, Gas Chromatograph/Mass-Selective Detection (GC/MSD), DuPont method AMR 3493–95 Supplement No. 4, is also available for the confirmation of residues in plants.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

### *B. International Residue Limits*

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

The Codex has not established MRLs for indoxacarb in/on grass forage or grass hay.

## VI. Conclusion

Therefore, time-limited tolerances are established for residues of indoxacarb, (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl] amino]carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate, and its R-enantiomer, (R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl]amino] carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate, in or on grass, forage at 10 ppm and grass, hay at 50 ppm. These tolerances expire on 12/31/2022.

## VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

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

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

## VIII. Congressional Review Act

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

## List of Subjects in 40 CFR Part 180

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

Dated: June 28, 2019.

**Donna Davis,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 180—[AMENDED]

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

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

■ 2. In § 180.564, add paragraph (b) to read as follows:

**§ 180.564 Indoxacarb; tolerances for residues.**

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the indoxacarb, including its metabolites and degradates, in or on the specified agricultural commodities in the table below, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified in the table below is to be determined by measuring only indoxacarb, (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl]amino] carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate, and its R-enantiomer, (R)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)phenyl]amino] carbonyl]indeno[1,2-e][1,3,4] [oxadiazine-4a(3H)-carboxylate.

The tolerances expire on the dates specified in the table.

| Commodity | Parts per million | Expiration date |
|---|---|---|
| Grass, forage .... | 10 | 12/31/2022 |
| Grass, hay ..... | 50 | 12/31/2022 |

* * * * *

[FR Doc. 2019–14325 Filed 7–3–19; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 435

**[EPA–HQ–OW–2016–0598; FRL–9995–74–OW]**

## Decision on Supplemental Information on the Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification of decision.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of its decision to not revise the final rule establishing pretreatment standards for discharges of pollutants into publicly owned treatment works (POTWs) from onshore unconventional oil and gas (UOG) extraction facilities. In 2016, the EPA promulgated the final rule, Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category (the unconventional oil and gas or UOG rule), based on record information indicating that all facilities subject to the rule were meeting the zero discharge of pollutants requirement in the rule. After promulgation, the EPA received information indicating that certain facilities subject to the final rule were not meeting the rule's zero discharge of pollutants requirement. This notice provides new data and information, the EPA's analyses of that data and announces the Agency's decision to not revise the final UOG rule in response to the remand in *Pennsylvania Grade Crude Oil Coalition* v. *EPA,* No. 16–4064 (3rd Cir., August 31, 2017), requiring the EPA to consider further information and take any appropriate action with regard to the final rule.

**DATES:** This decision shall be considered issued for purposes of judicial review at 1 p.m. Eastern Standard Time on July 19, 2019. Section 509(b)(1) of the CWA, judicial review of this decision can be had only by filing a petition for review in the U.S. Court of Appeals within 120 days after the decision is considered issued for purposes of judicial review.

**FOR FURTHER INFORMATION CONTACT:** For more information, see the EPA's website: *https://www.epa.gov/eg/unconventional-oil-and-gas-extraction-effluent-guidelines.* For technical information, contact Karen Feret, Engineering and Analysis Division (4303T), Office of Water, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone: 202–566–1915; email: *feret.karen@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this notice apply to me?*

Entities potentially affected by this action include:

| Category | Example of regulated entity | North American Industry Classification System (NAICS) code |
|---|---|---|
| Industry ..... | Crude Petroleum and Natural Gas Extraction ..... | 211111 |
| Industry ..... | Natural Gas Liquid Extraction ..... | 211112 |

*B. Obtaining Copies of This Document and Related Information*

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2016–0598. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

### II. Why is EPA issuing this decision?

The EPA promulgated the UOG rule on June 28, 2016. 81 FR 41845. The UOG rule regulates wastewater pollutants from unconventional oil and gas extraction activities under Subpart C (Onshore Subcategory) of the oil and gas extraction effluent guidelines. The UOG rule is a national rule that prohibits onshore unconventional oil and gas extraction operations from discharging pollutants in wastewater to publicly owned treatment works (POTWs), in other words, a ''zero discharge'' requirement. The UOG rule defines the term ''unconventional oil and gas operations'' to include operations involving ''crude oil and natural gas produced by a well drilled into a shale and/or tight formation (including, but not limited to, shale gas, shale oil, tight gas, and tight oil).'' See 40 CFR 435.33(a)(2)(i). In promulgating the rule, the EPA explained that UOG wastewaters are not typical of POTW influent wastewater, and as a result some UOG extraction wastewater pollutants: Can be discharged untreated from a POTW to the receiving stream (*i.e.,* the POTW is not designed to treat the pollutant); can cause the disruption of the POTW treatment operations (*e.g.,* biological treatment is inhibited); can accumulate in biosolids, limiting their

use; and can cause the formation of harmful disinfection by-products.

The EPA's record at the time of promulgation indicated that all UOG extraction facilities were meeting the zero discharge requirement, and the EPA received no comments at proposal indicating otherwise. However, after the UOG rule was promulgated, several interested parties notified the EPA that a number of oil and gas operations in Pennsylvania covered by the rule were in fact discharging wastewater to POTWs. These parties stated that their operations are ''conventional'' under Pennsylvania definitions, although they appear to meet the definition of ''unconventional'' in the UOG rule.

Based on this post-promulgation information, the EPA extended the compliance date for existing sources that were lawfully discharging to POTWs on or between April 7, 2015, and June 28, 2016, to three years from the effective date of the rule—to August 29, 2019, (compliance date postponement rule). See 81 FR 88126–88127. That rule did not change the compliance date for all other facilities subject to the final UOG rule.

Pennsylvania Grade Crude Oil Coalition (PGCC) also filed a petition for review of the rule in the U.S. Court of Appeals for the Third Circuit. PGCC indicated that the EPA incorrectly found that there were no existing discharges to POTWs by facilities that meet the definition of ''unconventional'' in the UOG rule. In response, the EPA filed a motion (unopposed by PGCC) for voluntary remand without vacatur which was granted by the Court in October, 2017. *Pennsylvania Crude Oil Coalition* v. *EPA,* No. 16–4064 (3rd Cir., Aug. 31, 2017). In the motion, the EPA discussed the post-promulgation information referenced above, acknowledging that this new information was inconsistent with the record for the rule. The EPA explained that the Agency requested the remand to consider any additional evidence relevant to the UOG rule, develop the record, and take any follow-up action as appropriate. This notice provides the EPA's decision in accordance with this remand.

As explained in this notice, the EPA recently gathered new data and information and performed supporting analyses to update the 2016 record for the final UOG rule. The scope of the data collection and analyses discussed in this notice pertains only to those oil and gas extraction facilities in the United States that the EPA has identified to be discharging UOG wastewater to POTWs at the time it finalized the UOG rule—in other words, those facilities defined as conventional by Pennsylvania that meet the definition of unconventional in the UOG rule and are thus likely subject to the EPA's 2016 UOG pretreatment standard rule.

EPA staff also met with producers in Pennsylvania to further understand their concerns. As a result of this interaction, the EPA learned that the scope of the Agency's 2016 UOG pretreatment standard rule may not have been clear to certain producers. To clarify the scope of the UOG rule, the UOG rule is not applicable to activities regulated under the Stripper Subcategory (40 CFR 435 Subpart F). The UOG rule applies to onshore unconventional oil and gas extraction facilities regulated under Subpart C. Subpart C excludes facilities regulated under Subpart F.

## III. Summary of Analysis and Results

A detailed description of the data sources, methodology, and associated analyses can be found at: *https://www.epa.gov/eg/unconventional-oil-and-gas-extraction-effluent-guidelines.* This section summarizes that information and provides results.

First, the EPA conducted additional analyses to determine whether wells discharging to POTWs in Pennsylvania would meet the definition of ''unconventional'' and thus be subject to the EPA's 2016 UOG rule. Oil and gas operators in the Commonwealth of Pennsylvania must report to the Pennsylvania Department of Environmental Protection information on their wells, such as wastewater management and formation type. During development of the 2016 UOG rule, the EPA used this Commonwealth-compiled data to support the Agency's finding that there were no UOG extraction facilities discharging wastewater to POTWs. However, based on the information submitted to the EPA after promulgation of the rule, the Agency came to understand that some facilities that would meet the definition of unconventional in the 2016 UOG rule were categorized as conventional in the Pennsylvania data that the EPA relied on, based on the Commonwealth's narrower definition of unconventional. Accordingly, the EPA has re-evaluated the available data. In particular, the EPA used information that the oil and gas extraction facilities reported to Pennsylvania for 2016 and well formation information from multiple sources to identify those oil and gas extraction facilities that discharged any wastewater to POTWs and that are defined as conventional under Pennsylvania's definition, but are defined as unconventional under the UOG rule's definition.[1] As described above, oil and gas extraction activities regulated under the Stripper Subcategory (Subpart F) are not included in this rule, and therefore were not included in the scope of analyses discussed in this notice. In the analysis of the data, the EPA excluded any well that had less than a ratio of 15,000 cubic feet of gas per 1 barrel of oil and had less than an average of 10 barrels per day of oil over the year's reported production and number of producing days. Based on the 2016 Commonwealth data, the EPA determined that out of 879 oil and gas extraction entities reporting to Pennsylvania in 2016 (and over 6,000 entities nationwide), 22 entities discharged at least some portion of their wastewater to a POTW from UOG operations as defined by the 2016 UOG rule. Based on the 2016 data, the EPA concludes that this subset of entities may need to make changes to comply with the 2016 UOG rule (and would incur any associated costs).

For each well that generated wastewater that was sent to a POTW from these 22 entities, the EPA determined the nearest wastewater management alternative (centralized waste treatment (CWT) facility or Class II underground injection control (UIC) well). The EPA found that wastewater management alternatives were available to all of these entities as many of them reported using another wastewater management alternative in addition to a POTW in 2016. To estimate the potential incremental costs of this rule to these entities (which represent the only entities in the U.S. that may incur costs associated with the nationally applicable rule), the EPA calculated any incremental wastewater management costs for these entities to send their wastewater to the nearest wastewater management alternative as well as any associated incremental transportation costs. The EPA added incremental wastewater management and transportation costs to determine the total incremental costs to these entities to comply with the 2016 UOG rule.

The EPA also evaluated incremental non-water quality environmental

[1] The EPA defines unconventional as: 40 CFR 435.33(a)(2)(i) *Unconventional oil and gas* means crude oil and natural gas produced by a well drilled into a shale and/or tight formation (including, but not limited to, shale gas, shale oil, tight gas, tight oil). Pennsylvania defines an unconventional formation as: *A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore (See DCN SGE01486).*

impacts associated with alternative wastewater management approaches. These include changes in air emissions, solid waste generation, and energy consumption. The incremental change depends on the alternative wastewater management approach. For example, sludge generation would likely decrease if a UOG facility sends its wastewater to a UIC well and would likely increase if it sends its wastewater to a CWT facility. Even if each UOG operator that currently sends its wastewater to a POTW elected to use a wastewater management approach that incrementally increased air emissions, sludge generation or energy usage, these changes would be small relative to U.S. totals for this industry as a whole.

The EPA then conducted a discounted cash flow analysis (modeled future revenue and operation costs) over 10 years to estimate the potential financial impacts on these entities. Based on this analysis, the EPA determined that seven of the 22 entities would have negative profits irrespective of the UOG rule's incremental costs. For the remaining entities, when adding in the incremental costs of the rule, the EPA's analysis shows that none of the 15 entities would be at risk of closure as a result of complying with the UOG rule.

In light of the model predictions based on 2016 reported data that some of these entities would have negative profits irrespective of the UOG rule's incremental costs, the EPA also reviewed oil and gas production data for all 22 entities as reported to Pennsylvania in 2017. All 22 entities continued to report oil and gas production to Pennsylvania, demonstrating that they remain in business. Therefore, the EPA is reporting cost information as a range with the lower value representing information for the 15 modeled profitable entities and the upper value representing information for all 22 entities. The EPA's analysis shows that for 2016, the median incremental costs would be $131 to $279 per entity and the total costs of the UOG rule for 2016 would be approximately $33,000 to $65,000 (in 2016$).

## IV. Findings

At the time the EPA promulgated the 2016 UOG rule, it established a zero discharge of pollutant pretreatment standard for UOG extraction facilities based on alternative wastewater management approaches. Consistent with the factors identified in the Clean Water Act and described in the preamble to the 2016 rule, the EPA found these alternatives to be available, have acceptable non-water quality environmental impacts, and be economically achievable, based in part on its findings that no existing UOG facilities were discharging pollutants to POTWs at the time of the 2016 rule. The EPA concluded that such standards would prevent some UOG extraction wastewater constituents from largely ''passing through'' the POTW untreated, and then discharged from the POTW to the receiving stream.

The EPA has supplemented that rulemaking record to account for the UOG facilities in Pennsylvania that were in fact discharging wastewater to POTWs at the time of the rulemaking. Based on the EPA's analysis of the new information described above, the EPA concludes that the zero discharge of pollutants standard is technologically available, economically achievable, and has acceptable non-water quality environmental impacts. Based on this information, the EPA will not revise the 2016 UOG rule.

Dated: June 20, 2019.

**David P. Ross,**

*Assistant Administrator, Office of Water.*

[FR Doc. 2019–14361 Filed 7–3–19; 8:45 am]

BILLING CODE 6560–50–P

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 660

**[Docket No. 190214113–9522–01]**

**RIN 0648–BI74**

## Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Logbook

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

**ACTION:** Interim final rule, request for comments.

**SUMMARY:** This interim final rule creates a Federal requirement for vessels using trawl gear in the Pacific Coast Groundfish fishery to complete and submit the trawl logbook form. Historically, the states of Washington, Oregon, and California each administered state logbook form requirements. However, the California Fish and Game Commission repealed its trawl logbook reporting requirement, effective July 1, 2019. In order to not lose data reporting coverage from vessels in California, NMFS is implementing a Federal requirement for catcher vessels using trawl gear in the Pacific Coast Groundfish fishery Shorebased Individual Fishing Quota (IFQ) Program to complete and submit logbook forms in the absence of similar state regulations. This rule is necessary to continue collection of data vital to coastwide management of the groundfish trawl fishery.

**DATES:** Effective July 5, 2019. Comments must be received by August 5, 2019.

**ADDRESSES:** Submit your comments, identified by NOAA–NMFS–2019–0031, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0031,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070.

*Instructions:* NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Regulatory Impact Review (RIR) and the Categorical Exclusion prepared for this rule may be obtained from *http://www.regulations.gov* or from the West Coast Region website at *http://westcoast.fisheries.noaa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Keeley Kent, phone: 206–526–4655, or email: *keeley.kent@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

Currently, the states of Washington, Oregon, and California require the reporting of trawl fishery data in the trawl logbook form. The states use a single, identical logbook form the Pacific Fishery Management Council (Council) developed to collect information necessary to effectively manage the groundfish fishery on a coastwide basis. While each state has its own requirement for vessels to complete the trawl logbook form, each state transmits the logbooks or logbook data

to the Pacific States Marine Fisheries Commission (PSMFC). PSMFC compiles the data from the logbooks into the PacFIN Coastwide Trawl Logbook Database, and distributes the data to users such as the Council, NMFS, and the Groundfish Management Team (GMT). In addition to managing the logbook data, the PSMFC prints the logbook forms and distributes them to Washington and Oregon so that the states can distribute them to vessels, and distributes them directly to the vessels in California.

Washington, Oregon, and California have long required trawl vessels to submit information on their fishing activity. Since the late 1980's, all three states have collected similar data in order to facilitate coastwide monitoring of the groundfish trawl fishery. As a result of this longstanding requirement for the collection of trawl effort data, NMFS and the Council have an extensive dataset on how trawling activity has changed over time. This data has been especially useful in actions to assess the effects of area management, such as the rockfish conservation areas, and to otherwise supplement stock assessments, especially for stocks that are managed by area.

On December 12, 2018, the California Fish and Wildlife Commission (Commission) voted to repeal its requirement for commercial trawl vessels to complete and submit the logbook form, effective July 1, 2019. There is no existing Federal requirement for vessels to complete and submit the trawl logbook form. Instead, the Federal requirement is for vessels to follow their respective state logbook requirements (50 CFR 660.13(b)). Therefore, without this rule, trawl vessels off of California would no longer be required to complete and submit the trawl logbook form.

**Contents and Use of the Trawl Logbook**

The trawl logbook form developed by the Council collects fisherman-reported haul-level effort data including tow time, tow location, depth of catch, net type, target strategy, and estimated pounds of fish retained per tow. Most data is collected while the vessel is fishing, with only buyer information collected upon landing. Each trawl log represents a single fishing trip. The logbook forms are due monthly to each state, and the data is matched to a landing receipt (fish ticket) summary data submitted by seafood processors. This matching step acts as a data corroboration process for landings, and allows the PSMFC to identify and correct any errors in the data. NMFS, the Council, the GMT, the Northwest Fishery Science Center, and the PSMFC use the data obtained from the logbooks in analyses of catch locations and bycatch hotspots, spot verification of fish tickets, analyses on gear usage by area, stock assessments, and a variety of other applications. Additionally, Federal groundfish regulations require vessels to make the logbooks available to fishery observers under the West Coast Groundfish Observer Program (WCGOP). The observers collect biological samples and pair these samples with logbook data describing vessel position, target, depth, and retained catch. These data are not always accessible from other sources such as equipment on the ship. Finally, the logbook data are also used by the NMFS Office of Law Enforcement and the U.S. Coast Guard in investigations.

**Federal Trawl Logbook Requirement**

This rule creates a Federal requirement for trawl catcher vessels operating under a limited entry trawl permit operating in the Shorebased IFQ Program to complete and submit the trawl logbook form in the absence of a similar state requirement in the state in which the vessel operates. This requirement applies to all trawl catcher vessels off the West Coast, but because Washington and Oregon have a state requirement for trawl logbook forms, vessels operating in those states will only be subject to their respective state's rules. Should Washington or Oregon choose to rescind their logbook requirement in the future, vessels operating in those states would then be subject to this regulation. However, Washington and Oregon continue to have state requirements for the logbook form and have not indicated any intent to change the requirement, therefore this rule will only affect trawl vessels operating off of California at this time.

In 2018, there were 21 trawl vessels operating in California, 8 of which were also participating under the electronic monitoring exempted fishing permit (EFP), which separately requires completion and submission of the trawl logbook form. However, vessels may move in and out of the EFP, therefore 21 vessels is the maximum pool of affected vessels. Overall, there were approximately 97 trawl vessels operating in the fishery coastwide in 2018, therefore this action will affect about 22 percent off the trawl fleet off of the West Coast.

This rule is structured to minimize the impact on trawl vessels off of California by maintaining the identical logbook form that vessels have been using for the past several years and by maintaining the same reporting timeframe (logbooks due monthly by the 10th of the month after which fishing was completed). The logbook forms for trawl vessels operating off California will continue to be distributed by the PSMFC, as they currently are. The only difference that California fishermen will notice is that the address where the logbooks must be submitted will change. Under this rule, vessels will be required to send logbook forms to the PSFMC, on behalf of NMFS, at: Pacific States Marine Fisheries Commission, 619 2nd Street, Eureka, CA 95501. NMFS and the PSMFC plan to provide pre-addressed and stamped envelopes with the logbook forms for return of the logbooks, as California did, for the first year of the new requirement, with further costs to be evaluated at a later date.

This rule will continue a longstanding requirement for the trawl fleet, and maintain the way in which the information is collected and how often it must be submitted. Therefore, NMFS expects that there will be minimal public disruption by this rule.

**Changes to Existing Regulations**

At its June 2019 meeting, the Council requested that NMFS promulgate regulations to implement a Federal requirement to maintain the existing logbook information collection program pursuant to Section 402(a)(1) of the Magnuson-Stevens Act. NMFS determined that the need for a Federal requirement to ensure the continuation of this information collection program is justified, and therefore is publishing this rule.

This rule adds paragraphs § 660.12(b)(3) and § 660.13(a)(1) and (2) to require trawl vessels operating under a limited entry trawl permit to complete and submit the trawl logbook form in the absence of a similar state requirement in the state in which the vessel operates.

**Classification**

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is consistent with the National Standards, other provisions of the Magnuson-Stevens Act, and other applicable laws.

Due to the abbreviated timeline within which the repeal of California's regulation will be effective (July 1, 2019), and the negative effects of a logbook coverage gap for all entities that depend on the information obtained through the logbook, pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as

notice and comment would be impracticable and contrary to the public interest. If the implementation of this requirement were to be delayed, there would be gaps in the collection of trawl effort data for vessels off of California. This gap would have a significant detrimental impact on the dataset and its utility for management purposes as a continuous time series for stock assessments, as fine scale data on protected species catch, for data validation of fish tickets, and for enforcement purposes. Of specific concern, the Council is increasingly moving towards using targeted bycatch hotspot closures as a means to manage take of protected or prohibited species. Without catch data by area collected in the trawl logbook form, this type of targeted closures are difficult to enact.

Additionally, observers in the West Coast Groundfish Observer Program regularly use the information in the logbook during a trip to apportion biological data by area, and this biological data is used in stock assessments and other catch and bycatch reporting. If NMFS went through notice and comment rulemaking, the resulting three-month delay would mean a significant portion of the 2019 trawl fishing season would lack complete data from trawl activities off of California. There would be no way to corroborate landings reports during this time, or for observers to be able to match biological samples and catch or discard records to a specific area, or for NMFS Office of Law Enforcement to have information to investigate fisheries violations. For these reasons, NMFS finds good cause to waive prior notice and an opportunity for public comment on this action. For the same reasons, NMFS also finds good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the 30-day delay in the date of effectiveness, so that this interim final rule may become effective upon publication in the **Federal Register**. Because this requirement will mirror the requirement these vessels have been subject to under California law since the 1980s, NMFS does not expect that this interim final rule will cause any concern or disruption to participants in the fishery.

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

There are no relevant Federal rules that may duplicate, overlap, or conflict with this action.

Although we are waiving prior notice and opportunity for public comment, we are requesting comments on this interim final rule until August 5, 2019. Please see **ADDRESSES** for more information on the ways to submit comments.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

*Collection of Information Requirements*

This action contains a new information collection requirement subject to the Paperwork Reduction Act (PRA), which has been submitted for approval by the Office of Management and Budget (OMB) under OMB Control Number 0648–XXXX.

Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

**List of Subjects in 50 CFR Part 660**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 1, 2019.

**Alan D. Risenhoover,**

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

## PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.12, add paragraph (b)(3) to read as follows:

**§ 660.12 General groundfish prohibitions.**

* * * * *

(b) * * *

(3) Falsify or fail to prepare and/or file, retain or make available records of fishing activities as specified in § 660.13(a)(1).

* * * * *

■ 3. In § 660.13, add paragraphs (a)(1) and (2) to read as follows:

**§ 660.13 Recordkeeping and reporting.**

(a) * * *

(1) *Trawl logbook.* In the absence of a state trawl logbook requirement based on the port of landing, the authorized representative of the commercial trawl fishing vessel registered to a limited entry permit with a trawl gear endorsement participating in the Shorebased IFQ Program groundfish trawl fisheries must keep and submit a complete and accurate record of fishing activities in the trawl logbook form. The following requirements apply:

(i) The authorized representative of the vessel must keep the trawl logbook form on board the vessel while engaged in, or returning from, all Shorebased IFQ Program trips using groundfish trawl gear, and must immediately surrender the logbook form upon demand to NMFS or other authorized officers.

(ii) The authorized representative of the vessel must complete the trawl logbook form on all Shorebased IFQ Program trips using groundfish trawl gear, with all available information, except for information not yet ascertainable, prior to entering port. The logbook form must be completed as soon as the information becomes available. The information on the logbook form will include at a minimum: Vessel name, vessel trip start and end dates, crew size, tow start, tow completion, location of tow, average depth of catch, net type, target strategy, and estimated retained pounds by species.

(iii) The authorized representative of the vessel must deliver the NMFS copy of the trawl logbook form by mail or in person to NMFS or its agent. The authorized representative of the vessel must transmit the logbook form on or before the 10th day of each month following the month to which the records pertain.

(iv) The authorized representative of the vessel responsible for submitting the trawl logbook forms must maintain a copy of all submitted logbooks for up to three years after the fishing activity ended.

(2) [Reserved]

* * * * *

[FR Doc. 2019–14351 Filed 7–3–19; 8:45 am]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register
Vol. 84, No. 129
Friday, July 5, 2019

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2019–0536; Product Identifier 2018–CE–054–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Pilatus Aircraft Ltd. Models PC–6, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, PC–6/C1–H2, PC–6–H1, and PC–6–H2 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as rudder shaft assemblies with incorrect rivet configuration. The FAA is proposing this AD to require actions that address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by August 19, 2019.

**ADDRESSES:** You may send comments 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 proposed AD, contact PILATUS Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *techsupport@pilatus-aircraft.com;* internet: *http://www.pilatus-aircraft.com.* You may review this referenced 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.

### 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–2019–0536; 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 proposed AD, 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:** Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No.FAA–2019–0536; Product Identifier 2018–CE–054–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2018–0222, dated October 19, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During a recent check flight with a PC–6, the pilot experienced loss of rudder control. The consequent precautionary landing resulted in a runway excursion and damage to the aeroplane, but without serious injuries to the occupants. The post-event inspection of the affected rudder shaft assembly found an incorrect rivet configuration. Subsequent investigation results identified that the tapered pins had been replaced with an insufficient quantity of rivets of unknown origin, which effectively constituted a modification that does not conform to any of the three different Pilatus-approved configurations. Prompted by this event, five more aeroplanes were inspected and various non-standard rivet configurations were found in the same area. It cannot be excluded that more PC–6 aeroplanes have had a similar modification applied.
>
> This condition, if not detected and corrected, could lead to failure or loss of rivets, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Pilatus Aircraft Ltd issued the [service bulletin] SB to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection of the affected part to determine the rivet configuration and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also requires inspection of affected parts held as spare, and depending on findings, corrective action(s), prior to installation.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0536.

### Related Service Information Under 1 CFR Part 51

Pilatus Aircraft Ltd. (Pilatus) has issued Pilatus PC–6 Service Bulletin No. 27–006, Rev. No. 1, dated September 4, 2018. The service information contains procedures for inspecting the rivet

configuration on the rudder shaft assembly for size, quantity, location, and type and contacting Pilatus to obtain repair instructions if any discrepancies are found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

## FAA's Determination and Requirements of This 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because it evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

## Costs of Compliance

The FAA estimates that this proposed AD will affect 30 products of U.S. registry. The FAA also estimates that it would take about 7 work-hours per product to comply with the inspection requirement of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of this proposed AD on U.S. operators to be $17,850, or $595 per product.

Since the repair instructions could vary significantly if discrepancies are found during the inspections, the FAA has no way of determining the number of products that may need follow-on actions or what the cost per product would be.

## 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.

## Regulatory Findings

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Pilatus Aircraft Ltd.:** Docket No. FAA–2019–0536; Product Identifier 2018–CE–054–AD.

**(a) Comments Due Date**

The FAA must receive comments by August 19, 2019.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Pilatus Aircraft Ltd. (Pilatus) Models PC–6, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, PC–6/C1–H2, PC–6–H1, and PC–6–H2 airplanes, all serial numbers, certificated in any category.

**Note 1 to paragraph (c) of this AD:** These airplanes may also be identified as Fairchild Republic Company airplanes, Fairchild Heli Porter airplanes, or Fairchild-Hiller Corporation airplanes.

**(d) Subject**

Air Transport Association of America (ATA) Code 55: Stabilizers.

**(e) Reason**

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as rudder shaft assemblies with incorrect rivet configuration. The FAA is issuing this AD to prevent rudder shaft assembly failure, which could result in reduced control of the airplane.

**(f) Actions and Compliance**

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD:

(1) Within the next 100 hours time-in-service after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first, inspect the rudder shaft assembly for proper rivet configuration and repair any discrepancies before further flight in accordance with the Accomplishment Instructions—Part 1, paragraph 3.B. and table 1, of Pilatus PC–6 Service Bulletin No: 27–006, Rev. No. 1, dated September 4, 2018.

(2) After the effective date of this AD, do not install a rudder shaft assembly on any airplane unless it has been inspected in accordance with paragraph (f)(1) of this AD and found to be free of discrepancies or all discrepancies have been repaired or replaced.

**(g) Alternative Methods of Compliance (AMOCs)**

The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**(h) Related Information**

Refer to MCAI European Aviation Safety Agency AD No. 2018–0222, dated October 19, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0536. For service information related to this AD, contact PILATUS Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; phone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *techsupport@pilatus-aircraft.com;* internet: *http://www.pilatus-aircraft.com.* You may review this referenced 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.

Issued in Fort Worth, Texas, on June 26, 2019.

**James A. Grigg,**

*Acting Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2019–14199 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2019–0519; Product Identifier 2019–NM–089–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Embraer S.A. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2017–16–08, which applies to certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 IGW, and –100 ECJ airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes. AD 2017–16–08 requires revising the existing maintenance or inspection program, as applicable, to incorporate more restrictive airworthiness limitations. Since the FAA issued AD 2017–16–08, the FAA determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This proposed AD would also add airplanes to the applicability. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by August 19, 2019.

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

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

For service information identified in this NPRM, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br*; internet *http://www.flyembraer.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

### Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0519; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Krista Greer, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0519; Product Identifier 2019–NM–089–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. The FAA will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

### Discussion

The FAA issued AD 2017–16–08, Amendment 39–18985 (82 FR 42021, September 6, 2017) (''AD 2017–16–08''), for certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ and –100 IGW airplanes and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes. AD 2017–16–08 requires revising the existing maintenance or inspection program, as applicable, to incorporate more restrictive airworthiness limitations. AD 2017–16–08 resulted from a determination that more restrictive airworthiness limitations are necessary. The FAA issued AD 2017–16–08 to address fatigue cracking of structural components and to address failure of certain system components; these conditions could result in reduced structural integrity and system reliability of the airplane.

### Actions Since AD 2017–16–08 Was Issued

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian AD 2019–05–02, effective May 2, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes. The MCAI states:

> This [Brazilian] AD was prompted by a new revision to the airworthiness limitations of the Maintenance Review Board Report. This [Brazilian] AD is being issued to ensure that fatigue cracking of principal structural elements is detected and corrected. Such fatigue cracking could adversely affect the structural integrity of these airplanes.

The required action is revising the existing maintenance or inspection program, as applicable, to incorporate the airworthiness limitations in Appendix A—Airworthiness Limitations to the EMBRAER 190/195 Maintenance Review Board Report, MRB–1928, Revision 12, dated September 27, 2018; and Appendix A—Airworthiness Limitation to the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 8, dated October 10, 2018; as applicable. The service information is divided into four parts: Part 1—Certification Maintenance Requirements (CMR), Part 2—Airworthiness Limitation Inspections (ALI)—Structures, Part 3—Fuel System Limitation Items (FSL), and Part 4—Life Limited Items (LLI).

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–2019–0519.

**Related Service Information Under 1 CFR Part 51**

Embraer has issued Part 1—Certification Maintenance Requirements (CMR); Part 2—Airworthiness Limitation Inspections (ALI)—Structures; Part 3—Fuel System Limitation Items (FSL); and Part 4—Life Limited Items (LLI); of Appendix A—Airworthiness Limitations; to the EMBRAER 190/195 Maintenance Review Board Report, MRB–1928, Revision 12, dated September 27, 2018.

Embraer has also issued Part 1—Certification Maintenance Requirements (CMR); Part 2—Airworthiness Limitation Inspections (ALI)—Structures; Part 3—Fuel System Limitation Items (FSL); and Part 4—Life Limited Items (LLI); of Appendix A—Airworthiness Limitations; to the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 8, dated October 10, 2018.

This service information describes airworthiness limitations for fuel tank systems, safe life limits, and certification maintenance requirements. These documents are distinct since they apply to different airplane models.

This proposed AD would also require Appendix A—Airworthiness Limitations (AL), of the EMBRAER ERJ 190/195 Maintenance Review Board Report, MRB–1928, Revision 9, dated August 14, 2015; Appendix A—Airworthiness Limitations (AL), of the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 4, dated July 14, 2014; EMBRAER MPG—Temporary Revision 4–2, dated February 13, 2015; EMBRAER MPG—Temporary Revision 4–3, dated October 30, 2015; EMBRAER MRB—Temporary Revision 9–1, dated October 27, 2015; and EMBRAER MRB—Temporary Revision 9–3, dated October 27, 2015; which the Director of the Federal Register approved for incorporation by reference as of October 11, 2017 (82 FR 42021, September 6, 2017).

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

**FAA's Determination**

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

**Proposed Requirements of This NPRM**

This proposed AD would retain all of the requirements of AD 2017–16–08. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This proposed AD would also add airplanes having serial numbers 19000697 through 19000758 inclusive to the applicability.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k)(1) of this proposed AD.

**Costs of Compliance**

The FAA estimates that this proposed AD affects 107 airplanes of U.S. registry.

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

The actions that are required by AD 2017–16–08 and retained in this NPRM take about 1 work-hour per product, at an average labor rate of $85 per work hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the actions that were required by AD 2017–16–08 is $85 per product.

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the 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 proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

**Regulatory Findings**

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2017–16–08, Amendment 39–18985 (82 FR 42021, September 6, 2017), and adding the following new AD:

**Embraer S.A:** Docket No. FAA–2019–0519; Product Identifier 2019–NM–089–AD.

**(a) Comments Due Date**

The FAA must receive comments by August 19, 2019.

**(b) Affected ADs**

This AD replaces AD 2017–16–08, Amendment 39–18985 (82 FR 42021, September 6, 2017) (''AD 2017–16–08'').

**(c) Applicability**

This AD applies to Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes; certificated in any category; serial numbers 19000002, 19000004, 19000006 through 19000213 inclusive, 19000215 through 19000276 inclusive, 19000278 through 19000466 inclusive, 19000468 through 19000525 inclusive, and 19000527 through 19000758 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Codes 27, Flight controls; 28, Fuel; 52, Doors; 53, Fuselage; 54, Nacelles/pylons; 55, Stabilizers; 57, Wings; 71, Powerplant; and 78, Exhaust.

**(e) Reason**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking of structural components and to address failure of certain system components, which could result in reduced structural integrity and system reliability of the airplane.

**(f) Compliance**

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

**(g) Retained Revision of Maintenance or Inspection Program, With No Changes**

This paragraph restates the requirements of paragraph (i) of AD 2017–16–08, with no changes. For airplanes having serial numbers 19000002, 19000004, 19000006 through 19000213 inclusive, 19000215 through 19000276 inclusive, 19000278 through 19000466 inclusive, 19000468 through 19000525 inclusive, and 19000527 through 19000696 inclusive, do the revision required by paragraph (g)(1) or (g)(2) of this AD, as applicable.

(1) For Model ERJ 190–100 STD, ERJ 190–100 LR, ERJ 190–100 IGW, ERJ 190–200 STD, ERJ 190–200 LR, and ERJ 190–200 IGW airplanes: Within 90 days after October 11, 2017 (the effective date of AD 2017–16–08), revise the maintenance or inspection program, as applicable, to incorporate the tasks specified in Part 2—Airworthiness Limitation Inspections—Structures, of Appendix A—Airworthiness Limitations (AL), of the EMBRAER 190/195 Maintenance Review Board Report, MRB–1928, Revision 9, dated August 14, 2015 (''MRB–1928, Revision 9''); EMBRAER MRB—Temporary Revision 9–1, dated October 27, 2015, to Part 2—Airworthiness Limitation Inspections—Structures, and Part 4—Life Limited Items, of Appendix A—Airworthiness Limitations (AL), of MRB–1928, Revision 9; and EMBRAER MRB—Temporary Revision 9–3, dated October 27, 2015, to Part 2—Airworthiness Limitation Inspections—Structures, of Appendix A—Airworthiness Limitations (AL), of MRB–1928, Revision 9; with the thresholds and intervals stated in these documents. The initial compliance times for the tasks are at the later of the times specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD.

(i) Within the applicable times specified in MRB–1928, Revision 9; EMBRAER MRB—Temporary Revision 9–1, dated October 27, 2015, to Part 2—Airworthiness Limitation Inspections—Structures, and Part 4—Life Limited Items, of Appendix A—Airworthiness Limitations (AL), of MRB–1928, Revision 9; and EMBRAER MRB—Temporary Revision 9–3, dated October 27, 2015, to Part 2—Airworthiness Limitation Inspections—Structures, of Appendix A—Airworthiness Limitations (AL), of MRB–1928, Revision 9. Where tasks are listed in both MRB–1928, Revision 9, and a temporary revision, the compliance times in the temporary revision take precedence.

(ii) Within 90 days or 600 flight cycles after October 11, 2017 (the effective date of AD 2017–16–08), whichever occurs later.

(2) For Model ERJ 190–100 ECJ airplanes: Within 90 days after October 11, 2017 (the effective date of AD 2017–16–08), revise the maintenance or inspection program, as applicable, to incorporate the tasks specified in Part 1—Certification Maintenance Requirements, Part 2—Airworthiness Limitation Inspections—Structures, Part 3—Fuel System Limitation Items, and Part 4—Life Limited Items, of Appendix A—Airworthiness Limitations (AL), of the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 4, dated July 14, 2014; EMBRAER MPG—Temporary Revision 4–2, dated February 13, 2015; and EMBRAER MPG—Temporary Revision 4–3, dated October 30, 2015; with the thresholds and intervals stated in these documents. The initial compliance times for the tasks are at the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD.

(i) Within the applicable times specified in Part 1, Certification Maintenance Requirements, Part 2, Airworthiness Limitation Inspections—Structures, Part 3, Fuel System Limitation Items, and Part 4, Life Limited Items, of Appendix A—Airworthiness Limitations (AL), of the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 4, dated July 14, 2014; EMBRAER MPG—Temporary Revision 4–2, dated February 13, 2015; and EMBRAER MPG—Temporary Revision 4–3, dated October 30, 2015. Where tasks are listed in both MPG–2928, Revision 4, and a temporary revision, the compliance times in the temporary revision take precedence.

(ii) Within 90 days or 600 flight cycles after October 11, 2017 (the effective date AD 2017–16–08), whichever occurs later.

**(h) Retained No Alternative Actions Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs), With New Exception**

This paragraph restates the action required by paragraph (j) of AD 2017–16–08, with a new exception. Except as required by paragraph (i) of this AD, after accomplishment of the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (k)(1) of this AD.

**(i) New Requirement of This AD: Maintenance or Inspection Program Revision**

(1) For Model ERJ 190–100 STD, ERJ 190–100 LR, ERJ 190–100 IGW, ERJ 190–200 STD, ERJ 190–200 LR, and ERJ 190–200 IGW airplanes: 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 Part 1—Certification Maintenance Requirements (CMR); Part 2—Airworthiness Limitation Inspections (ALI)—Structures; Part 3—Fuel System Limitation Items (FSL); and Part 4—Life Limited Items (LLI); of Appendix A—Airworthiness Limitations; to the EMBRAER 190/195 Maintenance Review Board Report, MRB–1928, Revision 12, dated September 27, 2018 (''EMBRAER 190/195 MRB–1928, Revision 12''). The initial compliance time for doing the tasks are at the later of the times specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD. Accomplishing the revision required by this paragraph terminates the requirements of paragraph (g)(1) of this AD.

(i) Within the applicable times specified in EMBRAER 190/195 MRB–1928, Revision 12. For the purposes of this AD, the initial compliance times (identified as ''Threshold'' or ''T'' in EMBRAER 190/195 MRB–1928, Revision 12) are expressed in ''total flight cycles.''

(ii) Within 90 days or 600 flight cycles after the effective date of this AD, whichever occurs later.

(2) For Model ERJ 190–100 ECJ airplanes: Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the tasks specified in Part 1—Certification Maintenance Requirements (CMR); Part 2—Airworthiness Limitation Inspections (ALI)—Structures; Part 3—Fuel System Limitation Items (FSL); and Part 4—Life Limited Items (LLI); of Appendix A—Airworthiness Limitation, of the EMBRAER Lineage 1000/1000E Maintenance Planning Guide, MPG–2928, Revision 8, dated October 10, 2018 (''EMBRAER Lineage 1000/1000E MPG–2928, Revision 8''). The initial compliance times for the tasks are at the later of the times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD. Accomplishing the revision required by this paragraph terminates the requirements of paragraph (g)(2) of this AD.

(i) Within the applicable times specified in EMBRAER Lineage 1000/1000E MPG–2928, Revision 8. For the purposes of this AD, the initial compliance times (identified as ''Threshold'' or ''T'' in EMBRAER Lineage 1000/1000E MPG–2928, Revision 8) are expressed in ''total flight cycles.''

(ii) Within 90 days or 600 flight cycles after the effective date of this AD, whichever occurs later.

**(j) No Alternative Actions, Intervals, or CDCCLs**

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (k)(1) of this AD.

**(k) 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 (l)(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) AMOC letter AIR–676–18–241, dated May 14, 2018, approved previously for AD 2017–16–08, is approved as an AMOC for the corresponding provisions of this AD.

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

**(l) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2019–05–02, effective May 2, 2019, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0519.

(2) For more information about this AD, contact Krista Greer, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *http://www.flyembraer.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on June 27, 2019.

**Dionne Palermo,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2019–14192 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–13–P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 1, 39, and 140

**RIN 3038–AE66**

### Derivatives Clearing Organization General Provisions and Core Principles

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** On May 16, 2019, the Commodity Futures Trading Commission (Commission) published in the **Federal Register** a notice of proposed rulemaking (NPRM) titled Derivatives Clearing Organization General Provisions and Core Principles. The comment period for the NPRM closes on July 15, 2019. The Commission is extending the comment period for this NPRM by an additional 60 days.

**DATES:** The comment period for the NPRM titled Derivatives Clearing Organization General Provisions and Core Principles, published May 16, 2019 at 84 FR 22226, is extended through September 13, 2019.

**ADDRESSES:** You may submit comments, identified by ''Derivatives Clearing Organization General Provisions and Core Principles'' and RIN number 3038–AE66, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov.* Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://comments.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://comments.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 rulemaking 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 FOIA.

**FOR FURTHER INFORMATION CONTACT:** Eileen A. Donovan, Deputy Director, 202–418–5096, *edonovan@cftc.gov*; Parisa Abadi, Associate Director, 202–418–6620, *pabadi@cftc.gov*; Eileen R. Chotiner, Senior Compliance Analyst, 202–418–5467, *echotiner@cftc.gov*; Abigail S. Knauff, Special Counsel, 202–418–5123, *aknauff@cftc.gov*; Division of Clearing and Risk, Commodity Futures

[1] 17 CFR 145.9.

Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:** On May 16, 2019, the Commission published in the **Federal Register** an NPRM proposing amendments to certain regulations applicable to registered derivatives clearing organizations.[2] The proposed amendments would, among other things, address certain risk management and reporting obligations, clarify the meaning of certain provisions, simplify processes for registration and reporting, and codify existing staff relief and guidance. In addition, the Commission proposed technical amendments to certain provisions, including certain delegation provisions, in other parts of its regulations. The comment period for the NPRM closes on July 15, 2019. As requested by commenters, the Commission is extending the comment period for this NPRM by an additional 60 days.[3] This extension of the comment period will allow interested persons additional time to analyze the proposal and prepare their comments.

Issued in Washington, DC, on June 28, 2019, by the Commission.

**Christopher Kirkpatrick,**

*Secretary of the Commission.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

## Appendix to Derivatives Clearing Organization General Provisions and Core Principles—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2019–14294 Filed 7–3–19; 8:45 am]

BILLING CODE 6351–01–P

[2] Derivatives Clearing Organization General Provisions and Core Principles, 84 FR 22226 (May 16, 2019).

[3] *See* Comment Letter from CME Group Inc., Intercontinental Exchange, Inc., and Futures Industry Association (June 18, 2019), available at *https://comments.cftc.gov/PublicComments/CommentList.aspx?id=2985.*

---

## COMMODITY FUTURES TRADING COMMISSION

## 17 CFR Part 30

**RIN 3038–AE86**

## Foreign Futures and Options Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is proposing amendments to certain provisions of its regulations governing the offer and sale of foreign futures and options to customers located in the United States of America (U.S.). The proposed amendments would codify the process by which the Commission may terminate exemptive relief issued pursuant to those regulations.

**DATES:** Comments must be received on or before August 5, 2019.

**ADDRESSES:** You may submit comments, identified by RIN 3038–AE86, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov.* Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://comments.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://comments.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 rulemaking 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 FOIA.

**FOR FURTHER INFORMATION CONTACT:** Matthew Kulkin, Director, *mkulkin@cftc.gov;* Frank Fisanich, Chief Counsel, *ffisanich@cftc.gov;* or Andrew Chapin, Associate Chief Counsel, *achapin@cftc.gov*, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581, (202) 418–5000.

**SUPPLEMENTARY INFORMATION:**

### I. Background

Part 30 of the Commission's regulations governs the offer and sale of futures and option contracts traded on or subject to the regulations of a foreign board of trade (''foreign futures and options'') to customers located in the U.S.[2] These regulations set forth requirements for foreign firms acting in the capacity of a futures commission merchant (FCM), introducing broker, commodity pool operator and commodity trading adviser with respect to the offer and sale of foreign futures and options to U.S. customers and are designed to ensure that such products offered and sold in the U.S. are subject to regulatory safeguards comparable to those applicable to transactions entered into on designated contract markets. In particular, requirements with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, and sales practice and compliance procedures apply to the offer and sale of foreign futures and options as they do the offer and sale of domestic transactions.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to customers located in the U.S., the Commission considered the desirability of ameliorating the potential impact of such a program on persons already subject to regulatory oversight abroad. Based upon this consideration, the Commission determined to permit persons located outside the U.S. and subject to a comparable regulatory structure in the jurisdiction in which they are located to seek an exemption from certain of the requirements under part 30 of the Commission's regulations based upon compliance with the regulatory requirements of the person's jurisdiction.[3] Such an exemption may be sought pursuant to § 30.10.[4]

A petition for exemption pursuant to § 30.10 typically is filed on behalf of persons located and doing business outside the U.S. that seek access to U.S. customers by: (1) A governmental agency responsible for implementing

[1] 17 CFR 145.9. Commission regulations referred to herein are found at 17 CFR chapter I.

[2] 17 CFR part 30.

[3] Foreign Futures and Foreign Options Transactions, 52 FR 28980 (Aug. 5, 1987).

[4] 17 CFR 30.10.

and enforcing the foreign regulatory program; or (2) a self-regulatory organization (SRO) of which such persons are members. A petitioner who seeks an exemption pursuant to § 30.10 must set forth with particularity the comparable regulations applicable in the jurisdiction in which that person is located. The Commission may, in its discretion, grant such an exemption if demonstrated to the Commission's satisfaction that the exemption is not otherwise contrary to the public interest or to the purposes of the provision from which exemption is sought. Appendix A to part 30, ''Interpretative Statement With Respect to the Commission's Exemptive Authority Under § 30.10 of Its Rules'' (appendix A), generally sets forth the elements the Commission will evaluate in determining whether a particular regulatory program may be found to be comparable for purposes of exemptive relief pursuant to § 30.10.[5] Appendix A also specifically states that in considering an exemption request, the Commission will take into account the extent to which U.S. persons or contracts regulated by the Commission are permitted to engage in futures-related activities or be offered in the country from which an exemption is sought.[6] If the Commission determines that relief is appropriate, the Commission issues an Order to the foreign regulator or SRO that sets forth conditions governing such relief. For example, the foreign regulator or SRO must certify that it will promptly notify the Commission of any material changes to local laws and regulations forming the basis for the relief. If the Commission grants an exemption pursuant to § 30.10, persons subject to regulatory oversight by the foreign regulator or SRO, as appropriate, and located and doing business outside the U.S. may solicit or accept orders directly from U.S. customers for foreign futures or options transactions and, in the case of a person acting in the capacity of an FCM, accept customer money or other property, without registering under the Commodity Exchange Act (CEA) in the appropriate capacity.[7] As a condition for relief from registration, each foreign person must file written representations set forth in the Order issued by the Commission to its foreign regulator or SRO prior to engaging U.S. customers. For example, such foreign person must agree to provide the Commission or its representative access to its books and records related to transactions undertaken pursuant to the exemptive relief. Should the foreign regulator or SRO fail to comply with any of the conditions set forth in the relevant Order, the relief no longer applies. To date, the Commission has issued Orders pursuant to § 30.10 upon application from foreign regulators and SROs spanning the globe, including those in North America, Europe, South America, Australia and Asia.[8] Each of these Orders applies to foreign intermediaries acting solely in the capacity of FCMs. As a result of this regulatory deference, U.S. customers have greater access to robust global markets without sacrificing the regulatory goals for customer protection set forth in the CEA.

Within each Order issued pursuant to § 30.10, the Commission reserves the right to condition, modify, suspend, terminate, withhold as to a specific firm, or otherwise restrict the exemptive relief granted, as appropriate, on its own motion. For example, the Commission may reconsider its finding that the standards for relief set forth in Regulation 30.10 and, in particular, appendix A, have been met due to changes in the foreign regulatory program. The Commission also may determine that the continued exemptive relief, in general, or with respect to a particular firm, would be, for example, contrary to the public interest, or that the arrangements in place for the sharing of information with the Commission or other circumstances do not warrant continuation of the exemptive relief.

## II. The Proposal

Regulation 30.10(a) sets forth the process by which any person adversely affected by any requirement set forth in part 30 may file a petition with the Commission seeking an exemption.[9] Pursuant to this provision, the Commission may, in its discretion, grant the exemption if it finds that the exemption is not otherwise contrary to the public interest or to the purposes of the provision for which an exemption is sought. While § 30.10(a) provides that the Commission may grant an exemption subject to any terms or conditions it may find appropriate, the regulation does not provide a specific course of action should the Commission determine that exemptive relief is no longer warranted. Accordingly, the Commission is proposing to amend § 30.10 by adding a new paragraph (c) to codify the process by which the Commission may terminate exemptive relief issued pursuant to paragraph (a).

The Commission notes that part 48 of its regulations provides a process for termination of a foreign board of trade's (FBOT) registration.[10] Regulation 48.9 generally provides two broad mechanisms for revocation of an FBOT's registration: (1) Failure to satisfy registration requirements or conditions; and (2) other events that could result in revocation, such as a material change to regulatory regime, market emergency, or any other event impacting the public interest.[11] Similarly, the Commission in this rulemaking is proposing to codify the process by which relief granted by the Commission pursuant to § 30.10 would be terminated.

Proposed § 30.10(c)(1) specifically would provide that the Commission may terminate exemptive relief, after appropriate notice and an opportunity to respond, under three circumstances. First, the Commission could terminate the relief should it determine that there has been a material change or omission in the facts and circumstances pursuant to which relief was granted that demonstrate that the standards set forth in appendix A forming the basis for granting such relief are no longer met. For example, the laws within a foreign jurisdiction could be amended to no longer require customer funds be segregated from proprietary funds. In this case, an exempt foreign broker would no longer be subject to customer protection standards comparable to those applicable to a registered FCM. Second, the Commission could terminate relief should it determine that the continued exemptive relief would be contrary to the public interest or inconsistent with the purposes of the § 30.10 exemption. For example, in considering whether exemptive relief continues to be warranted, the Commission could take account of a lack of comity relating to the execution

[5] 52 FR 28990, 29001. These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons that solicit and accept customer orders; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) recordkeeping and reporting requirements; (5) sales practice standards; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) information sharing arrangements between the Commission and the appropriate governmental and/or self-regulatory organization to ensure Commission access on an as-needed basis to information essential to maintaining standards of customer and market protection within the U.S.

[6] 17 CFR part 30, appendix A.

[7] The term ''futures commission merchant'' is defined in § 1.3, 17 CFR 1.3.

[8] For a complete list of Orders issued by the Commission pursuant to § 30.10, *see https://sirt.cftc.gov/sirt/sirt.aspx?Topic=ForeignPart30Exemptions.*

[9] 17 CFR 30.10(a).

[10] 17 CFR part 48.

[11] 17 CFR 48.9.

or clearing of any commodity interest[12] subject to the Commission's exclusive jurisdiction.[13] Third, the Commission could terminate relief should it determine that the information-sharing arrangements no longer adequately support exemptive relief.

Proposed § 30.10(c)(2) and (3) would provide any affected person with an appropriate opportunity to respond to any notice by the Commission issued pursuant to § 30.10(c)(1). The affected person would be the foreign regulator, SRO or other entity that filed the original petition for relief. The Commission believes that the timing for any opportunity to respond would take into account the exigency of circumstances. Should the Commission ultimately determine to terminate any exemptive relief, it shall notify the affected person in writing setting forth the particular reasons why relief is no longer warranted and issue an Order terminating exemptive relief to be published in the **Federal Register**. Proposed § 30.10(c)(2) through (4) would provide further that any Order terminating exemptive relief shall set forth an appropriate timeframe for the orderly transfer or close out of any accounts held by U.S. customers impacted by such an Order. Consistent with § 48.9, proposed § 30.10(c)(5) would provide that any person whose relief has been terminated may apply for exemptive relief 360 days after the issuance of the relevant Order issued by the Commission if the deficiency causing the revocation has been cured or relevant facts and circumstances have changed.

The Commission notes that the proposed amendment to § 30.10 would not impact its ability to suspend immediately the relief set forth in any Order issued pursuant to § 30.10(a) should exigent circumstances occur, *e.g.,* a foreign regulator halts the flow of capital outside its jurisdiction impacting a U.S. customer's ability to withdraw money held in a segregated foreign futures and options customer account. The proposed amendment also would not impact the Commission's ability, as set forth in each of the Orders issued pursuant to § 30.10, to otherwise condition, modify, withhold as to a specific firm, or other otherwise restrict exemptive relief on its own motion.

The Commission requests comment on all aspects of this proposed rulemaking. The Commission specifically requests comment as to whether § 30.10(c) should be amended further to formalize the process for other changes to the scope of relief issued by the Commission, *e.g.,* modification or suspension of the granted exemptive relief, subject to the parameters set forth within the proposed regulation.

## III. Related Matters

### *A. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) requires that Federal agencies consider whether the rules that they issue will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the impact on those entities. Each Federal agency is required to conduct an initial and final regulatory flexibility analysis for each rule of general applicability for which the agency issues a general notice of proposed rulemaking.[14]

The regulatory amendments proposed by the Commission in this release would affect foreign members of foreign boards of trade who perform the functions of an FCM. While the RFA may not apply to foreign entities,[15] the Commission previously determined that FCMs should be excluded from the definition of small entities.[16] Therefore, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these proposed regulations will not have a significant impact on a substantial number of small entities.

### *B. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA. Proposed regulation 30.10(c)(2) would result in the collection of information requirements within the meaning of the PRA, as discussed below. This proposed rule contains a collection of information for which the Commission has not previously received control numbers from the Office of Management and Budget (OMB). If adopted, responses to this collection of information would be required to obtain or retain benefits. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. The Commission has submitted to OMB an information collection request to obtain an OMB control number for the collection contained in this proposal in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11.

Specifically, proposed regulation 30.10(c)(3) provides any party affected by the Commission's determination to terminate relief with the opportunity to respond to the notification in writing no later than 30 business days following the receipt of the notification, or at such time as the Commission permits in writing. The Commission estimates that, if adopted, it would receive one response to this collection resulting in eight burden hours annually.

The Commission invites the public and other Federal agencies to comment on any aspect of the proposed information collection requirements discussed above. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information; (3) determine whether there are ways to 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 automated collection techniques or other forms of information technology.

Comments may be submitted directly to the Office of Information and Regulatory Affairs, by fax at (202) 395–6566, or by email at *OIRAsubmissions@omb.eop.gov.* Please provide the Commission with a copy of submitted comments so that all comments can be summarized and addressed in the final rule preamble. Refer to the **ADDRESSES** section of this document for comment submission instructions to the Commission. A copy of the supporting statements for the collection of information discussed above may be obtained by visiting *RegInfo.gov.* 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

[12] The term ''commodity interest'' includes, among other things, any contract for the purchase or sale of a commodity for future delivery, or any swap as defined in the CEA. *See* 17 CFR 1.3.

[13] The Commission's exclusive jurisdiction is set forth in 7 U.S.C. 2(a).

[14] *See* 5 U.S.C. 601 *et seq.*

[15] *See* 13 CFR 121.105 (noting that a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor).

[16] *See, e.g.,* Policy Statement and Establishment of Definitions of ''Small Entities'' for purposes of the Regulatory Flexibility Act, 47 FR 18618, 18619 (Apr. 30, 1982).

if OMB receives it within 30 days of publication.

*C. Cost-Benefit Considerations*

1. Summary

Section 15(a) of the CEA [17] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. The baseline for this consideration of costs and benefits is the current status, where the Commission has not codified the procedures by which the Commission may terminate exemptive relief issued pursuant to § 30.10. Because the Commission has not yet terminated such relief, the Commission has not yet implemented a procedure for terminating such exemptions. Moreover, the Commission has limited relevant or useful quantitative data to assess the potential costs and benefits of proposed regulation 30.10(c). Accordingly, the Commission has generally considered the costs and benefits of proposed regulation 30.10(c) in qualitative terms.

As a general matter, proposed regulation 30.10(c) would reduce legal uncertainty by articulating the basis on which the Commission may terminate exemptive relief pursuant to § 30.10 and establishing a process whereby an affected party would first be notified and given an opportunity to respond before the Commission would take any action. The affected party will benefit from the clear process set forth in the proposed regulation. The affected party would only incur costs in connection with the proposed regulation to the extent that the Commission identified a basis for terminating the exemption and notified the party of that basis. Those costs would include reviewing and responding to the notification, which the Commission believes would vary depending on the circumstances, including the stated basis for termination. As stated above, the Commission believes that 30 days, or such additional time as the Commission may permit in writing, would be sufficient for the affected party to develop a response while allowing the Commission to take timely action to protect its regulatory interests.

The Commission requests comment on the potential costs and benefits of proposed Regulation 30.10(c), including, where possible, quantitative data. The Commission further requests comment on any alternative proposals that might achieve the objectives of the proposed regulation, and the costs and benefits associated with any such alternatives.

2. Section 15(a) Factors

Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.

The Commission is considering the costs and benefits of these rules in light of the specific provisions of section 15(a) of the CEA:

a. *Protection of Market Participants and the Public.* Section 15(a)(2)(A) of the CEA requires the Commission to evaluate the costs and benefits of a proposed regulation in light of protection of market participants and the public. The proposed amendments would protect market participants and the public by setting forth a clear procedure for the Commission's termination of exemptive relief issued pursuant to § 30.10(a) and by providing a reasonable timeframe for the orderly transfer of any accounts held by U.S. customers impacted by an order terminating relief.

b. *Efficiency, Competitiveness, and Financial Integrity of Markets.* Section 15(a)(2)(B) of the CEA requires the Commission to evaluate the costs and benefits of a proposed regulation in light of efficiency, competitiveness, and financial integrity considerations. The Commission has not identified a specific effect on the efficiency and financial integrity of markets as a result of the proposed regulations. There may be a minor impact of termination on the competitiveness of futures markets. Foreign futures and options may compete directly or indirectly with contracts listed on DCMs. Due to legal restrictions in foreign jurisdictions, the only way that U.S. customers may access certain foreign contracts may be through an exempt foreign firm. The termination of any exemptive relief therefore may reduce the available options for U.S. market participants.

c. *Price Discovery.* Section 15(a)(2)(C) of the CEA requires the Commission to evaluate the costs and benefits of a proposed regulation in light of price discovery considerations. The Commission believes that the proposed amendments will not have any significant impact on price discovery.

d. *Sound Risk Management Practices.* Section 15(a)(2)(D) of the CEA requires the Commission to evaluate the costs and benefits of a proposed regulation in light of sound risk management practices. The Commission believes that the proposed amendments will not have a large impact on the risk management practices of the futures and options industry. However, to the extent that having a transparent process for terminating exemptions issued to foreign regulatory or self-regulatory organizations on behalf of individual firms may encourage an increased offer and sale of contracts that more closely match the hedging needs of particular U.S. market participants, the practice of sound risk management might be improved slightly.

e. *Other Public Interest Considerations.* Section 15(a)(2)(E) of the CEA requires the Commission to evaluate the costs and benefits of a proposed regulation in light of other public considerations. The Commission believes that having a transparent process for terminating an exemption from registration would ensure exempt § 30.10 firms have due process in the event that the Commission believes such a termination may be warranted. This process would also give procedural notice to U.S. customers who may be affected by the termination of an order of § 30.10 exemption.

The Commission invites comment on its preliminary consideration of the costs and benefits associated with the proposed changes to § 30.10.

**List of Subjects in 17 CFR Part 30**

Consumer protection, Fraud.

For the reasons set forth in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR part 30 as follows:

## PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

■ 1. The authority citation for part 30 continues to read as follows:

**Authority:** 7 U.S.C. 1a, 2, 6, 6c and 12a, unless otherwise noted.

■ 2. In § 30.10, add paragraph (c) to read as follows:

**§ 30.10 Petitions for exemption.**

* * * * *

(c)(1) The Commission may, in its discretion and upon its own initiative, terminate the exemptive relief granted to any person pursuant to paragraph (a) of this section, after appropriate notice and an opportunity to respond, if the Commission determines that:

(i) There is a material change or omission in the facts and circumstances pursuant to which relief was granted that demonstrate that the standards set forth in appendix A of this part forming

[17] 7 U.S.C. 19(a).

the basis for granting such relief are no longer met; or

(ii) The continued effectiveness of any such exemptive relief would be contrary to the public interest or inconsistent with the purposes of the exemption provided for in this part; or

(iii) The arrangements in place for the sharing of information with the Commission do not warrant continuation of the exemptive relief granted.

(2) The Commission shall provide written notification to the affected party of its intention to terminate an exemption pursuant to paragraph (a) of this section and the basis for that intention.

(3) The affected party may respond to the notification in writing no later than 30 business days following the receipt of the notification, or at such time as the Commission permits in writing.

(4) If, after providing any affected person appropriate notice and opportunity to respond, the Commission determines that relief pursuant to paragraph (a) of this section is no longer warranted, the Commission shall notify the person of such determination in writing, including the particular reasons why relief is no longer warranted, and issue an Order Terminating Exemptive Relief. Any Order Terminating Exemptive Relief shall provide an appropriate timeframe for the orderly transfer or close out of any accounts held by U.S. customers impacted by such an Order.

(5) Any person whose relief has been terminated may apply for exemptive relief 360 days after the issuance of the Order Terminating Exemptive Relief if the deficiency causing the revocation has been cured or relevant facts and circumstances have changed.

Issued in Washington, DC, on June 25, 2019, by the Commission.

**Christopher Kirkpatrick,**

*Secretary of the Commission.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

## Appendix to Foreign Futures and Options Transactions—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2019–13828 Filed 7–3–19; 8:45 am]

BILLING CODE 6351–01–P

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 916

**[SATS No. KS–030–FOR; Docket ID: OSM–2019–0002; S1D1S SS08011000 SX064A000 190S180110; S2D2S SS08011000 SX064A000 19XS501520]**

## Kansas Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Kansas regulatory program (Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kansas proposes revisions to its Ownership and Control rules, and additional revisions made for organizational clarity. Kansas intends to revise its program to be as effective as the Federal regulations. This document gives the times and locations where the Kansas program documents and this proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4 p.m., CST, August 5, 2019. If requested, we will hold a public hearing on the amendment on July 30, 2019. We will accept requests to speak at a hearing until 4 p.m., CST on July 22, 2019.

**ADDRESSES:** You may submit comments, identified by SATS No. KS–030–FOR, by any of the following methods:

- *Mail/Hand Delivery:* William Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128–4629.
- *Fax:* (918) 581–6419.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2019–0002. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to review copies of the Kansas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Tulsa Field Office, or the full text of the program amendment is available for you to review at *www.regulations.gov.*

William Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128–4629, Telephone: (918) 581–6430, Email: *bjoseph@osmre.gov*

In addition, you may review a copy of the amendment during regular business hours at the following location: Kansas Department of Health and Environment, Surface Mining Section, 4033 Parkview Drive, Frontenac, KS 66763, Telephone: (316) 231–8540.

**FOR FURTHER INFORMATION CONTACT:** William Joseph, Director, Tulsa Field Office. Telephone: (918) 581–6430, email: *bjoseph@osmre.gov.*

**SUPPLEMENTARY INFORMATION:**

I. Background on the Kansas Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

## I. Background on the Kansas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior fully approved the Kansas program, as amended, effective April 14, 1982. You can find background information on the Kansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Kansas program in the April 14, 1982, **Federal Register** (47 FR 16012). You can also find later actions concerning the Kansas

program and program amendments at 30 CFR 916.10, 916.12, and 916.15.

## II. Description of the Proposed Amendment

By letter dated February 6, 2019 (Administrative Record No. KS–629), Kansas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Kansas submitted the proposed amendment in response to a September 30, 2009, letter (Administrative Record No. KS–627) that OSMRE sent to Kansas in accordance with 30 CFR 732.17(c). OSMRE requested additional information from Kansas in order to complete the initial review of the proposed amendment, which was received on March 11, 2019. Because additional information was required, this March date will be used as the proposed amendment submission date for OSMRE's review. Below is a summary of the changes proposed by Kansas. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

In the September 30, 2009, letter (Administrative Record No. KS–627), OSMRE notified Kansas that the Kansas program was determined to be less effective than the Federal regulations in the following ownership and control areas:

- *30 CFR 773.8*—General provisions for review of permit application information and entry of information into AVS.
- *30 CFR 773.9*—Review of applicant and operator information.
- *30 CFR 773.12*—Permit eligibility determination.
- *30 CFR 773.25*—Who may challenge ownership or control listings and findings.
- *30 CFR 774.11*—Post-permit issuance requirements for regulatory authorities and other actions based on ownership, control, and violation information.
- *30 CFR 774.17*—Transfer, assignment, or sale of permit rights.
- *30 CFR 778.11*—Providing applicant and operator information.
- *30 CFR 847.2*—General provisions.
- *30 CFR 847.11*—Criminal penalties.
- *30 CFR 847.16*—Civil actions for relief.

Kansas proposes to amend its Kansas Administrative Regulations (K.A.R.) to address these deficiencies in the following sections:

- *K.A.R. 47–3–42(a)(4), (5), (8), (17), and (22).*
- *K.A.R. 47–6–4(b).*
- *K.A.R. 47–6–11(a)(1).*
- *K.A.R. 47–5–5a(a)(14), (15), and (16).*

The remaining changes proposed by Kansas are organizational in nature.

## III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

*Electronic or Written Comments*

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final program will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

*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.

*Public Hearing*

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., CST on July 22, 2019. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

*Public Meeting*

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

## IV. Procedural Determinations

*Executive Order 12866—Regulatory Planning and Review*

Pursuant to Office of Management and Budget (OMB) Guidance dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

*Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

## List of Subjects in 30 CFR Part 916

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 16, 2019.

**Alfred L. Clayborne,**

*Regional Director, Mid-Continent Region.*

[FR Doc. 2019–14334 Filed 7–3–19; 8:45 am]

**BILLING CODE 4310–05–P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 918**

**[SATS No. LA–024–FOR; Docket ID: OSM–2019–0005; S1D1S SS08011000 SX064A000 190S180110; S2D2S SS08011000 SX064A000 19XS501520]**

## Louisiana Abandoned Mine Land Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Louisiana Abandoned Mine Land Plan (hereinafter, the Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Louisiana proposes revisions to its Plan to allow its AML program to receive limited liability protection for certain non-coal reclamation projects. Louisiana intends to revise its Plan in order to meet the requirements of SMCRA and the implementing Federal regulations. This document gives the times and locations where the Louisiana Plan and this proposed amendment to that Plan are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4 p.m., CST, August 5, 2019. If requested, we will hold a public hearing on the amendment on July 30, 2019. We will accept requests to speak at a hearing until 4 p.m., CST on July 22, 2019.

**ADDRESSES:** You may submit comments, identified by SATS No. LA–024–FOR, by any of the following methods:

- *Mail/Hand Delivery:* Richard O'Dell, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209.
- *Fax:* (205) 290–7280.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2019–0005. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to review copies of the Louisiana Plan, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office, or the full text of the plan amendment is available for you to review at *www.regulations.gov.* Richard O'Dell, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, Email: *rodell@osmre.gov*

In addition, you may review a copy of the amendment during regular business hours at the following location: Louisiana Department of Natural Resources, Louisiana Office of Conservation, Injection and Mining Division, 617 North 3rd Street, Baton Rouge, LA 70802, Telephone: (225) 342–5515.

**FOR FURTHER INFORMATION CONTACT:** Richard O'Dell, Director, Birmingham Field Office. Telephone: (205) 290–7282, Email: *rodell@osmre.gov.*

**SUPPLEMENTARY INFORMATION:**

I. Background on the Louisiana Plan
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

### I. Background on the Louisiana Plan

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act (30 U.S.C. 1201 *et seq.*), in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Tribes to assume exclusive responsibility for reclamation activity within the State or on Tribal lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a Plan) for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary of the Interior approved the Louisiana Plan, effective December 10, 1986. You can find background information on the Louisiana Plan, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Louisiana Plan in the November 10, 1986, **Federal Register** (51 FR 40793). You can also find later actions concerning the Louisiana Plan and amendments to the Plan at 30 CFR 918.20 and 918.25.

### II. Description of the Proposed Amendment

By letter dated April 8, 2019 (Administrative Record No. LA–371), Louisiana sent us an amendment to its Plan under SMCRA (30 U.S.C. 1201 *et seq.*). Louisiana submitted the proposed amendment in response to a March 6, 2019, letter (Administrative Record No. LA–371–01) OSMRE sent to Louisiana in accordance with 30 CFR 884.15. Louisiana submitted a revised version of the proposed amendment via email on June 4, 2019 (Administrative Record No. LA–371.05). Below is a summary of the changes proposed by Louisiana. The full text of the plan amendment is available for you to read at the locations listed above under **ADDRESSES**.

Effective March 9, 2015, OSMRE published a final rule allowing certified AML programs to receive limited liability protection for certain non-coal reclamation projects (80 FR 6435). In the March 6, 2019 letter, we notified Louisiana that the State must update its Plan in order to meet the requirements of SMCRA and the implementing Federal regulations.

Louisiana proposes to amend its Plan to meet the requirements listed in 30 CFR 884.13, including receiving limited liability protection by including references to Section 405(l) of SMCRA and 30 CFR 875.19 (Limited liability) in Section 884.13(b) of its Plan.

### III. Public Comment Procedures

We are seeking your comments on whether the amendment satisfies the applicable plan approval criteria of 30 CFR 884.14 and 884.15. If we approve the amendment, it will become part of the state Plan.

*Electronic or Written Comments*

If you submit written comments, they should be specific, confined to issues pertinent to the proposed Plan, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final plan will be those that either involve personal experience or

include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

*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.

*Public Hearing*

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., CST on July 22, 2019. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

*Public Meeting*

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

## IV. Procedural Determinations

*Executive Order 12866—Regulatory Planning and Review*

Pursuant to Office of Management and Budget (OMB) Guidance dated October 12, 1993, the approval of state plan amendments is exempted from OMB review under Executive Order 12866.

*Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a Plan amendment to OSMRE for review, our regulations at 30 CFR 884.14 and 884.15, and agency policy require public notification and an opportunity for public comment. We accomplish this by publishing a notice in the **Federal Register** indicating receipt of the proposed amendment and its text or a summary of its terms. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

## List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 11, 2019.

**Alfred L. Clayborne,**

*Regional Director, Department of Interior, Unified Regions 3.*

[FR Doc. 2019–14335 Filed 7–3–19; 8:45 am]

**BILLING CODE 4310–05–P**

---

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket Number USCG–2019–0469]**

**RIN 1625–AA00**

## Safety Zone; Perch and Pilsner Festival, Lake Erie, Conneaut, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a safety zone for navigable waters within a defined area off Conneaut Township Park during the Perch and Pilsner Festival Water Ski Show. This action is necessary to provide for the safety of life on the navigable waters in Conneaut Harbor, Lake Erie, Conneaut, OH during a water ski show on September 7, 2019. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 5, 2019.

**ADDRESSES:** You may submit comments identified by docket number USCG–2019–0469 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST2 Meaghan Barnaby, Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–6004, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil*

**SUPPLEMENTARY INFORMATION:**

## I. Table of Abbreviations

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

## II. Background, Purpose, and Legal Basis

On March 7, 2019, the Conneaut Area Chamber of Commerce notified the Coast Guard that it will be conducting a Water Ski Show from Noon to 5 p.m. on September 7, 2019. There will be three separate Water Ski demonstrations within the specified period. The Coast Guard determined that a high volume of vessels operating in the vicinity of the event is a safety concern for the event participants.

The purpose of this rulemaking is to protect the safety of vessels, participants, and the navigable waters in Conneaut Harbor, Lake Erie, Conneaut, OH shoreward of a line between the following positions: 41°58′09″ N, 080°33′22″ W and 41°58′07″ N, 080°33′12″ W (NAD83) before, during, and immediately after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

## III. Discussion of Proposed Rule

The Captain of the Port is proposing to establish a safety zone from 11:45 a.m. through 5:15 p.m. on September 7,

2019. The safety zone would cover all navigable waters in Conneaut Harbor, Lake Erie, Conneaut, OH shoreward of a line between the following positions: 41°58′09″ N, 080°33′22″ W and 41°58′07″ N, 080°33′12″ W (NAD83). The duration of the zone is intended to protect the safety of vessels, participants, and these navigable waters before, during, and immediately after the scheduled Noon to 5 p.m. water ski show. No vessel or person would be permitted to enter the safety zone without obtaining permission from the Captain of the Port or a designated representative. The regulatory text we are proposing appears at the end of this document.

## IV. Regulatory Analyses

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

### *A. Regulatory Planning and Review*

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone is designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

### *B. Impact on Small Entities*

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

### *C. Collection of Information*

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

### *D. Federalism and Indian Tribal Governments*

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

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

### *E. Unfunded Mandates Reform Act*

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

### *F. Environment*

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting five and a half hours that would prohibit entry in all waters in Conneaut Harbor, Lake Erie, Conneaut, OH shoreward of a line between the following positions: 41°58′09″ N, 080°33′22″ W and 41°58′07″ N, 080°33′12″ W (NAD83). Normally such actions are categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a

significant environmental impact from this proposed rule.

*G. Protest Activities*

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

## V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *https://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

## List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0469 to read as follows:

### § 165.T09–0469 Safety Zone; Perch and Pilsner Festival; Lake Erie, Conneaut, OH.

(a) *Location.* The safety zone encompasses all waters in Conneaut Harbor, Lake Erie, Conneaut, OH shoreward of a line between the following positions: 41°58′09″ N, 080°33′22″ W and 41°58′07″ N, 080°33′12″ W (NAD83).

(b) *Enforcement period.* This regulation will be enforced from 11:45 a.m. through 5:15 p.m. on September 7, 2019.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or a designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who is designated by the Captain of the Port Buffalo to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or an on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his or her on-scene representative.

Dated: June 25, 2019.

**Joseph S. Dufresne,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2019–13880 Filed 7–3–19; 8:45 am]

BILLING CODE 9110–04–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 60

**[EPA–HQ–OAR–2018–0851; FRL–9996–20–OAR]**

**RIN 2060–AU27**

## Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; amendments.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is proposing amendments to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. In the ''Rules and Regulations'' section of this **Federal Register**, we are publishing a direct final rule, without a prior proposed rule that revises the emission standards for particulate matter for new stationary compression ignition (CI) engines located in remote areas of Alaska. If we receive no adverse comment, we will not take further action on this proposed rule.

**DATES:** *Comments.* Comments must be received on or before August 5, 2019, or 30 days after date of public hearing, if one is requested.

*Public hearing.* If anyone contacts us requesting a public hearing on or before July 10, 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-engines/new-source-performance-standards-stationary-compression-ignition-internal-0.* 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–2018–0851, 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–2018–0851 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2018–0851.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2018–0851, 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 Melanie King, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; *telephone number:* (919) 541–2469; *fax number:* (919) 541–4991; and *email address: king.melanie@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

*Public hearing.* Please contact Adrian Gates at (919) 541–4860 or by email at *gates.adrian@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–2018–0851. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* 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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA 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–2018–0851. 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–2018–0851.

## I. Direct Final Rule

A direct final rule that would make the same changes as those proposed in this notice is published in the Rules and Regulations section of this **Federal Register**. The EPA has published a direct final action on the amendments that are also proposed in this action because we view the amendments as noncontroversial and anticipate no significant adverse comments. The EPA has explained our reasons for these amendments in the direct final rule. If no significant adverse comments are received, no further action will be taken on the proposal, and the direct final rule will become effective as provided in that action.

If the EPA receives significant adverse comments, we will withdraw the direct final rule. The EPA will publish a timely withdrawal in the **Federal Register**. If the direct final rule in the Rules and Regulations section of this **Federal Register** is withdrawn, all comments will be addressed in a subsequent final rule based on this proposal. In such case, the EPA does not intend to institute a second comment period pertaining to the amendments on the subsequent final action. Any parties interested in commenting should do so at this time.

The amendments to the regulatory text proposed in this notice are identical to the amendments made in the direct final rule published in the Rules and Regulations section of this **Federal**

**Register**. For further supplementary information, the detailed rationale for the proposal and the regulatory revisions, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

## II. Statutory and Executive Order Reviews

For a complete discussion of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of this **Federal Register**.

Dated: June 27, 2019.

**Andrew R. Wheeler,**

*Administrator.*

[FR Doc. 2019–14374 Filed 7–3–19; 8:45 am]

**BILLING CODE 6560–50–P**

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Community Living

### 45 CFR Part 1323

**RIN 0985–AA14**

## Grants for Supportive and Nutritional Services to Older Hawaiian Natives Program

**AGENCY:** Administration for Community Living (ACL); HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This rule removes unnecessary regulations for the Grants for Supportive and Nutritional Services to Older Hawaiian Natives program awarded under Older Americans Act. The regulations were promulgated in 1988. Since that time ACL's Administration on Aging has worked with stakeholders to clarify guidance and issues through the regular grant application, reporting and technical assistance processes, eliminating the need for additional regulations. This particular program has only one formula grantee in Hawaii, and the regulations are duplicative of statutory language. The removal of the regulations will not create any challenges for the Supportive and Nutritional Services to Older Hawaiian Natives program or for other programs funded under the Older Americans Act.

**DATES:** Submit either electronic or written comments on this document by September 3, 2019.

**ADDRESSES:** Submit comment to Vicki Gottlich, Director, Center for Policy and Evaluation, Administration for Community Living, U.S. Department of Health and Human Services, by email at *Vicki.Gottlich@acl.hhs.gov* or by mail at 330 C Street SW, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Vicki Gottlich, Director, Center for Policy and Evaluation, Administration for Community Living, U.S. Department of Health and Human Services, by phone at (202) 795 or by email at *Vicki.Gottlich@acl.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** In response to Executive Order 13777, Sec. 3(d), which directs agencies to repeal existing regulations that are ''outdated, unnecessary or ineffective'' from the Code of Federal Regulations (CFR), HHS is removing 45 CFR part 1323, Grants for Supportive and Nutritional Services to Older Hawaiian Natives. The action is expected to be non-controversial, as it merely removes certain provisions from the CFR that are unnecessary and duplicative of statutory language. In the future, details regarding the process for requesting a hearing should an application be denied will be included in the grant application package for this program. Given the length of time (30 years) since this particular regulation has been promulgated, it is HHS's assessment that the agency is unlikely to receive any comments opposing the repeal of this regulation. This rule poses no new substantive requirements or burdens on the public, as well as no cost savings or imposed costs.

## Background

45 CFR part 1323 follows Title VI (part B) of the Older Americans Act, as amended, establishing the requirements that a public or nonprofit private organization must meet in order to receive a grant to promote the delivery of services for older Hawaiian Natives that are comparable to services provided under Title III of the Older Americans Act. This regulation also prescribes application and hearing requirements and procedures for these grants. There has not been a proliferation of regulations developed for this program since the base regulation was developed in 1988. Since that time, ACL's Administration on Aging has worked with worked with stakeholders to clarify guidance and issues through the regular grant application, reporting and technical assistance processes, eliminating the need for additional regulations. Rescission of this rule will have little to no impact on the implementation of the program, and while deregulation will not decrease burden, this regulation is no longer necessary. There is no legal risk or mitigation required in rescinding this regulation. Additionally, this rule is not economically significant. This particular program has only one formula grantee in Hawaii.

## Executive Orders 12866, 13563, 13771, and 13777

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13771 directs agencies to categorize all impacts which generate or alleviate costs associated with regulatory burden and to determine the actions net incremental effect.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). HHS submits that this proposed rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. HHS identifies this proposed rule as a deregulatory action (removing an obsolete rule from the Code of Federal Regulations). For the purposes of Executive Order 13771, this proposed rule is not a substantive rule; rather it is administrative in nature and provides no cost savings.

Executive Order 13777, titled ''Enforcing the Regulatory Reform Agenda,'' was issued on February 24, 2017. As required by Section 3 of this Executive Order, HHS established a Regulatory Reform Task Force (HHS Task Force). Pursuant to Section 3(d)(ii), the HHS Task Force evaluated this rulemaking and determined that these regulations are ''outdated, unnecessary, or ineffective.'' Following this finding, the HHS Task Force advised the HHS ACL Administrator to initiate this rulemaking to remove the unnecessary regulation from the Code of Federal Regulations.

**Regulatory Flexibility Act**

This action will not have a significant economic impact on a substantial number of small entities, especially since it would only affect one small stakeholder in Hawaii (the sole grantee). Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

**Paperwork Reduction Act**

This action does not affect any information collections.

**List of Subjects in 45 CFR Part 1323**

Administrative practice and procedure, Aged, Colleges and universities, Grant programs—Education, Grant programs—Indians, Grant programs—social programs, Indians, Individuals with disabilities, Legal services, Long term care, Nutrition, Research, Reporting and recordkeeping requirements.

## PART 1323—[REMOVED]

■ For the reasons stated in the preamble, and under the authority of 5 U.S.C. 501, the Administration for Community Living, Department of Health and Human Services proposes to remove 45 CFR part 1323.

**Lance Robertson,**

*Administrator and Assistant Secretary for Aging, Administration for Community Living.*

**Alex M. Azar II,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2019–13849 Filed 7–3–19; 8:45 am]

BILLING CODE 4154–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

**[WC Docket No. 10–90; DA 19–504]**

### Connect America Fund

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed action.

**SUMMARY:** In this document, the Wireline Competition Bureau (Bureau) seeks comment on approaches to identify and resolve apparent discrepancies between the number of model-determined funded locations that Alternative Connect America Model (A–CAM) I and II support recipients are expected to serve (funded locations) and the actual number of locations that support recipients can serve (actual locations).

**DATES:** Comments are due on or before July 19, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this document, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Pursuant to sections 1.415 and 1.419 of the Federal Communications Commission (Commission's) rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

▪ *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*

▪ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

▪ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington DC 20554.

*People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

**FOR FURTHER INFORMATION CONTACT:** Nissa Laughner, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Bureau's Public Notice (Notice) in WC Docket No. 10–90; DA 19–504, released on June 5, 2019. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC 20554 or at the following internet address: *https://www.fcc.gov/document/corrected-cam-ii-offers-deadline-extension-location-adjustments.*

**I. Adjustments of A–CAM Support Due to Number of Locations in Eligible Census Blocks**

1. The Bureau also seeks comment on approaches to identify and resolve apparent discrepancies between the number of model-determined funded locations that A–CAM I and II support recipients are expected to serve (funded locations) and the actual number of locations that support recipients can serve (actual locations). In the *2016 Rate-of-Return Reform Order,* 81 FR 24282, April 25, 2016, the Commission stated that ''[c]arriers that discover there is a widely divergent number of locations in their funded census blocks as compared to the model should have the opportunity to seek an adjustment to modify the deployment obligations.'' The Commission further delegated authority to the Bureau to address these discrepancies ''by adjusting the number of funded locations downward and reducing associated funding levels.''

2. In the *2018 Locations Adjustment Public Notice,* 83 FR 49040, September

28, 2018, the Bureau sought comment on the same issue with respect to Connect America Fund Phase II auction support recipients. The Bureau directs interested parties to that Public Notice and asks them to provide comment regarding whether the procedure proposed in that instance would be appropriate for A–CAM recipients. If not, parties are invited to comment on what changes would be necessary to make those procedures appropriate for A–CAM recipients. Comments should address the unique characteristics of A–CAM support recipients as it relates to the locations adjustment issue and should be submitted by the date indicated on the first page of this Notice.

## II. Procedural Matters

### *A. Paperwork Reduction Act*

3. This document contains proposed modified information collection requirements. The Bureau, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

4. *Permit but Disclose Ex Parte Contact.* For the purposes of the Commission's *ex parte* rules, information filed in this proceeding will be treated as initiating a permit-but-disclose proceeding under the Commission's rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*,.doc,.xml,.ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

**D'wana R. Terry,**

*Associate Bureau Chief, Wireline Competition Bureau.*

[FR Doc. 2019–14331 Filed 7–3–19; 8:45 am]

**BILLING CODE 6712–01–P**

# Notices

Federal Register
Vol. 84, No. 129
Friday, July 5, 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.

## AFRICAN DEVELOPMENT FOUNDATION

### Public Quarterly Meeting of the Board of Directors

**AGENCY:** United States African Development Foundation.

**ACTION:** Notice of meeting.

**SUMMARY:** The US African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration. This meeting will occur via telephone as a conference call.

**DATES:** The meeting date is Tuesday, July 16, 2019, 10:30 a.m. to 12:00 p.m.

**ADDRESSES:** The meeting location is USADF, 1400 I St. NW, Suite 1000, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** June Brown, (202)233–8882.

**Authority:** Public Law 96–533 (22 U.S.C. 290h).

Dated: July 1, 2019.

**June B. Brown,**

*General Counsel.*

[FR Doc. 2019–14357 Filed 7–3–19; 8:45 am]

BILLING CODE 6117–01–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2018–0077]**

### Addition of Bulgaria to the List of Regions Affected With Highly Pathogenic Avian Influenza

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that we added Bulgaria to the list of regions that the Animal and Plant Health Inspection Service considers to be affected by highly pathogenic avian influenza (HPAI). This action follows our imposition of HPAI-related restrictions on avian commodities originating from or transiting Bulgaria as a result of the confirmation of HPAI in Bulgaria.

**DATES:** Bulgaria was added to a list of regions APHIS considers to be affected with HPAI on October 3, 2018.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ingrid Kotowski, Regionalization Evaluation Services, Strategy and Policy, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7732; email: *Ingrid.Kotowski@usda.gov.*

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including Newcastle disease and highly pathogenic avian influenza (HPAI). The regulations prohibit or restrict the importation of live poultry, poultry meat, and other poultry products from regions where these diseases are considered to exist.

Section 94.6 of the regulations contains requirements governing the importation into the United States of carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of the world where HPAI exists or is reasonably believed to exist. HPAI is an extremely infectious and potentially fatal form of avian influenza in birds and poultry that, once established, can spread rapidly from flock to flock. A list of regions that the Animal and Plant Health Inspection Service (APHIS) considers affected with HPAI of any subtype is maintained on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions.*

APHIS receives notice of HPAI outbreaks from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE), or from other sources the Administrator determines to be reliable. On October 22, 2017, the veterinary authorities of Bulgaria reported to the OIE that HPAI occurrence in that country was confirmed on October 17, 2017. Subsequent to that report, and after confirming that the HPAI occurred in commercial birds or poultry, APHIS issued an import alert to place restrictions on the importation of poultry, commercial birds, other types of birds (research, performing), ratites, any avian hatching eggs, unprocessed avian products and byproducts, and certain fresh poultry products from Bulgaria, on October 25, 2017, to mitigate risk of HPAI introduction into the United States. Those restrictions went into effect on October 17, 2017, the reported date of confirmation of the HPAI occurrence in Bulgaria. On October 26, 2017, APHIS added Bulgaria to a list of regions under temporary restriction. With the publication of this notice, we are informing the public that we removed Bulgaria from the list of regions under temporary restriction and added Bulgaria to the list of regions APHIS considers affected with HPAI of any subtype on October 3, 2018.

**Authority:** 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 1st day of July 2019.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2019–14324 Filed 7–3–19; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Sabine-Angelina Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Sabine-Angelina Resource Advisory Committee (RAC) will meet in Hemphill, Texas. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *http://*

*cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcvCAAS.*

**DATES:** The meeting will be held on Thursday, July 18, 2019, at 3:00 p.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the Sabine Ranger District, 5050 State Highway 21 East, Hemphill, Texas.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Sabine Ranger District. Please call ahead at 409–625–1940 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Becky Nix, RAC Coordinator, by phone at 409–625–1940 or via email at *bnix@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Approve minutes from June 19, 2018 meeting;
2. Discuss, recommend, and approve new Title II projects;
3. Discuss forthcoming Stewardship Projects; and
4. Discuss upcoming Project Planning efforts.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by Friday, July 5, 2019, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Becky Nix, RAC Coordinator, 5050 State Highway 21 East, Hemphill, Texas 75948; by email to *bnix@fs.fed.us,* or via facsimile to 409–625–1953.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: June 14, 2019.

**Frank R. Beum,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2019–14317 Filed 7–3–19; 8:45 am]

**BILLING CODE 3411–15–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Florida Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Florida Advisory Committee will hold a meeting on Wednesday July 17, 2019; 12:00 p.m. to discuss and continue finalizing details of the Voter Disenfranchisement public hearing to be held on Tuesday July 23, 2019.

**DATES:** The meeting will be held on Wednesday July 17, 2019; 12:00 p.m. EST.

*Public Call Information:* Teleconference 800–353–6461, Conference ID: 6301308.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hinton, DFO, at 312–353–8311 or *jhinton@usccr.gov.*

**SUPPLEMENTARY INFORMATION:** Members of the public are invited to come in and listen to the discussion. Written comments will be accepted until July 15, 2019 and may be mailed to the Regional Program Unit Office, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or may be emailed to the Regional Director, Jeff Hinton at *jhinton@usccr.gov.* Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

**Agenda**

Opening Remarks
New Business: Continue discussion of public hearing.
Public Comments/Participation
Adjournment

Dated: July 1, 2019.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2019–14342 Filed 7–3–19; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the South Dakota Advisory Committee to the Commission will convene at 12:00 p.m. (MDT) on Monday, July 22, 2019 via teleconference. The purpose of the meeting is to review and vote on a revised Advisory Memorandum to wrap up the Committee's work on subtle racism in South Dakota.

**DATES:** Monday, July 22, 2019, at 12:00 p.m. (MDT).

**ADDRESSES:** To be held via teleconference: 1–855–719–5012, Conference ID: 7805784. TDD: Dial Federal Relay Service 1–800–877–8339 and give the operator the above conference call number and conference ID.

**FOR FURTHER INFORMATION CONTACT:** Evelyn Bohor, *ebohor@usccr.gov,* 303–866–1040.

**SUPPLEMENTARY INFORMATION:** Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–855–719–5012; Conference ID: 7805784. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–877–8339 and provide the FRS operator with Conference Call Toll-Free Number: 1–855–719–5012; Conference ID: 7805784. Members of the public are

invited to submit written comments; the comments must be received in the regional office by Thursday, August 22, 2019. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzm5AAA* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

**Agenda**

*Monday, July 22, 2019 (12:00 p.m.—MDT)*

- Roll-call
- Review and vote on revised Advisory Memorandum
- Public Comment
- Adjourn

Dated: July 1, 2019.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2019–14341 Filed 7–3–19; 8:45 am]

BILLING CODE P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on July 24 and 25, 2019, 9:00 a.m., at Qualcomm Incorporated, 5665 Morehouse Drive, QRC Building, San Diego, California 92121. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

**Wednesday, July 24**

*Open Session*

1. Welcome and Introductions
2. Working Group Reports
3. Old Business
4. Wassenaar Proposals for 2020
5. New business

**Thursday, July 25**

*Closed Session*

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer(@bis.doc.gov,* no later than July 17, 2019.

A limited number of seats will be available for the public session. Reservations are not accepted. If attending in person, forward your Name (to appear on badge), Title, Citizenship, Organization name, Organization address, Email, and Phone to Ms. Springer. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on May 3, 2019, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (l0)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and l0(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. 2019–14314 Filed 7–3–19; 8:45 am]

BILLING CODE 3510–JT–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–122–858]**

### Certain Softwood Lumber Products From Canada: Final Results of Countervailing Duty Expedited Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) has conducted an expedited review of the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada for the producers/exporters that requested a review. As a result, we are excluding certain producers/exporters from the CVD order on lumber from Canada. We also find that certain producers/exporters received countervailable subsidies at above *de minimis* rates during the January 1, 2015, through December 31, 2015, period of review.

**DATES:** Applicable July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson or Nicholas Czajkowski, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793 and (202) 482–1395, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Commerce published the *Preliminary Results* of the expedited review on February 1, 2019.[1] A summary of the events that occurred since Commerce published the *Preliminary Results,* as well as a full discussion of the issues raised by parties for the final results, may be found in the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In

[1] *See Certain Softwood Lumber Products From Canada: Preliminary Results of Countervailing Duty Expedited Review,* 84 FR 1051 (February 1, 2019) (*Preliminary Results*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Expedited Review of the Countervailing Duty Order on Certain Softwood Lumber Products from Canada,'' dated concurrently with, and hereby adopted by this notice.

addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version are identical in content.

## Scope of the Order

The product covered by this order is certain softwood lumber products from Canada. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[3]

## Methodology

Commerce has conducted this CVD expedited review in accordance with section 103(a) of the Uruguay Round Agreements Act (URAA) and 19 CFR 351.214(k). For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum. The subsidy programs under review, and the issues raised in the case and rebuttal briefs submitted by the parties, are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at the Appendix.

Based on our review and analysis of the comments received from parties, we made changes to the subsidy rate calculations for certain producers/exporters since the *Preliminary Results.* For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memoranda.[4]

We determined a CVD rate for each producer/exporter of the subject merchandise that requested an expedited review.

## Final Results of the Expedited Review

As a result of this expedited review, we determine the countervailable subsidy rates to be:

| Producer/exporter | Subsidy rate |
|---|---|
| Fontaine Inc. and its cross-owned affiliates[5] (Fontaine) | 1.26 |
| Les Produits Forestiers D&G Ltée and its cross-owned affiliates[6] (D&G) | * 0.21 |
| Marcel Lauzon Inc. and its cross-owned affiliates (MLI)[7] | * 0.42 |
| Mobilier Rustique (Beauce) Inc. and its cross-owned affiliates[8] | 1.99 |
| North American Forest Products Ltd. and its cross-owned affiliates[9] (NAFP) | * 0.17 |
| Produits Matra Inc. and Sechoirs de Beauce Inc. and their cross-owned affiliate[10] | 5.80 |
| Roland Boulanger & Cie Ltée and its cross-owned affiliates[11] (Roland) | * 0.31 |
| Scierie Alexandre Lemay & Fils Inc. and its cross-owned affiliates (Lemay)[12] | * 0.05 |

* *de minimis subsidy rate.*

## Cash Deposit Instructions

Pursuant to section 19 CFR 351.214(k)(3)(iii), the final results of this expedited review will not be the basis for the assessment of countervailing duties. Upon the issuance of these final results, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties for the companies subject to this expedited review, at the rates shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this expedited review. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Pursuant to 19 CFR 351.214(k)(3)(iv), because we have determined a countervailable subsidy rate for D&G, MLI, NAFP, Roland, and Lemay that is *de minimis,* with these final results of expedited review, we determine to exclude D&G, MLI, NAFP, Roland, and Lemay from the CVD order. Commerce's practice with respect to exclusions of companies from a CVD duty order is to exclude the subject merchandise both produced and exported by those companies.[13] As a result, we will instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits of estimated countervailing duties on all shipments of softwood lumber produced and exported by D&G, MLI, NAFP, Roland, and Lemay, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. In addition, we will instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of softwood lumber produced and exported by D&G, MLI, NAFP, Roland, and Lemay, and to refund all cash deposits of estimated countervailing duties collected on all such shipments. Merchandise which D&G, MLI, NAFP, Roland, and Lemay exports but does not produce, as well as merchandise D&G, MLI, NAFP, Roland, and Lemay produces but is exported by another company, remains subject to the CVD order.

## Administrative Protective Orders

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

This determination is issued and published pursuant to section 103(a) of the URAA and in accordance with sections 19 CFR 351.214(k) and 19 CFR 351.221(b)(5).

Dated: June 28, 2019.

**Alex Villanueva,**

*Senior Director, Office I, Antidumping and Countervailing Duty Operations.*

## Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation
V. Analysis of Programs
VI. Discussion of the Issues

Comment 1: Whether Article 19.3 of the Subsidies and Countervailing Measures

[3] *Id.*

[4] *Id.*

[5] Commerce finds the following companies to be cross-owned with Fontaine Inc.: Gestion Natanis Inc., Les Placements Jean-Paul Fontaine Ltee, and Placements Nicolas Fontaine Inc.

[6] Commerce finds the following companies to be cross-owned with Les Produits Forestiers D&G Ltée: Le Groupe Gesco-Star Ltée, Les Produits Forestiers Portbec Ltée, and Les Produits Forestiers Startrees Ltée.

[7] Commerce finds the following companies to be cross-owned with Marcel Lauzon Inc.: Placements Marcel Lauzon Ltee and Investissements LRC Inc.

[8] Commerce finds the following companies to be cross-owned with Mobilier Rustique (Beauce) Inc.: J.F.S.R. Inc., Gestion C.A. Rancourt Inc., Gestion J.F. Rancourt Inc., Gestion Suzie Rancourt Inc., Gestion P.H.Q. Inc., 9331–3419 Quebec Inc., 9331–3468 Quebec Inc., and SPQ Inc.

[9] Commerce finds the following companies to be cross-owned with North American Forest Products Ltd.: Parent-Violette Gestion Ltée and Le Groupe Parent Ltée.

[10] Commerce finds Bois Ouvre de Beauceville (1992), Inc. to be cross-owned with Produits Matra, Inc. (Matra) and Sechoirs de Beauce Inc. (Sechoirs). Matra and Sechoirs submitted separate requests for the expedited review; however, based on record evidence, we found them to be cross-owned, and therefore calculated a single countervailing duty rate for both. Collectively, we refer to Matra, Sechoirs, and their cross-owned affiliate as Groupe Matra.

[11] Commerce finds the following companies to be cross-owned with Roland Boulanger & Cie Ltée: Industries Daveluyville, Inc. and Les Manufacturiers Warwick Ltée.

[12] Commerce finds the following companies to be cross-owned with Scierie Alexandre Lemay & Fils Inc.: Bois Lemay Inc. and Industrie Lemay Inc.

[13] *See, e.g., Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016).

(SCM) Agreement Requires ''Expedited CVD Reviews''
Comment 2: Whether Reviews Conducted Under Section 751(a)(2)(B) of the Act Are Limited to New Exporters and Producers
Comment 3: Whether Reviews Conducted Under Section 751(a) of the Act Cannot Begin Until at Least the Anniversary of the CVD Order and Must Act as the Basis for the Assessment of CVD Duties
Comment 4: Whether Section 736(c) of the Act Can Serve as the Basis for Conducting CVD Expedited Reviews
Comment 5: Whether Commerce Should Account for Respondents' Purchases of Subject Merchandise/Rough-Hewn Lumber and Whether Commerce Should Assign the ''All-Others'' Rate from the CVD Order to the Respondents in the Current Proceeding
Comment 6: Whether the Accelerated Capital Cost Allowance (ACCA) for Class 29 Assets Program Is *De Jure* Specific
Comment 7: Whether the Provincial and Federal Logging Tax Credits (PLTC and FLTC) Are Countervailable
Comment 8: Whether Business Development Bank of Canada (BDC) Loans Are Specific and Countervailable
Comment 9: Whether Commerce Correctly Determined Specificity for Various Tax and Employment Programs
Comment 10: Whether the Workforce Skills Development and Recognition Fund (aka, FDRCMO) Is *De Facto* Specific
Comment 11: Whether the Immigrant Investor Program Is *De Facto* Specific
Comment 12: Whether the Tax Credit for On-the-Job Training Period Is *De Facto* Specific
Comment 13: Whether the Tax Credit for Investments Relating to Manufacturing and Processing Equipment Is *De Jure* Specific
Comment 14: Whether the Scientific Research and Experimental Development (SR&ED) Tax Measure Is *De Facto* Specific
Comment 15: Whether Matra and Sechoirs Should Be Treated Separately
Comment 16: Whether Commerce Should Find Groupe Matra To Be Creditworthy
Comment 17: Whether Commerce Erred in Its Analysis of Investissement Québec (IQ) Guaranteed Loans
Comment 18: Whether Commerce Should Continue to Apply Partial Adverse Facts Available (AFA) to the Immigrant Investor Program
Comment 19: Whether it Was Proper for Commerce to Consider New Subsidy Allegations in an Expedited Review
Comment 20: Whether New Brunswick's Property Tax Incentives for Private Forest Producers Is Countervailable
Comment 21: Whether the Benefit Analysis for New Brunswick's Property Assessment System Should Be Adjusted
Comment 22: Whether Commerce Should Correct Fontaine's Total Sales Amount
Comment 23: Whether Commerce Should Use Fontaine's Taxes Paid in 2015 to Calculate Receipt of Alleged Benefits During the Period of Review (POR)

VII. Recommendation

[FR Doc. 2019–14338 Filed 7–3–19; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–580–882]**

### Countervailing Duty Order on Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Amended Final Results of the First Countervailing Duty Administrative Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) is amending the final results of the countervailing duty administrative review of certain cold-rolled steel flat products from the Republic of Korea (Korea) to correct a ministerial error. The period of review (POR) is July 29, 2016 through December 31, 2016.

**DATES:** Applicable July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121.

### Background

In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(b)(5), on May 24, 2019, Commerce published its final results of the countervailing duty administrative review of certain cold-rolled steel flat products from Korea.[1] On June 3, 2019, POSCO alleged a calculation error in these *Final Results* regarding POSCO's policy loans from the Korea Resources Corporation (KORES).[2] We did not receive any other ministerial error comments or rebuttal comments.

### Scope of the Order

The merchandise covered by the order is certain cold-rolled steel flat products. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum accompanying the *Final Results*.[3]

### Ministerial Errors

Section 751(h) of the Act and 19 CFR 351.224(f) define a ''ministerial error'' as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. As discussed in the Amended Final Issues and Decision Memorandum, Commerce finds that the error alleged by POSCO constitutes a ministerial error within the meaning of 19 CFR 351.224(f).[4] Specifically, Commerce made an error in the calculation of the benefit to POSCO from the POSCO's KORES loans.

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* to correct the ministerial error. Specifically, we are amending the net subsidy rates for POSCO and the non-selected companies under review.[5] The revised net subsidy rates are provided below.

### Amended Final Results

As a result of correcting the ministerial error, we determine that the countervailable subsidy rates for the producers/exporters under review are as follows:

| Company | Subsidy rate (percent *ad valorem*) |
|---|---|
| POSCO | 0.54 |
| Dongbu Steel Co., Ltd | 0.56 |
| Dongbu Incheon Steel Co., Ltd | 0.56 |
| Dongkuk Steel Mill Co., Ltd | 0.56 |
| Dongkuk Industries Co., Ltd | 0.56 |
| Hyuk San Profile Co., Ltd | 0.56 |
| Taihan Electric Wire Co., Ltd | 0.56 |
| Union Steel Co., Ltd | 0.56 |

### Assessment Rates

Commerce intends to issue assessment instructions to U.S. Customs

[1] *See Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 2016, 84 FR 24087 (May 24, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See* POSCO's letter ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea, 7/29/2016–12/31/2016 Administrative Review, Case No. C–580–882: POSCO's Ministerial Error Allegation,'' dated June 3, 2019.

[3] *See Final Results* IDM.

[4] *See* Memorandum, ''Allegation of Ministerial Errors in the Final Results of the First Antidumping Duty Administrative Review of Certain Cold-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Amended Final Issues and Decision Memorandum) at 5.

[5] *Id.* at 5–6. Because we relied on POSCO's subsidy rates to calculate the rate for non-selected companies under review, we are revising the rate for non-selected companies under review in these amended final results. *See* Memorandum, ''Countervailing Duty Administrative Review: Certain Cold-Rolled Steel Flat Products from the Republic of Korea; Amended Final Results Rate Calculation for the Non-Selected Companies,'' dated concurrently with the amended final results.

and Border Protection (CBP) 15 days after the date of publication of these amended final results of review, to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption, on or after January 1, 2016 through December 31, 2016, at the *ad valorem* rates listed above.

**Cash Deposit Requirements**

Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for the companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 24, 2019, the date of publication of the *Final Results.* For all non-reviewed firms, we will instruct CBP to collect cash deposits at the most-recent company specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**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.

**Disclosure**

We intend to disclose the calculations performed for these amended final results to interested parties within five business days of the date of the publication of this notice in accordance with 19 CFR 351.224(b).

**Notification to Interested Parties**

We are issuing and publishing these results in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: June 25, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2019–14337 Filed 7–3–19; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Renewable Energy and Energy Efficiency Advisory Committee; Open Meeting

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a meeting on Thursday, July 25, 2019, at the U.S. Department of Commerce Herbert C. Hoover Building in Washington, DC. The meeting is open to the public with registration instructions provided below.

**DATES:** July 25, 2019, from approximately 9 a.m. to 5 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with Victoria Gunderson at the contact information below by 5 p.m. EST on Thursday, July 18, 2019, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

**ADDRESSES:** To register, please contact Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

**FOR FURTHER INFORMATION CONTACT:** Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–7890; email: *Victoria.Gunderson@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 7, 2018. The REEEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information regarding the REEEAC is available online at *http://export.gov/reee/reeeac.*

On July 25, 2019, the REEEAC will hold the third in-person meeting of its current charter term. The Committee, with officials from the Department of Commerce and other agencies, will discuss major issues affecting the competitiveness of the U.S. renewable energy and energy efficiency industries, hold subcommittee work sessions to discuss draft recommendations, consider recommendations for approval, and hear about new U.S. government regional energy initiatives. An agenda will be made available by July 18, 2019 upon request.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATE** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may be impossible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Ms. Gunderson and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EST on Thursday, July 18, 2019. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Ms. Gunderson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Victoria Gunderson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; 1401 Constitution Avenue NW, Mail Stop: 28018, Washington, DC 20230. To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5 p.m. EST on Thursday, July 18, 2019. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Dated: June 28, 2019.

**Victoria Gunderson,**

*Designated Federal Officer for the REEEAC.*

[FR Doc. 2019–14332 Filed 7–3–19; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–943]**

### Oil Country Tubular Goods From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) continues to find that none of the companies subject to this administrative review have established their entitlement to a separate rate during the May 1, 2017 through April 30, 2018 period of review (POR) and are, therefore, part of the China-wide entity.

**DATES:** Applicable July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kent Boydston or Brian Davis, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5649 or (202) 482–7924, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 15, 2019, Commerce published the *Preliminary Results* of the administrative review of the antidumping duty order on oil country tubular goods (OCTG) from the People's Republic of China (China).[1] The administrative review covers four producers/exporters of the subject merchandise, Baoshan Iron & Steel; Hengyang Steel Tube Group International Trading Inc.; Hubei Xinyegang Steel Co., Ltd.; and Hubei Xin Yegang Special Tube. We provided interested parties an opportunity to comment on the *Preliminary Results.* We received no comments. As such, these final results are unchanged from the *Preliminary Results.* Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The scope of this order consists of certain OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to API or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached.

The merchandise subject to this order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The OCTG coupling stock covered by the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, and 7304.59.80.80.

For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

#### Methodology

Commerce conducted this review in accordance with section 751(a)(1)(B) of the Act. In the *Preliminary Results,* Commerce found that the four companies for which a review was requested failed to provide separate rate applications or certifications.[2] Therefore, Commerce preliminarily determined that these four companies are part of the China-wide entity. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this determination. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, available at *http://enforcement.trade.gov/frn/.*

#### Final Results of Review

We have received no information or argument contradicting our preliminary finding; thus, we have made no changes to our preliminary analysis. Accordingly, no decision memorandum accompanies this **Federal Register** notice. For further details of the issues addressed in this proceeding, *see* the *Preliminary Results.*

#### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (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 publication date of the final results of this review. For those entities that are subject to this review that Commerce has determined are part of the China-wide entity (*i.e.,* Baoshan Iron & Steel; Hengyang Steel Tube Group International Trading Inc.; Hubei Xinyegang Steel Co., Ltd.; and Hubei Xin Yegang Special Tube), we will instruct CBP to liquidate any appropriate entries at the China-wide rate of 99.14 percent.[3]

[1] *See Oil Country Tubular Goods from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 9490 (March 15, 2019), and the accompanying Preliminary Decision Memorandum.

[2] The four companies are: (1) Baoshan Iron & Steel; (2) Hengyang Steel Tube Group International Trading Inc.; (3) Hubei Xinyegang Steel Co., Ltd.; and (4) Hubei Xin Yegang Special Tube.

[3] *See Certain Oil Country Tubular Goods From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 28551 (May 21, 2010).

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For all China exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 99.14 percent); (2) for previously investigated or reviewed China and non-China exporters which are not under review in this segment of the proceeding but received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate published for the most recently-completed period; and (3) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied the non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Administrative Protective Orders**

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

**Notification to Interested Parties**

This notice of the final results of this administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h).

Dated: June 27, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2019–14336 Filed 7–3–19; 8:45 am]

BILLING CODE 3510–DS–P

---

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–428–844]**

### Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: Final Results and Partial Rescission of the Antidumping Duty Administrative Review; 2016–2018

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) finds that sales of certain carbon and alloy steel cut-to-length plate (CTL plate) from the Federal Republic of Germany (Germany) were made at less than normal value during the period of review (POR), November 14, 2016 through April 30, 2018.

**DATES:** Applicable July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136.

**SUPPLEMENTARY INFORMATION:**

**Background**

This review covers imports by Ilsenburger Grobblech GmbH, Salzgitter Mannesmann Grobblech GmbH, Salzgitter Flachstahl GmbH, and Salzgitter Mannesmann International GmbH (collectively, Salzgitter). On February 27, 2019, Commerce published the preliminary results of the administrative review of the antidumping duty order on CTL plate from Germany.[1] We received a case brief from Salzgitter on March 29, 2019. No other party submitted a case or rebuttal brief.

**Scope of the Order**

The products covered by the order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances from Germany. Products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.[2]

**Analysis of Comments Received**

The issue raised in the case brief is listed in the Appendix to this notice and addressed in the IDM.[3] Interested parties can find a complete discussion of these issues and the corresponding recommendations in this public memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is also available to all interested parties in the Central Records Unit, Room B8024, of the main Commerce building. In addition, a complete version of the IDM can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed IDM and the electronic version of the IDM are identical in content.

**Final Results of the Review**

As a result of this review, Commerce determines that a dumping margin of 174.03 percent exists for Salzgitter for the period November 14, 2016 through April 30, 2018.

---

[1] *See Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2016–2018,* 84 FR 6372 (February 27, 2019) (*Preliminary Results*).

[2] For a full description of the scope of the order, *see Preliminary Results* and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2016–2018 Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany,'' dated concurrently with, and hereby adopted by, this notice (IDM).

**Disclosure**

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose in connection with these final results because, in accordance with section 776 of the Tariff Act of 1930, as amended (the Act), Commerce applied adverse facts available (AFA) to Salzgitter, the sole mandatory respondent, and Commerce determined as the AFA rate the highest dumping margin alleged in the Petition.[4]

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Salzgitter will be the rate established in the final results of this review; (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 in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer 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 manufacturers or exporters will continue to be 21.04 percent, the ''all others'' rate established in the LTFV investigation.[5] These 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 of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Administrative Protective Order**

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 27, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

**Appendix—List of Topics Discussed in the IDM**

I. Summary
II. Background
III. Discussion of the Issue
*Comment 1:* Termination of Review for Salzgitter
IV. Recommendation

[FR Doc. 2019–14339 Filed 7–3–19; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Preliminary Results,* 84 FR at 6372, and PDM at ''Application of Facts Available and Adverse Inferences.''

[5] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders,* 82 FR 24096 (May 25, 2017).

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed deletions from the Procurement List.

**SUMMARY:** The Committee is proposing to delete a product and services from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** Comments must be received on or before: August 4, 2019.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street Suite 715, Arlington, Virginia 22202–4149.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

**Deletions**

The following product and services are proposed for deletion from the Procurement List:

*Product*

*NSN—Product Name:*
8465–00–174–0808—Bag, Personal Effects
*Mandatory Source of Supply:* Mount Rogers Community Services Board, Wytheville, VA
*Contracting Activity:* DLA TROOP SUPPORT, PHILADELPHIA, PA

*Services*

*Service Type:* Administrative Services
*Mandatory for:* Department of Health and Human Services, Region 8: 1961 Stout Street, Denver, CO
*Mandatory Source of Supply:* Bayaud Industries, Inc., Denver, CO
*Contracting Activity:* HEALTH AND HUMAN SERVICES, DEPARTMENT OF, DEPT OF HHS

*Service Type:* Grounds Maintenance
*Mandatory for:* Department of Energy: Nevada Support Facility, North Las Vegas, NV
*Mandatory Source of Supply:* UNKNOWN
*Contracting Activity:* ENERGY, DEPARTMENT OF, HEADQUARTERS PROCUREMENT SERVICES

*Service Type:* Janitorial/Custodial
*Mandatory for:* Walnut Creek National Wildlife Refuge, Prairie City, IA

*Mandatory Source of Supply:* Progress Industries—Deleted, Newton, IA

*Service Type:* Grounds Maintenance
*Mandatory for:* Bureau of Reclaimation: 6850 Studhorse Flat Road, New Melones Lake Visitors Center, Sonora, CA

*Service Type:* Laundry Service
*Mandatory for:* Billings Fire Cache: 551 Northview Drive, Billings, MT
*Mandatory Source of Supply:* Community Option Resource Enterprises, Inc. (COR Enterprises), Billings, MT
*Contracting Activity:* OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

*Service Type:* Full Food Service
*Mandatory for:* Fort Drum, 45 West Street, Fort Drum, NY
*Mandatory Source of Supply:* Jefferson County Chapter, NYSARC, Watertown, NY
*Contracting Activity:* DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA

**Patricia Briscoe,**

*Deputy Director, Business Operations (Pricing and Information Management).*

[FR Doc. 2019–14367 Filed 7–3–19; 8:45 am]

**BILLING CODE 6353–01–P**

## DEPARTMENT OF EDUCATION

## Applications for New Awards; Trauma Recovery Demonstration Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2019 for the Trauma Recovery Demonstration Grant Program, Catalog of Federal Domestic Assistance (CFDA) number 84.424C. This notice relates to the approved information collection under OMB control number 1894–0006.

**DATES:**

*Applications Available:* July 5, 2019.

*Deadline for Transmittal of Applications:* August 14, 2019.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

**FOR FURTHER INFORMATION CONTACT:** Shauna Knox, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E250, Washington, DC 20202–6450. Telephone: (202) 453–5953. Email: *TraumaRecovery@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The Trauma Recovery Demonstration Grant Program provides competitive grants to State educational agencies (SEAs) to support model programs that enable a student from a low-income family (as defined in this notice) who has experienced trauma that negatively affects the student's educational experience to access the trauma-specific mental-health services from the provider that best meets the student's needs. The parent (as defined in this notice) of such a student from a low-income family may request services on behalf of the student.

*Background:* A landmark study of adverse childhood experiences by the Centers for Disease Control and Kaiser Permanente found that over half of respondents reported experiencing adverse childhood experiences. The study linked adverse experiences—particularly exposure to multiple categories of adverse experiences—with negative adult health outcomes.[1] Since that study, additional research on adverse childhood experiences confirms the prevalence of experiencing such potentially traumatic events is near 50 percent of children from birth through age 17, though rates vary by locale.[2] Relatedly, exposure to violence has been linked with negative school outcomes, such as decreased school attendance, more behavioral challenges or symptoms of anxiety and depression, and lower grades.[3] [4]

In December 2018, the Federal Commission on School Safety (FCSS) released its final report, including recommendations for State, local, and Federal leaders to improve school safety.[5] In the report, the FCSS recommended States and school districts expand students' access to mental health services. By expanding student access to trauma-specific mental health services and encouraging cross-agency collaboration to promote access to mental health services, the Trauma Recovery Demonstration Grant Program will support States' and school districts' efforts to implement this recommendation as well as recommendations related to addressing cyberbullying and school safety and creating a culture of connectedness.

In keeping with the FCSS report, the Department acknowledges that it may be necessary for students to receive trauma-specific mental health services outside of a school setting. Through this grant program, a student from a low-income family (as defined in this notice) who has experienced trauma that negatively affects the student's educational experience or the parent (as defined in this notice) of such a student acting on the student's behalf will have greater access to the trauma-specific mental-health services from the provider that best meets the student's needs. This program is being established with funds from the two percent reservation under section 4103(a)(3) of the Elementary and Secondary Education Act (ESEA), which provides for technical assistance and capacity building to support title IV, part A of the ESEA. Specifically, projects funded under the program are intended to help build the capacity of SEAs and local educational agencies (LEAs) by demonstrating alternative models for delivering trauma-specific mental health services that States and LEAs may support with formula grant funds received under the Student Support and Academic Enrichment program authorized by title IV, part A of the ESEA.

An eligible student is a preschool, elementary, or secondary school student from a low-income family (as defined in this notice) who has experienced trauma (as defined in this notice) and subsequently demonstrates academic, behavioral, attendance, or other issues at school, as identified by the SEA in its application. Incidents of trauma may include bullying (including cyberbullying);[6] harassment;

[1] Felitti, Vincent J., et al. (1998). Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults. *American Journal of Preventive Medicine,* 14(4), 245–258.

[2] Sacks, V., Murphy, D., & Moore, K. (2014). Adverse Childhood Experiences: National and State-level Prevalence. *Child Trends.* Publication #2014–28. *https://www.childtrends.org/wp-content/uploads/2014/07/Brief-adverse-childhood-experiences_FINAL.pdf.* Accessed May 14, 2019.

[3] Aviles, A., Anderson, T.R., & Davila, E.R. (2006). Child and Adolescent Social-Emotional Development within the Context of School. *Child and Adolescent Mental Health.* 11(1): 32–39.

[4] Hurt, H., et al. (2001). Exposure to Violence: Psychological and Academic Correlates in Child Witnesses. *Journal of the American Medical Association Pediatrics.* 155(12): 1351–1356.

[5] DeVos, B., et al. *Final Report of the Federal Commission on School Safety.* (2018). *https://www2.ed.gov/documents/school-safety/school-safety-report.pdf.*

[6] Note that whether bullying or cyberbullying results in trauma will depend on the individual circumstances and whether the event is physically or emotionally harmful or life-threatening and has lasting adverse effects on an individual's

experiencing violence, such as school shootings or suicide clusters; or other physically or emotionally harmful or life-threatening events that have lasting adverse effects on an individual's functioning and mental, physical, social, or emotional health. Traumatic incidents may be those that occur either within or outside a school environment.

Trauma-specific mental health services as defined in this notice may include those the Substance Abuse and Mental Health Services Administration (SAMHSA) identified in a Treatment Improvement Protocol (TIP) for ''Trauma-Informed Care in Behavioral Health Services.'' [7] In that TIP, and in ''SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach,'' [8] SAMHSA identified trauma-specific interventions such as trauma-focused cognitive behavioral therapy, trauma-related cognitive processing therapy, relaxation training, biofeedback, breathing training, exposure therapy, eye movement desensitization and reprocessing, narrative therapy, skills training in affective and interpersonal regulation, stress inoculation training, or trauma incident reduction, among others. In the TIP, SAMHSA describes the selected practices as a non-exhaustive list of potential ways to promote recovery from trauma. In addition, SAMHSA acknowledges that only some of the treatments listed in the TIP are ''evidence based'' because additional research is needed and some practices are emerging. Grantees may also support other interventions focused on supporting trauma recovery so long as the provider is State-licensed for the relevant trauma-specific mental health service she or he offers. Grantees are encouraged but not required to focus their support on interventions that are evidence based. Medical services are not allowable uses of funds under this grant. In general, mental health counseling is not prohibited by this limitation. However, any mental health services provided by a psychiatrist would need to be carefully evaluated by the grantee before services are rendered. Because psychiatrists are trained medical doctors, they can prescribe medications, and may spend time with patients on medication management as part of treatment. Funding from this program must not be used to provide these medical services or any medical procedure.

SEAs are eligible to apply for grants under this competition. An SEA, at its discretion, may partner with one or more nonprofit organizations, institutions of higher education (IHEs), or State or local mental health agencies to carry out its project. If an SEA establishes a partnership for this purpose, the SEA may apply under the competitive preference priority on the basis of such a partnership.

SEAs will use grant funds to pay providers for the trauma-specific mental health services a student receives. To support the student or parent, an SEA may, but is not required to, identify common forms of trauma-specific mental health services; identify State-licensed service providers who offer trauma-specific mental health services; and provide eligible students or the parents of eligible students with the option to seek services from SEA-identified providers while not prohibiting students or parents from identifying providers not already identified by the State. That is, an SEA has flexibility to design its program by (1) establishing eligible providers proactively and reviewing additional requested providers, or (2) solely reviewing requested providers. Whether or not an SEA proactively identifies providers that meet the criteria depends on how the SEA proposes to operationalize its program. The SEA will pay providers of trauma-specific mental health services for services a student receives. Regardless of the method an SEA uses, it must ensure that any provider is implementing trauma-specific mental health services to support an eligible student; is State-licensed for the services supported by the grant funds; and is providing secular, neutral, and non-ideological services. Additionally, a student or parent may request a service provider that delivers services virtually or through other video, audio, or mobile platforms so long as such service meets the definition of ''trauma-specific mental health services.'' After approving a student for support and explaining to the student and parent the process by which the SEA will provide support, the SEA pays providers for the trauma-specific mental health services a student receives.

SEAs must ensure that, to the extent possible, Department grant funds support only services that an individual affirms are unaffordable, not covered, or insufficiently covered by public or commercial health insurance programs. An individual may determine that services are unaffordable because, for example, the co-payment or deductible is too high. Likewise, an individual may determine that a service is insufficiently covered because the cost of the service would exceed an annual insurance cap. In either of these examples, Department grant funds *may* support services. In addition, SEAs are required to implement policies and procedures that ensure other sources of funding are utilized first when practicable and available for that individual. An SEA may propose to leverage a partnership, including a partnership proposed under the competitive preference priority, as a mechanism to assist in ensuring that insurance or other revenue are used before grant funds wherever practicable. SEAs should also refer appropriate individuals to other systems from which a student may be eligible to receive services (for example, the Children's Health Insurance Program (CHIP)), if appropriate for and desired by that individual student or parent to meet the needs of the student.

Consistent with ESEA section 4001(a), an SEA must obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental health assessment or service that is funded under this program. In obtaining such prior written, informed consent, an SEA could, for example, include a question about whether an individual student has access to public or commercial health insurance that would support access to the provider from whom an individual is requesting services. The inclusion of such a question on a form confirming written, informed consent for mental health assessment or services under this program would meet the SEA's obligation described above related to insurance.

SEAs may also use the administrative portion of grant awards under this program to provide training to LEA- or school-based staff or community members or other appropriate individuals on trauma-specific mental health services and trauma screenings or trauma assessments, consistent with Application Requirements 1 and 7. This training may strengthen local capacity to support students in school by expanding awareness of trauma symptoms and providing staff and other appropriate individuals with strategies

functioning and mental, physical, social, or emotional health.

[7] Substance Abuse and Mental Health Services Administration. (2014). *Trauma-Informed Care in Behavioral Health Services. Treatment Improvement Protocol (TIP) Series 57.* HHS Publication No. (SMA) 13–4801, 137. Rockville, MD: Substance Abuse and Mental Health Services Administration.

[8] Substance Abuse and Mental Health Services Administration. (2014). SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14–4884, 7. Rockville, MD: Substance Abuse and Mental Health Services Administration.

to identify students who need trauma-specific mental health services.[9]

In administering the program, the SEA accepts requests for services that originate either from a student or the student's parent or from an LEA or school referral to the program. The SEA must establish a method to ensure that each student that receives support is a student from a low-income family who has experienced trauma that is impacting the student's academic experience (*e.g.,* attendance, behavior, academic performance, or another measure proposed by the SEA in its application), and that the service is not otherwise covered or is unaffordable.

This program is aligned with Supplemental Priority 10(b) from the Department's notice of Final Supplemental Priorities and Definitions for Discretionary Grant Programs (Supplemental Priorities), published in the **Federal Register** on March 2, 2018 (83 FR 9096), which encourages projects designed to create positive and safe learning environments that support the needs of all students, including by providing school personnel with effective strategies. If students who have experienced trauma exhibit symptoms that negatively impact the learning environment, recovery from such trauma, supported by trauma-specific mental health services through this program, may improve the overall classroom environment.

Supplemental Priority 2(g) emphasizes the importance of partnerships with other State or local entities, not-for-profit organizations, or IHEs. Both the FCSS report and the literature on trauma-informed care emphasize the importance of collaboration across agencies and sectors to promote comprehensive support for students who have experienced trauma. The competitive preference priority in this notice is adapted from Supplemental Priority 2(g) and is intended to encourage applicants to partner with appropriate entities to best serve students and build State and local capacity. An SEA may partner with one or more State or local mental health agency or agencies and receive points under this priority, since such agencies are local or State entities.

*Priorities:* This notice contains one absolute priority and one competitive preference priority. We are establishing these priorities for the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

*Absolute Priority:* This priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

*Empowering Individual Students (or their Parents on Behalf of the Students, as appropriate) from Low-Income Families Who Have Experienced Trauma to Obtain Trauma-Specific Mental Health Services from the Providers that Best Meet Their Needs.*

Under this priority, the Department supports projects in which an SEA compensates providers for trauma-specific mental health services for students who are from low-income families and who have experienced trauma that is impacting their educational experiences (*e.g.,* by negatively affecting attendance, behavior, academic performance, or another measure identified by the SEA in its application). Such services should not already be covered by insurance or are unaffordable. Students may seek, on their own or through their parents, school, or school district, as appropriate, a provider of trauma-specific mental health services that—

(a) Is State-licensed for the services provided;

(b) Provides services that are secular, neutral, and non-ideological.

*Competitive Preference Priority:* This priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points to an application, depending on how well the application meets this priority. An applicant that addresses the competitive preference priority should indicate so in the abstract section of its application.

This priority is:

*Building and Maintaining Partnership(s) to Support Students Recovering from Trauma.* (0 to 5 points)

Projects that propose to work with one or more local or State entities, such as nonprofit organizations, IHEs, or State or local mental health agencies, to implement the project. Such an application includes a memorandum of agreement (MOA) or memorandum of understanding (MOU) signed by the authorized representatives of the SEA and partner entity specifying how each will provide resources and/or administer services that are likely to substantially contribute to positive outcomes for the proposed project.

*Note:* Points will be awarded based on the strength of the partnership agreement and the quality of the management plan as reflected in the MOA or MOU, which articulates the roles and responsibilities of each partner, and not based on the number of partners.

*Requirements:* We are establishing these requirements for the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

*Application Requirements:* An SEA must include the following in its application:

(1) *A description of the SEA's approach to increasing access to trauma-specific mental health services using this grant and other resources.*

An SEA must describe its approach to increasing access to trauma-specific mental health services (such as those referenced in the Background Section regarding SAMHSA TIP 57) through this program. An SEA may use, in total, no more than 15 percent of grant funds for grant administration, which may include collaboration with other agencies or training for LEA- or school-based staff, community members, or other appropriate individuals provided through this program (see Application Requirement 7 regarding the Budget). An SEA must describe how this work will complement, rather than duplicate, existing efforts to provide school-based mental health services and how the project funds will supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this program.

(2) *A description of the approach to identifying, referring, and serving students in need of trauma-specific mental health services through this grant.* An SEA must—

(a) Describe how a student, or a parent on behalf of a student, accesses the program. Specifically, the SEA must describe how it will support schools and LEAs in identifying, referring, and serving students from low-income families whose experience with trauma is affecting school performance, including academic progress, behavior, attendance at school, or another measure proposed by the SEA in its application. Such a description may include the trauma screening tool(s) or trauma assessment(s) used in schools in the State (or a description of how the applicant will develop or recommend such tools) and a description of how an applicant will train school staff and, as appropriate, community members to identify symptoms of trauma. The description must include the methods the State will use to communicate the

[9] The Department of Health and Human Services Administration for Children and Families compiled a set of trauma resources for schools, available at *https://www.acf.hhs.gov/trauma-toolkit/schools.*

availability of funding under this program to LEAs, schools, and parents and to process requests for trauma-specific mental health services from students or their parents, whether those requests come directly from students or their parents or from an LEA or school on behalf of the student, consistent with applicable privacy requirements;

(b) Describe the process it will use to establish that a student requesting services is eligible, including how it will confirm that a student has experienced trauma that has had a negative impact on school performance (*e.g.,* attendance, referrals for behavior, academic achievement or grades, or another measure proposed by the SEA in its application) and that the student is a student from a low-income family, as defined in this notice. In describing how it will confirm that a student is a student from a low-income family, the SEA must specify the poverty measure(s) and threshold(s) it will use from among those identified in 20 U.S.C. 6313 (title I, part A of the ESEA), consistent with the definition of ''student from a low-income family'' in this notice, and must also describe the method it will use to verify that a student is from a low-income family and how such method is minimally burdensome on the requesting student or parent;

(c) Describe how it will include private school students from low-income families on an equitable basis, in accordance with section 8501 of the ESEA (20 U.S.C. 7881), in identifying and serving students in need of trauma-specific mental health services;

(d) Describe how it will obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental health assessment or service that is funded under this program; and

(e) Describe how it will ensure that, to the extent possible, Department grant funds support only services that the student, or parent, as applicable, affirms are unaffordable, not covered, or insufficiently covered, by public or commercial health insurance programs.

(3) *A description of the approach to paying eligible providers of trauma-specific mental health services.*

An SEA must—

(a) Describe the methods it will use to pay appropriate providers of trauma-specific mental health services; and

(b) Describe any criteria it will use to determine that a provider offers trauma-specific mental health services, how it will ensure that providers are State-licensed, and the method it will use to offer relevant information about eligible providers to students and parents seeking support through this program, while also allowing students and parents to identify the State-licensed provider that best meets their needs and offers secular, neutral, and non-ideological services, while not prohibiting students or parents from identifying providers not already identified by the State on a list, if applicable.

(4) *A project plan that includes a specific timeline for planning, outreach, and service delivery.* An SEA must provide a detailed project plan specifying its methods for communicating the availability of funds, providing services and payments to providers with minimal burden on students and parents, and continuously improving grant activities. As necessary and appropriate, an SEA may describe in its plan a period of up to 12 months during the first year of the project period for program planning. SEAs that propose to use this option must provide sufficient justification for why this program planning time is necessary, provide the intended outcomes of program planning in Year 1, and include a description of the proposed strategies and activities to be supported, such as recruiting and vetting eligible providers, performing outreach to communities in need of support, and training schools, LEAs, and community members, including any trauma screener(s) or trauma assessment(s) the SEA, at its discretion, recommends.

(5) *A list of key project personnel and a description of each of their qualifications to serve in the identified role.* An SEA must provide a list of key project personnel, including, at a minimum, the project director, key project personnel, and, as applicable, project consultants or subcontractors, and describe their roles and relevant training and experience. To the greatest extent practicable, the SEA should include a resume for all key project personnel and any additional description of training and qualifications.

(6) *A description of how an SEA will document the results of the funded project and continuously improve services provided with grant funds to support student academic success.* An SEA must—

(a) Describe how it will document the specific types of trauma-specific mental health services supported by the project and how it will share results of the project, consistent with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) requirements, to promote improved capacity in other communities and schools. Such efforts must include, at a minimum, how the SEA will identify the individual trauma-specific mental health services provided and how the SEA will document any changes in individual student academic success, including changes in attendance, behavior, and academic progress, of individual students who participate in the program. This description must include an explanation of the SEA's approach to contributing to the evidence basis for trauma-specific mental health services while protecting student privacy;

(b) Describe how it will define changes in attendance, behavior, and academic progress;

(c) Describe its approach to measuring student and/or parent satisfaction with grant-funded services; and

(d) Explain how it will use this information during the grant period for continuous improvement.

(7) *A detailed project budget.* An SEA must provide a specific project budget. In the budget, the SEA must specify the portion of funds that will be used for outreach, administration, and continuous improvement as compared with funds that directly support trauma-specific mental health services for the students. In total, administrative costs, including (1) training for LEA or school staff or community members on such topics as how to identify trauma symptoms and administer trauma assessments, (2) outreach to LEAs, schools, and the public to increase awareness about the available funds, and (3) other administrative expenses, may not exceed 15 percent of the annual grant award amount or $30,000, whichever is greater.

*Definitions:* We establish the definitions of ''student from a low-income family,'' ''trauma,'' and ''trauma-specific mental health services'' for the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The definitions of ''local educational agency,'' ''parent,'' and ''State educational agency'' are from 20 U.S.C. 7801.

These definitions are:

*Local educational agency (LEA)* means:

(a) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political

subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under this chapter with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA other than the Bureau of Indian Education.

(d) The term includes educational service agencies and consortia of those agencies.

(e) The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

*Parent*—The term ''parent'' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

*State educational agency (SEA)* means the agency primarily responsible for the State supervision of public elementary or secondary schools.

*Student from a low-income family* means any student who is determined by an SEA, LEA, or school to be from a low-income family using a measure(s) of poverty identified in ESEA section 1113(a)(5)(A) by applying the measure(s) and threshold(s) specified by the SEA in its application.

*Trauma* means an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, or emotional well-being.

*Trauma-specific mental health services* are mental health treatment approaches designed specifically to treat trauma-related symptoms, trauma-related disorders, and specific disorders of traumatic stress, such as trauma-focused cognitive behavioral therapy, trauma-related cognitive processing therapy, relaxation training, biofeedback, breathing training, exposure therapy, eye movement desensitization and reprocessing, narrative therapy, skills training in affective and interpersonal regulation, stress inoculation training, trauma incident reduction, or other interventions focused on supporting trauma recovery. Note: Medical services are not allowable uses of funds under this grant. In general, mental health counseling is not prohibited by this limitation. However, any mental health services provided by a psychiatrist would need to be carefully evaluated by the grantee before services are rendered. Because psychiatrists are trained medical doctors, they can prescribe medications, and may spend time with patients on medication management as part of treatment. Funding from this program must not be used to provide these medical services or any medical procedure.

*Waiver of Proposed Rulemaking:* Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under title IV, part A, subpart 1 of the ESEA (20 U.S.C. 7113(a)(3)) and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priorities, definitions, and requirements under section 437(d)(1) of GEPA. These priorities, definitions, and requirements will apply to the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*Program Authority:* Section 4103(a)(3) of Title IV, Part A of the ESEA (20 U.S.C. 7113).

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $5,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2020 and subsequent years from the list of unfunded applications from the competition announced in this notice.

*Estimated Range of Awards:* $500,000 to $1,500,000 per year.

*Estimated Average Size of Awards:* $1,000,000 per year.

*Maximum Award:* We will not make an award exceeding $1,500,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 4–10.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

## III. Eligibility Information

1. *Eligible Applicants:* SEAs.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant requirements.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Equitable Services:* A grantee under this program is required to provide for the equitable participation of private school children, in accordance with section 8501 of the ESEA (20 U.S.C. 7881).

## IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2019.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice. In addition, we remind applicants that section 4001(b) of the ESEA (20 U.S.C.

7101) prohibits the use of funds for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. In general, mental health counseling is not prohibited by this limitation. However, any mental health services provided by a psychiatrist would need to be carefully evaluated by the grantee before services are rendered. Because psychiatrists are trained medical doctors, they can prescribe medications, and may spend time with patients on medication management as part of treatment. Funding from this program must not be used to provide these medical services or any medical procedure.

**V. Application Review Information**

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all selection criteria is 100 points. The points or weights assigned to each criterion are indicated in parentheses. Non-Federal peer reviewers will evaluate and score each application against the following selection criteria:

(a) *Significance* (25 points).

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project is likely to yield findings that may be utilized by other appropriate agencies and organizations.

(ii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(iii) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(b) *Quality of the Project Design* (15 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(iii) The quality of the proposed demonstration design and procedures for documenting project activities and results.

(c) *Quality of Project Services* (30 points).

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(ii) The quality of plans for providing an opportunity for participation in the proposed project of students enrolled in private schools.

(d) *Quality of Project Personnel* (10 points).

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(e) *Quality of the Management Plan* (20 points).

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200 subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR

part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 performance measures for the Trauma Recovery Demonstration Grant Program:

(a) Cumulative, unduplicated number of students receiving trauma-specific mental health services from a provider chosen by the student or parent and supported by funds from this grant.

(b) Cumulative, unduplicated number and percentage of students or parents reporting satisfaction with the services provided under this grant as it relates to addressing the student's trauma symptoms.

(c) Consistent with applicable privacy laws and regulations, the percentage of students who have received trauma-specific mental health services who improved their attendance compared with a baseline of the same students' attendance in the period prior to receiving services through this grant.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to carefully consider these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures. This data will be considered by the Department in making continuation awards.

Consistent with 34 CFR 75.591, grantees funded under this program must comply with the requirements of any evaluation of the program conducted by the Department or an evaluator selected by the Department.

*Note:* If the applicant does not have experience with collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for its proposed project.

The reviewers of each application will score related selection criteria on the basis of how well an applicant has considered these measures in conceptualizing the approach and evaluation of the project.

All grantees must submit an annual performance report and final performance report with information that is responsive to these performance measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 1, 2019.

**Frank T. Brogan,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2019–14408 Filed 7–3–19; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Rehabilitation Training: Innovative Rehabilitation Training Program

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2019 for the Innovative Rehabilitation Training Program, Catalog of Federal Domestic Assistance (CFDA) number 84.263C. The competition funds time-limited pilot demonstration projects to develop, refine, implement, evaluate, and disseminate innovative methods of training vocational rehabilitation (VR) personnel to support the work of the State VR agencies and the implementation of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (Rehabilitation Act). In the FY 2019 competition, the Department is focusing on innovative rehabilitation training in the following areas: VR counseling, VR services to individuals with autism spectrum disorder (ASD), VR services to individuals with intellectual disabilities, career assessment (also referred to as ''vocational evaluation'') for VR service recipients, employer engagement in the VR process, and field-initiated projects in an area related to VR. This notice relates to the approved information collection under OMB control number 1820–0018.

**DATES:**

*Applications Available:* July 5, 2019.

*Deadline for Transmittal of Applications:* August 14, 2019.

*Pre-Application Webinar Information:* No later than July 10, 2019, OSERS will post pre-recorded informational webinars designed to provide technical assistance to interested applicants. The webinars may be found at: *www2.ed.gov/fund/grant/apply/rsa/new-rsa-grants.html.*

Pre-Application Q&A Blog: No later than July 10, 2019, OSERS will open a blog where interested applicants may post questions about the application requirements for this competition and where OSERS will post answers to the questions received. OSERS will not respond to questions unrelated to the application requirements for this competition. The blog will be available at *www2.ed.gov/fund/grant/apply/rsa/new-rsa-grants.html* and will remain open until July 24, 2019. After the blog closes, applicants should direct questions to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

**FOR FURTHER INFORMATION CONTACT:** Cassandra P. Shoffler, U.S. Department of Education, 400 Maryland Avenue SW, Room 5122, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7827. Email: *cassandra.shoffler@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The Innovative Rehabilitation Training program is designed to develop (a) new types of training programs for rehabilitation personnel and to demonstrate the effectiveness of these new types of training programs for rehabilitation personnel in providing rehabilitation services to individuals with disabilities; (b) new and improved methods of training rehabilitation personnel so that there may be a more effective delivery of rehabilitation services to individuals with disabilities by designated State rehabilitation agencies and designated State rehabilitation units or other public or non-profit rehabilitation service agencies or organizations; and (c) new innovative training programs for VR professionals and paraprofessionals to have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities so they can more effectively provide VR services to individuals with disabilities.

*Priority:* This competition includes one absolute priority. We are establishing this priority for FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

*Absolute Priority:* For FY 2019, and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

*This priority is:*

*Innovative Rehabilitation Training Projects.*

*Background:* The Innovative Rehabilitation Training priority aligns with the OSERS framework by funding projects designed to strengthen, improve, develop, and provide training to VR professionals and paraprofessionals serving students and youth with disabilities, parents and guardians of youth with disabilities, and adults with disabilities and to improve employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. This priority is an example of a competition designed to foster flexible and affordable paths to obtaining knowledge and skills and to meet the unique needs of individuals with disabilities, as identified in the Secretary's priorities. Specifically, this priority requires grantees to develop current and, to the extent possible, evidence-based training modules for inclusion in rehabilitation counseling education programs and for use as stand-alone modules in order to develop or implement pathways to recognized postsecondary credentials and to provide work-based learning experiences such as apprenticeships, internships, and practica. Further, under this priority, grantees may help VR professionals and paraprofessionals learn how to meet the unique needs of individuals with disabilities; create or expand opportunities for students and youth receiving transition services; assist individuals with disabilities to obtain recognized postsecondary credentials, including postsecondary credentials in science, technology, engineering, mathematics, or computer science, as they pursue careers; and expand partnerships with appropriate entities, such as State VR agencies, State educational agencies, local educational agencies, schools, businesses, not-for-profit professional organizations, and organizations of, or representing, individuals with disabilities. This priority also involves promoting economic opportunity for individuals with disabilities. Projects must be operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

With this priority, the Secretary intends to fund innovative rehabilitation training projects to develop, pilot, refine, implement, evaluate, and disseminate training to support the work of the State VR agencies and the implementation of the Rehabilitation Act, and to focus on training VR personnel. The Secretary intends to award one national project in each of the following topic areas: (1) VR counseling, (2) VR services to individuals with Autism Spectrum Disorders (ASD), (3) VR services to individuals with intellectual disabilities, (4) career assessment for VR service recipients, and (5) employer engagement in the VR process. In addition, the Secretary intends to award one national project in a sixth topic area: a field-initiated project in an area related to VR. In the event that there are no applications submitted or deemed eligible to fund in Topic Areas 1, 2, 3, 4, or 5 the Secretary may fund more than one field-initiated project under Topic Area 6.

With respect to Topic Area 1–VR counseling, according to the U.S. Department of Labor, the growth rate of rehabilitation counseling positions is faster than average, with a projected 13 percent growth in rehabilitation counseling positions from 2016 to 2026 (Bureau of Labor Statistics). According to the O*Net Summary Report for Rehabilitation Counselors, the projected growth in the field of VR counseling from 2016 to 2026 is expected to be faster than average at 10 percent to 14 percent, with 14,500 job openings projected by 2026. Further, the report indicates that the need for qualified VR counselors continues to exist and is driven strongly by impending retirements (O*NET, 2018).

In addition, the Rehabilitation Act includes new expectations and job requirements for VR counselors. As a result, universities will need to modify their curricula and academic programs so that individuals graduating from VR academic programs are ready to meet these requirements and the needs of their clients with disabilities. New modules for training of working VR professionals and paraprofessionals will need to be developed.

With respect to Topic Area 2—VR services to individuals with ASD, the Centers for Disease Control and Prevention's (CDC's) Autism and Developmental Disabilities Monitoring Network estimates that approximately 1 in 59 children has been identified with ASD (or 16.8 per 1,000 8-year-olds). ASD is reported to occur in all racial, ethnic, and socioeconomic groups and is about four times more common among boys than among girls (CDC, 2018).

Further, there are gaps within the systems that support individuals with ASD. As an example, Advancing Futures for Adults with Autism (AFAA) noted that a 2008 study conducted in Florida by the Center for Autism and Related Disabilities showed that approximately 67 percent of the 200 families of 18- to 22-year-olds with autism surveyed did not have knowledge of transition services, 73 percent indicated they need help with their job, 63 percent need help with daily living, and 78 percent did not know of agencies or professionals who can help them find work. The study also showed that while 74 percent of those surveyed want to work, only 19 percent were currently working. (AFAA, 2014).

State VR agencies serve individuals with ASD, and VR professionals and paraprofessionals need to be trained to provide services that meet their needs. According to the RSA–911, in program year (PY) 2017, State VR agencies determined 29,678 individuals with ASD to be eligible for VR services, served 43,841 individuals with ASD under individualized plans for employment (IPEs), and had 9,850 individuals with ASD exit the VR system in competitive integrated or supported employment. In addition, 13,793 individuals with ASD exited the VR system without employment after eligibility was determined or after an IPE was signed, 9 individuals with ASD exited in noncompetitive or nonintegrated employment after an IPE was signed, and 96 individuals with ASD exited after they were determined ineligible for VR services (U.S. Department of Education, 2018).

With respect to Topic Area 3—VR services to individuals with intellectual disabilities, the State VR agencies serve a large number of individuals with intellectual disabilities (ID), so VR professionals and paraprofessionals need to be trained to provide appropriate services to meet their needs. According to the RSA–911, in PY 2017, 35.4 percent (338,757) of the individuals served by State VR agencies (957,082) were individuals with ID, including 36,183 who were determined eligible for VR services, 46,816 who had IPEs, and 13,586 who exited the VR system in competitive integrated or supported employment. In addition, 22,187 individuals with ID exited the VR system without an employment outcome after eligibility was determined or after an IPE was signed, 9 individuals with ID exited in noncompetitive or nonintegrated employment after an IPE was signed, and 135 individuals with ID exited after being determined ineligible for VR services (U.S. Department of Education, 2018).

With respect to Topic Area 4—career assessment for VR service recipients, vocational evaluation is important for identifying and providing VR services that will enable individuals with disabilities to achieve employment outcomes consistent with their unique capabilities, interests, and informed choice. As defined by the Wilson Workforce and Rehabilitation Center, ''vocational evaluation is an educational process in which a client obtains greater self and work knowledge through participation in work activities designed to evaluate vocational skills, interests, and abilities. Clients learn about the functional impact of their disability in relation to their career options. They also learn about assistive technology and the devices and accommodations needed to remove barriers to employment. The evaluation process encourages personal involvement in career planning and development and empowers clients by increasing their self-confidence in career decision making'' (Wilson Workforce and Rehabilitation Center, 2018).

According to the RSA–911, in PY 2017, 271,124 individuals received career assessment services from VR personnel. Given that career assessment services are essential when assisting VR consumers to identify their employment goals, it is critical that VR personnel remain current in their ability to provide career assessment services.

With respect to Topic Area 5—employer engagement, the most recent amendments to the Rehabilitation Act included an enhanced focus on employer engagement. For example, the purpose section of the Rehabilitation Act was expanded to include increasing employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and VR service providers on successful and prospective employment and placement strategies. The Rehabilitation Act also now allows VR agencies to provide training and services for employers who have hired or are interested in hiring individuals with disabilities under its programs. These services may include: (1) Providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness and the requirements of the Americans with Disabilities Act of 1990 and other employment-related laws; (2) working with employers to (a) provide opportunities for work-based learning

experiences, including internships, short-term employment, apprenticeships, and fellowships, and opportunities for pre-employment transition services, (b) recruit qualified applicants who are individuals with disabilities, (c) train employees who are individuals with disabilities, and (d) promote awareness of disability-related obstacles to continued employment; (3) providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of VR services under the Rehabilitation Act, or who are applicants for such services; and (4) assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities. (Section 109 of the Rehabilitation Act.) State VR agencies are required to describe, in the State plan, how they will work with employers to identify competitive integrated employment opportunities and career exploration opportunities to provide VR services and transition services for youth with disabilities and students with disabilities. State VR agencies may engage with employers throughout the VR process, including at job placement, development of customized employment opportunities for individuals, and follow-up services.

Given that employer engagement promotes increased employment opportunities for individuals with disabilities who are receiving VR services, it is critical that VR personnel remain current in their ability to work with and engage employers in the VR process, including employers representing the 21st-century labor market, to include in-demand fields and fields related to science, technology, engineering, and mathematics (STEM) that meet the local labor market needs.

*Priority:* The purpose of this priority is to fund projects designed to develop, pilot, refine, implement, evaluate, and disseminate new, or substantially improved, innovative rehabilitation training in six topic areas to support the work of the State VR agencies and the implementation of the Rehabilitation Act.

The six topic areas are:

(a) Topic Area 1—VR counseling.

The most recent amendments to the Rehabilitation Act contained many changes that affect VR counseling. Therefore, a project in this topic area must review current VR counseling curricula used by universities and prepare, as appropriate, novel, innovative modules that universities can include to update the curricula and that can be used by a variety of trainers to provide short-term or other training to VR professionals and paraprofessionals. Projects must include information about training on how to—

(1) Use evidence-based [1] information and data in the VR process;

(2) Use labor market analyses in developing VR goals and providing informed choice to individuals with disabilities receiving VR services;

(3) Engage the dual customers, that is, individuals with disabilities and employers;

(4) Engage with other partners in the workforce development system, including, at a minimum, Workforce Development Boards or career centers, businesses or industry associations, training or educational institutions, and community-based organizations; and

(5) Address changes resulting from the amendments to the Rehabilitation Act and other trends in the field related to service delivery, including, at a minimum, supported employment, pre-employment transition services, and customized employment.

(b) Topic Area 2—VR services to individuals with ASD.

To address the increasing numbers of individuals with ASD and to provide services designed to meet the unique needs of each individual with ASD, a project in this topic area must develop current and, to the extent possible, evidence-based training modules. These modules must be available for inclusion in VR counseling education programs and short-term training for VR professionals and paraprofessionals, individuals studying to become VR professionals and paraprofessionals, and, as appropriate, representatives of individuals with disabilities, including parents, family members, guardians, advocates, and other authorized representatives. The subject of the training must be providing VR services to individuals with ASD, and, as appropriate, representatives of individuals with ASD, including parents, family members, guardians, advocates, and other authorized representatives.

(c) Topic Area 3—VR services to individuals with ID.

To address the large number of individuals with ID who are served by the VR agencies and to provide services designed to meet the unique needs of each individual with ID, a project in this topic area must develop current and, to the extent possible, evidence-based training modules for inclusion in rehabilitation counseling education programs and for use as stand-alone modules to provide short-term training for VR professionals, paraprofessionals, individuals studying to become VR professionals and paraprofessionals, and, as appropriate, representatives of individuals with disabilities, including parents, family members, guardians, advocates, and other authorized representatives. The subject of the training must be providing VR services to individuals with ID and, as appropriate, representatives of individuals with ID, including parents, family members, guardians, advocates, and other authorized representatives.

(d) Topic Area 4—Career assessments for VR service recipients.

To address the importance of vocational evaluation in identifying and providing VR services, a project in this topic area must develop current and, to the extent possible, evidence-based training modules for inclusion in rehabilitation counseling education programs and short-term training for VR professionals, paraprofessionals, individuals studying to become VR professionals and paraprofessionals, and, as appropriate, representatives of individuals with disabilities, including parents, family members, guardians, advocates, and other authorized representatives. The subject of the training must be providing career assessment VR services in the 21st-century labor market, including assessments for careers in in-demand fields and STEM, to meet local labor market needs.

(e) Topic Area 5—Employer engagement in the VR process.

To address the enhanced focus on employer engagement in the most recent amendments to the Rehabilitation Act, a project in this topic area must develop current and, to the extent possible, evidence-based training modules for inclusion in rehabilitation counseling education programs and short-term training for VR professionals, paraprofessionals, individuals studying to become VR professionals and paraprofessionals, and, as appropriate, representatives of individuals with disabilities, including parents, family members, guardians, advocates, and other authorized representatives. The subject of the training must be engaging employers in the VR process, including

[1] For the purposes of this priority, ''evidence-based'' means the proposed project component is supported, at a minimum, by evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model (as defined in 34 CFR 77.1) is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes (as defined in 34 CFR 77.1).

employers in in-demand fields and STEM, to meet local labor market needs.

(f) Topic Area 6—Field-initiated project in an area related to VR.

Field-initiated projects must be designed to develop training for VR personnel in an area for which no training currently exists, enhance training in an area for which the existing training is no longer current or relevant, or enhance training in an area that has received increased emphasis under the Rehabilitation Act. In each case, applicants must provide sufficient evidence to demonstrate the need for the training in a proposed new topic area or, in areas for which there is existing training, demonstrate that the existing training is not adequately meeting the needs of VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals.

*Application Requirements*

*General Application Requirements:*

(a) Applicants must identify the specific topic area (1, 2, 3, 4, 5, or 6) under which they are applying as part of the competition title on the application cover sheet (SF form 424, line 4).

(b) Applicants may submit proposals under more than one topic area.

(c) Applicants may combine more than one topic area, and these applications must be submitted under Topic Area 6—Field-initiated project.

(d) For each topic area, applicants must develop a new training program, a substantially improved training program, and/or stand-alone modules to be incorporated into an existing academic degree program for educating VR counselors or other VR professionals and paraprofessionals and into short-term training for VR professionals. The training program or modules must be developed by the end of the first year of the project period and piloted, refined, implemented, evaluated, and disseminated in years two, three, four, and five of the project period. Applicants must describe a process for feedback and continuous improvement to ensure the training program or modules are refined throughout years two, three, four, and five. Applicants must provide adequate justification in their application if they determine additional time may be necessary to fully develop a curriculum and obtain input and feedback from key partners, relevant stakeholders, and individuals with disabilities.

(e) The training must be of sufficient scope, intensity, and duration for VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals to achieve increased skill, knowledge, and competence in the topic area.

**Note:** Applications that propose only to continue existing training in these topic areas are not eligible for funding.

*Specific Application Requirements:* In addition to meeting the absolute priority and the general application requirements, all applicants must meet the following specific application requirements:

(a) Demonstrate, in the narrative section of the application under ''Need for Project and Relevance to State-Federal Rehabilitation Service Program,'' how—

(1) The proposed project will address current and projected training needs and, if applicable, personnel shortages in the identified topic area in State VR agencies and related agencies nationally. Applicants must present data demonstrating such training needs and, if applicable, personnel shortages;

(2) The proposed project will identify the evidence-based training and baseline data that currently exist in the topic area and describe why there is a need to establish innovative rehabilitation training modules in the identified area. In the event that an applicant proposes training in a topic area for which training does not currently exist or for which there are no baseline data, the applicant must explain the lack of training or reliable data and may report zero as a baseline; and

(3) The proposed project will increase the number of trained VR professionals and paraprofessionals in the topic area. To address this requirement, the applicant must describe the competencies that VR professionals and paraprofessionals must demonstrate in order to provide high-quality services.

(b) Demonstrate, in the narrative section of the application under ''Quality of Project Design,'' how—

(1) The proposed project will actively engage consumers, consumer organizations, employers, and service providers, especially State VR agencies, in the proposed project, including project development, design, implementation, delivery of training, dissemination, sustainability planning, program evaluation, and other relevant areas as determined by the applicant;

(2) The proposed project will develop, pilot, and refine new or enhanced modules for training of working VR professionals and paraprofessionals and individuals studying to become VR professionals and paraprofessionals in the topic area. The applicant must describe the scope of the proposed training to be developed, the mode of delivery, and the intended long-term outcome of the training;

(3) The proposed project will provide training in person or via on-line delivery to VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals;

(4) The proposed project will identify the number of individuals proposed to be enrolled in the training program, by cohort, each year of the proposed project;

(5) The proposed project will identify and partner with trainers who are certified and recognized in the topic area to develop and deliver the training;

(6) The proposed project will use current research and evidence-based practices. To address this requirement, the applicant must—

(i) Describe how the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and training; and

(ii) Describe how the proposed project will engage training recipients with different learning styles; and

(7) The proposed project will conduct dissemination and coordination activities. To address this requirement, the applicant must—

(i) Describe how the proposed project will disseminate information to VR agencies, related agencies, academic programs with VR counseling programs, and other training providers; disseminate information to VR professionals and paraprofessionals about training available in the topic area; broadly disseminate successful strategies for preparing VR professionals and paraprofessionals in the topic area; and disseminate information to individuals with disabilities, parents, family members, guardians, advocates, and authorized representatives via the RSA Parent Information and Training programs and the National Clearinghouse of Rehabilitation Training Materials, a state-of-the-art archiving and dissemination system that is open and available to the public and provides a central location for later use of training materials, including curricula, audiovisual materials, webinars, examples of emerging and evidence-based practices, and any other relevant material;

(ii) Describe the process for submitting all materials to the National Clearinghouse of Rehabilitation Training Materials;

**Note:** All products produced by the grantees must meet government- and industry-recognized standards for

accessibility, including section 508 of the Rehabilitation Act.

(iii) Describe its approach for incorporating the use of information technology (IT) into all aspects of the proposed project. The approach must include establishing and maintaining a state-of-the-art IT platform that is sufficient to support webinars, teleconferences, video conferences, and other virtual methods for disseminating information. Proposed projects may either develop new platforms or systems or may modify existing platforms or systems, so long as the requirements of this priority are met; and

(iv) Describe its approach for conducting coordination and collaboration activities. To meet this requirement, the applicant must—

(A) Establish a community of practice [2] in the topic area of training that focuses on the proposed project's activities and acts as a vehicle for communication and exchange of information among participants in the program and other relevant stakeholders;

(B) Communicate, collaborate, and coordinate with other relevant Department-funded projects, as applicable;

(C) Maintain ongoing communication with the RSA project officer and other RSA staff as required; and

(D) Communicate, collaborate, and coordinate, as appropriate, with key staff in State VR agencies; State and local educational agencies and partner programs; organizations and associations of, or representing, individuals with disabilities; relevant RSA partner organizations and associations; and individuals with disabilities, parents, family members, guardians, advocates, and authorized representatives via the RSA Parent Information and Training programs and the National Clearinghouse of Rehabilitation Training Materials.

(c) Demonstrate, in the narrative section of the application under ''Quality of Project Services,'' how—

(1) The proposed project will ensure equal access and treatment for eligible proposed project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability;

(2) The proposed project will identify high-quality applicants for participation in the program, including any pre-assessments that may be used to determine the skill, knowledge base, and competence of the VR professionals and paraprofessionals and individuals studying to become VR professionals and paraprofessionals;

(3) The proposed project will ensure that all training activities and materials are fully accessible;

(4) The proposed project will enable VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals to participate in and successfully complete the training program, including participants who need to work while in the program, have child care or elder care considerations, or live in geographically isolated areas. The approach must emphasize innovative instructional delivery methods, such as distance learning or block scheduling (a type of academic scheduling that offers fewer classes per day for longer periods of time), which would allow working VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals to more easily participate in the program; and

(5) The training will be of sufficient scope, intensity, and duration to adequately prepare VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals in the identified topic area. To address this requirement, the applicant must—

(i) Describe the components of the training that will allow VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals to acquire and enhance the identified competencies;

(ii) Describe the components of the training that will allow VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals to apply their content knowledge in a practical setting; and

(iii) Describe how the proposed project will provide VR professionals, paraprofessionals, and individuals studying to become VR professionals and paraprofessionals with ongoing guidance and feedback throughout the training provided.

(d) Demonstrate, in the narrative section of the application under ''Quality of Project Personnel,'' how—

(1) The proposed project will encourage applications for employment with the project from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability; and

(2) The proposed project director or principal investigator and other key proposed project personnel, consultants, and subcontractors have the qualifications and experience to develop and provide training to VR professionals and paraprofessionals in the topic area.

**Note:** While applicants may not hire staff or select trainees based on race or national origin/ethnicity, they may conduct outreach activities to increase the pool of eligible candidates from groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. We will disqualify and not consider for funding any applicant that indicates that it will hire or train a certain number or percentage of candidates from groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(e) Demonstrate, in the narrative section of the application under ''Adequacy of Resources and Quality of the Management Plan,'' how—

(1) The applicant and any identified partners in the proposed project have an adequate commitment to the proposed project and the resources to carry out the proposed activities, and will contribute to the implementation and success of the proposed project;

(2) The proposed project costs are reasonable in relation to the anticipated results and benefits;

(3) The training will be continued after Federal funding ends;

(4) The management plan will ensure that the proposed project's intended outcomes will be achieved on time and within budget. To meet this requirement, the applicant must—

(i) Describe the defined responsibilities for key proposed project personnel, consultants, and subcontractors, as applicable, how these responsibilities will be allocated to the proposed project, and how these allocations are appropriate and adequate to achieve the proposed project's intended outcomes, including an assurance that such personnel will have adequate availability to ensure timely communications with stakeholders and RSA; and

(ii) Describe the timelines and milestones for accomplishing the proposed project tasks;

(5) The proposed project management plan will ensure that the products and services provided are of high quality; and

(6) The proposed project will benefit from a diversity of perspectives, especially relevant partners, groups, and organizations described throughout this

[2] A community of practice (CoP) is a group of people who work together to solve a persistent problem or to improve practice in an area that is important to them and who deepen their knowledge and expertise by interacting on an ongoing basis. CoPs exist in many forms, some large in scale that deal with complex problems, others small in scale that focus on a problem at a very specific level. See *http://www.wintac.org/cop* for examples of CoPs established through other RSA grants.

notice, in its development and operation.

(f) Describe, in the narrative section of the application under ''Quality of the Project Evaluation,'' the evaluation plan for the proposed project. At a minimum, the proposed project must evaluate the quality of the proposed training modules; refine the training modules based on the evaluation outcomes; re-evaluate the refined training modules; provide guidance about effective strategies suitable for replication in other settings; and identify, track, and report the number of academic programs that adopt the content, State VR agencies and related agencies that use the content to train VR professionals and paraprofessionals, and other training entities that use the content to train VR professionals and paraprofessionals.

To address this requirement, the applicant must—

(1) Describe the evaluation mechanism for assessing the quality of the training developed and the iterative process to be used for improving the training based on evaluation outcomes;

(2) Describe the approach, using pre- and post-assessments, for assessing the level of knowledge, skills, and competencies gained among participants;

(3) Describe the measures of progress in implementation, including the extent to which the proposed project's activities and products have been adopted by academic programs or used by State VR agencies, related agencies, and other training entities, and the intended outcomes of the proposed project's activities in order to evaluate those activities and how well the goals and objectives of the proposed project, as described in its logic model,[3] have been met;

(4) Describe how the evaluation plan will be implemented and revised, as needed, during the proposed project. The applicant must designate at least one individual with sufficient dedicated time, experience in evaluation, and knowledge of the proposed project to coordinate the design and implementation of the evaluation, including designing instruments and developing quantitative or qualitative data collections that permit the collection of progress data and assessment of project outcomes. This includes coordination with any identified partners in the application and RSA to make revisions post-award to the logic model in order to reflect any changes or clarifications to the model and to the evaluation design and instrumentation;

(5) Describe the standards and targets for determining effectiveness of the proposed project; and

(6) Describe how evaluation results will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(h) Include in Appendix A the following—

(1) A logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(2) A person-loading chart and timeline, as applicable, to illustrate the management plan described in the narrative; and

(3) A sustainability plan to ensure the training will continue after Federal funding ends.

*Fourth and Fifth Years of the Project:* In deciding whether to continue funding each Innovative Rehabilitation Training project for the fourth and fifth years, the Department will consider the requirements of 34 CFR 75.253(a). In addition, as part of the review of the application narrative and annual performance reports, RSA will consider the degree to which the program demonstrates substantial progress toward completing the tasks outlined in the priority, with particular emphasis on the quality, relevance, and usefulness of the grantee's training program and activities, and the degree to which the training program and activities and their outcomes have contributed to significantly improving the quality of VR professionals and paraprofessionals employed in or ready for employment in State VR agencies and related agencies.

*References*

21–1015.00 Summary Report—Rehabilitation Counselors. National Center for O*NET Development. Rehabilitation Counselors. (2018). Retrieved from *https://www.onetonline.org/link/summary/21-1015.00www.onetonline.org/link/summary/21-1015.00.*

Advancing Futures for Adults with Autism. (2014). Autism on the Rise. Retrieved from *http://www.afaa-us.org/aboutwww.afaa-us.org/about.*

Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Rehabilitation Counselors. Retrieved from *https://www.bls.gov/ooh/community-and-social-service/rehabilitation-counselors.htm.*

Centers for Disease Control and Prevention: Autism Spectrum Disorder. (November 15, 2018). Retrieved from *https://www.cdc.gov/ncbddd/autism/data.htmlwww.cdc.gov/ncbddd/autism/data.html.*

U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration. (2018). Case Service Report (RSA–911), PY 2017.

Wilson Workforce and Rehabilitation Center: Vocational Evaluation Services. (January 18, 2018). Retrieved from *https://www.wwrc.net/Vocational Evaluation.htmwww.wwrc.net/VocationalEvaluation.htm.*

*Waiver of Proposed Rulemaking:* Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 302 of the Rehabilitation Act (20 U.S.C. 772), and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priority and requirements under section 437(d)(1) of GEPA. This priority and these requirements will apply to the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*Program Authority:* 29 U.S.C. 709(c) and 772.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 385 and 387.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

[3] As defined in 34 CFR 77.1, ''logic model'' (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $2,700,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

*Estimated Range of Awards:* $375,000–$450,000.

*Maximum Award:* We will not make an award exceeding $450,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 6.

**Note:** The Secretary intends to fund a total of six projects in FY 2019 including one project from each of the five identified topic areas and one in the field-initiated area. As a result, the Secretary may fund applications out of rank order.

**Note:** The Department is not bound by any estimates in this notice.

**Note:** Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or 8 percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

*Project Period:* Up to 60 months.

## III. Eligibility Information

1. *Eligible Applicants:* States and public or private nonprofit agencies and organizations, including Indian Tribes and IHEs.

2. *Cost Sharing or Matching:* A grantee must contribute to the cost of a project under this program in an amount satisfactory to the Secretary. The part of the costs to be borne by the grantee is determined by the Secretary at the time of the grant award. For the purposes of this competition, the grantee is required to contribute at least 10 percent of the total cost of the project under this program. To calculate match, applicants may use the match-calculator available at: *https://rsa.ed.gov/match-calculator.cfm.* The Secretary does not, as a general matter, anticipate waiving this requirement in the future. Furthermore, given the importance of matching funds to the long-term success of the project, eligible entities must identify appropriate matching funds in the proposed budget. Finally, the selection criteria include factors such as ''the adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization'' and ''the relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project,'' which may include a consideration of demonstrated matching support.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

## IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Rehabilitation Training: Innovative Rehabilitation Training Program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2019.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 45 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 387.30 and 34 CFR 75.210, and are as follows:

(a*) Need for project and relevance to State-Federal rehabilitation service program.* (10 points)

(1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers the extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated.

(3) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service program.

(4) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to public and private agencies involved in the rehabilitation of individuals with disabilities; or

(ii) To maintain and improve the skills and quality of rehabilitation personnel.

(b) *Quality of the project design.* (25 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) *Quality of project services.* (25 points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(ii) The extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project.

(d) *Quality of project personnel.* (15 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of the project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(e) *Adequacy of resources and quality of management plan.* (15 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(iv) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of the Federal funding.

(3) The Secretary considers the quality of the management plan for the proposed project.

(4) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(f) *Quality of project evaluation.* (10 points)

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed

by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit semiannual and annual performance reports that provide the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The performance measures for this program are as follows:

(1) The number of individuals enrolled in the Innovative Rehabilitation Training program, by cohort, during the reporting period.

(2) The number and percentage of individuals who successfully completed the Innovative Rehabilitation Training program, by cohort, during the reporting period.

The GPRA measures are as follows:

(1) The quality of the training developed, as measured by a panel of VR agencies.

(2) The relevance of the training developed, as measured by a panel of VR agencies.

(3) The usefulness of the training developed, as measured by a panel of VR agencies.

Innovative Rehabilitation Training program grantees must submit the following quantitative and qualitative data in a semiannual and annual performance report:

(a) Program activities that occurred during each fiscal year from October 1 to March 31 and projected program activities to occur from April 1 to September 30 should be included in the semiannual performance report.

(b) Program activities that occur during years 2–5 from October 1 to September 30 should be included in the annual performance report.

Annual project progress toward meeting project goals must be posted on the project website or university website.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

**Johnny W. Collett,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2019–14272 Filed 7–3–19; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Applications for New Awards; Rehabilitation Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling and Rehabilitation Training: Rehabilitation Long-Term Training Program—Rehabilitation Specialty Areas

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2019 for four separate competitions under the Rehabilitation Long-Term Training Program, Catalog of Federal Domestic Assistance (CFDA) numbers 84.129B, 84.129H, 84.129P, and 84.129Q. The Long-Term Training Program will provide training in Rehabilitation Counseling (84.129B), Rehabilitation of Individuals Who Are Mentally Ill (84.129H), Rehabilitation of Individuals Who Are Blind or Have Vision Impairments (84.129P), and Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (84.129Q). Projects funded under any of these Rehabilitation Long-Term Training competitions must meet rigorous standards in order to provide rehabilitation professionals the knowledge, skills, and qualifications necessary to meet the current challenges facing State vocational rehabilitation (VR) agencies and related agencies and to assist youth and adults with disabilities in achieving competitive integrated employment outcomes and independent living. This notice relates to the approved information collection under OMB control number 1820–0018.

**DATES:**

*Applications Available:* July 5, 2019.

*Deadline for Transmittal of Applications:* August 5, 2019.

*Pre-Application Webinar Information:* No later than July 10, 2019, OSERS will post pre-recorded informational webinars designed to provide technical assistance to interested applicants. The webinars will be available at *www2.ed.gov/fund/grant/apply/rsa/new-rsa-grants.html.*

*Pre-Application Q&A Blog:* No later than July 15, 2019, OSERS will open a blog where interested applicants may post questions about the application requirements for this competition and where OSERS will post answers to the questions received. OSERS will not respond to questions unrelated to the application requirements for this competition. The blog will be available at *www2.ed.gov/fund/grant/apply/rsa/new-rsa-grants.html* and will remain open until July 24, 2019. After the blog closes, applicants should direct questions to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

**FOR FURTHER INFORMATION CONTACT:** Cassandra P. Shoffler, U.S. Department of Education, 400 Maryland Avenue SW, Room 5122, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7827. Email: *cassandra.shoffler@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### Full Text of Announcement

### I. Funding Opportunity Description

**Note:** This notice invites applications for four separate competitions. For funding information regarding each of the four competitions, refer to the chart under Award Information in section II of this notice.

*Purpose of Program:* The Rehabilitation Long-Term Training Program is designed to support projects that provide academic training in areas of personnel shortages identified by the Secretary to increase the number of personnel trained in providing VR services to individuals with disabilities.

In FY 2019, the Department plans to make awards in four areas: Rehabilitation Counseling (84.129B), Rehabilitation of Individuals Who Are Mentally Ill (84.129H), Rehabilitation of Individuals Who Are Blind or Have Vision Impairments (84.129P), and Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (84.129Q). Projects must be operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

*Priorities:* This notice includes two absolute priorities. Applicants for funding under CFDA number 84.129B (Rehabilitation Counseling) must meet Absolute Priority 1, and applicants for 84.129H (Rehabilitation of Individuals Who Are Mentally Ill), 84.129P (Rehabilitation of Individuals Who Are Blind or Have Vision Impairments), and 84.129Q (Rehabilitation of Individuals Who Are Deaf or Hard of Hearing) must meet Absolute Priority 2. Absolute Priority 1 is from the notice of final priority for this program published in the **Federal Register** on November 5, 2013 (78 FR 66271) (*www.govinfo.gov/content/pkg/FR-2013-11-05/pdf/2013-26500.pdf*), and Absolute Priority 2 is from the notice of final priority published in the **Federal Register** on July 23, 2014 (79 FR 42680) (*www.govinfo.gov/content/pkg/FR-2014-07-23/pdf/2014-17370.pdf*).

*Absolute Priorities:* For FY 2019, and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities.

These priorities are:

*Absolute Priority 1: Vocational Rehabilitation Counseling.*

Under this priority, the Department funds programs leading to a master's degree in VR counseling. The goal of this priority is to increase the skills of VR counseling scholars so that upon successful completion they are prepared to effectively meet the needs and demands of consumers with disabilities and employers.

Under this priority, applicants must:

(a) Provide data on the current and projected employment needs and personnel shortages in State VR agencies and other related agencies as defined in 34 CFR 386.4 in their local area, region, and State, and describe how the proposed program will address those employment needs and personnel shortages.

(b) Describe how the VR counseling program will provide rehabilitation counselors the skills and knowledge that will help ensure that the individuals with disabilities that they serve can meet current demands and

emerging trends in the labor market, including how:

(1) The curriculum provides a breadth of knowledge, experience, and rigor that will adequately prepare scholars to meet the employment needs and goals of VR consumers and aligns with evidence-based practices and with competency-based skills (*e.g.,* advanced counseling skills, critical thinking skills, and skills in building collaborative relationships) in the field of VR counseling;

(2) The curriculum prepares scholars to meet all applicable certification standards;

(3) The curriculum addresses new or emerging consumer employment needs or trends at the national, State, and regional levels;

(4) The curriculum teaches scholars to address the needs of individuals with a range of disabilities and individuals with disabilities who are from diverse cultural backgrounds;

(5) The curriculum will train scholars to recognize the assistive technology needs of consumers throughout the rehabilitation process so that they will be better able to coordinate the provision of appropriate assistive technology services and devices in order to assist the consumer to obtain and retain employment;

(6) The curriculum will teach scholars to work effectively with employers in today's economy, including by teaching strategies for developing relationships with employers in their State and local areas, identifying employer needs and skill demands, making initial employer contacts, presenting job-ready clients to potential employers, and conducting follow-up with employers; and

(7) The latest technology is incorporated into the methods of instruction (*e.g.,* the use of distance education to reach scholars who live far from the university and the use of technology to acquire labor market information).

(c) Describe their methods to:

(1) Recruit highly capable prospective scholars who have the potential to successfully complete the academic program, all required practicum and internship experiences, and the required service obligation;

(2) Educate potential scholars about the terms and conditions of the service obligation under 34 CFR 386.4, 386.34, and 386.40 through 386.43 so that they will be fully informed before accepting a scholarship;

(3) Maintain a system that ensures that scholars sign a payback agreement and an exit form when they exit the program, regardless of whether they drop out, are removed, or successfully complete the program;

(4) Provide academic support and counseling to scholars throughout the course of the academic program to ensure successful completion;

(5) Ensure that all scholars complete an internship in a State VR agency as a requirement for program completion. In such cases where an applicant can provide sufficient justification that it is not feasible for all students receiving scholarships to meet this requirement, the applicant may require scholars to complete an internship in a State VR agency or a related agency, as defined in 34 CFR 386.4. Circumstances that would constitute sufficient justification may include, but are not limited to, a lack of capacity at the State VR agency to provide adequate supervision of scholars during their internship experience or the physical distance between scholars and the nearest office of the State VR agency (*e.g.,* for scholars enrolled in distance-learning programs or at rural institutions). Applicants should include written justification in the application or provide it to Rehabilitation Services Administration (RSA) for review and approval by the appropriate RSA Project Officer no later than 30 days prior to a scholar beginning an internship in a related agency;

(6) Provide career counseling, including informing scholars of professional contacts and networks, job leads, and other necessary resources and information to support scholars in successfully obtaining and retaining qualifying employment;

(7) Maintain regular contact with scholars upon successful program completion (*e.g.,* matching scholars with mentors in the field), to ensure that they have support during their search for qualifying employment as well as support during the initial months of their employment;

(8) Maintain regular communication with scholars after program exit to ensure that scholar contact information is up-to-date and that documentation of employment is accurate and meets the regulatory requirements for qualifying employment; and

(9) Maintain accurate information on, while safeguarding the privacy of, current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation.

(d) Describe a plan for developing and maintaining partnerships with State VR agencies and community-based rehabilitation service providers that includes:

(1) Coordination between the grantee and the State VR agencies and community-based rehabilitation service providers that will promote qualifying employment opportunities for scholars and formalized on-boarding and induction experiences for new hires;

(2) Formal opportunities for scholars to obtain work experiences through internships, practicum agreements, job shadowing, and mentoring opportunities; and

(3) A scholar internship assessment tool that is developed to ensure a consistent approach to the evaluation of scholars in a particular program. The tool should reflect the specific responsibilities of the scholar during the internship. The grantee and worksite supervisor are encouraged to work together as they see fit to develop the assessment tool. Supervisors at the internship site will complete the assessment detailing the scholar's strengths and areas for improvement that must be addressed and provide the results of the assessment to the grantee. The grantee should ensure that (A) scholars are provided with a copy of the assessment and all relevant rubrics prior to beginning their internship, (B) supervisors have sufficient technical support to accurately complete the assessment, and (C) scholars receive a copy of the results of the assessment within 90 days of the end of their internship.

(e) Describe how scholars will be evaluated throughout the entire program to ensure that they are proficient in meeting the needs and demands of today's consumers and employers, including the steps that will be taken to provide assistance to a scholar who is not meeting academic standards or who is performing poorly in a practicum or internship setting.

(f) Describe how the program will be evaluated. Such a description must include:

(1) How the program will determine its effect over a period of time on filling vacancies in the State VR agency with qualified counselors capable of providing quality services to consumers;

(2) How input from State VR agencies and community-based rehabilitation service providers will be included in the evaluation;

(3) How feedback from consumers of VR services and employers (including the assessments described in paragraph (d)(3)) will be included in the evaluation;

(4) How data from other sources, such as those from the Department, on the State VR program will be included in the evaluation; and

(5) How the data and results from the evaluation will be used to make necessary adjustments and improvements to the program.

*Absolute Priority 2: Rehabilitation Specialty Areas.*

Under this priority, the Department funds programs leading to a master's degree or certificate in one of three specialty areas: (1) Rehabilitation of Individuals Who Are Mentally Ill; (2) Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairments; and (3) Rehabilitation of Individuals Who Are Deaf or Hard of Hearing. The goal of this priority is to increase the skills of scholars in these rehabilitation specialty areas so that, upon successful completion of their master's degree or certificate programs, they are prepared to effectively meet the needs and demands of consumers with disabilities.

Under this priority, applicants must:

(a) Provide data on the current and projected employment needs and personnel shortages in the specialty area in State VR agencies and other related agencies as defined in 34 CFR 386.4 in their local area, region, and State, and describe how the proposed program will address those employment needs and personnel shortages.

(b) Describe how the proposed program will provide rehabilitation professionals with the skills and knowledge that will help ensure that the individuals with disabilities whom they serve can meet current demands and emerging trends in the labor market, including how:

(1) The curriculum provides a breadth of knowledge, experience, and rigor that will adequately prepare scholars to meet the employment needs and goals of VR consumers and aligns with evidence-based and competency-based practices in the rehabilitation specialty area;

(2) The curriculum prepares scholars to meet all applicable certification standards;

(3) The curriculum addresses new or emerging consumer needs or trends at the national, State, and regional levels in the rehabilitation specialty area;

(4) The curriculum teaches scholars to address the needs of individuals with disabilities who are from diverse cultural backgrounds;

(5) The curriculum trains scholars to assess the assistive technology needs of consumers, identify the most appropriate assistive technology services and devices for assisting consumers to obtain and retain employment, and train consumers to use such technology;

(6) The curriculum teaches scholars to work with employers effectively in today's economy, including by teaching strategies for developing relationships with employers in their State and local areas, identifying employer needs and skill demands, making initial employer contacts, presenting job-ready clients to potential employers, and conducting follow-up with employers; and

(7) The latest technology is incorporated into the methods of instruction (*e.g.,* the use of distance education to reach scholars who live far from the university and the use of technology to acquire labor market information).

(c) Describe their methods to:

(1) Recruit highly capable prospective scholars who have the potential to successfully complete the academic program, all required practicum and internship experiences, and the required service obligation;

(2) Educate potential scholars about the terms and conditions of the service obligation under 34 CFR 386.4, 386.34, and 386.40 through 386.43 so that they will be fully informed before accepting a scholarship;

(3) Maintain a system that ensures that scholars sign a payback agreement and an exit form when they exit the program, regardless of whether they drop out, are removed, or successfully complete the program;

(4) Provide academic support and counseling to scholars throughout the course of the academic program to ensure successful completion;

(5) Ensure that all scholars complete an internship in a State VR agency or a related agency as a requirement for completion of a program leading to a master's degree. The internship must be in a State VR agency unless the VR agency does not directly perform work related to the scholar's course of study or an applicant can provide sufficient justification that it is not feasible for all students receiving scholarships to complete an internship in a State VR agency. In such cases, the applicant may require scholars to complete an internship in a related agency, as defined in 34 CFR 386.4. Circumstances that would constitute sufficient justification may include, but are not limited to, a lack of capacity at the State VR agency to provide adequate supervision of scholars during their internship experience and the physical distance between scholars and the nearest office of the State VR agency (*e.g.,* for scholars enrolled in distance-learning programs or at rural institutions). Applicants should include a written justification in the application or provide it to RSA for review and approval by the appropriate RSA Project Officer no later than 30 days prior to a scholar beginning an internship in a related agency. For applicants proposing a certificate program, the requirement for an internship in a State VR agency or a related agency is waived unless the certificate program has an internship requirement;

(6) Provide career counseling, including informing scholars of professional contacts and networks, job leads, and other necessary resources and information to support scholars in successfully obtaining and retaining qualifying employment;

(7) Maintain regular contact with scholars upon successful program completion to ensure that they have support during their search for qualifying employment as well as support during the initial months of their employment (*e.g.,* by matching scholars with mentors in the field);

(8) Maintain regular communication with scholars after program exit to ensure that their contact information is current and that documentation of employment is accurate and meets the regulatory requirements for qualifying employment; and

(9) Maintain accurate information on, while safeguarding the privacy of, current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation.

(d) Describe a plan for developing and maintaining partnerships with State VR agencies and community-based rehabilitation service providers that includes:

(1) Coordination between the grantee and the State VR agencies and community-based rehabilitation service providers that will promote qualifying employment opportunities for scholars and formalized on-boarding and induction experiences for new hires;

(2) Formal opportunities for scholars to obtain work experiences through internships, practicum agreements, job shadowing, and mentoring opportunities; and

(3) When applicable, a scholar internship assessment tool that is developed to ensure a consistent approach to the evaluation of scholars in a particular program. The tool should reflect the specific responsibilities of the scholar during the internship. The grantee and worksite supervisor are encouraged to work together as they see fit to develop the assessment tool. Supervisors at the internship site will complete the assessment detailing the scholar's strengths and areas for improvement that must be addressed and provide the results of the assessment to the grantee. The grantee should ensure that (i) scholars are provided with a copy of the assessment and all relevant rubrics prior to beginning their internship, (ii) supervisors have sufficient technical

support to accurately complete the assessment, and (iii) scholars receive a copy of the results of the assessment within 90 days of the end of their internship.

(e) Describe how scholars will be evaluated throughout the entire program to ensure that they are proficient in meeting the needs and demands of today's consumers and employers, including the steps that will be taken to provide assistance to a scholar who is not meeting academic standards or who is performing poorly in a practicum or internship setting.

(f) Describe how the program will be evaluated. Such a description must include:

(1) How the program will determine its effect over a period of time on filling vacancies in the State VR agency with qualified rehabilitation professionals capable of providing quality services to consumers;

(2) How input from State VR agencies and community-based rehabilitation service providers will be included in the evaluation;

(3) How feedback from consumers of VR services and employers (including the assessments described in paragraph (d)(3)) will be included in the evaluation;

(4) How data from other sources, such as those from the Department on the State VR program, will be included in the evaluation; and

(5) How the data and results from the evaluation will be used to make necessary adjustments and improvements to the program.

Within these two absolute priorities, we are particularly interested in applications that address the following invitational priority.

*Invitational Priority:* Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

*Invitational Priority—Self-Employment, Business Ownership, and Telecommuting:*

Applications that demonstrate through curriculum and instructional materials that the training to VR counselors includes information related providing VR services to individuals with disabilities pursuing self-employment, business ownership, and telecommuting.

*Program Requirements:* The program requirements for this competition are from 34 CFR part 386, and are as follows:

Grantees are required to maintain a system that safeguards the privacy of current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation through qualified employment or monetary repayment. This system must ensure that the payback agreement is signed by each scholar prior to the disbursement of initial funds and for each subsequent year that funds are disbursed and contain the terms and conditions outlined in the regulations at 34 CFR part 386.

Each grantee must—

(a) Provide an original signed/executed payback agreement to RSA (34 CFR 386.34(c) and (d)), regardless of whether the scholars drop out, are removed, or successfully complete the program;

(b) Establish, publish, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's program of study (34 CFR 386.34(e));

(c) Ensure exit certification forms are signed by each scholar and clearly delineate pertinent grant information and the scholar's responsibilities to meet the service obligation (34 CFR 386.34(f));

(d) Collect documentation that the employment, not including work completed as part of an internship, practicum, or other work-related requirement necessary to complete the educational program (34 CFR 386.34(g)(2)), meets the requirements of 34 CFR 386.40(a)(7); and

(e) Maintain payback records for not less than one year beyond the period when all scholars have completed their service obligation or entered into repayment. (34 CFR 386.34(g) and 34 CFR 386.34(j)).

Specifically, each grantee is required to maintain the following scholar information:

(a) Current contact information for all students receiving scholarships, including home address, email, and a phone number (home or cell).

(b) A point of contact for each scholar in the event that the grantee is unable to contact the student. This contact must be at least 21 years of age and may be a parent, relative, spouse, partner, sibling, or guardian.

(c) Cumulative financial support granted to scholars.

(d) Scholar debt in years.

(e) Program completion date and reason for exit for each scholar.

(f) Annual documentation from the scholar's employer(s) until the scholar completes the service obligation. This documentation must include the following elements in order to verify qualified employment: Start date of employment to the present date, confirmation of full-time or part-time employment (if the scholar is working part-time the number of hours per week must be included in the documentation), type of employment, and a description of the roles and responsibilities performed on the job. This information is required for each employer if the scholar has worked in more than one setting in order to meet the service obligation.

(g) If the scholar is employed in a related agency, documentation to validate that there is a relationship between the related agency and the State VR agency. This may be a formal or informal contract, cooperative agreement, memorandum of understanding, or related document.

(h) Annual documentation from the scholar's institution of higher education to verify dates of deferral, if applicable. An educational deferral may be granted to the scholar who is pursuing higher education specifically in the field of rehabilitation but not to a scholar pursuing education in any other field of study (§ 386.41(b)(1)). The documentation may be prepared by the scholar's advisor or department chair and must include: Confirmation of enrollment date, estimated graduation date, confirmation that the scholar is enrolled in a full-time course of study, and confirmation of the scholar's intent to fulfill the service obligation upon completion of the program.

Grantees are required to report annually to RSA on the data elements described above using the RSA Grantee Reporting Form, OMB number 1820–0617, an electronic reporting system supported by the RSA Payback Information Management System (PIMS). In addition, grantees must use all forms required by RSA to prepare and process repayment, as well as requests for deferral and exceptions. The RSA Grantee Reporting Form collects specific data, including the number of scholars entering the rehabilitation workforce, the rehabilitation field each scholar enters, and the type of employment setting each scholar chooses (*e.g.,* State VR agency, nonprofit service provider, or professional practice group). This form allows RSA to measure results against the goal of increasing the number of qualified VR personnel working in State VR and related agencies.

Grantees are required to inform the scholars that upon graduation they will need to verify the accuracy of data in the system, submit employment data, request exceptions and deferrals, and upload documentation in PIMS; and grantees and scholars are required to inform the employers that they will be

required to verify scholar employment information within the PIMS.

In addition, all Rehabilitation Long-Term Training grantees must submit the following quantitative and qualitative data in a semiannual and annual performance report:

(a) Program activities that occurred during each fiscal year from October 1 to March 31 and projected program activities to occur from April 1 to September 30 should be included in the semiannual performance report. Program activities that occur during each fiscal year from October 1 to September 30 must be included in the annual performance report. For subsequent reporting years, grantees confirm projections made from the prior year.

(b) Summary of academic support and counseling provided to scholars to ensure successful completion.

(c) Summary of career counseling provided to scholars upon program completion to ensure that they have support during their search for qualifying employment, as well as during their initial months of their employment. This may include but is not limited to informing scholars of professional contacts, networks, and job leads, matching scholars with mentors in the field, and connecting scholars to other necessary resources and information.

(d) Summary of partnership and coordination activities with State VR agencies and community-based rehabilitation providers. This may include, but is not limited to, obtaining input and feedback regarding curricula from State VR agencies and community-based rehabilitation providers; organizing internships, practicum agreements, job shadowing, and mentoring opportunities; and assessing scholars at the work site.

(e) Assistance provided to scholars who may not be meeting academic standards or who are performing poorly in a practicum or internship setting.

(f) Results of the program evaluation, as well as information describing how these results will be used to make necessary adjustments and improvements to the program.

(g) Results from scholar internship, practicum, job shadowing, or mentoring assessments, as well as information describing how those results will be used to ensure that future scholars receive all necessary preparation and training prior to program completion.

(h) Results from scholar evaluations and information describing how these results will be used to ensure that future scholars will be proficient in meeting the needs and demands of today's consumers and employers.

(i) Number of scholars who began an internship during the reporting period.

(j) Number of scholars who completed an internship during the reporting period.

(k) Number of scholars who dropped out or were dismissed from the program during the reporting period.

(l) Number of scholars receiving RSA scholarships during the reporting period.

(m) Number of scholars who graduated from the program during the reporting period.

(n) Number of scholars who obtained qualifying employment during the reporting period.

(o) Number of vacancies filled in the State VR agency with qualified counselors from the program during the reporting period.

(p) A budget and narrative detailing expenditures covering the period of October 1 through March 31 and projected expenditures from April 1 through September 30. The budget narrative must also verify progress towards meeting the 10 percent match requirement. For subsequent reporting years, grantees will confirm projections made from the prior year.

(q) Other information, as requested by RSA, in order to verify substantial progress and effectively report program impact to Congress and key stakeholders.

*Fourth and Fifth Years of the Project:* In deciding whether to continue funding any Rehabilitation Long-Term Training grant for the fourth and fifth years, the Department will consider the requirements of 34 CFR 75.253(a), including:

(a) The recommendation of the RSA project officer who will monitor the reported annual performance of the grantee's training program and measure it against the projections stated in the grantee's application. This review will consider the number of students actually enrolled in the grantee's training program, the number of students who successfully enter qualifying employment with the State VR agencies, and the number who obtain qualifying employment at other related agencies;

(b) The timeliness and effectiveness with which all requirements of the grant award have been or are being met by the grantee, including the submission of annual performance reports and annual RSA Scholar Payback Program reports, and adherence to fiduciary responsibilities related to the budget submitted in the application per 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' and the Education Department General Administrative Regulations; and

(c) The quality, relevance, and usefulness of the grantee's training program and activities and the degree to which the training program and activities and their outcomes have contributed to significantly improving the quality of VR professionals ready for employment with State VR agencies and related agencies, as measured by the percentage of students entering qualified employment under 34 CFR 386.34.

*Note:* While applicants may not hire staff or select trainees based on race or national origin or ethnicity, they may conduct outreach activities to increase the pool of eligible minority candidates. We may disqualify and not consider for funding any applicant that indicates that it will hire or train a certain number or percentage of minority candidates.

*Program Authority:* 29 U.S.C. 772.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 385 and 386. (e) The notices of final priority, published in the **Federal Register** on November 5, 2013 (78 FR 66271) and on July 23, 2014 (79 FR 42680).

*Note:* The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

*Note:* The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $9,291,703.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

*Estimated Average Size of Awards:* See chart.

*Maximum Award:* See chart.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* See chart.

REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING PROGRAM—VOCATIONAL REHABILITATION COUNSELING AND REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING PROGRAM—REHABILITATION SPECIALTY AREAS

[Application notice for fiscal year 2019]

| CFDA No. and name | Estimated number of awards | Maximum award (budget period of 12 months) [1] | Project period | For further information contact |
|---|---|---|---|---|
| 84.129B Long-Term Training—Rehabilitation Counseling. | 30 | $200,000 | Up to 60 months. | Cassandra Shoffler, 202–245–7827, *Cassandra.Shoffler@ed.gov,* PCP, Room 5122. |
| 84.129H Long-Term Training—Mental Illness | 12 | 150,000 | Up to 60 months. | Darryl Glover, 202–245–7339, *Darryl.Glover@ed.gov,* PCP, Room 5070C. |
| 84.129P Long-Term Training—Blindness ..... | 9 | 150,000 | Up to 60 months. | Karen Holliday, 202–245–7318, *Karen.Holliday@ed.gov,* PCP, Room 5090. |
| 84.129Q Long-Term Training—Deafness ..... | 2 | 150,000 | Up to 60 months. | Cassandra Shoffler, 202–245–7827, *Cassandra.Shoffler@ed.gov,* PCP, Room 5122. |

[1] We will not make an award exceeding $200,000 for a single budget period of 12 months for 84.129B or $150,000 for a single budget period of 12 months for 84.129H, 84.129P, and 84.129Q.

## III. Eligibility Information

1. *Eligible Applicants:* States and public or private nonprofit agencies and organizations, including Indian Tribes and institutions of higher education.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Long-Term Training Program. The Secretary may waive part of the non-Federal share of the cost of the project after negotiations if the applicant demonstrates that it does not have sufficient resources to contribute the entire match (34 CFR 386.30). The Secretary does not, as a general matter, anticipate waiving this requirement in the future. Furthermore, given the importance of matching funds to the long-term success of the project, eligible entities must identify appropriate matching funds in the proposed budget. Finally, the selection criteria include factors such as ''the adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization'' and ''the relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project,'' which may include a consideration of demonstrated matching support.

*Note:* Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

## IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *https://www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Rehabilitation Training: Rehabilitation Long-Term Training competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2019.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 45 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 386.20, and are as follows:

(a) *Relevance to State-Federal vocational rehabilitation service program.* (10 points)

(1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal vocational rehabilitation service program.

(2) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to State and other public or nonprofit agencies involved in the rehabilitation of individuals with disabilities through degree or certificate granting programs; or

(ii) To improve the skills and quality of professional personnel in the rehabilitation field in which the training is to be provided through the granting of a degree or certificate.

(b) *Nature and scope of curriculum.* (20 points)

(1) The Secretary reviews each application for information that demonstrates the adequacy of the proposed curriculum.

(2) The Secretary looks for information that shows—

(i) The scope and nature of the coursework reflect content that can be expected to enable the achievement of the established project objectives;

(ii) The curriculum and teaching methods provide for an integration of theory and practice relevant to the educational objectives of the program;

(iii) For programs whose curricula require them, there is evidence of educationally focused practical and other field experiences in settings that ensure student involvement in the provision of vocational rehabilitation, supported employment, customized employment, pre-employment transition services, transition services, or independent living rehabilitation services to individuals with disabilities, especially individuals with significant disabilities;

(iv) The coursework includes student exposure to vocational rehabilitation, supported employment, customized employment, employer engagement, and independent living rehabilitation processes, concepts, programs, and services; and

(v) If applicable, there is evidence of current professional accreditation by the designated accrediting agency in the professional field in which grant support is being requested.

(c) *Quality of project services (25 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(ii) The extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project.

(iii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(d) *Quality of project personnel (10 points).*

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(e) *Adequacy of resources (20 points).*

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers one or more of the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which the budget is adequate to support the proposed project.

(iv) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(v) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(f) *Quality of the management plan (15 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers one or more of the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

In addition to the selection criteria listed above, the Secretary, in making awards under this program and in accordance with 34 CFR 385.33, considers such factors as the two listed below from 34 CFR 385.33, which will not be scored by the peer review panel—

(a) The geographical distribution of projects in each Rehabilitation Training Program category throughout the country; and

(b) The past performance of the applicant in carrying out similar training activities under previously awarded grants, as indicated by such factors as compliance with grant conditions, soundness of programmatic and financial management practices and attainment of established project objectives.

These criteria will be used after non-Federal reviewers score the applications. The criterion related to geographical distribution of projects will be applied to fund out of rank order if the top ranked applications do not represent a geographical distribution throughout the country. The criterion related to past performance will be applied to all applications that are recommended for funding.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

When reviewing prior performance under 34 CFR 75.217(d)(3) and conducting risk assessments pursuant to 2 CFR 200.205, the Secretary will consider factors such as whether applicants that have submitted applications under multiple competitions described in this notice have demonstrated sufficient institutional capacity through the commitment of adequate resources, as described in the selection criteria, and suitable past performance to fully implement multiple awards. In reviewing capacity, the Secretary will consider factors such as whether potential grantees have demonstrated sufficient staffing, an adequate pool of potential scholars, and existing relationships with VR and related agencies to place scholars from multiple grants in appropriate internships. Based on these reviews, the Secretary will take appropriate action under 34 CFR 75.217(d)(3), 2 CFR 200.205, and 2 CFR 3474.10, before making awards to a grantee under multiple competitions described in this notice.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance

report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit semiannual and annual performance reports that provide the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

*GPRA Measure 1:* The percentage of master's level counseling graduates fulfilling their payback requirements through qualifying employment.

*GPRA Measure 2:* The percentage of master's level counseling graduates fulfilling their payback requirements through qualifying employment in State VR agencies.

*GPRA Measure 3:* The Federal cost per master's level RSA-supported rehabilitation counseling graduate.

In addition, the following RSA Program Measures apply to the Rehabilitation Long-Term Training Program:

*Program Measure 1:* Number of scholars enrolled during the reporting period.

*Program Measure 2:* Number of scholars who dropped out or were dismissed from the program during the reporting period.

*Program Measure 3:* Number of scholars who graduated with a master's degree from the program during the reporting period.

*Program Measure 4:* Number of scholars who obtained employment in a State VR agency during the reporting period.

*Program Measure 5:* Number of scholars who maintained or advanced in their employment in a State VR agency during the reporting period.

Annual project progress toward meeting project goals must be posted on the project website or university website.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Johnny W. Collett,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2019–14371 Filed 7–3–19; 8:45 am]

**BILLING CODE 4000–01–P**

---

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Model Demonstration Projects for Early Identification of Students With Dyslexia in Elementary School

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. As such, the Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2019 for Model Demonstration Projects for Early Identification of Students with Dyslexia in Elementary School, Catalog of Federal Domestic Assistance (CFDA) number 84.326M. These projects will provide support to professionals to collaborate with parents in establishing and meeting high expectations for each student with, or at risk for, dyslexia. This notice relates to the approved information collection under OMB control number 1820–0028.

**DATES:** *Applications Available:* July 5, 2019.

*Deadline for Transmittal of Applications:* August 5, 2019.

*Pre-Application Webinar Information:* No later than July 10, 2019, OSERS will post pre-recorded informational webinars designed to provide technical assistance to interested applicants. The webinars may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

*Pre-Application Q&A Blog:* No later than July 10, 2019, OSERS will open a blog where interested applicants may post questions about the application requirements for this competition and where OSERS will post answers to the questions received. OSERS will not respond to questions unrelated to the application requirements for this competition. The blog may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html* and will remain open until July 24, 2019. After the blog closes, applicants should direct questions to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

**FOR FURTHER INFORMATION CONTACT:** Kristen Rhoads, U.S. Department of Education, 400 Maryland Avenue SW, Room 5175, Potomac Center Plaza, Washington, DC 20202–5076.

Telephone: (202) 245–6715. Email: *Kristen.Rhoads@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

## Full Text of Announcement

## I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

*Priority:* In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in or otherwise authorized in sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1463, 1481(d)).

*Absolute Priority:* For FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

*Model Demonstration Projects for Early Identification of Students with Dyslexia in Elementary School.*

*Background:* Model demonstrations to improve early intervention, educational, or transitional results for students with disabilities have been authorized under the IDEA since the law's inception. For the purposes of this priority, a model is a set of existing evidence-based practices, including interventions and implementation strategies (*i.e.,* core model components), that research suggests will improve outcomes for children, teachers, instructional personnel, school or district leaders, or systems, when implemented with fidelity. Model demonstrations involve investigating the degree to which a given model can be implemented and sustained in typical settings, by staff employed in those settings, while achieving outcomes similar to those attained under research conditions.

Patterns of reading development and potential achievement are established early and can be stable over time. Frequent screening and progress monitoring of reading skills are recommended for identifying students whose early pattern suggests that they need intensive reading intervention and prevention (Gersten et al., 2009). The screening supports meeting an individual child's needs by tailoring instructional activities and helping to identify students who may be at risk for dyslexia. These students may benefit from receiving intensive intervention in reading and potentially special education services, including evidence-based practices to address the individual needs of each student with dyslexia.

Dyslexia is neurobiological in origin and is typically characterized by difficulties with phonological processing (*i.e.,* the manipulation of sounds), spelling, and/or rapid visual-verbal responding (U.S. Department of Health and Human Services, 2018). It is possible to identify students with dyslexia in early elementary school, and it is critical that schools implement intensive interventions tailored to the individual needs of these students in early elementary school and beyond (Petscher et al., 2019). Phonological processing problems associated with dyslexia can be identified reliably in kindergarten and first grade (D. Fuchs et al., 2012; Sittner Bridges & Catts, 2011). Research suggests that difficulties associated with dyslexia can be remediated with intensive intervention in early elementary school; however, remediation generally becomes less effective for students with dyslexia after second grade (Fletcher, 2017).

Over 40 States have adopted legislation, requirements, or initiatives related to identifying and educating students with dyslexia, with 21 States implementing universal screening for dyslexia (National Center on Improving Literacy, 2018). Recommended practices suggest that schools administer reading measures that screen and monitor student progress in learning foundational reading skills that reflect students' acquisition of literacy skills across grade levels (Petchser, et al., 2019). In general, measures of phonological processing, rapid letter naming, and alphabetic understanding or spelling are recommended in the early elementary grades. Recommended practices also suggest that administration of screening measures should not be a one-time event for students; rather, screening should happen at least three times per year at each grade level during elementary school, with the first administration happening as early as possible in the school year, with more frequent administrations for students who show moderate or high risk of having dyslexia.

However, addressing dyslexia is a complex issue, and there are great variation and flexibility in how States and schools implement recommended practices related to screening for dyslexia. Often, schools use a one-stage universal screening process, which may result in incorrect over-identification of students in the early grades when students are first exposed to formal reading instruction (D. Fuchs, Compton, Fuchs, Bryant & Davis, 2008). Researchers have suggested other approaches, including using a two-stage screening approach or dynamic assessment approaches, to maximize the likelihood of providing intensive interventions in reading to students who need it most and to prevent schools from using costly interventions for students who may not have dyslexia or need additional or different types of support (Cho et al., 2017). In conjunction with the screening practices, schools often monitor student learning in response to high-quality reading instruction or intervention as indicators of progress or persistent learning problems related to having dyslexia.

These model demonstration projects will highlight the importance of accurate identification of students with dyslexia, particularly in the early grades, and bring to bear the most recent research on frequent screening and progress monitoring and intervention for dyslexia.

The projects must be operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

*Priority*

The purpose of this priority is to fund three cooperative agreements to establish and operate model demonstration projects. The models will implement frequent screening and progress monitoring measures at all elementary grades, with a particular focus on kindergarten and first grade. The models will demonstrate methods for accurate and efficient identification of and evidence-based [1] interventions for students with, or at risk for, dyslexia, as well as positive outcomes in reading achievement. The models will also address the infrastructure (*i.e.,* professional development) needed to

[1] For purposes of this priority, ''evidence-based'' means the proposed project component is supported by promising evidence, which is evidence of the effectiveness of a key project component in improving a ''relevant outcome'' (as defined in 34 CFR 77.1), based on a relevant finding from one of the sources identified under ''promising evidence'' in 34 CFR 77.1.

foster the development, implementation, and evaluation of a schoolwide process for identifying students with, or at risk for, dyslexia. The model demonstration projects will assess how models can—

- Improve the capacity of elementary schools to identify early, accurately, and efficiently students with, or at risk for, dyslexia;
- Improve the capacity of elementary schools to implement evidence-based screening and progress monitoring measures for students with, or at risk for, dyslexia;
- Improve the capacity of elementary schools to provide resources and evidence-based interventions that best meet the individual needs of students with, or at risk for, dyslexia and that lead to improved reading achievement of students with, or at risk for, dyslexia; and
- Improve the capacity of elementary school personnel to clearly communicate assessment results to parents and to collaborate with parents to establish and meet high expectations for each student with, or at risk for, dyslexia.

Applicants must propose models that meet the following requirements:

(a) The model's core intervention components must include—

(1) Ongoing measures of student reading skills and progress, including frequent (*e.g.,* weekly or every two weeks) measures of reading skills of students with, or at risk for, dyslexia;

(2) Professional development to help ensure educators' appropriate and timely use of data to inform the need for additional diagnostic measures or assessments for students demonstrating risk of dyslexia and to improve reading instruction and make informed decisions about how to help students build literacy skills;

(3) Evidence-based instructional practices tailored to individual needs of students, particularly to those with, or at risk for, dyslexia;

(4) Valid and reliable measures of student-level, instructor-level, and system-level outcomes, using standardized measures when applicable;

(5) Procedures to refine the model based on the ongoing measures of student-level, instructor-level, and system-level performance;

(6) Procedures for schools to share data with families as well as engage families in meaningful discussions and decision-making related to reading instruction tailored to meeting their child's individual literacy needs; and

(7) Measures of the model's social validity, *i.e.,* measures of educators', parents', and students' [2] satisfaction with the model components, processes, and outcomes.

(b) The model's core implementation components must include—

(1) Criteria and strategies for selecting [3] and recruiting sites, including approaches to introducing the model to, and promoting the model among, site participants.[4] Each project must include at least three elementary schools, at least one of which must be a school of choice such as a public magnet, public charter, or private school. Applicants are encouraged to choose sites from a variety of settings (*e.g.,* urban, rural, suburban) and populations (*e.g.,* type of school, concentration of students receiving free or reduced-price lunch, racial or ethnic groups);

(2) A lag site implementation design, which allows for model development and refinement at the first site in year one of the project period, with sites two and three implementing a revised model based on data from the first site beginning in subsequent project years;

(3) A professional development component that includes a coaching strategy, to enable site-based staff to implement the interventions with fidelity; and

(4) Measures of the results of the professional development (*e.g.,* improvements in teachers' or service providers' knowledge) required by paragraph (b)(3) of this section, including measures of the fidelity of implementation.

(c) The core strategies for sustaining the model must include—

(1) Documentation that permits current and future site-based staff to replicate or appropriately tailor and sustain the model at any site; [5]

(2) Strategies for the grantee to disseminate or promote the use of the model, such as developing easily accessible online training materials, coordinating with TA providers who might serve as future trainers, or providing technical support (*e.g.,* webinars, training sessions, or workshops) for users who may want to learn about and implement the model and its components; and

(3) Strategies for the grantee to assist State educational agencies (SEAs) and local educational agencies (LEAs) within the State to scale up a model and its components.

To be considered for funding under this absolute priority, applicants must meet the application requirements contained in this priority. Each project funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

*Application Requirements*

An applicant must include in its application—

(a) A detailed review of the literature addressing the proposed model or its intervention and implementation components and processes to improve identification and instruction for students with, or at risk for, dyslexia in elementary school, with a particular focus on kindergarten and first grade;

*Note:* The literature review must establish that the proposed model is evidence-based, as defined elsewhere in this notice.

(b) A logic model [6] that depicts, at a minimum, the goals, activities, outputs, and outcomes (described in paragraph

[2] Applicants must ensure the confidentiality of individual student data, consistent with the Confidentiality of Information regulations under both part B and part C of IDEA, which incorporate requirements and exceptions under section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the ''Family Educational Rights and Privacy Act'' (FERPA), but also include several provisions that are specifically related to children with disabilities receiving services under IDEA and provide protections beyond the FERPA regulations. Therefore, examining the IDEA requirements first is the most effective and efficient way to meet the requirements of both IDEA and FERPA for children with disabilities. Applicants should also be aware of State laws or regulations concerning the confidentiality of individual records. See *https://www2.ed.gov/policy/gen/guid/ptac/pdf/idea-ferpa.pdf* and *https://studentprivacy.ed.gov/resources/ferpaidea-cross-walk.* Final FERPA regulatory changes became effective January 3, 2012, and include requirements for data sharing. Applicants are encouraged to review the final FERPA regulations published on December 2, 2011 (76 FR 75604). Questions can be directed to the Family Policy Compliance Office (*www.ed.gov/fpco*) at (202) 260–3887 or *FERPA@ed.gov.*

[3] For factors to consider when selecting model demonstration sites, the applicant should refer to *Assessing Sites for Model Demonstration: Lessons Learned for OSEP Grantees* at *http://mdcc.sri.com/documents/MDCC_Site_Assessment_Brief_09-30-11.pdf.* The document also contains a site assessment tool.

[4] For factors to consider while preparing for model demonstration implementation, the applicant should refer to *Preparing for Model Demonstration Implementation* at *http://mdcc.sri.com/documents/MDCC_PreparationStage_Brief_Apr2013.pdf.*

[5] For a guide on documenting model demonstration sustainment and replication, the applicant should refer to *Planning for Replication and Dissemination From the Start: Guidelines for Model Demonstration Projects (Revised)* at *http://mdcc.sri.com/documents/MDCC_ReplicationBrief_SEP2015.pdf.*

[6] *Logic model* (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

(a) under the heading *Priority*) of the proposed model demonstration project.

*Note:* The following websites provide resources for constructing logic models: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework;*

(c) A description of the activities and measures to be incorporated into the proposed model demonstration project (*i.e.,* the project design) to improve identification of and instruction for students with, or at risk for, dyslexia, including a timeline of how and when the components are introduced within the model. A detailed and complete description must include the following:

(1) Each of the intervention components, including, at a minimum, those listed under paragraph (a) under the heading *Priority.*

(2) The existing and proposed child, teacher, service provider, or system outcome measures and social validity measures. The measures should be described as completely as possible, referenced as appropriate, and included, when available, in Appendix A.

(3) Each of the implementation components, including, at a minimum, those listed under paragraph (b) under the heading *Priority.* The existing or proposed implementation fidelity measures, including those measuring the fidelity of the professional development strategy, should be described as completely as possible, referenced as appropriate, and included, when available, in Appendix A. In addition, this description should include—

(i) Demographics, including, at a minimum, the number of grade levels, classrooms, and students participating at all implementation sites that have been identified and successfully recruited for the purposes of this application using the selection and recruitment strategies described in paragraph (b)(1) under the heading *Priority;*

(ii) Whether the implementation sites are located in rural, urban, or suburban LEAs; and

*Note:* Applicants are encouraged to identify, to the extent possible, the sites willing to participate in the applicant's model demonstration. Applicants are encouraged to choose sites from a variety of settings (*e.g.,* urban, rural, suburban) and populations (*e.g.,* type of school, concentration of students receiving free or reduced-price lunch, racial or ethnic groups). Final site selection will be determined in consultation with the OSEP project officer following the kick-off meeting described in paragraph (e)(1) of these application requirements, and will include at least one school of choice such as a public magnet, public charter, or private school.

(iii) The lag site implementation design for implementation consistent with the requirements in paragraph (b)(2) under the heading *Priority.*

(4) Each of the strategies to promote sustaining and replicating the model, including, at a minimum, those listed under paragraph (c) under the heading *Priority.*

(d) A description of the evaluation activities and measures to be incorporated into the proposed model demonstration project. A detailed and complete description must include—

(1) A formative evaluation plan, consistent with the project's logic model, that includes evaluation questions, source(s) of data, a timeline for data collection, and analysis plans. The plan must show how the outcome data (*e.g.,* child, teacher, or systems measures, social validity) and implementation data (*e.g.,* fidelity, effectiveness of professional development activities) will be used separately or in combination to improve the project during the performance period. These data will be reported in the annual performance report (APR). The plan also must outline how these data will be reviewed by project staff, when they will be reviewed, and how they will be used during the course of the project to adjust the model or its implementation to increase the model's usefulness, generalizability, and potential for sustainability; and

(2) A summative evaluation plan, including a timeline, to collect and analyze data on changes to child, teacher, service provider, or system outcome measures over time or relative to comparison groups that can be reasonably attributable to project activities. The plan must show how the child, teacher, service provider, or system outcome and implementation data collected by the project will be used separately or in combination to demonstrate the promise of the model.

(e) A budget for attendance at the following:

(1) A one and one-half day kick-off meeting to be held in Washington, DC, after receipt of the award.

(2) A three-day Project Directors' Conference in Washington, DC, occurring twice during the project performance period.

(3) Four travel days spread across years two through four of the project period to attend planning meetings, Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP, to be held in Washington, DC.

*Other Project Activities*

To meet the requirements of this priority, each project, at a minimum, must—

(a) Communicate and collaborate on an ongoing basis with other Department-funded projects, including, at minimum, OSEP-funded TA centers that might disseminate information on the model or support the scale-up efforts of a model based on promising evidence;

(b) Maintain ongoing telephone and email communication with the OSEP project officer and the other model demonstration projects funded under this priority;

(c) If the project maintains a website, include relevant information about the model, the intervention, and the demonstration activities and ensure that the website meets government- or industry-recognized standards for accessibility; and

(d) Ensure that annual progress toward meeting project goals is posted on the project website or university website.

*References*

Cho, E., Compton, D.L., Gilbert, J.K., Steacy, L.M., Collins, A.A., & Lindström, E.R. (2017). Development of first-graders' word reading skills: For whom can dynamic assessment tell us more? *Journal of Learning Disabilities, 50*(1), 95–112.

Fletcher, J. (2017, September). *Understanding dyslexia: A scientific approach.* Paper presented at the National Science Foundation Conference on STEM Education, Learning Disabilities, and the Science of Dyslexia, Arlington, VA.

Fuchs, D., Compton, D.L., Fuchs, L.S., Bryant, J., & Davis, G.N. (2008). Making ''secondary intervention'' work in a three-tier responsiveness-to-intervention model: Findings from the first-grade longitudinal reading study of the National Research Center on Learning Disabilities. *Reading and Writing, 21*(4), 413–436.

Fuchs, D., Compton, D.L., Fuchs, L.S., Bryant, V.J., Hamlett, C.L., & Lambert, W. (2012). First-grade cognitive abilities as long-term predictors of reading comprehension and disability status. *Journal of Learning Disabilities, 45*(3), 217–231.

Gersten, R., Compton, D., Connor, C.M., Dimino, J., Santoro, L., Linan-Thompson, S., and Tilly, W.D. (2009). *Assisting students struggling with reading: Response to intervention and multi-tier intervention for reading in the primary grades. A practice guide.* (NCEE 2009–4045). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from *https://ies.ed.gov/ncee/*

*wwc/Docs/PracticeGuide/rti_reading_pg_021809.pdf.*

National Center on Improving Literacy. (2018). State of Dyslexia. Retrieved from *https://improvingliteracy.org/state-of-dyslexia.*

Petscher, Y., Fien, H., Stanley, C., Gearin, B., Gaab, N., Fletcher, J.M., & Johnson, E. (2019). Screening for Dyslexia. Retrieved from *https://improvingliteracy.org/sites/improvingliteracy1.uoregon.edu/files/whitepaper/screening-for-dyslexia.pdf.*

Sittner Bridges, M., & Catts, H.W. (2011). The use of a dynamic screening of phonological awareness to predict risk for reading disabilities in kindergarten children. *Journal of Learning Disabilities, 44*(4), 330–338.

U.S. Department of Health and Human Services, National Institute of Neurological Disorders and Stroke Dyslexia Information Page. (2018, June 12). Retrieved from *www.ninds.nih.gov/Disorders/All-Disorders/Dyslexia-Information-Page.*

*Waiver of Proposed Rulemaking:* Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and other requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the absolute priority and related definitions in this notice.

*Program Authority:* 20 U.S.C. 1463 and 1481.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

*Note:* The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

*Note:* The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

## II. Award Information

*Type of Award:* Cooperative agreements.

*Estimated Available Funds:* $1,200,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2020 from the list of unfunded applications from this competition.

*Estimated Range of Awards:* $375,000 to $400,000 per year.

*Estimated Average Size of Awards:* $400,000 per year.

*Maximum Award:* We will not make an award exceeding $400,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 3.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

## III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian Tribes or Tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

## IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2019.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the résumés, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) *Significance (15 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies;

(ii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population;

(iii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement; and

(iv) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings.

(b) *Quality of the project design (35 points).*

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(ii) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives;

(iii) The quality of the proposed demonstration design and procedures for documenting project activities and results;

(iv) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project; and

(v) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) *Adequacy of resources and quality of the management plan (25 points).*

(1) The Secretary considers the adequacy of resources and the quality of the management plan for the proposed project.

(2) In determining the adequacy of resources and the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization;

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project;

(iii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project;

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate;

(v) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and

(vi) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(d) *Quality of the project evaluation (25 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes;

(iii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies;

(iv) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings; and

(v) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)),

accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection, analysis, and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Model Demonstration Projects to Identify Students with Dyslexia in Elementary School under the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program. These measures are:

- *Current Program Performance Measure:* The percentage of effective evidence-based program models developed by model demonstration projects that are promoted to States and their partners through the Technical Assistance and Dissemination Network.
- *Pilot Program Performance Measure:* The percentage of effective program models developed by model demonstration projects that are sustained beyond the life of the model demonstration project.

The current program performance measure and the pilot program performance measure apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW, Room 5074A, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Johnny W. Collett,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2019–14270 Filed 7–3–19; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1484–019; ER10–3081–007; ER12–2381–005; ER13–1069–008.
*Applicants:* Shell Energy North America (US), L.P., Equilon Enterprises LLC, MP2 Energy LLC, MP2 Energy NE LLC.
*Description:* Updated Market Power Analysis for the Southwest Region of Shell Energy North America (US), L.P., et al.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5238.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER10–2531–010.
*Applicants:* Cedar Creek Wind Energy, LLC.
*Description:* Updated Market Power Analysis for the Northwest Region of Cedar Creek Wind Energy, LLC.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5216.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER10–2502–007; ER10–2472–006; ER10–2473–006; ER11–2724–007; ER11–4436–005; ER18–2518–002; ER19–645–001.
*Applicants:* Black Hills Colorado Electric, LLC, Black Hills Colorado IPP, LLC, Black Hills Colorado Wind, LLC, Black Hills Electric Generation, LLC, Black Hills Power, Inc., Black Hills Wyoming, LLC, Cheyenne Light Fuel & Power Company.
*Description:* Updated Market Power Analysis of the Black Hills MBR Sellers for the Northwest Region.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5237.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER11–4475–013.
*Applicants:* Rockland Wind Farm LLC.
*Description:* Updated Market Power Analysis for the Northwest Region of Rockland Wind Farm LLC.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5214.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER14–1656–011.
*Applicants:* CSOLAR IV WEST, LLC.
*Description:* Updated Market Power Analysis for the Southwest Region of CSOLAR IV West, LLC.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5229.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER15–2267–002.
*Applicants:* Chevron Power Holdings Inc.
*Description:* Updated Market Power Analysis for the Southwest Region of Chevron Power Holdings Inc.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5150.
*Comments Due:* 5 p.m. ET 8/27/19.

*Docket Numbers:* ER16–893–003; ER15–1066–003; ER16–1371–004; ER16–892–002; ER17–2318–002; ER17–239–002; ER17–43–002; ER17–44–002; ER18–2516–001; ER18–697–001.
*Applicants:* 62SK 8ME LLC, 63SU 8ME LLC, Cuyama Solar, LLC, Gray Hawk Solar, LLC, Portal Ridge Solar B, LLC, Portal Ridge Solar C, LLC, Red Horse Wind 2, LLC, Red Horse III, LLC, TPE Alta Luna, LLC, Willow Springs Solar, LLC.
*Description:* Market Power Update for the Southwest Region of 62SK 8ME LLC, et al.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5223.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER18–2362–003.
*Applicants:* NTE Ohio, LLC.
*Description:* Compliance filing: compliance to 3 to be effective 7/1/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5143.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–31–002.
*Applicants:* Oregon Clean Energy, LLC.
*Description:* Compliance filing: Settlement Compliance Filing to be effective 12/1/2018.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5086.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–1044–002.
*Applicants:* Telocaset Wind Power Partners, LLC.
*Description:* Updated Market Power Analysis for the Northwest Region of Telocaset Wind Power Partners, LLC.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5219.
*Comments Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* ER19–1513–001.
*Applicants:* San Diego Gas & Electric Company.
*Description:* Tariff Amendment: Appendix XII Protocols to be effective 6/1/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5199.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–1700–000.
*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
*Description:* Amendment of Ameren Services Company, on behalf of Ameren Illinois Company to Clarify April 29, 2019 Midcontinent Independent System Operator, Inc. tariff filing.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5205.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–2275–000.
*Applicants:* MidAmerican Energy Company.
*Description:* § 205(d) Rate Filing: Concurrence with Ottumwa GS Unit 1 F&O Agt to be effective 6/27/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5192.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–2276–000.
*Applicants:* New York Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: NYISO 205: Distributed Energy Resources (DER) tariff revisions to be effective 8/27/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5195.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–2277–000.
*Applicants:* ITC Midwest LLC.
*Description:* § 205(d) Rate Filing: ITC Midwest Filing of Unexecuted Communications Sharing Agreement to be effective 6/28/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5200.
*Comments Due:* 5 p.m. ET 7/18/19.

*Docket Numbers:* ER19–2278–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* § 205(d) Rate Filing: 2155R1 Sunflower Electric Power Corporation NITSA and NOA to be effective 6/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5047.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2279–000.
*Applicants:* Bruce Power Inc.
*Description:* § 205(d) Rate Filing: Request for Cat. 1 Seller Status in the SW Region & Revised MBR Tariff to be effective 6/29/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5077.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2280–000.
*Applicants:* NorthWestern Corporation.
*Description:* Tariff Cancellation: Notice of Cancellation: SA 850, Firm Point-to-Point Agreement with Energy Keeper to be effective 9/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5087.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2281–000.
*Applicants:* New York State Electric & Gas Corporation.
*Description:* § 205(d) Rate Filing: NYSEG–NYPA Attachment C—O&M Annual Update to be effective 9/1/2019.

*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5088.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2282–000.
*Applicants:* New York Independent System Operator, Inc., PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: 205 NYISO PJM joint JOA tariff revisions to be effective 9/16/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5089.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2283–000.
*Applicants:* Indiana Michigan Power Company, AEP Indiana Michigan Transmission Company, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: AEP submits ILDSA, Service Agreement No. 1448 with City of Garrett to be effective 6/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5090.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2284–000.
*Applicants:* Alabama Power Company.
*Description:* § 205(d) Rate Filing: SWE (Cooperative Energy) NITSA Filing to be effective 6/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5130.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2285–000.
*Applicants:* Alabama Power Company.
*Description:* § 205(d) Rate Filing: SWE (PowerSouth Territorial) NITSA Amendment Filing (Add CAEC 45 Byrd Way DP) to be effective 2/20/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5131.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2286–000.
*Applicants:* Vermont Transco LLC.
*Description:* Compliance filing: compliance 2019 Exibit A to be effective 7/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5134.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2287–000.
*Applicants:* Goal Line L.P.
*Description:* Compliance filing: Updated Market Power Analysis for the SW Region & New eTariff Baseline to be effective 6/29/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5140.
*Comments Due:* 5 p.m. ET 8/27/19.

*Docket Numbers:* ER19–2288–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* § 205(d) Rate Filing: 2019–06–28 Non-conforming Reliability Coordinator Service Agreement with LADWP to be effective 7/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5142.
*Comments Due:* 5 p.m. ET 7/19/19.

*Docket Numbers:* ER19–2289–000.
*Applicants:* KES Kingsburg, L.P.
*Description:* Compliance filing: Updated Market Power Analysis for the SW Region & New eTariff Baseline to be effective 6/29/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5147.
*Comments Due:* 5 p.m. ET 8/27/19.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES19–32–000.
*Applicants:* New York State Electric & Gas Corporation, Rochester Gas & Electric Corporation, Central Maine Power Company, The United Illuminating Company.
*Description:* Supplement to June 7, 2019 Application under Section 204 of the Federal Power Act for Authorization to Issue Securities, et al. of Avangrid Service Company, on behalf of its affiliate companies.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5232.
*Comments Due:* 5 p.m. ET 7/8/19.

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 28, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–14313 Filed 7–3–19; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Number:* PR19–45–003.
*Applicants:* EnLink LIG, LLC.
*Description:* Tariff filing per 284.123(b),(e)+(g): 2nd Amended of Petition for Rate and SOC to be effective 6/27/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5111.
*Comments Due:* 5 p.m. ET 7/18/19.
*284.123(g) Protest Due:* 5 p.m. ET 7/18/19.

*Docket Number:* PR19–66–000.
*Applicants:* Public Service Company of Colorado.
*Description:* Tariff filing per 284.123(b),(e)+(g): Statement of Rates—6.1.19 GRSA Change to be effective 6/1/2019.
*Filed Date:* 6/27/19.
*Accession Number:* 20190627–5080.
*Comments Due:* 5 p.m. ET 7/18/19.
*284.123(g) Protests Due:* 5 p.m. ET 8/26/19.

*Docket Numbers:* CP19–483–000.
*Applicants:* Black Hills/Kansas Gas Utility Company, LLC.
*Description:* Application for Blanket Certificate and Settlement of Operating Conditions of Black Hills/Kansas Gas Utility Company, LLC under CP19–483.
*File Date:* 6/26/19.
*Accession Number:* 20190626–5134.
*Comments Due:* 5 p.m. ET 7/17/19.

*Docket Numbers:* RP19–1339–000.
*Applicants:* Natural Gas Pipeline Company of America.
*Description:* § 4(d) Rate Filing: Amendment to Negotiated Rate Filing—The Peoples Gas L&C to be effective 7/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5000.
*Comments Due:* 5 p.m. ET 7/10/19.

*Docket Numbers:* RP19–1340–000.
*Applicants:* Viking Gas Transmission Company.
*Description:* § 4(d) Rate Filing: 2019 NGA Section 4 Rate Case to be effective 8/1/2019.
*Filed Date:* 6/28/19.
*Accession Number:* 20190628–5003.
*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 28, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–14315 Filed 7–3–19; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 619–164]**

### Public Meetings Soliciting Comments on the Draft Environmental Impact Statement for the Bucks Creek Hydropower Project; Pacific Gas and Electric Company and City of Santa Clara, California

On June 14, 2019, the Commission issued a Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Bucks Creek Hydropower Project. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicants, and Commission staff.[1] All written comments must be filed by August 13, 2019, and should reference Project No. 619–164. More information on filing comments can be found in the letter at the front of the draft EIS or on the Commission's website at *http://www.ferc.gov/docs-filing/efiling.asp.* Although the Commission strongly encourages electronic filing, documents may also be paper-filed.

In addition to or in lieu of sending written comments, you are invited to attend public meetings that will be held to receive comments on the draft EIS. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization comments, while the evening meeting is primarily for receiving input from the public. All interested individuals and entities are invited to attend one or both of the public meetings. The time and location of the meetings are as follows:

**Thursday, August 1, 2019**

*Daytime meeting:* 10 a.m.–noon Pacific Daylight Time, Feather River Tribal Health, Holiday Inn Express, 2145 5th Ave., Oroville, CA 95965, 530–534–5394.

*Evening meeting:* 7–9 p.m. Pacific Daylight Time, Holiday Inn Express, 550 Oro Dam Blvd., Oroville, CA 95965, 530–534–5566.

The City of Santa Clara, in their role as California Environmental Quality Act (CEQA) Lead Agency for the project, will be in attendance at the meetings and will use feedback on the DEIS, along with other information, for development of the supplemental CEQA document.

At this meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the draft EIS. The meeting will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. This meeting is posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

For further information, contact Alan Mitchnick at (202) 502–6074 or at *alan.mitchnick@ferc.gov.*

Dated: June 28, 2019.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2019–14316 Filed 7–3–19; 8:45 am]

**BILLING CODE 6717–01–P**

[1] 18 CFR part 380.

## ENVIRONMENTAL PROTECTION AGENCY

**[PA–HQ–OPPT–2019–0075; FRL–9992–78]**

### Certain New Chemicals; Receipt and Status Information for April 2019

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 04/01/2019 to 04/30/2019.

**DATES:** Comments identified by the specific case number provided in this document must be received on or before August 5, 2019.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0075, and the specific case number for the chemical substance related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Jim Rahai, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. What action is the Agency taking?*

This document provides the receipt and status reports for the period from 04/01/2019 to 04/30/2019. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs

to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices*. This information is updated on a weekly basis.

*B. What is the Agency's authority for taking this action?*

Under the TSCA, 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory go to: *https://www.epa.gov/tsca-inventory*.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems*.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

*C. Does this action apply to me?*

This action provides information that is directed to the public in general.

*D. Does this action have any incremental economic impacts or paperwork burdens?*

No.

*E. What should I consider as I prepare my comments for EPA?*

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html*.

## II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices*. This information is updated on a weekly basis.

## III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the date the notice passed an initial screening by EPA staff, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANs APPROVED * FROM 04/01/2019 TO 04/30/2019

| Case No. | Version | Received date | Manufacturer | Use | Chemical substance |
|---|---|---|---|---|---|
| J–19–0021 | 1 | 4/3/2019 | CBI | (S) Ethanol production | (G) Saccharomyces cerevisiae strain. |
| J–19–0022 | 1 | 4/3/2019 | CBI | (S) Ethanol production | (G) Saccharomyces cerevisiae strain. |
| P–16–0326A | 4 | 4/1/2019 | Firmenich, Inc | (G) As part of a fragrance formula | (S) Propanoic acid, 2,2-dimethyl-,-1-methyl-2-(1-methylethoxy)-2-oxoethyl ester. |
| P–16–0425A | 3 | 3/25/2019 | CBI | (G) A chemical reactant used in manufacturing a polymer. | (G) Amino-silane. |
| P–16–0429A | 4 | 4/23/2019 | CBI | (G) Universal tint paste resin having high solids. | (G) Endcapped polysiloxane. |
| P–16–0470A | 2 | 3/29/2019 | Firmenich, Inc | (G) As part of a fragrance formula | (S) 2,7-Nonadien-4-ol, 4,8-dimethyl-. |
| P–17–0152A | 7 | 3/27/2019 | CBI | (G) Additive in-home care products | (G) Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with Ethanaminium, N,N,N-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl). |
| P–17–0220A | 3 | 3/26/2019 | CBI | (G) Additive, open, non-dispersive use | (G) 2-Oxepanone, reaction products with alkylenediamine-alkyleneimine polymer, 2-[[(2-alkyl)oxy]alkyl]oxirane and tetrahydro-2H-pyran-2-one. |
| P–17–0239A | 5 | 3/26/2019 | CBI | (G) Adhesive for open non-descriptive use | (G) Substituted carboxylic acid, polymer with 2,4-diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene], 2,2′-oxybis[ethanol], 1,1′-oxybis[2-propanol] and 1,2-propanediol. |
| P–17–0245A | 6 | 4/9/2019 | CBI | (G) Adhesive for open, non-dispersive use | (G) Unsaturated polyfluoro ester. |
| P–17–0249A | 5 | 4/22/2019 | CBI | (G) Open, dispersive use | (G) Acid-neutralized, amine-functional acrylic polymer. |
| P–17–0253A | 3 | 4/16/2019 | CBI | (G) The polymer will be produced and sold to the customer in liquid form. Customers will then blend the polymer to enhance formulation solubilization Properties. | (G) Oxirane, 2-methyl-, polymer with oxirane, methyl 2-(substituted carbomonocycle isoquinolin-2(3H)-yl) propyl ether. |
| P–17–0380A | 3 | 4/22/2019 | CBI | (G) Open, non-dispersive use | (G) Amine- and hydroxy-functional acrylic polymer. |
| P–17–0381A | 3 | 4/22/2019 | CBI | (G) Open, non-dispersive use | (G) Hydroxy acrylic polymer, methanesulfonates. |
| P–17–0396A | 4 | 4/5/2019 | CBI | (S) Intermediate for a polyurethane catalyst | (G) Aminoalkylated imidazole. |
| P–18–0010A | 3 | 4/5/2019 | CBI | (S) Polyurethane catalyst | (G) Aminoalkylated imidazole, N-Me derivs. |
| P–18–0084A | 5 | 4/2/2019 | ShayoNano USA, Inc | (S) Additive for paints and coatings | (S) Silicon zinc oxide. |
| P–18–0086A | 2 | 4/5/2019 | CBI | (S) Intermediate for a polyurethane catalyst | (G) Propanenitrile, polyalkylpolyamine. |
| P–18–0091A | 3 | 4/17/2019 | Resinate Materials Group, Inc. | (S) Intermediate for use in the manufacture of polymers. | (G) Vegetable oil, polymers with diethylene glycol- and polyol- and polyethylene glycol-depolymd. poly(ethylene terephthalate) waste plastics and arylcarboxylic acid anhydride. |
| P–18–0101A | 5 | 3/22/2019 | CBI | (G) Industrial | (G) Pentaerythritol, mixed esters with linear and branched fatty acids. |
| P–18–0122A | 5 | 4/10/2019 | Polymer Ventures, Inc | (G) Paper additive | (G) Alkylamide, polymer with alkylamine, formaldehyde, and polycyanamide, alkyl acid salt. |
| P–18–0151A | 4 | 4/1/2019 | Struers, Inc | (S) A curing agent for curing epoxy systems | (S) Formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol. |
| P–18–0154A | 6 | 4/5/2019 | CBI | (G) Crosslinking agent for coatings | (G) Isocyanic acid, polyalkylenepolycycloalkylene ester, 2-alkoxy alkanol and 1-alkoxy alkanol and alkylene diol blocked. |
| P–18–0168A | 4 | 3/22/2019 | CBI | (G) Color additive | (G) Alkoxylated triaryl methane. |
| P–18–0174A | 2 | 4/16/2019 | CBI | (G) Oilfield applications | (G) Enzyme. |
| P–18–0188A | 2 | 4/11/2019 | Allnex USA, Inc | (S) Adhesion and scratch resistance | (G) Alkyl substituted alkenoic acid, alkyl ester, polymer with alkanediol alkyl-alkenoate, reaction products with alkenoic acid, isocyanato-(isocyanatoalkyl)-alkyl substituted carbomonocycle and substituted alkanediol. |
| P–18–0228A | 3 | 3/26/2019 | CBI | (G) Tackifier | (G) Branched alkenyl acid, alkyl ester, homopolymer. |
| P–18–0229A | 3 | 3/26/2019 | CBI | (G) Tackifier | (G) Modified branched alkenyl acid, alkyl ester, homopolymer. |
| P–18–0237A | 7 | 3/23/2019 | CBI | (G) Use in print resins | (G) Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-, and dialkylheteromonocycle-blocked. |
| P–18–0258A | 3 | 4/10/2019 | CBI | (G) Copolyamide for Packaging Films; (G) Copolyamide for Monofilament; (G) Copolyamide for Molding Parts. | (G) Dioic acids, polymers with caprolactam and alkyldiamines. |
| P–18–0259A | 3 | 4/10/2019 | CBI | (G) Copolyamide for Packaging Films; (G) Copolyamide for Monofilament; (G) Copolyamide for Molding Parts. | (G) Fatty acids, dimers, hydrogenated, polymers with caprolactam and alkyl diamine. |
| P–18–0266A | 3 | 4/9/2019 | Sasol Chemicals (USA), LLC. | (S) Additive, Rubber and Tire manufacturing; Additive, Casting Wax; Thread Lubricant. | (S) Alkanes, C20–45 branched and linear. |
| P–18–0281A | 2 | 4/17/2019 | CBI | (G) Electrolyte additive | (G) Cyclic sulfate. |

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 04/01/2019 TO 04/30/2019—Continued

| Case No. | Version | Received date | Manufacturer | Use | Chemical substance |
|---|---|---|---|---|---|
| P–18–0299A | 2 | 4/8/2019 | CBI | (G) Ink additive | (G) Alkenoic acid, alkyl-, polymers with alkyl methacrylate, cycloalkyl methacrylate, alkylene dimethacrylate, and polyalkene glycol hydrogen sulfate [(branched alkyloxy)alkyl]-(alkenyloxy)alkyl ethers ammonium salts, metal salts. |
| P–18–0302A | 3 | 4/5/2019 | CBI | (G) Chemical intermediate | (S) D-glucaric acid, ammonium salt (1:1). |
| P–18–0305A | 2 | 4/23/2019 | CBI | (G) Component of ink | (G) Alkenoic acid, alkyl-,alkyl ester, polymer with alkyl alkenoate, substituted heteromonocycycle, substituted carbomonocycle, substituted alkanediol and alkenoic acid, alkali metal salt. |
| P–18–0312A | 4 | 3/29/2019 | CBI | (G) Dispersing agent | (G) Formaldehyde, polymer with 2-phenoxyalkanol and .alpha.-phenyl-.omega. hydroxypoly(oxy-1,2-alkylnediyl), dihydrogen phosphate 2-phenoxyalkyl hydrogen phosphate, alkaline salt. |
| P–18–0326A | 3 | 3/26/2019 | CBI | (G) Chemical Intermediate | (G) Alkanoic acid, alkyl ester, manuf. of, by-products from, distn. residues. |
| P–18–0331A | 2 | 4/17/2019 | Evonik Corporation | (S) Substrate wetting and anti-cratering additive for inks. | (S) Siloxanes and Silicones, di-Me, 3-(4-hydroxy-3-methoxyphenyl)propyl Me, ethoxylated propoxylated. |
| P–18–0359A | 2 | 3/28/2019 | CBI | (G) Molded or extruded items | (G) Methoxy Vinyl Ether-Vinylidene Fluoride polymer. |
| P–18–0378A | 3 | 4/24/2019 | CBI | (G) Industrial coatings additive | (G) Acrylic and Methacrylic acids and esters, polymer with alkenylimidazole, alkyl polyalkylene glycol, alkenylbenzene, alkylbenzeneperoxoic acid ester initiated, compds. with Dialkylaminoalkanol. |
| P–18–0380A | 5 | 3/26/2019 | CBI | (G) Automotive brake parts (contained use) | (G) Butanoic acid ethyl amine. |
| P–18–0383A | 3 | 3/27/2019 | CBI | (G) Coatings and inks for commercial use | (G) Dialkyl-alkanediamine, polymer with [(oxo-alkenyl)oxy]poly(oxy-alkanediyl)ether with bis(hydroxyalkyl)-alkanediol. |
| P–18–0385A | 3 | 4/11/2019 | Colonial Chemical, Inc | (S) Liquid Laundry | (S) D-Glucopyranose, oligomeric, Bu glycosides polymers with epichlorohydrin, 2-hydroxy-3-sulfopropyl ethers, sodium salts. |
| P–18–0398A | 2 | 4/5/2019 | CBI | (S) Intermediate | (S) 1,2-Ethanediamine, N-(1-methylethyl)-N-[2-[(1-methylethyl)amino]ethyl]-. |
| P–18–0402A | 4 | 4/24/2019 | CBI | (G) Fuel additive | (G) Phenol, alkanepolyolbis(heteroalkylene)bis-, polyalkylene derivs. |
| P–18–0404A | 6 | 3/25/2019 | CBI | (S) The substance is part of a mixture with other amines to act as a curative for a 2-part epoxy formulation. The intended use is the manufacture of wind turbine blades. During manufacture of the blades this substance forms part of the in-mold coating system which is applied to the blade mold and further laminated with glass (or carbon) reinforced fibres (GRP). The manufactured structure is then 'cured' using heat and a chemical reaction occurs forming a solid composite structure. The PMN substance is reacted during the cure process into the solid plastic matrix and therefore not present in the finished cured part.<br>Use of this product will enhance the life of renewable energy source provided by wind turbines therefore contributing to the reduction in fossil fuel usage. | (G) Alkylmultiheteroatom,2-functionalisedalkyl-2-hydroxyalkyl-, polymer with alkylheteroatom-multialkylfunctionalised carbomonocyleheteroatom and multiglycidylether difunctionalised polyalkylene glycol. |
| P–18–0405A | 3 | 4/4/2019 | CBI | (G) Adhesive | (S) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 3,6,9,12-tetraoxatetradeca-1,13-diene, glycidyl ether. |
| P–18–0406A | 3 | 3/28/2019 | CBI | (G) Initiator | (G) Formaldehyde, polymer with alkyl aryl ketones. |
| P–18–0407A | 2 | 4/5/2019 | CBI | (S) Polyurethane catalyst | (S) 1,2-Ethanediamine, N,N-dimethyl-N-(1-methylethyl)-N-[2-[methyl(1-methylethyl)amino]ethyl]-. |
| P–19–0012A | 10 | 4/29/2019 | CBI | (S) Resin component for the polyisocyanurate; Resin component in specialty polyurethane kits and systems for aerospace and military applications. | (G) Benzenedicarboxylic acid, rection products with isobenzofurandione and diethylene glycol. |
| P–19–0020A | 4 | 4/29/2019 | CBI | (G) Lubricating additive | (G) Alkylphenol, reaction products with carbon dioxide, distn. residues from manuf. of alkylphenol derivs. and calcium alkylphenol derivs. |

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 04/01/2019 TO 04/30/2019—Continued

| Case No. | Version | Received date | Manufacturer | Use | Chemical substance |
|---|---|---|---|---|---|
| P–19–0024A | 2 | 4/8/2019 | Sales And Distribution Services, Inc. | (S) Hot Mix Asphalt Application: The PMN compound will be used as asphalt additive for hot mix (HMA) as well as cold mix (CMA) asphalt applications; Asphalt Emulsion Application: The PMN substance is water soluble and can be used as an asphalt emulsion in road construction; Waterproofing Application: The PMN substance is expected to be used in waterproofing of building materials, including cementitious material, masonry, concrete, plaster, bricks, etc. | (S) Silsesquioxanes, 3-(dimethyloctadecylammonio)propyl Me Pr, polymers with silicic acid (H4Si04) tetra-Et ester, (2-hydroxyethoxy)- and methoxyterminated, chlorides. |
| P–19–0027A | 4 | 3/26/2019 | Allnex USA, Inc | (S) The PMN substance is an isolated intermediate incorporated as a component in several allnex coating resin products that are only applied by Cathodic Electrodeposition (CED) and used as additives for corrosion protection. | (G) Substituted Carbomoncycle, polymer with haloalkyl substituted heteromonocycle, dialkyl-alkanediamine and hydro-hydroxypoly[oxy(alkylalkanediyl)], reaction products with metal oxide and dialkanolamine, acetates (salts). |
| P–19–0030A | 5 | 4/24/2019 | CBI | (G) Water Systems | (G) Triethanolamine modified Phosphinicocarboxylates, sodium salts. |
| P–19–0031A | 6 | 3/27/2019 | CBI | (S) Curing agent for epoxy coating systems | (G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with formaldehyde, 2-(chloromethyl)oxirane, alpha-hydro-omega-hydroxypoly(oxy-1,2-ethanediyl), and polyamines. |
| P–19–0034A | 4 | 4/11/2019 | CBI | (G) Contained use as a component of tires | (G) Metal, bis(2,4-pentanedionato-kO2,kO4)-, (T-4)-. |
| P–19–0035A | 4 | 3/28/2019 | Firmenich, Inc | (G) Fragrance | (S) Acetamide, 2-(4-methylphenoxy)-N-1H-pyrazol-3-yl-N-(2-thienylmethyl)-. |
| P–19–0036A | 2 | 3/28/2019 | Ethox Chemicals, LLC | (S) As an additive to polymers for improvement in gas barrier performance. | (S) 1,4-Benzenedicarboxylic acid, 1,4-bis(2-phenoxyethyl) ester. |
| P–19–0045A | 2 | 4/3/2019 | CBI | (G) Component of textile coating | (G) Non-metal tetrakis (hydroxyalkyl)-, halide, polymer with amide oxidized. |
| P–19–0046A | 2 | 4/24/2019 | Kluber Lubrication North America, L.P. | (G) Lubricating agent; Degreasing agent | (S) 1,2,4-Benzenetricarboxylic acid, mixed decyl and octyl trimesters. |
| P–19–0049A | 3 | 4/3/2019 | Allnex USA, Inc | (G) Isolated intermediate coating resin | (G) Fatty acids, polymers with substituted carbomonocycles, dialkanolamine, alkyl substituted alkanediamine and halo-substituted heteromonocycle, formates (salts). |
| P–19–0051A | 4 | 4/4/2019 | CBI | (G) UV curable inks | (G) 1,3-Propanediamine, N1,N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1). |
| P–19–0053A | 3 | 4/14/2019 | Wacker Chemical Corporation. | (S) Used as a surface treatment, sealant, caulk, and coating for mineral building materials such as concrete, brick, limestone, and plaster, as well as on wood, metal and other substrates. Formulations containing the cross-linker provide release and anti-graffiti properties, water repellency, weather proofing, and improved bonding in adhesive/sealant applications. The new substance is a moisture curing cross-linking agent which binds/joins polymers together when cured. Ethanol is released during cure, and once the cure reaction is complete, the product will remain bound in the cured polymer matrix. | (S) 1-Butanamine, N-butyl-N-[(triethoxysilyl) methyl]-. |
| P–19–0056A | 2 | 4/5/2019 | Neste Oil US, Inc | (G) The PMN substance will be imported as a raw material for manufacturing other aliphatic hydrocarbons. | (G) Aliphatic hydrocarbons, C8-20-branched and linear. |
| P–19–0057A | 2 | 4/5/2019 | CBI | (G) Treatment chemical | (G) Alkanamine, [(Alkoxy)alkoxy]alkyl] alkyl. |
| P–19–0060A | 2 | 4/5/2019 | Neste Oil US, Inc | (G) The PMN substance will be used as fuel | (G) Aliphatic hydrocarbons, C8-18-branched and linear. |
| P–19–0061A | 2 | 4/5/2019 | Neste Oil US, Inc | (G) The PMN substance will be used as fuel | (G) Aliphatic hydrocarbons, C16-20-branched and linear. |
| P–19–0067A | 3 | 4/3/2019 | CBI | (G) On site consumption as a raw material in the production of downstream chemicals; Production of oil soluble corrosion inhibitors; Production of water-soluble corrosion inhibitors. | (G) Triglyceride, reactions products with diethylenetriamine. |
| P–19–0067A | 4 | 4/17/2019 | CBI | (G) On site consumption as a raw material in the production of downstream chemicals; Production of oil soluble corrosion inhibitors; Production of water-soluble corrosion inhibitors. | (G) Triglyceride, reactions products with diethylenetriamine. |
| P–19–0068 | 2 | 4/16/2019 | Dayglo Color Corp | (G) Polymeric Dye Carrier | (G) 1,4-benzenedicarboxylic acid, polymer with diol, 5-amino-1,3,3-trimethylcyclohexanemethanamine, 1,2-ethanediol and urea. |

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 04/01/2019 TO 04/30/2019—Continued

| Case No. | Version | Received date | Manufacturer | Use | Chemical substance |
|---|---|---|---|---|---|
| P–19–0069A | 2 | 4/2/2019 | CBI | (G) Curing agent for coatings | (G) Diisocyanatoalkane, homopolymer, di-alkyl malonate- and alkyl acetoacetate-blocked, isoalkyl methylalkyl esters. |
| P–19–0070A | 2 | 4/3/2019 | CBI | (G) Curing agent for coatings | (G) Oxacyclanone, polymer with diisocyanatoalkane, and alkyl-(substitutedalkyl)-polyol, di-alkyl malonate- and alkyl acetoacetate-blocked, alkyl esters. |
| P–19–0071A | 2 | 4/2/2019 | CBI | (G) Physical property modifier for polymers | (G) Trimethylolpropane, alkenoic acid, triester. |
| P–19–0073 | 1 | 3/29/2019 | CBI | (G) Polymer coatings additive—low foaming wetting agent. | (G) Propoxylated, ethoxylated alkoxyalkyl ether. |
| P–19–0073A | 2 | 4/5/2019 | CBI | (G) Polymer coatings additive—low foaming wetting agent. | (G) Propoxylated, ethoxylated alkoxyalkyl ether. |
| P–19–0074 | 2 | 4/19/2019 | CBI | (S) Swelling agent for the dyeing of polyester and blend fibers. | (G) Poly(oxyalkylenediyl), carbomonocyclic acid, 2-(aminocarbonyl)-alkyl. |
| P–19–0075 | 1 | 4/2/2019 | Allnex USA, Inc | (S) The PMN substance is an intermediate incorporated as a component in VIACRYL SC 6841. | (G) Substitued polyalkylenepolycarbomonocycle ester, polymer with dialkanolamine, (hydroxyalkoxy)carbonyl] derivs., (alkoxyalkoxy) alkanol-blocked. |
| P–19–0075A | 2 | 4/11/2019 | Allnex USA, Inc | (S) The PMN substance is an intermediate incorporated as a component in VIACRYL SC 6841. | (G) Alkenoic acid, alkyl-, (alkylamino)alkyl ester, polymer with alkyl substituted carbomonocycle, substituted-[alkanenitrile]-initiated, formates. |
| P–19–0076 | 1 | 4/11/2019 | CBI | (G) An ingredient used in the manufacture of photoresist. | (G) Sulfonium, bis(dihalo-carbomonocycle) carbomonocycle, salt with dihalo substituted alkyl carbopolycyclic carboxylate (1:1). |
| P–19–0077 | 2 | 4/22/2019 | CBI | (G) Agricultural | (G) Alkenylamide. |
| P–19–0078 | 1 | 4/18/2019 | Shin-Etsu Microsi | (G) Polymer for photoresist | (G) Substituted heterocyclic onium compound, salt with 2,2,2-trifluoro-1-(sulfomethyl)-1-(trifluoromethyl)ethyl 3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]tricycle[3.3.1.13,7]decane-1-carboxylate (1:1), polymer with acenaphthylene, 1-ethenyl-4-[(1-ethylcyclopentyl) oxy]benzene and 4-ethenylphenol, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated. |
| P–19–0079 | 1 | 4/22/2019 | Shin-Etsu Microsi | (G) Polymer for photoresist | (G) Substituted heterocyclic onium compound, salt with 2,2,2-trifluoro-1-(sulfomethyl)-1-(trifluoromethyl)ethyl 3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]tricyclo[3.3.1.13,7]decane-1-carboxylate (1:1), polymer with acenaphthylene, 1-ethenyl-4-[[1-(1-methylethyl)cyclopentyl]oxy]benzene and 4-ethenylphenol, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated. |
| P–19–0080 | 1 | 4/22/2019 | CBI | (G) Hydrocarbon fuel marker dye | (G) Tetra (substituted phenoxy) Phthalocyanine. |

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date the NOC passed an initial screening, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 04/01/2019 TO 04/30/2019

| Case No. | Received date | Commencement date | If amendment, type of amendment | Chemical substance |
|---|---|---|---|---|
| P–08–0099 | 04/26/2019 | 12/10/2017 | | (S) 1,4-benzenedicarboxylic acid, polymer with 1,2-ethanediol, 2,5-furandione, 2,2′-oxybis(ethanol) and 1,2-propanediol. |
| P–12–0579 | 04/25/2019 | 10/20/2014 | | (S) L-Alaninamide, N-[(phenylmethoxy)carbonyl]glycyl-N-[(1S)-1-formyl-2-(4-hydroxyphenyl)ethyl]. |
| P–13–0410 | 04/25/2019 | 09/02/2015 | | (S) L-Alaninamide, N-[(phenylmethoxy)carbonyl]glycyl-N-[2-hydroxy-1-[(4-hydroxypheny)methyl]-2-sulfoethyl]-, sodium salt (1:1). |
| P–16–0192 | 04/12/2019 | 04/09/2019 | | (S) Polysulfides, bis[3-(triethoxysilyl)propyl], hydrolysis products with silica. |
| P–16–0222A | 04/10/2019 | 06/26/2016 | Updated CBI substantiation | (G) Alkanedioic acid, polymer with substituted heteromonocycle, AAAA±-hydro-AA-hydroxypoly(oxy-1,2-ethanediyl) ether with substituted alkanediol and substituted bis[carbomonocycle], alkanoate. |
| P–16–0337A | 04/26/2019 | 03/28/2018 | Updated CBI substantiation | (G) Aliphatic acrylate. |

TABLE II—NOCS APPROVED * FROM 04/01/2019 TO 04/30/2019—Continued

| Case No. | Received date | Commencement date | If amendment, type of amendment | Chemical substance |
|---|---|---|---|---|
| P–16–0338A | 04/12/2019 | 04/23/2017 | Updated CBI substantiation | (G) Xanthylium, (sulfoaryl)-bis [(substituted aryl) amino]-, sulfo derivs., inner salts, metal salts. |
| P–16–0339A | 04/12/2019 | 04/23/2017 | Updated CBI substantiation | (G) Substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids, substituted pyridobenzimidazolesulfonic acids, diazotized substituted alkanesulfonic acid, diazotized substituted aromatic sulfonate, diazotized substituted aromatic sulfonate, metal salts. |
| P–16–0577A | 04/17/2019 | 11/09/2017 | Updated CBI substantiation | (G) Alkyl polyamine. |
| P–17–0326A | 04/09/2019 | 01/16/2018 | Updated CBI substantiation | (G) Allyloxymethylacrylate |
| P–18–0132 | 04/22/2019 | 04/17/2019 | | (G) Substituted Benzene, 4-methoxy-2-nitro-5-[2-[(1e)-1-[[(2-methoxyphenyl)amino]carbonyl]-2-oxopropylidene]hydrazinyl]-, sodium salt (1:1). |
| P–18–0168 | 04/05/2019 | 04/02/2019 | | (G) Alkoxylated triaryl methane. |
| P–18–0233A | 04/01/2019 | 02/13/2019 | Updated CBI substantiation | (G) Alkyl alkenoic acid, alkyl ester, telomer with alkylthiol, substituted carbomonocycle, substituted alkyl alkyl alkenoate and hydroxyalkyl alkenoate, tert-butyl alkyl peroxoate-initiated. |
| P–18–0379 | 04/16/2019 | 04/09/2019 | | (G) Cashew, nutshell liq., polymer with epichlorohydrin, amines, formaldehyde and glycol. |
| P–19–0007 | 04/26/2019 | 04/21/2019 | | (G) Alkenoic acid, alkyl-, hydroxyalkyl ester, polymer with alkylalkenoate, alkenylcarbomonocycle, hydroxyalkyl-alkenoate, alkyl substituted alkenoate and heteromonocycle, alkyl substituted peroxoate-initiated, polymers with [substituted alkanenitrile]-initiated acrylic acid-alkane acrylates-alkyl substituted carbomoncycle polymer. |
| P–19–0008 | 04/17/2019 | 04/17/2019 | | (G) Substituted polyalkylenepolycarbomonocycle ester, polymer with dialkanolamine, (hydroxyalkoxy)carbonyl] derivs., (alkoxyalkoxy) alkanol-blocked. |
| P–19–0009 | 04/22/2019 | 04/20/2019 | | (G) Carbonmonocycles, polymer with haloalkyl substituted heteromonocycle and hydro-hydroxypoly[oxy(alkyl-alkanediyl)], dialkyl-alkanediamineterminated, hydroxyalkylated, acetates (salts). |
| P–19–0026 | 04/17/2019 | 04/17/2019 | | (G) Alkanoic acid, compds. with substituted carbomonocycle-dialkyl-alkanediamine-halo substituted heteromonocycle-polyalkylene glycol polymerdialkanolamine reaction products. |
| P–19–0027 | 04/17/2019 | 04/17/2019 | | (G) Substituted carbomoncycle, polymer with haloalkyl substituted heteromonocycle, dialkyl-alkanediamine and hydro-hydroxypoly[oxy(alkylalkanediyl)], reaction products with metal oxide and dialkanolamine, acetates (salts). |

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that have passed an initial screening by EPA during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 04/01/2019 TO 04/30/2019

| Case No. | Received date | Type of test information | Chemical substance |
|---|---|---|---|
| P–00–0281 | 4/3/2019 | Freshwater AAP Algal Medium, Daphnia Sp. Acute Immobilisation Test (OECD Test Guideline 202), A 96-Hour Static Acute Toxicity Test with The Fathead Minnow (OECD Test Guideline 203), A 96-Hour Toxicity Test with the Freshwater Alga (OECD Test Guideline 201), Analytical method development, and Surface Tension of Aqueous Solutions (OECD Test Guideline 115). | (G) Alkylarylsulfonic acid, sodium salts. |
| P–11–0063 | 4/3/2019 | Annual Analyte Test Data | (G) Perfluoroalkyl acryalte copolymer. |
| P–16–0150 | 4/1/2019 | 28-day (Subacute) Inhalation Toxicity Study (OECD 412) | (G) Chlorofluorocarbon. |
| P–16–0377 | 4/17/2019 | Standard Test Method for Determination of Particles Resulting from the Attrition of Granular Pesticides (ASTM E2316). | (G) Polyester polyol. |
| P–16–0378 | 4/17/2019 | Standard Test Method for Determination of Particles Resulting from the Attrition of Granular Pesticides (ASTM E2316). | (G) Polyester polyol. |
| P–16–0462 | 4/17/2019 | Metals Analysis Report Quarter 1 2019 | (G) Ash (residues), reaction products with tetraethoxydioxa-polyheteroatom-disilaalkane. |
| P–16–0543 | 4/17/2019 | Exposure Monitoring Report | (G) Halogenophosphoric acid metal salt. |
| P–17–0244 | 4/1/2019 | Guidance Document on Transformation/Dissolution of Metals and Metal Compounds in aqueous media (OECD). | (G) Metal oxide reaction products with cadmium metal selenide sulfide, and amine. |
| P–18–0293 | 4/10/2019 | Ready Biodegradability: Manomertric Respirometry Test (OECD 301F) | (S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester. |
| P–18–0294 | 4/10/2019 | Ready Biodegradability: Manomertric Respirometry Test (OECD 301F) | (S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester. |
| P–18–0351 | 4/26/2019 | Gas Chromatography study | (G) Acrylic acid, tricyclo alkyl ester. |
| P–18–0376 | 4/1/2019 | Reproduction/Developmental Toxicity Screening Test (OECD 421) | (G) Sulfuric acid, aminoalkyl ester. |
| P–18–0391 | 4/4/2019 | Non-Renewal 96-hour acute toxicity test (OCSPP 850.1075), 48-hour Acute Toxicity Test (OCSPP 850.1010), 96-Hour Algal Toxicity Test (OCSPP 850.4500). | (S) 1-propanaminium, N-(carboxymethyl)-N, N-dimethyl-3-[(3,5, 5-trimethyl-1-oxohexyl), amino]- inner salt. |

TABLE III—TEST INFORMATION RECEIVED FROM 04/01/2019 TO 04/30/2019—Continued

| Case No. | Received date | Type of test information | Chemical substance |
|---|---|---|---|
| P–19–0029 ..... | 4/5/2019 | Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD 201), Daphnia sp., Acute Immobilisation Test (OECD 202), Freshwater Ecotoxicity and Biodegradation Properties of Some Common Ionic Liquids (OECD 201, 202, 301F), and Acute Oral Toxicity—Acute Toxic Class Method (OECD 423). | (S) Phosphonium, tributylethyl-, diethyl phosphate (1:1). |
| P–19–0054 ..... | 4/17/2019 | P2 Model—Environmental Assessment, MALDI Analysis for NAMW, % Amine Nitrogen for PMN Substance, %P (Phosphorus). | (G) Polyamines, reaction products with succinic anhydride polyalkenyl derivs., metal salts, polyamines, reaction products with succinic anhydride, polyalkenyl derivs., metal salts. |
| P–19–0071 ..... | 4/25/2019 | Mammalian Chromosome Aberration Test (OECD 473), Bacterial Reverse Mutation Test (OECD 471), In Vitro Mammalian Cell Gene Mutation Tests Using the Thymidine Kinase Gene (OECD 490). | (G) Trimethylolpropane, alkenoic acid, triester. |

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

**Authority:** 5 U.S.C. 2601 *et seq.*

Dated: June 26, 2019.

**Megan Carroll,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2019–14273 Filed 7–3–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–9045–6]**

## Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 06/24/2019 Through 06/28/2019

Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search*.

*EIS No. 20190147, Final, NRCS, NAT,* Adoption—Feral Swine Damage Management: A National Approach, Review Period Ends: 08/05/2019, Contact: Nell Fuller 202–720–6303. The Natural Resource Conservation Service (NRCS) has adopted the Animal and Plant Health Inspection Service (APHIS) Final EIS No. 20150165, filed 06/05/2015 with the EPA. NRCS was not a cooperating agency on this project. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

*EIS No. 20190148, Final, NPS, FL,* Gulf Islands National Seashore Final Personal Watercraft Plan, Review Period Ends: 08/05/2019, Contact: Dan Brown 850–934–2613

*EIS No. 20190149, Final, OSM, UT,* Adoption—Alton Coal Tract Lease by Application, Contact: Gretchen Pinkham 303–293–5088. The Office of Surface Mining Reclamation and Enforcement (OSMRE) has adopted the U.S. Bureau of Land Management. Final EIS No. 20180160, filed 07/12/2018 with the EPA. OSMRE was a cooperating agency on the project and recirculation of the document is not necessary under Section 1506.3(c) of the CEQ Regulations.

*EIS No. 20190150, Draft, USFS, OR,* Bear Creek Cluster Allotment Management Plans, Comment Period Ends: 08/19/2019, Contact: Beth Peer 541–416–6463

*EIS No. 20190151, Final Supplement, USN, HI,* Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar, Review Period Ends: 08/05/2019, Contact: Ronald Carmichael 703–695–5269

*EIS No. 20190152, Final, BLM, OR,* Adoption—Swan Lake North Pumped Storage Project, Review Period Ends: 08/05/2019, Contact: Terry Austin 541–885–4142. The U.S. Bureau of Land Management (BLM) has adopted the Federal Energy Regulatory Commission (FERC) Final EIS No. 20180333, filed 01/25/2019 with the EPA. BLM was not a cooperating agency on this project. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

*EIS No. 20190153, Final, TVA, TN,* 2019 Integrated Resource Plan Final Environmental Impact Statement, Review Period Ends: 08/05/2019, Contact: Matthew Higdon 865–632–8051

*EIS No. 20190154, Draft, FERC, AK,* Alaska LNG Project-Draft Environmental Impact Statement, Comment Period Ends: 08/19/2019, Contact: Office of External Affairs 866–208–3372

*EIS No. 20190155, Revised Draft, USACE, FL,* Lake Okeechobee Watershed Restoration Project Revised Draft Integrated Project Implementation Report and Environmental Impact Statement, Comment Period Ends: 08/19/2019, Contact: Dr. Gretchen Ehlinger 904–232–1682

*EIS No. 20190156, Final, VA, CA,* Adoption—Westside Subway Extension Transit Corridor Project Extension of the Existing Metro Purple Line and Metro Red Line Heavy Rail Subway Los Angeles County Metropolitan Transportation Authority Los Angeles County CA, Review Period Ends: 08/05/2019, Contact: Glenn Elliott 202–632–5879. The U.S. Department of Veterans Affairs (VA) has adopted the Federal Transit Administration Final EIS No. 20120072, filed 03/15/2012 with the EPA. The VA was not a cooperating agency on this project. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

*EIS No. 20190157, Final Supplement, VA, CA,* Adoption—Westside Purple Line Extension Section 4(f) Evaluation, Review Period Ends: 08/05/2019, Contact: Glenn Elliott 202–632–5879. The U.S. Department of Veterans Affairs (VA) has adopted the Federal Transit Administration Final EIS No. 20170235, filed 11/24/2017 with the EPA. The VA was not a cooperating agency on this project. Therefore, recirculation of the document is necessary under Section 1506.3(b) of the CEQ Regulations.

### Amended Notice

*EIS No. 20170161, Draft, USFS, MT,* Withdrawn—Kootenai Forest-Wide Young Growth Vegetation

Management Project, Contact: Quinn Carver 406–283–7695. Revision to FR Notice Published 08/25/2017; Officially Withdrawn per request of the submitting agency.

Dated: July 1, 2019.

**Robert Tomiak,**

*Director, Office of Federal Activities.*

[FR Doc. 2019–14323 Filed 7–3–19; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Tuesday, July 9, 2019 at 10:00 a.m. and its continuation at the conclusion of the open meeting on July 11, 2019.

**PLACE:** 1050 First Street NE, Washington, DC.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Compliance matters pursuant to 52 U.S.C. 30109.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Laura E. Sinram,**

*Acting Secretary and Clerk of the Commission.*

[FR Doc. 2019–14436 Filed 7–2–19; 11:15 am]

**BILLING CODE 6715–01–P**

## FEDERAL RESERVE SYSTEM

**[Docket No. OP–1666]**

### Announcement of Financial Sector Liabilities

Section 622 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, implemented by the Board's Regulation XX, prohibits a merger or acquisition that would result in a financial company that controls more than 10 percent of the aggregate consolidated liabilities of all financial companies (''aggregate financial sector liabilities''). Specifically, an insured depository institution, a bank holding company, a savings and loan holding company, a foreign banking organization, any other company that controls an insured depository institution, and a nonbank financial company designated by the Financial Stability Oversight Council (each, a ''financial company'') is prohibited from merging or consolidating with, acquiring all or substantially all of the assets of, or acquiring control of, another company if the resulting company's consolidated liabilities would exceed 10 percent of the aggregate financial sector liabilities.[1]

Pursuant to Regulation XX, the Federal Reserve will publish the aggregate financial sector liabilities by July 1 of each year. Aggregate financial sector liabilities equals the average of the year-end financial sector liabilities figure (as of December 31) of each of the preceding two calendar years.

**FOR FURTHER INFORMATION CONTACT:** Sean Healey, Lead Financial Institution Policy Analyst, (202) 912–4611; Matthew Suntag, Counsel, (202) 452–3694; for the hearing impaired, TTY (202) 263–4869.

#### Aggregate Financial Sector Liabilities

Aggregate financial sector liabilities is equal to $20,664,262,842,000.[2] This measure is in effect from July 1, 2019 through June 30, 2020.

#### Calculation Methodology

Aggregate financial sector liabilities equals the average of the year-end financial sector liabilities figure (as of December 31) of each of the preceding two calendar years. The year-end financial sector liabilities figure equals the sum of the total consolidated liabilities of all top-tier U.S. financial companies and the U.S. liabilities of all top-tier foreign financial companies, calculated using the applicable methodology for each financial company, as set forth in Regulation XX and summarized below.

Consolidated liabilities of a U.S. financial company that was subject to consolidated risk-based capital rules as of December 31 of the year being measured, equal the difference between its risk-weighted assets (as adjusted upward to reflect amounts that are deducted from regulatory capital elements pursuant to the Federal banking agencies' risk-based capital rules) and total regulatory capital, as calculated under the applicable risk-based capital rules. Companies in this category include (with certain exceptions listed below) bank holding companies, savings and loan holding companies, and insured depository institutions. The Federal Reserve used information collected on the Consolidated Financial Statements for Holding Companies (FR Y–9C) and the Bank Consolidated Reports of Condition and Income (Call Report) to calculate liabilities of these institutions.

Consolidated liabilities of a U.S. financial company not subject to consolidated risk-based capital rules as of December 31 of the year being measured, equal liabilities calculated in accordance with applicable accounting standards. Companies in this category include nonbank financial companies supervised by the Board, bank holding companies and savings and loan holding companies subject to the Federal Reserve's Small Bank Holding Company Policy Statement, savings and loan holding companies substantially engaged in insurance underwriting or commercial activities, and U.S. companies that control insured depository institutions but are not bank holding companies or savings and loan holding companies. ''Applicable accounting standards'' is defined as Generally Accepted Accounting Principles (''GAAP''), or such other accounting standard or method of estimation that the Board determines is appropriate.[3] The Federal Reserve used information collected on the FR Y–9C, the Parent Company Only Financial Statements for Small Holding Companies (FR Y–9SP), and the Financial Company Report of Consolidated Liabilities (FR XX–1) to calculate liabilities of these institutions.

Section 622 provides that the U.S. liabilities of a ''foreign financial company'' equal the risk-weighted assets and regulatory capital attributable to the company's ''U.S. operations.'' Under Regulation XX, liabilities of a foreign banking organization's U.S. operations are calculated using the risk-

[1] 12 U.S.C. 1852(a)(2), (b).

[2] This number reflects the average of the financial sector liabilities figure for the year ending December 31, 2017 ($20,487,047,614,000) and the year ending December 31, 2018 ($20,841,478,070,000).

[3] A financial company may request to use an accounting standard or method of estimation other than GAAP if it does not calculate its total consolidated assets or liabilities under GAAP for any regulatory purpose (including compliance with applicable securities laws). 12 CFR 251.3(e). In previous years, the Board received and approved requests from eleven financial companies to use an accounting standard or method of estimation other than GAAP to calculate liabilities. Ten of the companies are insurance companies that report financial information under Statutory Accounting Principles (''SAP''), and one is a foreign company that controls a U.S. industrial loan company that reports financial information under International Financial Reporting Standards (''IFRS''). For the insurance companies, the Board approved a method of estimation that was based on line items from SAP-based reports, with adjustments to reflect certain differences in accounting treatment between GAAP and SAP. For the foreign company, the Board approved the use of IFRS. Such companies that continue to be subject to Regulation XX continue to use the previously approved methods. The Board did not receive any new requests this year.

weighted asset methodology for subsidiaries subject to the risk-based capital rule, plus the assets of all branches, agencies, and nonbank subsidiaries, calculated in accordance with applicable accounting standards. Liabilities attributable to the U.S. operations of a foreign financial company that is not a foreign banking organization are calculated in a similar manner to the method described for foreign banking organizations, but liabilities of a U.S. subsidiary not subject to the risk-based capital rule are calculated based on the U.S. subsidiary's liabilities under applicable accounting standards. The Federal Reserve used information collected on the Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q), the FR Y–9C, and the FR XX–1 to calculate liabilities of these institutions.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of Supervision and Regulation under delegated authority, June 27, 2019.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2019–14288 Filed 7–3–19; 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 August 1, 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. *First Co Bancorp, Inc., Collinsville, Illinois;* to acquire 100 percent of the voting shares of Columbia National Bank, Columbia, Illinois.

*B. 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. *Southern States Bancshares, Inc., Anniston, Alabama;* to merge with East Alabama Financial Group, Inc., and thereby directly acquire Small Town Bank, both of Wedowee, Alabama.

Board of Governors of the Federal Reserve System, July 1, 2019.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2019–14356 Filed 7–3–19; 8:45 am]

**BILLING CODE P**

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request

**AGENCY:** Federal Trade Commission (FTC or Commission).

**ACTION:** Notice.

**SUMMARY:** The FTC plans to ask the Office of Management and Budget (OMB) to extend for an additional three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements contained in the Contact Lens Rule (or Rule). The current clearance expires on October 31, 2019.

**DATES:** Comments must be received on or before September 3, 2019.

**ADDRESSES:** Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Paul Spelman, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Mail Drop CC–10528, Washington, DC 20580, at (202) 326–2487.

**SUPPLEMENTARY INFORMATION:** The Rule was promulgated by the FTC pursuant to the Fairness to Contact Lens Consumers Act (FCLCA), Public Law 108–164 (Dec. 6, 2003), which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004. As mandated by the FCLCA, the Rule requires the release and verification of contact lens prescriptions which are generally valid for one year and contains recordkeeping requirements applying to both prescribers and sellers of contact lenses.

Specifically, the Rule requires that prescribers provide a copy of the prescription to the consumer upon the completion of a contact lens fitting, even if the patient does not request it, and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either: (a) Has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. In addition, the Rule imposes recordkeeping requirements on contact lens prescribers and sellers. For example, the Rule requires prescribers to document in their patients' records the medical reasons for setting a contact lens prescription expiration date of less than one year. The Rule requires contact lens sellers to maintain records for three years of all direct communications involved in obtaining verification of a contact lens prescription, as well as prescriptions, or copies thereof, which they receive directly from customers or prescribers.

The information retained under the Rule's recordkeeping requirements is used by the Commission to substantiate compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements

or to bring enforcement actions based on violations of the Rule.

No substantive provisions in the Rule have been amended or changed since staff's prior submission and OMB clearance in 2016.[1] Thus, the Rule's disclosure and recordkeeping requirements remain the same.

Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must get OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). The FTC is seeking renewed clearance for the information collection requirements associated with the Commission's Contact Lens Rule, 16 CFR part 315 (OMB Control Number 3084–0127).

**Burden Statement**

*Estimated annual hours burden:* 2,104,050 hours.

This figure is derived by adding 1,045,650 disclosure hours for contact lens prescribers to 1,058,400 recordkeeping hours for contact lens sellers, for a combined industry total of 2,104,050 hours. This estimate is an increase from the 1,903,315 annual burden hours submitted to OMB in 2016. The higher estimate is due to an increase in the estimated number of contact lens wearers in the United States from 41 million to 45 million.[2]

*1. Prescribers*

The Rule requires prescribers to make disclosures in two ways. Upon completing a contact lens fitting, the Rule requires that prescribers (1) provide a copy of the contact lens prescription to the patient, and (2) as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription. Prescribers can verify a prescription either by responding affirmatively to a request for verification, or by not responding at all, in which case the prescription will be ''passively verified'' after eight business hours. Prescribers are also required to correct an incorrect prescription submitted by a seller, and notify a seller if the prescription submitted for verification is expired or otherwise invalid. Staff believes that the burden of complying with these requirements is relatively low.

The number of contact lens wearers in the United States is now estimated by the Centers for Disease Control to be approximately 45 million.[3] Therefore, assuming an annual contact lens exam for each contact lens wearer, approximately 45 million people would receive a copy of their prescription each year under the Rule.[4]

At an estimated one minute per prescription, the annual time spent by prescribers complying with the requirement to release prescriptions to patients would be approximately 750,000 hours. [(45 million × 1 minute)/60 minutes = 750,000 hours]. In all likelihood, this estimate overstates the actual burden because it includes the time spent by prescribers who already release prescriptions to patients in the ordinary course of business.

As stated above, prescribers may also be required to provide or verify contact lens prescriptions to sellers. According to recent survey data, approximately 36% of contact lens purchases are from a source other than the prescriber.[5] Assuming that each of the 45 million contact lens wearers in the U.S. makes one purchase per year, this means that approximately 16,200,000 contact lens purchases (45 million × 36%) are made from sellers other than the prescriber.

Based on prior discussions with industry, approximately 73% of sales by non-prescriber sellers require verification, and prescribers affirmatively respond (by notifying the seller that the prescription is invalid or incorrect) to approximately 15% of those verification requests. Using a response rate of 15%, the FTC therefore estimates that prescribers' offices respond to approximately 1,773,900 verification requests annually [(16,200,000 × 73%) × 15% = 1,773,900 responses]. Additionally, some prescribers may voluntarily respond to verification requests and confirm prescriptions (as opposed to simply letting the prescription passively verify). Because correcting or declining incorrect prescriptions is mandated by the Rule and occurs in response to approximately 15% of requests, staff assumes that prescribers voluntarily confirm prescriptions less often, and confirm at most an additional 15% of prescriptions (and, in all likelihood, significantly less). Using a combined response rate of 30%, the FTC estimates that prescribers' offices respond to approximately 3,547,800 requests annually.

According to the industry comments to the 2016 PRA submission, responding to verification requests requires approximately five minutes per request. Using that data, we estimate that these responses require an additional 295,650 hours annually. [(3,547,800 × 5 minutes)/60 minutes = 295,650 hours]. Combining these hours with the hours spent disclosing prescriptions to consumers, we estimate a total of 1,045,650 hours for all contact lens prescribers to comply with the Rule. [750,000 hours + 295,650 hours = 1,045,650 hours].

Lastly, as required by the FCLCA, the Rule also imposes a recordkeeping requirement on prescribers. They must document the specific medical reasons for setting a contact lens prescription expiration date shorter than the one-year minimum established by the FCLCA. This burden is likely to be nil because the requirement applies only in cases when the prescriber invokes the medical judgment exception, which is expected to occur infrequently, and prescribers are likely to record this information in the ordinary course of business as part of their patients' medical records. As mentioned previously, the OMB regulation that implements the PRA defines ''burden'' to exclude any effort that would be expended regardless of a regulatory requirement.

*2. Sellers*

As noted above, a seller may sell contact lenses only in accordance with a valid prescription that the seller has (a) received from the patient or prescriber, or (b) verified through direct communication with the prescriber. The FCLCA also requires sellers to retain prescriptions and records of communications with prescribers relating to prescription verification for three years. Staff believes that the burden of complying with these requirements is relatively low.

[1] OMB clearance for the current Rule expires October 31, 2019. On May 28, 2019, the FTC published a Supplemental Notice of Proposed Rulemaking (''SNPRM'') (84 FR 24664) which proposes amendments to the Rule, and the FTC is separately seeking OMB's approval for the information-collection requirements associated with those amendments. Because the SNPRM was drafted prior to this Comment Request, some of the data and estimates may differ in the two documents. Should the Commission adopt the proposed amendments in the SNPRM, it could alter or render moot the assumptions, conclusions, and estimates put forth in this notice based on the current Rule.

[2] Centers for Disease Control, Healthy Contact Lens Wear and Care, Fast Facts, *https://www.cdc.gov/contactlenses/fast-facts.html.*

[3] *Id.*

[4] In the past, some commentators have suggested that typical contact lens wearers obtain annual exams every 18 months or so, not every year. However, because prescriptions under the Rule are valid for a minimum of one year, we continue to estimate that patients seek exams every 12 months. Staff believes a calculation that assumes compliance with the Rule will provide the best estimate of the Rule's contemplated burden.

[5] Jason J. Nichols & Deborah Fisher, ''2018 Annual Report,'' Contact Lens Spectrum, Jan. 1, 2019, *https://www.clspectrum.com/issues/2019/january-2019.*

As stated previously, there are approximately 16,200,000 sales by non-prescriber sellers annually and approximately 73% of those sales require verification. Therefore, sellers verify approximately 11,826,000 orders annually and retain two records for such sales: The verification request and any response from the prescriber. Staff estimates that sellers' verification and recordkeeping for those orders will entail a maximum of five minutes per sale. At an estimated five minutes per sale to each of the approximately 11,826,000 orders, contact lens sellers will spend a total of 985,500 burden hours complying with this portion of the requirement. [(11,826,000 × 5 minutes)/60 minutes = 985,500 hours].

Approximately 27% of sales to non-prescriber sellers do not require verification and thus require only that the seller retain the prescription provided. Staff estimates that this recordkeeping burden requires at most one minute per order (in many cases, this retention is electronic and automatic and will not require any time) for 4,374,000 orders [16,200,000 sales × 27%], resulting in 72,900 burden hours. [(4,374,000 orders × 1 minute)/60 minutes = 72,900 hours].

Combining burden hours for all orders [985,500 hours + 72,900 hours], staff estimates a total of 1,058,400 hours for contact lens sellers. It is likely that this estimate overstates the actual burden because it includes the time spent by sellers who already keep records pertaining to contact lens sales in the ordinary course of business, and those whose records are generated and preserved automatically when a customer orders online, which staff believes is the case for many online sellers.

*Estimated total labor cost burden:* Approximately $84,548,448.

This figure is derived from applying hourly wage figures for optometrists, ophthalmologists, and office clerical staff to the burden hours described above. This estimate is higher than the $73,082,912 labor cost estimate submitted to OMB in 2016 due to an increase in the estimated number of contact lens wearers in the United States and wage increases for optometrists, ophthalmologists, and office staff.

According to Bureau of Labor Statistics, salaried optometrists earn an average wage of $57.68 per hour, other physicians and surgeons—such as ophthalmologists—earn an average wage of $98.02 per hour, and general office clerks earn an average wage of $16.92 per hour.[6] Assuming that optometrists are performing 85% of the labor hours and ophthalmologists are performing 15% the labor hours for prescribers, and office clerks are performing the labor for non-prescriber sellers, estimated total labor cost attributable to the Rule would total approximately $84,548,448. [$66,640,319 prescriber hours (($57.68 × 888,802.5 optometrist hours = $51,266,128) + ($98.02 × 156,847.5 ophthalmologist hours = $15,374,192)) + $14,618,765 for seller hours ($16.92 × 1,058,400 office clerk hours = $17,908,128) = $84,548,448.]

A recent survey estimated that the U.S. contact lens market revenue is approximately $5,012,800,000 (not counting examination revenue) in 2017.[7] Therefore, the total labor cost burden estimate of $84,548,448 imposed by the Rule represents a cost of approximately 1.69% of the overall retail revenue generated.

*Estimated annual non-labor cost burden:* $0 or minimal.

Staff believes that the Rule's disclosure and recordkeeping requirements impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (*e.g.,* prescription pads, patients' medical charts, facsimile machines and paper, telephones, and recordkeeping facilities such as filing cabinets or other storage).

**Request for Comments**

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information. In particular, the FTC invites comments on (5) what percentage of sales by non-prescriber sellers require verification; (6) what percentage of verification requests are affirmatively responded to by prescribers (either by notifying the seller that the prescription is valid, or by notifying the seller that the prescription is invalid or incorrect); (7) what percentage of contact lens prescriptions are written by ophthalmologists as opposed to optometrists or other medical specialties; (8) what percentage of verification requests received by optometrists' offices are handled by optometrists and what percentage are handled by office staff; (9) what percentage of verification requests received by ophthalmologists' offices are handled by ophthalmologists and what percentage are handled by office staff; and (10) whether the FTC should rely on mean wage data or median wage data in calculating the Rule's burden.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before September 3, 2019. Write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on *www.regulations.gov*.

If you file your comment on paper, write ''Paperwork Reduction Act: FTC File No. P072108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your

[6] Press Release, Bureau of Labor Statistics, United States Department of Labor, Occupational Employment Statistics—May 2018, *https://www.bls.gov/news.release/ocwage.t01.htm.* Median salaries for prescribers and clerks ($53.75 for optometrists, $96.58 for other physicians and surgeons, and $15.74 for general office clerks) are lower than average salaries and, consequently, would result in a lower overall burden imposed by the Rule. It is possible that medians are more representative since they do not include outliers that can distort the mean. Salaries can also vary by region. The average hourly wage for optometrists in New Mexico, for instance, is $41.76 per hour, whereas optometrists in North Dakota earn an average of $84.18 per hour. *Id. https://www.bls.gov/oes/current/oes291041.htm.* However, since Contact Lens Rule PRA submissions have historically used national mean salaries to estimate the burden, the FTC will continue to do so for this submission.

[7] ''Vision Markets See Continued Growth in 2017, VisionWatch Says,'' Vision Monday, March 20, 2018, *http://www.visionmonday.com/business/research-and-stats/article/vision-markets-see-continued-growth-in-2017-visionwatch-says/. See also,* Steve Kodey, US Optical Market Eyewear Overview, 4, *https://www.ftc.gov/sites/default/files/filefield_paths/steve_kodey_ppt_presentation.pdf.* The FTC does not possess market data for 2018.

comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record.[8] Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 3, 2019. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy*.

**Heather Hippsley,**

*Deputy General Counsel.*

[FR Doc. 2019–14291 Filed 7–3–19; 8:45 am]

BILLING CODE 6750–01–P

[8] *See* FTC Rule 4.9(c).

## GENERAL SERVICES ADMINISTRATION

**[Notice–PBRB–2019–02; Docket No. 2019–0012; Sequence No. 2]**

## Public Meetings of the Public Buildings Reform Board

**AGENCY:** Public Buildings Reform Board, GSA.

**ACTION:** Meetings notice.

**SUMMARY:** As provided in section 5 of the Federal Assets Sale and Transfer Act of 2016 (FASTA), the Public Buildings Reform Board (PBRB) gives notice of three upcoming public meetings. At the public meeting in Washington, DC, the PBRB will receive input regarding proposed methodologies and criteria for selecting Federal properties for disposal with an emphasis on High Value Properties. The PBRB will also hear from commercial real estate representatives to gain their perspective on private sector valuation practices as they apply to Federal property proposed for disposal and other relevant private sector practices. At the public meetings in Los Angeles, California and Denver, Colorado the Board will consider a number of Federal properties located in the western United States.

**DATES:** Public meetings will be held on Tuesday, July 16, 2019 in Washington, DC, Wednesday, July 24, 2019, in Los Angeles, California, and Thursday, July 25, 2019 in Denver, Colorado.

**ADDRESSES:** The public meeting in Washington, DC, will be held from 9 a.m. to 12 p.m., Eastern Time, at 1800 F Street NW, in Room 1461.

The public meeting in Los Angeles, California will be held from 1 p.m. to 4 p.m., Pacific Time. The location is still being determined.

The public meeting in Denver, Colorado will be held from 9 a.m. to 12:30 p.m., Mountain Time, at the Denver Federal Center, Building 41, in the Remington Arms Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Angela Styles at 202–227–7615, or via email at *angela.styles@pbrb.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

FASTA created the PBRB as an independent Board to identify opportunities for the Federal government to significantly reduce its inventory of civilian real property and thereby reduce costs. The Board is directed, within 6 months of its formation, to recommend to the Office of Management and Budget (OMB) the sale of not fewer than five properties not on the list of surplus or excess with a fair market value of not less than $500 million and not more than $750 million. In two subsequent rounds over a five-year period, the Board is responsible for making recommendations for other sales, consolidations, property disposals or redevelopment of up to $7.25 billion.

### Format

The format for all public meetings will be panel discussions with appropriate time allowed for Q&A. Each panel will be composed of invited representatives for that specific area.

A portion of the meeting will be held in Executive Session if the Board is considering issues involving classified or proprietary information.

### Registration

The meetings are open to the public, but prior registration is required. Please register three (3) business days before the scheduled meetings. To attend the Washington, DC meeting, please register at the following link: *https://www.eventbrite.com/e/public-meeting-of-the-public-buildings-reform-board-tickets-64305278820.*

To attend the meeting in Los Angeles, California, and check for updates on location, please register at the following link: *https://www.eventbrite.com/e/public-meeting-of-the-public-buildings-reform-board-tickets-64340333670.*

To attend the meeting in Denver, Colorado, please register at the following link: *https://www.eventbrite.com/e/public-meeting-of-the-public-buildings-reform-board-tickets-64327265583.*

Those wishing to participate as panelists for the public meetings are invited to contact the PBRB by emailing *angela.styles@pbrb.gov.*

Dated: July 1, 2019.

**Angela Styles,**

*Board Member, Public Buildings Reform Board.*

[FR Doc. 2019–14364 Filed 7–3–19; 8:45 am]

BILLING CODE 3412–RT–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Consumer Assessment of Healthcare Providers and Systems (CAHPS) Home and Community Based Services (HCBS) Survey Database.*'' In accordance with the Paperwork Reduction Act, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on March 19th, 2019 and allowed 60 days for public comment. AHRQ received no substantive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by 30 days after date of publication.

**ADDRESSES:** Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### Proposed Project

### Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Home and Community Based Services (HCBS) Survey Database

The CAHPS Home and Community-Based Services Survey is the first cross-disability survey of home and community-based service beneficiaries' experience receiving long-term services and supports. It is designed to facilitate comparisons across state Medicaid HCBS programs throughout the country that target adults with disabilities, *e.g.,* including frail elderly, individuals with physical disabilities, persons with developmental or intellectual disabilities, those with acquired brain injury and persons with severe mental illness.

The HCBS CAHPS Survey was developed by the Centers for Medicare & Medicaid Services (CMS) for voluntary use by state Medicaid programs, including both fee-for-service HCBS programs as well as managed long-term services and supports (MLTSS) programs. States with adequate sample sizes may consider using survey metrics in value-based purchasing initiatives.

The HCBS–CAHPS Database will serve as a primary source of data available to states, agency programs and researchers to help answer important questions related to beneficiary experiences. AHRQ, through its contractor, will collect and make available de-identified survey data, enabling HCBS programs to identify areas where quality can be improved.

*Rationale for the information collection.* Aggregated HCBS–CAHPS Database results will be made publicly available on AHRQ's CAHPS website. Technical assistance will be provided by AHRQ, through its contractor, at no charge to programs to facilitate the access and use of these materials for quality improvement and research. Technical assistance will also be provided to support HCBS–CAHPS data submission.

The HCBS–CAHPS Database will support AHRQ's goals of promoting improvements in the quality and patient-centeredness of health care in home or community-based care settings. This research has the following goals:

1. Improve care provided by individual providers and state programs.
2. Offer several products and services, including providing survey results presented through an Online Reporting System, summary chartbooks, custom analyses, private reports and data for research purposes.
3. Provide information to help identify strengths and areas with potential for improvement in patient care.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and health surveys and database development 42 U.S.C. 299a(a)(1) and (2), and (8).

### Method of Collection

The development and operation of the HCBS–CAHPS Database will include the following major components undertaken by AHRQ through its contractor. To achieve the goals of this project, the following activities and data collections that constitute information collection under the Paperwork Reduction Act (PRA) will be implemented:

- Registration with the site to obtain an account with a secure username and password: The point-of-contact (POC) completes an online registration form, providing contact and organizational information required to initiate the registration process.
- Submission of signed Data Use Agreements (DUAs) and survey questionnaires: The data use agreement completed by the participating organization provides confidentiality assurances and states how the data submitted will be used.
- Submission of program information form: The POC completes an online information form to describe organizational characteristics of the program.
- Submission of de-identified survey data files: POCs upload data files in the format specified in the data file specifications to ensure data submitted is standardized and consistently named and coded.
- Follow-up with submitters in the event of a rejected file, to assist in making corrections and resubmitting the file.

### Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours for the respondents to participate in the database. The 51 POCs in Exhibit 1 represent the 51 states or agencies that will administer the Adult HCBS survey. An estimated 13 survey vendors will assist them.

Each state or agency will register online for submission. The online Registration form will require about 5 minutes to complete. Each submitter will also complete a program information form of information about each program such as the name of the program, program size, state, etc. The online program information form takes on average 5 minutes to complete. The data use agreement will be completed by each of the 51 participating States. Survey vendors do not sign or submit DUAs. The DUA requires about 3 minutes to sign and return by fax or mail. Each submitter, which in most cases will be the survey vendor performing the data collection, will provide a copy of their questionnaire and the survey data file in the required

file format. Survey data files must conform to the data file layout specifications provided by the HCBS–CAHPS Database. Since the unit of analysis is at the program level, submitters will upload one data file per program. Once a data file is uploaded the file will be automatically checked to ensure it conforms to the specifications and a data file status report will be produced and made available to the submitter. Submitters will review each report and will be expected to correct any errors in their data file and resubmit if necessary. It will take about one hour to submit the data for each program. The total burden is estimated to be 63 hours annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents/ POCs | Number of responses per POC | Hours per response | Total burden hours |
|---|---|---|---|---|
| Registration Form | 51 | 1 | 5/60 | 4.25 |
| Program Information Form | 51 | 1 | 5/60 | 4.25 |
| Data Use Agreement | 51 | 1 | 3/60 | 2.5 |
| Data Files Submission | 13 | 4 | 1 | 52 |
| Total | 166 | N/A | N/A | 63 |

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete one submission process. The cost burden is estimated to be $2,880 annually.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Form name | Number of respondents | Total burden hours | Average hourly wage rate * | Total cost burden |
|---|---|---|---|---|
| Registration Form | 51 | 4.25 | [a] $53.69 | $228 |
| Program Information Form | 51 | 4.25 | [a] $53.69 | 228 |
| Data Use Agreement | 51 | 2.5 | [b] $94.25 | 236 |
| Data Files Submission | 13 | 52 | [c] $42.08 | 2,188 |
| Total | ** 166 | 63 | N/A | 2,880 |

* National Compensation Survey: Occupational wages in the United States May 2017, "U.S. Department of Labor, Bureau of Labor Statistics."
a Based on the mean hourly wage for Medical and Health Services Managers (11–9111).
b Based on the mean hourly wage for Chief Executives (11–1011).
c Based on the mean hourly wages for Computer Programmer (15–1131).
** The 51 POCs listed for the registration form, program information form and the data use agreement are the estimated POCs from the estimated participating programs.

**Request for Comments**

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

**Virginia L. Mackay-Smith,**
*Associate Director.*

[FR Doc. 2019–14365 Filed 7–3–19; 8:45 am]
BILLING CODE 4160–90–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–0255; Docket No. CDC–19–0057]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Resources and Services Database of the CDC National Prevention Information Network (NPIN) (OMB Control No. 0920–0255 Exp. 2/29/2020). The NPIN Resources and Services Database contains entries on approximately 10,000 organizations and is the most comprehensive listing of HIV/AIDS, viral hepatitis, STD, and TB resources and services available throughout the country. The American public can also access the NPIN Resources and Services database through the NPIN websites.

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0057 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

*Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.*

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

Resources and Services Database of the National Prevention Information Network (NPIN) (OMB Control No. 0920–0255, Exp. 02/29/2020)—Revision—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

CDC is requesting a three year approval of Resources and Services Database of the National Prevention Information Network (NPIN). NCHHSTP has the primary responsibility within the CDC and the U.S. Public Health Service for the prevention and control of HIV infection, viral hepatitis, sexually transmitted diseases (STDs), and tuberculosis (TB), as well as for community-based HIV prevention activities, syphilis, and TB elimination programs. NPIN serves as the U.S. reference, referral, and distribution service for information on HIV/AIDS, viral hepatitis, STDs, and TB, supporting NCHHSTP's mission to link Americans to prevention, education, and care services. NPIN is a critical member of the network of government agencies, community organizations, businesses, health professionals, educators, and human services providers that educate the American public about the grave threat to public health posed by HIV/AIDS, viral hepatitis, STDs, and TB, and provides services for persons infected with Human Immunodeficiency Virus (HIV).

The NPIN Resources and Services Database contains entries on approximately 10,000 organizations and is the most comprehensive listing of HIV/AIDS, viral hepatitis, STD, and TB resources and services available throughout the country. The American public can also access the NPIN Resources and Services database through the NPIN website. More than 1,400,000 unique visitors and more than 3,000,000 page views are recorded annually.

To accomplish CDC's goal of continuing efforts to maintain an up-to-date, comprehensive database, NPIN plans each year to add up to 400 newly identified organizations and to verify those organizations currently described in the NPIN Resources and Services Database each year. Organizations with access to the internet will be given the option to complete and submit an electronic version of the questionnaire by visiting the NPIN website. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Form | Respondents | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Initial Questionnaire Telephone Script. | Registered nurses, Social and community service managers, and Health educators. | 400 | 1 | 8/60 | 54 |
| Telephone Verification .. | Registered nurses, Social and community service managers, and Health educators Social and human service assistants. | 6,100 | 1 | 6/60 | 610 |
| Email Verification ..... | Registered nurses, Health educators, and Social and human service assistants, social and community service managers. | 3,600 | 1 | 8/60 | 480 |
| Total ..... | ..... | ..... | ..... | ..... | 1,144 |

**Jeffrey M. Zirger**
*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14303 Filed 7–3–19; 8:45 am]
**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–19BCG; Docket No. CDC–2019–0053]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Core Elements of Antimicrobial Stewardship in Nursing Homes. The goal of the information collection is to assess the impact of an intervention on the knowledge, attitudes, practices, and perceived provider-level barriers to appropriate antibiotic prescribing in a sample of health care providers in nursing homes. The data will be used to monitor the effect of an intervention aimed at improving the antibiotic stewardship behaviors of prescribers in long-term care settings.

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0053 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

Core Elements of Antimicrobial Stewardship in Nursing Homes—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The purpose of this survey is to follow-up on formative research (OMB Control Number 0920–1154), which assessed the knowledge, attitudes, practices and perceived provider-level barriers to appropriate antibiotic prescribing in a sample of health care providers in nursing homes. This survey was developed building upon foundational work previously completed. The questions were originally pre-tested among a select group (n=9) of prescribers recruited from the participating corporations to both obtain responses, as well as performing cognitive assessment to ensure clarity and robustness of content.

The preliminary findings suggested that the questions presented were clear and correctly understood and that the topics covered were meaningful. The inclusion of length of time in practice was specifically relevant as preliminary findings from the interviews, albeit limited, suggest that a prescriber's approach and attitudes surrounding antibiotic prescribing may be impacted by professional tenure. Specifically, respondents described that the longer a prescriber had been in practice, the more reluctant they were to modify their prescribing behaviors.

General findings consistently centered on the variability in nurse/provider communication. Themes of poor communication encompassed multiple elements. Key themes included: Poor structure of information sharing, the role of gatekeepers to the prescriber, insufficient or otherwise irrelevant detail, and an absence of therapy recommendation from the nurses. Additionally, respondents described the physical environment/geographic context that contributed to possible instances of over-prescribing: Limited availability of timely or rapid test laboratory results, sites with affiliated labs that are closed on the weekends (thus requiring a staff member to drive a sample multiple hours to the nearest hospital), limited antibiotic options in the facility's Emergency Kit (from which staff frequently draw when starting a prescription).

The current phase incorporates the findings from previous exploratory work and aims to address the quality of communication between the nurses and prescribers while also respecting the rational for initial antibiotic initiation. As the decision to initiate an antibiotic prescription is largely influenced by factors beyond the scope of this project, the current study targeted the role of the antibiotic follow-up to engage the prescriber post-prescription to reassess

the appropriateness of the initial prescription. Additional topics were identified as important to the respondents as they expressed support to include questions that cover individual perceptions of responsibility/autonomy, the importance of the role of family and other social pressures when deciding to make antibiotic decisions, and the process of following up with the resident post-prescription. The group of respondents were comprised of a semi-convenience sample, with efforts to target key administrative and practicing roles within the healthcare setting to obtain a diverse and inclusive perspective.

Information will be used to provide descriptive analysis reports of the prescribing climate within long-term care settings. We will use these data as comparison to the initial survey deployment to characterize any change demonstrated within the current antimicrobial stewardship environment with an effort to identify key elements based on staff interactions, perceived challenges, and any identifiable gaps in knowledge. The specific elements within the survey will be used to identify common needs shared across prescribers as areas for further training or intervention development (*e.g.,* identified barriers to education or training resources will result in a more robust education component to be included in future work). While this second survey is not intended to establish a direct causal relationship, it does aim to capture differences in a pre/post analysis style review without which, the initial survey would simply provide a snapshot of current levels of knowledge, attitudes, practices and perceived provider-level barriers to appropriate antibiotic prescribing.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Doctors | Core Elements of Antimicrobial Stewardship in Nursing Homes. | 75 | 1 | 30/60 | 38 |
| Nurse Practitioners | Core Elements of Antimicrobial Stewardship in Nursing Homes. | 25 | 1 | 30/60 | 12 |
| Total | | | | | 50 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14300 Filed 7–3–19; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–19–19ACB]**

### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''The Drug Overdose Surveillance and Epidemiology (DOSE)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 2, 2019 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Drug Overdose Surveillance and Epidemiology (DOSE)—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The rapid increase in opioid overdose deaths since 2013, numerous severe fentanyl and fentanyl analog outbreaks occurring since 2015 across the United States, and the declaration of the opioid overdose epidemic as a national public health emergency on October 26, 2017 have highlighted the urgent need to rapidly establish and enhance timely surveillance of suspected drug, opioid, heroin, and stimulant overdoses. These data are critical to inform timely local, state, and regional response, especially to acute and/or widespread multi-state outbreaks.

This new data collection effort is an essential component toward reducing the opioid crisis, one of HHS Department's top priorities. DOSE data is critical to our ability to rapidly identify outbreaks and provide situational awareness of changes in emergency department (ED) visits involving suspected drug, opioid, heroin and stimulant overdoses at the local, state, and regional level. This will

be accomplished by standardizing and enhancing sharing of existing ED data locally collected by 52 health departments (all 50 state health departments, the health department of Puerto Rico, and the health department of the District of Columbia) with CDC. In addition, CDC leadership communicates with HHS on an ongoing basis and this data is part of its request to better monitor, plan and implement programs to prevent overdose and reduce subsequent harms.

DOSE proposes to fund 52 health departments (50 state health departments, the health department of Puerto Rico and the health department of the District of Columbia) to rapidly share existing ED data on counts of ED visits involving suspected drug, opioid, heroin, and stimulant overdoses using two standard data forms (*i.e.,* the Rapid ED overdose data form and the ED discharge overdose data form) and standard CDC case definitions.

The system will leverage ED syndromic data and hospital discharge data on ED visits already routinely collected by state and territorial health departments. No new data will be systematically collected from EDs, and health departments will be reimbursed by CDC for the burden related to sharing ED data with CDC. Fifty-two funded health departments (50 state health departments, Puerto Rico, and the District of Columbia) will rapidly share existing ED data with CDC on a monthly basis using the Rapid ED overdose data form and standard CDC case definitions. Data may come from different local ED data systems, but is expected to cover at least 75% of ED visits in the jurisdiction (*e.g.,* state).

CDC will require all participating health departments to provide counts of ED visits involving suspected drug, opioid, heroin, and stimulant overdoses by county, age group, sex, and time (*i.e.,* month and year) in a standardized manner using the Rapid ED overdose data form, which is an Excel data template. This form also collects data quality indicators such as percent of ED visits missing data on key variables (*i.e.,* metadata). In order to assess and improve rapid ED data sharing, all 52 participating health departments will also be asked to share counts of ED visits involving suspected drug, opioid, heroin and stimulant overdoses by county, age group, sex, and time (*i.e.,* month and year) from more finalized hospital discharge files, the current surveillance standard. The data will be shared with CDC on a quarterly or yearly basis using a standardized Excel data form, the ED discharge overdose data form, and standard CDC case definitions. The total estimated annual burden hours are 1,542. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (hours) |
|---|---|---|---|---|
| State health departments, the DC health department and PR health department. | Rapid ED overdose data form | 28 | 12 | 3 |
| Jurisdictions sharing case-level ED data with CDC through the NSSP BioSense (OMB #0920–0824). | Rapid ED overdose data form | 24 | 12 | 30/60 |
| State health departments, the DC health department and PR health department. | ED discharge overdose data form | 26 | 4 | 3 |
| State health departments, the DC health department and PR health department. | ED discharge overdose data form—Year | 26 | 1 | 3 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14297 Filed 7–3–19; 8:45 am]

BILLING CODE 4163–19–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30Day–19–19MM]**

### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Study on Disparities in Distress Screening among Lung and Ovarian Cancer to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 6, 2019 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202)

395–5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Study on Disparities in Distress Screening among Lung and Ovarian Cancer—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Within the cancer treatment community, interest in the psychosocial impacts of cancer diagnosis and treatment is increasing. These psychosocial impacts are wide ranging and include not only anxiety related to the illness and treatment side effects such as pain, fatigue and cognition, but also stress related to nonmedical issues such as family relationships, financial hardship, social stressors (*e.g.* transportation), and stigmatization. There is growing evidence that addressing the psychosocial stresses of cancer survivors increases both their longevity and quality of life.

The 2016 Institute of Medicine (currently, National Academies of Sciences, Engineering, and Medicine) ovarian cancer report, funded by CDC, calls for increased study of the psychosocial needs of ovarian cancer survivors, recognizing the high rates of depression, anxiety, and distress. Up to 60% of lung cancer survivors also experience high levels of distress. Both ovarian and lung cancer patients have relatively low five-year survival rates (45% and 17%, respectively). Therefore, CDC believes that it is imperative to develop a greater understanding about the types of psychosocial services they receive during their course of treatment and follow-up care.

CDC proposes a new information collection to examine the extent to which disparities exist in distress screening and follow-up among cancer treatment facilities and programs across the country. The study will include 50 healthcare facilities. From these facilities, we will request existing electronic health records (EHR) of 2,000 lung and ovarian cancer survivors. Data elements collected will include patient demographic information, cancer diagnosis and treatment, experience with distress screening and follow-up care, and medical service utilization. Patient names, addresses, birth dates and Social Security Numbers will not be collected.

Staff from twelve of the 50 participating healthcare facilities will be invited to participate in an interview and focus group to provide contextual understanding about facilitators and barriers to distress screening and follow-up processes. This is a one-time data collection.

Results of this study will provide CDC's National Comprehensive Cancer Control Program (NCCCP) with information to assist with the development of information, resources, technical assistance, and future evidence-based interventions to improve the quality of life of lung and ovarian cancer survivors. Summative findings will be used to evaluate the need to help with policy, systems, or environmental changes that may enhance the landscape of quality of life services for cancer survivors in communities at large. OMB approval is requested for one year. The total estimated annualized burden hours are 512.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Instrument | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---|---|---|---|---|
| Quantitative: | | | | |
| Healthcare Professionals (POC) | Survey | 50 | 1 | 20/60 |
| IT Staff | EMR data | 50 | 1 | 7.5 |
| Qualitative: | | | | |
| Healthcare Professionals | Key Informant Interview | 12 | 1 | 1 |
| | Focus Groups | 72 | 1 | 1.5 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14298 Filed 7–3–19; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–0639; Docket No. CDC–19–0052]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) Special Exposure Cohort Petitions. This information collection project permits respondents to submit petitions to HHS requesting the addition of classes of employees to the Special Exposure Cohort under EEOICPA.

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0052 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, of the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) Special Exposure Cohort Petitions. (OMB No. 0920–0639 exp. 10/31/2019)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384–7385 [1994, supp. 2001] was enacted. The Act established a compensation program to provide a lump sum payment of $150,000 and medical benefits as compensation to covered employees suffering from designated illnesses incurred as a result of their exposure to radiation, beryllium, or silica while in the performance of duty for the Department of Energy and certain of its vendors, contractors and subcontractors. This legislation also provided for payment of compensation for certain survivors of these covered employees. This program has been mandated to be in effect until Congress ends the funding.

Among other duties, the Department of Health and Human Services (HHS) was directed to establish and implement procedures for considering petitions by classes of nuclear weapons workers to be added to the ''Special Exposure Cohort'' (the ''Cohort''). In brief, EEOICPA authorizes HHS to designate such classes of employees for addition to the Cohort when NIOSH lacks sufficient information to estimate with sufficient accuracy the radiation doses of the employees, and if HHS also finds that the health of members of the class may have been endangered by the radiation dose the class potentially incurred. HHS must also obtain the advice of the Advisory Board on Radiation and Worker Health (the ''Board'') in establishing such findings. On May 28, 2004, HHS issued a rule that established procedures for adding such classes to the Cohort (42 CFR part 83). The rule was amended on July 10, 2007.

The HHS rule authorizes a variety of respondents to submit petitions. Petitioners are required to provide the information specified in the rule to qualify their petitions for a complete evaluation by HHS and the Board. HHS has developed two forms to assist the petitioners in providing this required information efficiently and completely. Form A is a one-page form to be used by EEOICPA claimants for whom NIOSH has attempted to conduct dose reconstructions and has determined that available information is not sufficient to complete the dose reconstruction. Form B, accompanied by separate instructions, is intended for all other petitioners. Forms A and B can be submitted electronically as well as in hard copy. Respondent/petitioners should be aware that HHS is not requiring respondents to use the forms. Respondents can choose to submit petitions as letters or in other formats, but petitions must meet the informational requirements stated in the rule. NIOSH expects, however, that all petitioners for whom Form A would be appropriate will actually use the form, since NIOSH will provide it to them upon determining that their dose reconstruction cannot be completed and encourage them to submit the petition. NIOSH expects the large majority of petitioners for whom Form B would be appropriate will also use the form, since it provides a simple, organized format for addressing the informational requirements of a petition.

NIOSH will use the information obtained through the petition for the following purposes: (a) Identify the petitioner(s), obtain their contact information, and establish that the petitioner(s) is qualified and intends to petition HHS; (b) establish an initial definition of the class of employees being proposed to be considered for addition to the Cohort; (c) determine whether there is justification to require HHS to evaluate whether or not to designate the proposed class as an addition to the Cohort (such an evaluation involves potentially extensive data collection, analysis, and related deliberations by NIOSH, the Board, and HHS); and, (d) target an evaluation by HHS to examine relevant potential limitations of radiation monitoring and/or dosimetry-relevant records and to examine the potential for related radiation exposures that might have endangered the health of members of the class.

Finally, under the rule, petitioners may contest the proposed decision of the Secretary to add or deny adding classes of employees to the cohort by submitting evidence that the proposed decision relies on a record of either factual or procedural errors in the implementation of these procedures. NIOSH estimates that the average time to prepare and submit such a challenge is five hours. Because of the uniqueness of this submission, NIOSH is not providing a form. The submission will typically be in the form of a letter to the Secretary.

There are no costs to respondents unless a respondent/petitioner chooses to purchase the services of an expert in dose reconstruction, an option provided for under the rule.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hrs.) |
|---|---|---|---|---|---|
| Petitioners | Form A, 42 CFR 83.9 | 2 | 1 | 3/60 | 6/60 |
| | Form B, 42 CFR 83.9 | 5 | 1 | 5 | 25 |
| Petitioners using a submission format other than Form B (as permitted by rule). | 42 CFR 83.9 | 1 | 1 | 6 | 6 |
| Petitioners Appealing final HHS decision (no specific form is required). | 42 CFR 83.18 | 2 | 1 | 5 | 10 |
| Claimant authorizing a party to submit petition on his/her behalf. | Authorization Form, 42 CFR 83.7 | 3 | 1 | 3/60 | 9/60 |
| Total | | | | | 41 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14304 Filed 7–3–19; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60 Day–19–19AYV; Docket No. CDC–2019–0048]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled State and Local Public Health Laboratory Antibiotic Resistance Testing. This collection will assist public health laboratories to improve detection and characterization of two urgent antibiotic resistant threats in healthcare-associated infections, carbapenem-resistant Enterobacteriaceae (CRE) and carbapenem-resistant Pseudomonas aeruginosa (CRPA).

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0048 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, of the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

#### Proposed Project

State and Local Public Health Laboratory Antibiotic Resistance Testing—Existing Collection in use without an OMB Control Number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

This state and local laboratory testing capacity collection is being implemented by the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC) in response to Executive Order 13676, with the National Strategy of September 2014, and to implement sub-objective 2.1.1 of the National Action Plan of March 2015 for Combating Antibiotic Resistant Bacteria. Data collected throughout this network is also authorized by Section

301 of the Public Health Service Act (42 U.S.C. 241).

The Antibiotic Resistance Laboratory Network (AR Lab Network) is made up of 56 jurisdictional public health laboratories (*i.e.,* all 50 states, five large cities, and Puerto Rico). These 56 laboratories will be equipped to detect and characterize carbapenem-resistant Enterobacteriaceae (CRE) and *Pseudomonas aeruginosa* (CRPA). These resistant bacteria are becoming more and more prevalent, particularly in healthcare settings, and are typically identified in clinical laboratories. However, characterization is often limited. The laboratory testing will allow for additional testing and characterization, including use of gold-standard methods. Characterization includes organism identification, antimicrobial susceptibility testing (AST) to confirm carbapenem resistance and determine susceptibility to new drugs of therapeutic and epidemiological importance, a phenotypic method to detect carbapenemase enzyme production, and molecular testing to identify the resistance mechanism(s). Results from this laboratory testing will be used to (1) identify targets for infection control, (2) detect new types of resistance, (2) characterize geographical distribution of resistance, (3) determine whether resistance mechanisms are spreading among organisms, people, and facilities, and (4) provide data that informs state and local public health surveillance and prevention activities and priorities.

CDC's AR Lab Network supports nationwide lab capacity to rapidly detect antibiotic resistance and inform local public health responses to prevent spread and protect people. It closes the gap between local capabilities and the data needed to combat antibiotic resistance by providing comprehensive lab capacity and infrastructure for detecting antibiotic-resistant pathogens (germs), cutting-edge technology, like DNA sequencing, and rapid sharing of actionable data to drive infection control responses and help treat infections. This infrastructure allows the public health community to rapidly detect emerging antibiotic-resistant threats in healthcare and the community, mount a comprehensive local response, and better understand these deadly threats to quickly contain them.

Funded state and local public health laboratories will provide the following information to the Program Office at CDC—Division of Healthcare Quality Promotion (DHQP):

1. A summary report describing testing methods and volume. These reports will be submitted by email to *ARLN_DHQP@cdc.gov.*
2. Evaluation and Performance Measurement Reports to CDC via email to *HAIAR@cdc.gov.*
3. A report for all testing results to CDC using an online web-portal transmission. For messaging to CDC, these messaging protocols will be provided by the Association of Public Health Laboratories (APHL) Informatics Messaging Services (AIMS) platform.
4. Detection of targeted resistant organisms and resistance mechanisms that pose an immediate threat to patient safety and require rapid infection control, facility assessments, and/or additional diagnostics, and an immediate communication to the local healthcare-associated infection program in the jurisdictional public health department and CDC.

The estimated annualized burden hours were determined as follows. There are 56 laboratories within this framework. A ''respondent'' refers to a single participating testing laboratory. A ''response'' is defined as the data collection/processing and laboratory processing associated with an individual isolate from an individual patient.

The average burden per response for the Annual Summary of testing methods was evaluated to be approximately six minutes. The average burden per response for the Annual Evaluation and Performance Measurement Report was evaluated to be four hours per report.

Based on previous laboratory experience in analyzing CRE/CRPA isolates, the estimated time for each participating public health laboratory for Monthly Testing Results Report is four hours per response. Because of the need to add more data collection points as new drugs are developed, new susceptibility testing methods are made available, new resistance mechanisms emerge, and new pathogens are prioritized as threats, the Monthly Data Report includes some placeholder elements in expectation of evolving needs.

The use of ARLN Alerts encompass targeted AR threats that include new and rare plasmid-mediated (''jumping'') carbapenemase genes, isolates that are non-susceptible to all drugs tested, and detection of novel resistance mechanisms. These alerts must be sent within one working day of detection. The elements of these messages include the unique public health laboratory specimen ID and a summary of specimen testing results generated to date. With the conversion to HL7 messaging of these data will be transmitted in real-time, thus eliminating the need to send alerts. Until that time, REDCap will be utilized to communicate alerts. CDC estimates that public health laboratories send an average of 34 ARLN Alerts per lab each year, with an estimated burden per response of 0.1 hours.

The total estimated annualized burden across all AR Lab Network labs and activities for DHQP is 3108 hours. Public Health laboratories receive federal funds through CDC's Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) mechanism to participate in this project.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Average number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Public Health Laboratories | Annual Report of Testing Methods | 56 | 1 | 6/60 | 6 |
| Public Health Laboratories | Annual Evaluation and Performance Measurement Report. | 56 | 1 | 4 | 224 |
| Public Health Laboratories | Monthly Testing Results Reports | 56 | 12 | 4 | 2,688 |
| Public Health Laboratories | ARLN Alerts | 56 | 34 | 6/60 | 190 |
| Total | | | | | 3,108 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14299 Filed 7–3–19; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–0770; Docket No. CDC–2019–0054]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National HIV Behavioral Surveillance System (NHBS). CDC is requesting approval for a revision to the previously approved project to continue collecting standardized HIV-related behavioral data from persons at risk for HIV, selected from up to 25 Metropolitan Statistical Areas (MSAs) throughout the United States.

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0054 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

National HIV Behavioral Surveillance System (NHBS)—(OMB Control No. 0920–0770, Exp. 05/31/2020)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The purpose of this data collection is to monitor behaviors of persons at high risk for infection that are related to Human Immunodeficiency Virus (HIV) transmission and prevention in the United States. The primary objectives of the NHBS are to obtain data from samples of persons at risk to: (a) Describe the prevalence and trends in risk behaviors; (b) describe the prevalence of and trends in HIV testing and HIV infection; (c) describe the prevalence of and trends in use of HIV prevention services; (d) identify met and unmet needs for HIV prevention services in order to inform health departments, community based organizations, community planning groups and other stakeholders.

By describing and monitoring the HIV risk behaviors, HIV seroprevalence and incidence, and HIV prevention experiences of persons at highest risk for HIV infection, NHBS provides an important data source for evaluating progress towards national public health goals, such as reducing new infections, increasing the use of condoms, and targeting high-risk groups.

The Centers for Disease Control and Prevention requests approval for a three-year revision of this information collection. Data are collected through anonymous, in-person interviews conducted with persons systematically selected from up to 25 Metropolitan Statistical Areas (MSAs) throughout the United States; these 25 MSAs are chosen based on having high HIV prevalence. Persons at risk for HIV infection to be interviewed for NHBS include men who have sex with men (MSM), persons who inject drugs (IDU), and heterosexually active persons at increased risk of HIV infection (HET). A brief screening interview will be used to determine eligibility for participation in the behavioral assessment.

The data from the behavioral assessment will provide estimates of (1) behavior related to the risk of HIV and other sexually transmitted diseases, (2) prior testing for HIV, (3) and use of HIV prevention services.

All persons interviewed will also be offered an HIV test, and will participate in a pre-test counseling session. No other federal agency systematically collects this type of information from persons at risk for HIV infection. These data have substantial impact on prevention program development and monitoring at the local, state, and national levels.

CDC estimates that NHBS will involve, per year in up to 25 MSAs, eligibility screening for 100 persons and eligibility screening plus the behavioral assessment with 500 eligible respondents, resulting in a total of 37,500 eligible survey respondents and

7,500 ineligible screened persons during a three-year period. Data collection will rotate such that interviews will be conducted among one group per year: MSM in Year 1, IDU in Year 2, and HET in Year 3. The type of data collected for each group will vary slightly due to different sampling methods and risk characteristics of the group.

Participation of respondents is voluntary and there is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Persons Screened | Eligibility Screener | 15,000 | 1 | 5/60 | 1,250 |
| Eligible Participants | Behavioral Assessment MSM | 4,167 | 1 | 24/60 | 1,667 |
| Eligible Participants | Behavioral Assessment IDU | 4,167 | 1 | 43/60 | 2,986 |
| Eligible Participant | Behavioral Assessment HET | 4,167 | 1 | 31/60 | 2,153 |
| Peer Recruiters | Recruiter Debriefing | 4,167 | 1 | 2/60 | 139 |
| Total | | | | | 8,195 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14305 Filed 7–3–19; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–19BHC; Docket No. CDC–19–0055]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled EVALUATION OF THE DP18–1815 COOPERATIVE AGREEMENT PROGRAM: IMPROVING THE HEALTH OF AMERICANS THROUGH PREVENTION AND MANAGEMENT OF DIABETES AND HEART DISEASE AND STROKE. The purpose of data collection is to determine CDC-funded recipients' progress towards using DP18–1815 funds to implement evidence-based strategies, and to determine how those efforts are contributing to state level and health system level changes to support prevention and management of diabetes and heart disease.

**DATES:** CDC must receive written comments on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0055 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

*Please note:* Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

**Proposed Project**

Evaluation of the DP18–1815 Cooperative Agreement Program: Improving the Health of Americans Through Prevention and Management of Diabetes and Heart Disease and Stroke—New—National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The Centers for Disease Control and Prevention (CDC) Division of Diabetes Translation (DDT) and Division for Heart Disease and Stroke Prevention (DHDSP) are submitting this new three year information collection request (ICR) for an evaluation of the recently launched five-year Cooperative Agreement program CDC–RFA–DP18–1815PPHF18: Improving the Health of Americans Through Prevention and Management of Diabetes and Heart Disease and Stroke, hereafter referred to as ''1815''. This cooperative agreement funds all 50 State Health Departments and the Washington, DC health department (hereafter referred to as ''HD recipients'') to support investments in implementing evidence-based strategies to prevent and manage cardiovascular disease (CVD) and diabetes in high-burden populations/communities within each state and the District of Columbia. High burden populations/communities are those affected disproportionately by high blood pressure, high blood cholesterol, diabetes, or prediabetes due to socioeconomic or other characteristics, including access to care, poor quality of care, or low income. The 1815 program is a collaboration between DDT and DHDSP and is structured into two program categories aligning with each Division: Category A focuses on diabetes management and Type 2 diabetes prevention; Category B focuses on CVD prevention and management.

This cooperative agreement is a substantial investment of federal funds. DDT and DHDSP are responsible for the stewardship of these funds, and they must be able to demonstrate the types of interventions being implemented and what is being accomplished through the use of these funds. Thus, throughout the five-year cooperative agreement period, CDC will work with HD recipients to track the implementation of the cooperative agreement strategies and evaluate program processes and outcomes. In order to collect this information, CDC has designed four overarching components: (1) Category A rapid evaluation of DSMES and National DPP partner sites, (2) Category B case studies, (3) Category B cost study, and (4) Category A and B recipient-led evaluations. Each component consists of data collection mechanisms and tools that are designed to capture the most relevant information needed to inform the evaluation effort while placing minimum burden on respondents. Respondents will include HD recipients, as well as select HD recipient partner sites, which are organizations that HD recipients are partnering with in the implementation of the 1815 strategies.

The evaluation of cooperative agreement strategies and activities conducted by DDT and DHDSP will determine the efficiency, effectiveness, impact and sustainability of 1815-funded strategies in the promotion, prevention, and management of diabetes and heart disease and help identify promising practices that can be replicated and scaled to better improve health outcomes. In addition, evaluation plays a critical role in organizational learning, program planning, decision-making, and measurement of the 1815 strategies. As an action-oriented process, the evaluation will serve to identify programs that have positive outcomes, identify those that may need additional technical assistance support, and highlight the specific activities that make the biggest contribution to improving diabetes and cardiovascular disease prevention and management efforts. Without collection of new evaluative data, CDC will not be able to capture critical information needed to continuously improve programmatic efforts and clearly demonstrate the use of federal funds.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response | Total burden (in hours) |
|---|---|---|---|---|---|
| **Category A Site-Level Rapid Evaluation** | | | | | |
| HD recipient staff | National DPP Partner Site-Level Rapid Evaluation Site Nomination Form. | 51 | 1 | 30/60 | 8.5 |
| HD recipient staff | DSMES Partner Site-Level Rapid Evaluation Site Nomination Form. | 51 | 1 | 30/60 | 8.5 |
| DSMES partner site staff | DSMES Rapid Evaluation Interview Guide—Program/Quality Coordinator. | 14 | 1 | 2 | 28 |
| DSMES partner site staff | DSMES Rapid Evaluation Interview Guide—Paraprofessional. | 28 | 1 | 2 | 56 |
| DSMES partner site staff | DSMES Rapid Evaluation Interview Guide—Health Professional. | 28 | 1 | 2 | 56 |
| DSMES partner site staff | DSMES Rapid Evaluation Survey Questionnaire. | 510 | 1 | 1 | 340 |
| National DPP partner site staff | National DPP Rapid Evaluation Interview Guide—Program Coordinator. | 14 | 1 | 2 | 28 |
| National DPP partner site staff | National DPP Rapid Evaluation Interview Guide—Lifestyle Coach. | 28 | 1 | 2 | 56 |
| National DPP partner site staff | National DPP Rapid Evaluation Survey Questionnaire. | 510 | 1 | 1 | 340 |
| **Category B Case Study—Site-Level Interviews** | | | | | |
| Partner site staff | CQM Partner Site-Level Interview Guide. | 45 | 1 | 1.5 | 22.5 |
| Partner site staff | TBC Partner Site-Level Interview Guide. | 24 | 1 | 1.5 | 12 |
| Partner site staff | MTM Partner Site-Level Interview Guide. | 21 | 1 | 1.5 | 10.5 |

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response | Total burden (in hours) |
|---|---|---|---|---|---|
| Partner site staff | CCL Partner Site-Level Interview Guide. | 45 | 1 | 1.5 | 22.5 |
| **Category B Case Study—SHD-Level Interview** | | | | | |
| HD recipient staff | CQM HD Recipient Interview Guide | 25 | 1 | 2 | 33.5 |
| HD recipient staff | TBC HD Recipient Interview Guide | 13 | 1 | 2 | 17.5 |
| HD recipient staff | MTM HD Recipient Interview Guide | 12 | 1 | 2 | 16 |
| HD recipient staff | CCL HD Recipient Interview Guide | 25 | 1 | 2 | 33.5 |
| **Category B Case Study SHD-Level Group Discussion Guide** | | | | | |
| HD recipient staff | CQM HD Recipient Group Discussion Guide. | 40 | 1 | 2.5 | 67 |
| HD recipient staff | TBC HD Recipient Group Discussion Guide. | 40 | 1 | 2.5 | 67 |
| HD recipient staff | CCL HD Recipient Group Discussion Guide. | 40 | 1 | 2.5 | 67 |
| **Category B Cost Study** | | | | | |
| HD recipient staff | HD Recipient Resource Use and Cost Inventory Tool (Category B). | 25 | 1 | 2.5 | 21 |
| Partner site staff | Partner Site-Level Resource Use and Cost Inventory Tool (Category B). | 50 | 1 | 2.5 | 42 |
| **Recipient-Led Evaluation Report Templates** | | | | | |
| HD recipient staff | Category A EPMP Template | 51 | 1 | 8 | 136 |
| HD recipient staff | Category A—DDT Recipient-led Annual Evaluation Report Template(s). | 51 | 1 | 8 | 408 |
| HD recipient staff | Category B—DHDSP Recipient-led Evaluation Reporting Deliverable Template(s). | 51 | 1 | 8 | 408 |
| Total | | 1,792 | | | 2,303 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14301 Filed 7–3–19; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–19–19BHM; Docket No. CDC–2019–0056]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS)

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Understanding important issues in Ovarian Cancer Survivorship (OCS) project. The OCS project aims to better understand the needs of ovarian cancer survivors and how to more effectively develop interventions targeted to this population.

**DATES:** Written comments must be received on or before September 3, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2019–0056 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* All public comment should be submitted through the Federal eRulemaking portal (*regulations.gov*) or by U.S. Mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–

D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
4. Minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

Understanding the needs of Ovarian Cancer Survivors—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Ovarian cancer is the ninth most common cancer and the fifth leading cause of cancer death among women in the United States. Over 20,000 women are diagnosed with ovarian cancer each year. Due to the lack of a recommended screening test, ovarian cancer is often diagnosed at late stages, leading to low five-year survival rates. While previous studies are able to identify some of the needs of ovarian cancer survivors, particularly related to physical complications and side effects, additional research is needed to further understand the experiences and needs of survivors.

The National Academies of Sciences, Engineering, and Medicine released their report, Ovarian Cancers: Evolving Paradigms in Research and Care, which identified key priorities for researchers, including recommending research on the ''supportive care needs of ovarian cancer survivors throughout the disease trajectory''. In order to address these research gaps and supplement current knowledge of the ongoing needs of survivors, including how to implement programs and interventions to improve their health, CDC has supported a survey of ovarian cancer survivors.

The goal of this project is to better understand the needs of ovarian cancer survivors and how to more effectively develop interventions targeted to this population. To achieve this goal, multiple recruitment methods will be utilized to recruit this unique population of women for the study. By using state cancer registries, social media advertisements, and respondent-driven sampling (RDS), the study will ensure recruitment of a diverse population of women.

This study will focus on the following research questions:

1. What physical and mental conditions do ovarian cancer survivors experience?
2. What kinds of pharmacologic and non-pharmacologic interventions do ovarian cancer survivors utilize to manage their conditions?
3. What barriers to ovarian cancer survivors have in accessing and receiving appropriate diagnostic care, treatment, and follow-up care?
4. What unmet needs do ovarian cancer survivors have?

The overall sample design targets 1,500 completed interviews. We assume that approximately 80% of completed surveys will come from more traditional sampling utilizing lists from the state cancer registries (n=1,200). The remainder of the completed interviews will come through social media outreach and respondent-driven sampling (RDS) methods (n=300). This is a one year data collection period.

For the social media recruitment, individuals will be recruited to participate in the web survey through advertisements posted on social media sites. These ads are targeted toward the specific population of women we wish to complete the survey. Interested respondents who click on an ad will be routed to the survey landing page which will explain the purpose of the study and include consent language. If the respondent is eligible, she will complete the same survey as those recruited via the state cancer registries.

Each recruitment method (registry based or social media based) will have an opportunity to recruit other women into the study through respondent-driven sampling (RDS). We anticipate that the majority of completed interviews will be obtained through traditional sampling practices, RDS provides an efficient way to identify other potentially eligible respondents through a networked-based recruitment approach.

Participation is voluntary. There are no costs to respondents other than their time. The total estimated annual burden hours are 1,253.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Avg. burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Ovarian cancer survivors—state cancer registries. | Mail in or web-based questionnaire | 1,200 | 1 | 50/60 | 1,000 |
| Ovarian cancer survivors—social media recruitment. | Web-based questionnaire | 195 | 1 | 50/60 | 163 |
| Ovarian cancer survivors—Respondent Driven Sampling. | Web-based questionnaire | 105 | 1 | 50/60 | 88 |
| Ovarian cancer survivors recruited via social medial and RDS (ineligible). | Screener Only | 100 | 1 | 2/60 | 3 |

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Avg. burden per response (in hours) | Total burden (in hours) |
|---|---|---|---|---|---|
| Total | | 1,600 | | | 1,253 |

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2019–14302 Filed 7–3–19; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2017–D–4303]**

### Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Draft Guidance for Industry; Availability; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration is correcting a notice entitled ''Providing Regulatory Submissions in Electronic Format—Content of the Risk Evaluation and Mitigation Strategies Document Using Structured Product Labeling; Draft Guidance for Industry; Availability'' that appeared in the **Federal Register** of September 5, 2017. The document announced the availability of a guidance for industry. The document was published with the incorrect docket number. This document corrects that error. Previously submitted comments will be transferred to the correct docket number.

**FOR FURTHER INFORMATION CONTACT:** Lisa Granger, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3330, Silver Spring, MD 20993–0002, 301–796–9115.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of Tuesday, September 5, 2017 (82 FR 41968), in FR Doc. 2017–18506, the following correction is made:

On page 41968, in the first column, in the header of the document, and in the second column, under *Instructions,* ''[Docket No. FDA–2017–E–4282]'' is corrected to read ''[Docket No. FDA–2017–D–4303].''

Dated: July 1, 2019.

**Lowell J. Schiller,**

*Principal Associate Commissioner for Policy.*

[FR Doc. 2019–14362 Filed 7–3–19; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Nurse Anesthetist Traineeship Program Specific Data Forms, OMB No. 0915–0374—Revision

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than September 3, 2019.

**ADDRESSES:** Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* Nurse Anesthetist Traineeship (NAT) Program Specific Data Forms (Application), OMB Number 0915–0374—Revision.

*Abstract:* HRSA provides advanced education nursing training grants to educational institutions to increase the numbers of Nurse Anesthetists through the NAT Program. NAT Program is authorized by Section 811 of the Public Health Service (PHS) Act (42 U.S.C. 296j). The NAT Tables request information on program participants such as the total number of enrollees, number of enrollees/trainees supported, total number of graduates, number of graduates supported, projected data on the number of enrollees/trainees, and the distribution of Nurse Anesthetists who practice in underserved, rural, or public health practice settings.

*Need and Proposed Use of the Information:* Funds appropriated for the NAT Program are distributed among eligible institutions based on a formula, as permitted by PHS Act section 806(e)(1). HRSA uses the data from the NAT Tables to: (1) Determine whether funding preferences or special considerations are met; (2) calculate award amounts; ensure compliance with programmatic and grant requirements; and (3) provide information to the public and Congress. NAT Tables currently collect one year of data, which allows HRSA to calculate award amounts for a single-year project period. For fiscal year 2020, HRSA is revising the forms that previously collected one year of data on prospective students to capture three years of data, thereby allowing HRSA to calculate award amounts for a multi-year project period. Table 1 will add an option to add year 2 and year 3 data for the number of prospective students. Table 2 will not be changed.

*Likely Respondents:* Respondents will be applicants to HRSA's NAT program.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train

personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Table 1—NAT: Enrollment, Traineeship Support, Graduate, Graduates Supported and Projected Data | 100 | 1 | 100 | 3.5 | 350 |
| Table 2—NAT: Graduate Data—Rural, Underserved, or Public Health | 100 | 1 | 100 | 2.8 | 280 |
| Total | *100 | | 100 | | 630 |

*The same respondents are completing Tables 1 and Table 2.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Division of the Executive Secretariat.*

[FR Doc. 2019–14321 Filed 7–3–19; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Availability of the Draft National Youth Sports Strategy and Solicitation of Written Comments

**AGENCY:** Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) announces the availability of the draft National Youth Sports Strategy (NYSS); and solicits written public comment on the draft NYSS.

**DATES:** Written comments on the NYSS will be accepted through 11:59 p.m. E.T. on July 22, 2019.

**ADDRESSES:** The draft NYSS is available on the internet at *www.health.gov/paguidelines/youth-sports-strategy/*.

**FOR FURTHER INFORMATION CONTACT:** Katrina L. Piercy, Ph.D., R.D., Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), HHS; 1101 Wootton Parkway, Suite 420, Rockville, MD 20852; Telephone: (240) 453–8280. Email: *odphpinfo@hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Executive Order 13824 directs the development of a National Youth Sports Strategy and outlines the key pillars that the strategy will address. ODPHP led the development of this strategy in collaboration with the President's Council on Sports, Fitness & Nutrition, the Centers for Disease Control and Prevention, and the National Institutes of Health. The draft NYSS covers the following topics: Current federal efforts related to physical activity, healthy eating, and youth sports; measurement and tracking of youth sports participation and access; benefits and barriers related to youth sports; opportunities to increase youth sports participation; youth sports around the world; and next steps for HHS action to increase youth sports participation. Members of the public are invited to review the draft NYSS and provide written comments.

*Written Public Comments:* Written comments on the draft NYSS are encouraged from the public and will be accepted through July 22, 2019. Written public comments can be submitted via the comment form at *www.health.gov/paguidelines/youth-sports-strategy/.* HHS requests that commenters provide a brief summary of the points or issues in the text boxes provided in the form. If commenters are providing literature or other resources, HHS suggests including complete citations or abstracts and electronic links to full articles or reports, as the comment form cannot accommodate attachments. The Department does not make decisions on specific policy recommendations based on the number of comments for or against a topic, but on the scientific justification for the recommendation. All comments must be received by 11:59 p.m. E.T. on July 22, 2019, after which the time period for submitting written comments to the federal government expires. After submission, comments will be reviewed and processed. A final version of the NYSS will be released later this year.

Dated: June 17, 2019.

**Donald Wright,**

*Deputy Assistant Secretary for Health.*

[FR Doc. 2019–14296 Filed 7–3–19; 8:45 am]

**BILLING CODE 4150–32–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: Retinopathies, Glaucoma and Strabismus.

*Date:* July 24, 2019.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 5205, MSC7846, Bethesda, MD 20892, (301) 435–1021, *rovescaa@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Hepatobiliary Pathophysiology.

*Date:* July 24, 2019.

*Time:* 10:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ganesan Ramesh, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroimmunology, Neuroinflammation and Brain Tumor.

*Date:* July 24, 2019.

*Time:* 11:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Nataliya Gordiyenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301.435.1265, *gordiyenkon@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR19–167: Advanced Models for Alzheimer's Dementias.

*Date:* July 24, 2019.

*Time:* 1:00 p.m. to 5:00 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:* Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259 *nadis@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

*Date:* July 25, 2019.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, RKL II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, 301–435–1850, *limc4@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 28, 2019.

**Natasha M. Copeland,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14265 Filed 7–3–19; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Environmental Health Sciences; 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 Environmental Health Sciences Special Emphasis Panel: NIH Pathway to Independence Award.

*Date:* July 25, 2019.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709.

*Contact Person:* Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 28, 2019.

**Natasha M. Copeland,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14266 Filed 7–3–19; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics and Assay Development.

*Date:* July 9, 2019.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

*Contact Person:* Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 28, 2019.

**Natasha M. Copeland,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2019–14264 Filed 7–3–19; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Customs and Border Protection

### Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will decrease from the previous quarter. For the calendar quarter beginning July 1, 2019, the interest rates for overpayments will be 4 percent for corporations and 5 percent for non-corporations, and the interest rate for underpayments will be 5 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

**DATES:** The rates announced in this notice are applicable as of July 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Bruce Ingalls, Revenue Division, Collection Refunds & Analysis Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298–1107.

**SUPPLEMENTARY INFORMATION:**

### Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2019–15, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2019, and ending on September 30, 2019. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (2) plus three percentage points (3) for a total of five percent (5) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (2) plus two percentage points (2) for a total of four percent (4). For overpayments made by non-corporations, the rate is the Federal short-term rate (2) plus three percentage points (3) for a total of five percent (5). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties are decreasing from the previous quarter. These interest rates are subject to change for the calendar quarter beginning October 1, 2019, and ending on December 31, 2019.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

| Beginning date | Ending date | Under-payments (percent) | Over-payments (percent) | Corporate overpayments (Eff. 1–1–99) (percent) |
|---|---|---|---|---|
| 070174 | 063075 | 6 | 6 | |
| 070175 | 013176 | 9 | 9 | |
| 020176 | 013178 | 7 | 7 | |
| 020178 | 013180 | 6 | 6 | |
| 020180 | 013182 | 12 | 12 | |
| 020182 | 123182 | 20 | 20 | |
| 010183 | 063083 | 16 | 16 | |
| 070183 | 123184 | 11 | 11 | |
| 010185 | 063085 | 13 | 13 | |
| 070185 | 123185 | 11 | 11 | |
| 010186 | 063086 | 10 | 10 | |
| 070186 | 123186 | 9 | 9 | |
| 010187 | 093087 | 9 | 8 | |
| 100187 | 123187 | 10 | 9 | |
| 010188 | 033188 | 11 | 10 | |
| 040188 | 093088 | 10 | 9 | |
| 100188 | 033189 | 11 | 10 | |
| 040189 | 093089 | 12 | 11 | |
| 100189 | 033191 | 11 | 10 | |
| 040191 | 123191 | 10 | 9 | |
| 010192 | 033192 | 9 | 8 | |
| 040192 | 093092 | 8 | 7 | |
| 100192 | 063094 | 7 | 6 | |
| 070194 | 093094 | 8 | 7 | |
| 100194 | 033195 | 9 | 8 | |
| 040195 | 063095 | 10 | 9 | |
| 070195 | 033196 | 9 | 8 | |
| 040196 | 063096 | 8 | 7 | |
| 070196 | 033198 | 9 | 8 | |
| 040198 | 123198 | 8 | 7 | |
| 010199 | 033199 | 7 | 7 | 6 |
| 040199 | 033100 | 8 | 8 | 7 |
| 040100 | 033101 | 9 | 9 | 8 |
| 040101 | 063001 | 8 | 8 | 7 |

| Beginning date | Ending date | Under-payments (percent) | Over-payments (percent) | Corporate overpayments (Eff. 1–1–99) (percent) |
|---|---|---|---|---|
| 070101 | 123101 | 7 | 7 | 6 |
| 010102 | 123102 | 6 | 6 | 5 |
| 010103 | 093003 | 5 | 5 | 4 |
| 100103 | 033104 | 4 | 4 | 3 |
| 040104 | 063004 | 5 | 5 | 4 |
| 070104 | 093004 | 4 | 4 | 3 |
| 100104 | 033105 | 5 | 5 | 4 |
| 040105 | 093005 | 6 | 6 | 5 |
| 100105 | 063006 | 7 | 7 | 6 |
| 070106 | 123107 | 8 | 8 | 7 |
| 010108 | 033108 | 7 | 7 | 6 |
| 040108 | 063008 | 6 | 6 | 5 |
| 070108 | 093008 | 5 | 5 | 4 |
| 100108 | 123108 | 6 | 6 | 5 |
| 010109 | 033109 | 5 | 5 | 4 |
| 040109 | 123110 | 4 | 4 | 3 |
| 010111 | 033111 | 3 | 3 | 2 |
| 040111 | 093011 | 4 | 4 | 3 |
| 100111 | 033116 | 3 | 3 | 2 |
| 040116 | 033118 | 4 | 4 | 3 |
| 040118 | 123118 | 5 | 5 | 4 |
| 010119 | 063019 | 6 | 6 | 5 |
| 070119 | 093019 | 5 | 5 | 4 |

Dated: July 1, 2019.

**Samuel D. Grable,**

*Assistant Commissioner and Chief Financial Officer, Office of Finance.*

[FR Doc. 2019–14350 Filed 7–3–19; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2019–0002]**

### Final Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

**DATES:** The date of November 1, 2019 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Cook County, Illinois and Incorporated Areas Docket No.: FEMA–B–1828** | |
| City of Oak Forest | City Hall, 15440 South Central Avenue, Oak Forest, IL 60452. |
| Unincorporated Areas of Cook County | Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, IL 60602. |
| Village of Alsip | Village Hall, 4500 West 123rd Street, Alsip, IL 60803. |
| Village of Crestwood | Village Hall, 13840 South Cicero Avenue, Crestwood, IL 60418. |
| Village of Orland Hills | Village Hall, 16033 South 94th Avenue, Orland Hills, IL 60487. |
| Village of Orland Park | Village Hall, 14700 South Ravinia Avenue, Orland Park, IL 60462. |
| Village of Palos Park | Kaptur Administrative Center, 8999 West 123rd Street, Palos Park, IL 60464. |
| Village of Tinley Park | Village Hall, 16250 South Oak Park Avenue, Tinley Park, IL 60477. |
| **Knox County, Missouri and Incorporated Areas Docket No.: FEMA–B–1851** | |
| City of Edina | City Hall, 204 East Monticello Street, Edina, MO 63537. |
| City of Novelty | Knox County Courthouse, 107 North 4th Street, Edina, MO 63537. |
| Unincorporated Areas of Knox County | Knox County Courthouse, 107 North 4th Street, Edina, MO 63537. |
| Village of Newark | Village Hall, 105 North Main Street, Newark, MO 63458. |
| **Ripley County, Missouri and Incorporated Areas Docket No.: FEMA–B–1851** | |
| City of Doniphan | City Hall, 124 West Jefferson Street, Doniphan, MO 63935. |
| City of Naylor | City Hall, 101 North Front Street, Naylor, MO 63953. |
| Unincorporated Areas of Ripley County | Ripley County Courthouse, 100 Courthouse Square, Doniphan, MO 63935. |
| **Burnet County, Texas and Incorporated Areas Docket No.: FEMA–B–1769 and FEMA–B–1830** | |
| City of Burnet | City Hall, 1001 Buchanan Drive, Suite 4, Burnet, TX 78611. |
| City of Marble Falls | Development Services Department, 801 4th Street, Marble Falls, TX 78654. |
| City of Meadowlakes | City Hall, 177 Broadmoor Street, Suite A, Meadowlakes, TX 78654. |
| Unincorporated Areas of Burnet County | Burnet County Development Services, Annex on the Square, 133 East Jackson Street, Room 107, Burnet, TX 78611. |

[FR Doc. 2019–14328 Filed 7–3–19; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1933]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before October 3, 2019.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1933, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard

determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Buchanan County, Iowa and Incorporated Areas**<br>**Project: 17–07–0295S Preliminary Date: December 10, 2018** | |
| City of Aurora | City Office, 331 Main Street, Aurora, IA 50607. |
| City of Brandon | City Hall, 400 North Street, Brandon, IA 52210. |
| City of Fairbank | City Hall, 116 East Main Street, Fairbank, IA 50629. |
| City of Hazleton | City Hall, 111 3rd Street North, Hazleton, IA 50641. |
| City of Independence | City Hall, 331 1st Street East, Independence, IA 50644. |
| City of Jesup | City Hall, 791 6th Street, Jesup, IA 50648. |
| City of Lamont | City Hall, 644 Bush Street, Lamont, IA 50650. |
| City of Quasqueton | City Hall, 113 Water Street North, Quasqueton, IA 52326. |
| City of Stanley | Mayor's Office, 128 East Main Street, Stanley, IA 50671. |
| City of Winthrop | City Clerk's Office, 354 Madison Street, Winthrop, IA 50682. |
| Unincorporated Areas of Buchanan County | Buchanan County Courthouse Zoning Office, 210 5th Avenue Northeast, Suite I, Independence, IA 50644. |
| **Butler County, Iowa and Incorporated Areas**<br>**Project: 17–07–0295S Preliminary Date: November 15, 2018** | |
| City of Allison | City Hall, 410 North Main Street, Allison, IA 50602. |
| City of Aplington | City Hall, 409 10th Street, Aplington, IA 50604. |
| City of Aredale | City Hall, 102 East Main Street, Aredale, IA 50605. |
| City of Bristow | City Hall, 716–A West Street, Bristow, IA 50611. |
| City of Clarksville | City Hall, Maintenance, 115 West Superior Street, Clarksville, IA 50619. |
| City of Dumont | City Hall, 625 1st Street, Dumont, IA 50625. |
| City of Greene | City Hall, 202 West South Street, Greene, IA 50636. |
| City of New Hartford | City Hall, 503 Packwaukee Street, New Hartford, IA 50660. |
| City of Parkersburg | City Hall, 608 Highway 57, Parkersburg, IA 50665. |
| City of Shell Rock | City Hall, 802 North Public Road, Shell Rock, IA 50670. |
| Unincorporated Areas of Butler County | Butler County Courthouse Engineering Department, 428 6th Street, Allison, IA 50602. |
| **Muscatine County, Iowa and Incorporated Areas**<br>**Project: 16–07–2337S Preliminary Date: August 29, 2018** | |
| City of Atalissa | City Hall, 122 3rd Street, Atalissa, IA 52720. |
| City of Muscatine | City Hall, 215 Sycamore Street, Muscatine, IA 52761. |
| City of Nichols | City Hall, 429 Ijem Avenue, Nichols, IA 52766. |
| City of Stockton | City Hall, 318 Commerce Street, Stockton, IA 52769. |
| City of West Liberty | City Hall, 409 North Calhoun Street, West Liberty, IA 52776. |
| City of Wilton | City Hall, 104 East 4th Street, Wilton, IA 52778. |

| Community | Community map repository address |
|---|---|
| Unincorporated Areas of Muscatine County | Muscatine County Building, 3610 Park Avenue West, Muscatine, IA 52761. |
| **St. Clair County, Michigan (All Jurisdictions)**<br>**Project: 13–05–1848S Preliminary Date: December 14, 2018** | |
| Township of Clay | Township Municipal Building, 4710 Pointe Tremble Road, Algonac, MI 48001. |
| Township of Cottrellville | Township Hall, 7008 Marsh Road, Cottrellville, MI 48039. |
| Township of Ira | Township Hall, 7085 Meldrum Road, Fair Haven, MI 48023. |

[FR Doc. 2019–14329 Filed 7–3–19; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1941]**

### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before October 3, 2019.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1941, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online

through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Matagorda County, Texas and Incorporated Areas Project: 06–06–BB84S Preliminary Date: March 26, 2019** | |
| City of Bay City | City Hall, 1901 5th Street, Bay City, TX 77414. |
| Unincorporated Areas of Matagorda County | Matagorda County Courthouse, 1700 7th Street, Bay City, TX 77414. |

[FR Doc. 2019–14330 Filed 7–3–19; 8:45 am]

BILLING CODE 9110–12–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2019–0002]**

### Final Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

**DATES:** The date of November 15, 2019 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

**Michael M. Grimm,**

*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

| Community | Community map repository address |
|---|---|
| **Richmond County, Georgia (All Jurisdictions) Docket No.: FEMA–B–1835** | |
| City of Augusta | Planning and Development Department, 535 Telfair Street, Suite 300, Augusta, GA 30901. |
| City of Blythe | Blythe Planning and Development Department, 535 Telfair Street, Suite 300, Augusta, GA 30901. |
| City of Hephzibah | Hephzibah Planning and Development Department, 535 Telfair Street, Suite 300, Augusta, GA 30901. |
| **Mercer County, Missouri and Incorporated Areas Docket No.: FEMA–B–1851** | |
| City of Princeton | City Hall, 507 West Main Street, Princeton, MO 64673. |

| Community | Community map repository address |
|---|---|
| Unincorporated Areas of Mercer County | Mercer County Courthouse, 802 East Main Street, Princeton, MO 64673. |
| **Putnam County, Missouri and Incorporated Areas Docket No.: FEMA–B–1851** | |
| City of Powersville | City Hall, 305 Main Street, Powersville, MO 64672. |
| City of Unionville | City Hall, 1611 Grant Street, Unionville, MO 63565. |
| Unincorporated Areas of Putnam County | Putnam County Courthouse, 1601 Main Street, Unionville, MO 63565. |
| Village of Lucerne | Putnam County Courthouse, 1601 Main Street, Unionville, MO 63565. |
| **Sullivan County, Missouri and Incorporated Areas Docket No.: FEMA–B–1851** | |
| City of Milan | City Hall, 212 East 2nd Street, Milan, MO 63556. |
| City of Newtown | City Hall, 127 West Broadway, Newtown, MO 64667. |
| City of Pollock | Sullivan County Courthouse, 109 North Main Street, Milan, MO 63556. |
| Unincorporated Areas of Sullivan County | Sullivan County Courthouse, 109 North Main Street, Milan, MO 63556. |
| Village of Osgood | Sullivan County Courthouse, 109 North Main Street, Milan, MO 63556. |
| **Musselshell County, Montana and Incorporated Areas Docket No.: FEMA–B–1842** | |
| City of Roundup | City Office, 34 3rd Avenue West, Roundup, MT 59072. |
| Unincorporated Areas of Musselshell County | Musselshell County Emergency Operations Center, 704 1st Street East, Roundup, MT 59072. |
| **Petroleum County, Montana and Incorporated Areas Docket No.: FEMA–B–1842** | |
| Unincorporated Areas of Petroleum County | Petroleum County Courthouse, Clerk and Recorder Office, 302 East Main Street, Winnett, MT 59087. |
| **Rosebud County, Montana and Incorporated Areas Docket No.: FEMA–B–1842** | |
| Unincorporated Areas of Rosebud County | Rosebud County Clerk and Recorders Office, 1200 Main Street, Forsyth, MT 59327. |
| **Harris County, Texas and Incorporated Areas Docket No.: FEMA–B–1551** | |
| City of Houston | Public Works and Engineering Department, Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, Texas 77002. |
| Unincorporated Areas of Harris County | Harris County Engineering Department, Permit Division, 10555 Northwest Freeway, Suite 120, Houston, Texas 77092. |

[FR Doc. 2019–14326 Filed 7–3–19; 8:45 am]

BILLING CODE 9110–12–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7014–N–20]**

## Federal Housing Administration (FHA) Healthcare Facility Documents: Notice Announcing Final Approved Federal Housing Administration (FHA) Healthcare Facility Documents and Assignment of OMB Control Number 2502–0605

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the healthcare facility documents have completed the notice and comment processes and review by the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act and that OMB has approved the renewal (reinstatement with changes) of this document collection 2502–0605. The final versions of the documents can be found on HUD's website at *https://www.hud.gov/federal_housing_administration/healthcare_facilities/residential_care/final_232_documents.* Additionally, this notice highlights some of the changes made by HUD to the documents based upon its review of the comments submitted in response to notices dated April 10, 2018 and June 29, 2018.

**DATES:** *Implementation Date:* October 3, 2019.

HUD will allow a 90-day transition period for the implementation of the updated documents in this collection. Participants may choose to use the new documents beginning on July 5, 2019; however, if participants choose to use the new documents for a transaction (*e.g.* application submission, change of ownership, etc.), they must use all the new documents in their entirety and may not mix the use of old and new documents. Upon the Implementation Date of October 3, 2019, the use of only new documents in submitted transactions will be mandatory.

**FOR FURTHER INFORMATION CONTACT:** John M. Hartung, Director, Policy, Risk Analysis and Lender Relations Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, U.S. Department of Housing and Urban Development, 1222 Spruce Street, Room 3203, St. Louis, MO 63103–2836; telephone (314) 418–5238 (this is not a toll-free number). Persons with hearing or speech disabilities may

access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

## I. Background

On May 19, 2017, consistent with the Paperwork Reduction Act, (PRA), HUD published a notice in the **Federal Register**, 82 FR 23058, seeking public comment for a period of 60 days (60-day Notice) on HUD's proposed update and revisions to the transactional and supporting documents used for underwriting, accounts receivable financing, asset management, closing, and construction of healthcare facilities, insured pursuant to 12 U.S.C. 1715w, section 223(a)(7)–12 U.S.C § 1715n and 223f–12 U.S.C. 1715n of the National Housing Act. In conjunction with publication of the 60-Day Notice, the 153 healthcare facility documents (with proposed revisions) were made available for public review and comment. A summary of the changes to the existing healthcare facility documents was also provided so that reviewers could understand the changes proposed.

In response to the 60-Day Notice, HUD received 43 submissions on the *regulations.gov* site from multiple commenters which were considered in the development of the revised documents which were published on April 10, 2018 in the **Federal Register** (83 FR 15396), and again on June 29, 2018, (83 FR 30769) and consistent with the PRA, comment was solicited for an additional 30 and 15 days respectively. The second (15-day) publication was to allow the public to resubmit any comments from the 30-day process, which may not have been received by HUD and OMB, due to a technical problem; both of these latter publications presented the exact same documents, and comments from both the 30-day and 15-day versions were combined for review purposes. In response to the 30-Day and 15-Day Notices, HUD received 10 submissions on the *regulations.gov* site from multiple commenters which were considered in the development of the final documents.

This notice published today announces that HUD has completed the notice and comment processes required by the Paperwork Reduction Act, and that OMB has completed its review and has approved the renewal/reinstatement of document collection 2502–0605. HUD made additional changes to the documents in response to comments submitted on the 30-Day Notice. Therefore, in addition to announcing the completion of the process required by the Paperwork Reduction Act, HUD highlights some of the additional, most substantive, changes made to the healthcare facility documents (documents) in response to public comment as provided below.

## II. Summary of Changes to Documents

The changes to the healthcare facility documents include both technical editorial changes and some more substantive changes. This notice does not provide a detailed summary of all of the changes made or responses to all of the issues raised in the final set of public comments on the 30-Day and 15-Day Notices. Rather, the discussion in the following sections of this notice highlights certain changes which are representative of the types of changes made in response to some of the more significant issues raised by the commenters in response to the 30-Day and 15-Day Notices.

### *A. Key Changes by Category of Document*

Throughout the documents, language was added to make the forms works when there is a master lease without having to change the form, as was required in the past. Unnecessary possessives with the use of apostrophes and brackets were removed. For consistency throughout all of the documents, the word Secretary was replaced with HUD or U.S. Department of Housing and Urban Development. Edits suggesting reformatting were, in most cases, adopted by HUD.

1. Underwriting Lender Narratives

The lender narratives were not significantly changed after the 30-Day and 15-Day Notice. Based on public comments, the Lender Narratives were amended to reflect several edits to key questions for clarity and to reflect the changing regulatory environment.

2. Consolidated Certifications

HUD made a few substantive changes since the 60-Day Notice. As noted by several commenters, more drop-down menus were inserted for consistency with the document formatting style. These certifications received some public comments primarily for formatting and a few substantive suggested changes in terminology. HUD also amended language in the section pertaining to suits and legal actions. The updated language provides clarification to legal actions beyond professional liability actions. This change addresses comments received on the Request for Endorsement of Credit of Lender [and] Borrower [& General Contractor] which HUD accepted but was addressed in the Consolidated Certifications rather than in the Request for Endorsement of Credit of Lender [and] Borrower [& General Contractor] document.

3. Construction Documents

There were few public comments on this category of documents, and the majority of changes to the documents were for minor editing changes or clarifications of policy.

4. Underwriting Documents

HUD received a few comments which consisted of formatting and minor editing suggestions. The Operator Lease Addendum was revised to correctly reference the new Cross-Default Guaranty for Portfolios.

5. Accounts Receivable Documents

One commenter proposed multiple technical edits which were accepted.

6. Master Lease Documents

HUD received comments requesting technical edits to the Master Lease documents. Commenter noted that landlords should have the right to increase rents without prior HUD approval. As provided in response to another commenter, HUD acknowledges that the Borrower Regulatory Agreement does not place requirements for prior HUD approval for increases in rents. One commenter did note that the form HUD -91116–ORCF should be amended to reflect that the Borrower Regulatory Agreement only requires prior HUD approval when reducing the rents in the lease. HUD accepted the comment and revised this document and related documents where the provision as to whether HUD approval was needed for increases in rents was unclear. Another commenter voiced concern that landlords could unilaterally raise rents on third party operators and master tenants. To address this concern, HUD inserted additional language to address the concerns of third-party operators.

7. Closing Documents

Some technical edits from commenters were accepted by HUD throughout this category.

8. Escrow Documents

The comments consisted of technical edits to the Escrow Agreement for Debt Service Reserve and the Escrow Agreement for Operating deficits.

9. Legal Opinion/Certification Documentation

Several commenters asked for clarification on the scope of docket searches being requested. HUD responded by revising the form to

clarify the jurisdictions and the participants that need to be searched.

10. Asset Management Documents

Few comments were received on this category of documents. However, one commenter noted some inconsistencies in the Computation of Surplus Cash form which was addressed by revising the language. One substantive change was made to form HUD–92266–ORCF Lender Narrative, Change of Ownership Review, to streamline transactions. Applicants no longer have to try and determine if a transaction is a Full, Modified, or Light review when there is a change of ownership. Instead, this form consolidates Full, Modified or Light Lender Narratives into one form with Transaction Determent Questions which will identify which documents they should submit from the checklist and which sections of the Lender Narrative they should complete.

11. 241a Supplemental Documents

This category of documents was entirely new to the initial Collection. Commenter made technical edits to these supplemental loan documents similar to those made on the main (underlying) loan documents. The edits HUD accepted were made to maintain consistency with the main (underlying) document and the related 241a Supplemental Loan documents.

**III. Estimated Burden Hours of Collection**

The following is a table of all the documents for which approval under the PRA was sought, with the burden hours and costs to respondents calculated for preparation of and submission of each of documents as well as the total aggregate annual cost of $2,952,596.06.

Dated: June 27, 2019.

**John L. Garvin,**

*General Deputy Assistant Secretary for Housing.*

This table, revised with updated information on burden hours and costs from the U.S. Department of Labor, Bureau of Labor Statistics, is included below:

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| **Underwriting Lender Narratives** | | | | | | | | |
| HUD–9001–ORCF | Lender Narrative—223a7 .. | 30 | 2.5 | 75 | 22.00 | 1,650 | $55 | $90,239 |
| HUD–9002–ORCF | Lender Narrative—223f ..... | 30 | 7.5 | 225 | 70.00 | 15,750 | 55 | 861,368 |
| HUD–9003–ORCF | Lender Narrative—241a .... | 4 | 1 | 4 | 73.00 | 292 | 55 | 15,969 |
| HUD–9004–ORCF | Lender Narrative—New Construction—Single Stage. | 10 | 2 | 20 | 87.00 | 1,740 | 55 | 95,161 |
| HUD–9005–ORCF | Lender Narrative—New Construction—2 Stage Initial Submittal. | 10 | 2 | 20 | 63.00 | 1,260 | 55 | 68,909 |
| HUD–9005a–ORCF | Lender Narrative—New Construction—2 Stage Final Submittal. | 10 | 2 | 20 | 53.00 | 1,060 | 55 | 57,971 |
| HUD–9006–ORCF | Lender Narrative—Substantial Rehabilitation—Single Stage. | 4 | 1 | 4 | 93.00 | 372 | 55 | 20,345 |
| HUD–9007–ORCF | Lender Narrative—Substantial Rehabilitation—2 Stage Initial Submittal. | 4 | 1 | 4 | 70.00 | 280 | 55 | 15,313 |
| HUD–9007a–ORCF | Lender Narrative—Substantial Rehabilitation—2 Stage Final Submittal. | 4 | 1 | 4 | 70.00 | 280 | 55 | 15,313 |
| HUD–9009–ORCF | Lender Narrative 232(i)—Fire Safety Equipment Installation, without Existing HUD Insured Mortgage. | 5 | 2 | 10 | 15.00 | 150 | 55 | 8,204 |
| HUD–90010–ORCF | Lender Narrative 232(i)—Fire Safety Equipment Installation, with Existing HUD Insured Mortgage. | 5 | 2 | 10 | 15.00 | 150 | 55 | 8,204 |
| HUD–90011–ORCF | Lender Narrative 223(d)—Operating Loss Loan. | 1 | 2 | 2 | 15.00 | 30 | 55 | 1,641 |
| HUD–9444–ORCF | Lender Narrative Cost Certification Supplement. | 2 | 2 | 4 | 15.00 | 60 | 55 | 3,281 |
| **Consolidated Certifications** | | | | | | | | |
| HUD–90012–ORCF | Consolidated Certification—Lender. | 30 | 2.5 | 75 | 1.00 | 75 | 55 | 4,102 |
| HUD–90013–ORCF | Consolidated Certification—Borrower. | 77 | 1 | 77 | 1.00 | 77 | 55 | 4,211 |
| HUD–90014–ORCF | Consolidated Certification—Principal of the Borrower. | 38 | 2 | 76 | 1.00 | 76 | 55 | 4,156 |
| HUD–90015–ORCF | Consolidated Certification—Operator. | 35 | 2 | 70 | 1.00 | 70 | 55 | 3,828 |

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| HUD–90016–ORCF | Consolidated Certification—Parent of Operator. | 35 | 2 | 70 | 1.00 | 70 | 55 | 3,828 |
| HUD–90017–ORCF | Consolidated Certification—Management Agent. | 35 | 2 | 70 | 1.00 | 70 | 55 | 3,828 |
| HUD–90018–ORCF | Consolidated Certification—Contractors. | 4 | 1 | 4 | 1.50 | 6 | 55 | 328 |
| HUD–90021–ORCF | Previous Participation Certification—Controlling Participant. | 30 | 5.83 | 174.9 | 1.00 | 174.9 | 55 | 9,565 |
| **Construction Documents** | | | | | | | | |
| HUD–9442–ORCF | Memo for Post-Commitment Early Start of Construction Request. | 3 | 2 | 6 | 1.00 | 6 | 55 | 330 |
| HUD–90023–ORCF | Early Commencement/ Early Start—Borrower Certification. | 3 | 2 | 6 | 0.25 | 1.5 | 55 | 83 |
| HUD–91123–ORCF | Design Professional's Certification of Liability Insurance. | 26 | 2 | 52 | 0.50 | 26 | 61 | 1,573 |
| HUD–91124–ORCF | Design Architect Certification. | 26 | 2 | 52 | 0.50 | 26 | 61 | 1,573 |
| HUD–91125–ORCF | Staffing Schedule ..... | 30 | 5.83 | 174.9 | 1.00 | 174.9 | 55 | 9,565 |
| HUD–91127–ORCF | Financial Statement Certification—General Contractor. | 26 | 2 | 52 | 0.50 | 26 | 55 | 1,422 |
| HUD–91129–ORCF | Lender Certification for New Construction Cost Certifications. | 10 | 5.2 | 52 | 3.00 | 156 | 55 | 8,532 |
| HUD–92328–ORCF | Contractor's and/or Mortgagor's Cost Breakdown. | 26 | 2 | 52 | 4.00 | 208 | 55 | 11,376 |
| HUD–92403–ORCF | Application for Insurance of Advance of Mortgage Proceeds. | 3 | 2 | 6 | 0.20 | 1.2 | 55 | 66 |
| HUD–92408–ORCF | HUD Amendment to B108 | 26 | 2 | 52 | 0.50 | 26 | 55 | 1,422 |
| HUD–92415–ORCF | Request for Permission to Commence Construction Prior to Initial Endorsement for Mortgage Insurance (Post-Commitment Early Start of Construction). | 3 | 2 | 6 | 0.50 | 3 | 61 | 182 |
| HUD–92437–ORCF | Request for Construction Changes on Project Mortgages. | 3 | 2 | 6 | 2.00 | 12 | 55 | 656 |
| HUD–92441–ORCF | Building Loan Agreement .. | 10 | 5.2 | 52 | 1.00 | 52 | 55 | 2,844 |
| HUD–92441a–ORCF | Building Loan Agreement Supplemental. | 10 | 5.2 | 52 | 1.00 | 52 | 55 | 2,844 |
| HUD–92442–ORCF | Construction Contract ..... | 10 | 5.2 | 52 | 1.00 | 52 | 55 | 2,844 |
| HUD–92448–ORCF | Contractor's Requisition .... | 3 | 2 | 6 | 6.00 | 36 | 55 | 1,969 |
| HUD–92450–ORCF | Completion Assurance ..... | 10 | 5.2 | 52 | 0.50 | 26 | 55 | 1,422 |
| HUD–92452–ORCF | Performance Bond—Dual Obligee. | 5 | 5.2 | 26 | 0.50 | 13 | 100 | 1,295 |
| HUD–92452A–ORCF | Payment Bond ..... | 5 | 5.2 | 26 | 0.50 | 13 | 55 | 711 |
| HUD–92455–ORCF | Request for Endorsement | 10 | 5.2 | 52 | 1.00 | 52 | 55 | 2,844 |
| HUD–92456–ORCF | Escrow Agreement for Incomplete Construction. | 3 | 2 | 6 | 0.50 | 3 | 55 | 164 |
| HUD–92479–ORCF | Offsite Bond—Dual Obligee. | 5 | 3 | 15 | 0.50 | 7.5 | 55 | 410 |
| HUD–92485–ORCF | Permission to Occupy ..... | 3 | 2 | 6 | 0.50 | 3 | 55 | 164 |
| HUD–92554–ORCF | Supplementary Conditions of the Contract for Construction. | 10 | 5.2 | 52 | 0.50 | 26 | 100 | 2,590 |
| HUD–93305–ORCF | Agreement and Certification. | 10 | 5.2 | 52 | 0.50 | 26 | 55 | 1,422 |

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| HUD–95379–ORCF | HUD Representative's Trip Report. | 26 | 28 | 728 | 1.00 | 728 | 55 | 39,814 |
| **Underwriting Documents** | | | | | | | | |
| HUD–2–ORCF | Request for Waiver of Housing Directive. | 20 | 8 | 160 | 1.00 | 160 | 55 | 8,750 |
| HUD–935.2D–ORCF | Affirmative Fair Housing Marketing Plan—232. | 10 | 5.2 | 52 | 6.00 | 312 | 55 | 17,063 |
| HUD–941–ORCF | Lenders FHA Number Request Form. | 30 | 11.7 | 351 | 0.50 | 175.5 | 55 | 9,598 |
| HUD–9445–ORCF | Certification of Outstanding Obligations. | 35 | 10 | 350 | 1.00 | 350 | 61 | 21,175 |
| HUD–9839–ORCF | Management Certification—Residential Care Facility. | 5 | 1 | 5 | 0.50 | 2.5 | 55 | 137 |
| HUD–90022–ORCF | Certification for Electronic Submittal. | 35 | 10 | 350 | 0.50 | 175 | 55 | 9,571 |
| HUD–90024–ORCF | Contact Sheet ..... | 35 | 10 | 350 | 1.00 | 350 | 55 | 19,142 |
| HUD–91116–ORCF | Addendum to Operating Lease. | 30 | 6.5 | 195 | 0.50 | 97.5 | 61 | 5,899 |
| HUD–91126–ORCF | Financial Statement Certification—Borrower. | 150 | 7 | 1050 | 0.50 | 525 | 55 | 28,712 |
| HUD–91130–ORCF | Building Code Certification | 26 | 2 | 52 | 0.50 | 26 | 61 | 1,573 |
| HUD–92000–ORCF | Appraisal Sockets ..... | 30 | 11.7 | 351 | 1.50 | 526.5 | 61 | 31,853 |
| HUD–92264a-ORCF | Maximum Insurable Loan Calculation. | 30 | 11.7 | 351 | 2.00 | 702 | 61 | 42,471 |
| HUD–92434–ORCF | Lender Certification ..... | 35 | 10 | 350 | 1.00 | 350 | 55 | 19,142 |
| **Accounts Receivable Documents** | | | | | | | | |
| HUD–90020–ORCF | Accounts Receivable Financing Certification. | 50 | 3 | 150 | 0.50 | 75 | 100 | 7,470 |
| HUD–92322–ORCF | Intercreditor Agreement (for AR Financed Projects). | 30 | 5 | 150 | 1.50 | 225 | 100 | 22,410 |
| **Master Lease Documents** | | | | | | | | |
| HUD–92211–ORCF | Master Lease Addendum .. | 5 | 5 | 25 | 1.00 | 25 | 100 | 2,490 |
| HUD–92331–ORCF | Cross-Default Guaranty of Subtenants. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92333–ORCF | Master Lease SNDA ..... | 30 | 5.83 | 175 | 0.50 | 87.45 | 100 | 8,710 |
| HUD–92334–ORCF | Master Tenant Assignment of Leases and Rents. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92335–ORCF | Guide for Opinion of Master Tenant's Counsel. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92336–ORCF | Subordinate Cross-Default Guaranty of Subtenants. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92337–ORCF | Healthcare Regulatory Agreement—Master Tenant. | 30 | 5.83 | 175 | 0.50 | 87.45 | 100 | 8,710 |
| HUD–92339–ORCF | Master Lease Estoppel Agreement. | 30 | 5.83 | 175 | 0.50 | 87.45 | 100 | 8,710 |
| HUD–92340–ORCF | Master Tenant Security Agreement. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92341–ORCF | Termination and Release of Cross-Default Guaranty of Subtenants. | 30 | 5.83 | 175 | 0.50 | 87.45 | 100 | 8,710 |
| HUD–92342–ORCF | Amendment to HUD Master Lease (Partial Termination and Release). | 30 | 5.83 | 175 | 0.50 | 87.45 | 100 | 8,710 |
| HUD–92343–ORCF | Limited Guaranty and Security Agreement. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| **Closing Documents** | | | | | | | | |
| HUD–2205A–ORCF | Borrower's Certificate of Actual Cost. | 30 | 7.5 | 225 | 3.50 | 787.5 | 55 | 43,068 |

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| HUD–91110–ORCF | Subordination, Non-Disturbance and Attornment Agreement of Operating Lease (SNDA). | 30 | 11.7 | 351 | 0.50 | 175.5 | 100 | 17,480 |
| HUD–91111–ORCF | Survey Instructions and Borrower's Certification. | 180 | 1.5 | 270 | 0.50 | 135 | 61 | 8,168 |
| HUD–91112–ORCF | Request of Overpayment of Firm Application Exam Fee. | 15 | 5.13 | 76.95 | 0.50 | 38.475 | 55 | 2,104 |
| HUD–91118–ORCF | Borrower's Certification—Completion of Critical Repairs. | 240 | 1 | 240 | 0.50 | 120 | 55 | 6,563 |
| HUD–91710–ORCF | Residual Receipts Note—Non-Profit Mortgagor. | 5 | 2 | 10 | 0.50 | 5 | 55 | 273 |
| HUD–92023–ORCF | Request for Final Endorsement. | 10 | 5.2 | 52 | 1.00 | 52 | 55 | 2,844 |
| HUD–92070–ORCF | Lease Addendum ..... | 2 | 1 | 2 | 0.50 | 1 | 100 | 100 |
| HUD–92071–ORCF | Management Agreement Addendum. | 35 | 11.7 | 409.5 | 0.50 | 204.75 | 55 | 11,198 |
| HUD–92223–ORCF | Surplus Cash Note ..... | 7 | 2 | 14 | 0.50 | 7 | 55 | 383 |
| HUD–92323–ORCF | Operator Security Agreement. | 30 | 6.5 | 195 | 1.00 | 195 | 100 | 19,422 |
| HUD–92324–ORCF | Operator Assignment of Leases and Rents. | 30 | 6.5 | 195 | 1.00 | 195 | 100 | 19,422 |
| HUD–92330–ORCF | Mortgagor's Certificate of Actual Cost. | 5 | 3 | 15 | 8.00 | 120 | 55 | 6,563 |
| HUD–92330A–ORCF | Contractor's Certificate of Actual Cost. | 5 | 3 | 15 | 8.00 | 120 | 55 | 6,563 |
| HUD–92420–ORCF | Subordination Agreement—Financing. | 7 | 2 | 14 | 0.50 | 7 | 100 | 697 |
| HUD–92435–ORCF | Lender's Certification—Insurance Coverage. | 35 | 11.7 | 409.5 | 0.25 | 102.375 | 55 | 5,599 |
| HUD–92466–ORCF | Healthcare Regulatory Agreement—Borrower. | 35 | 10 | 350 | 0.50 | 175 | 100 | 17,430 |
| HUD–92466A–ORCF | Healthcare Regulatory Agreement—Operator. | 10 | 2 | 20 | 0.50 | 10 | 100 | 996 |
| HUD–92468–ORCF | Healthcare Regulatory Agreement—Fire Safety. | 35 | 2 | 70 | 0.50 | 35 | 100 | 3,486 |
| HUD–94000–ORCF | Security Instrument/Mortgage/Deed of Trust. | 35 | 10 | 350 | 0.50 | 175 | 100 | 17,430 |
| HUD–94000–ORCF–ADD | Security Instrument/Mortgage/Deed of Trust Addenda (various states). | 35 | 10 | 350 | 0.50 | 175 | 100 | 17,430 |
| HUD–94000B–ORCF | Rider to Security Instrument—LIHTC. | 35 | 10 | 350 | 0.50 | 175 | 100 | 17,430 |
| HUD–94001–ORCF | Healthcare Facility Note .... | 35 | 10 | 350 | 1.00 | 350 | 55 | 19,142 |
| HUD–94001–ORCF–RI | Healthcare Facility Note—Rider (various states). | 35 | 10 | 350 | 0.50 | 175 | 55 | 9,571 |
| **Escrow Documents** | | | | | | | | |
| HUD–9443–ORCF | Minor Moveable Escrow .... | 26 | 2 | 52 | 1.00 | 52 | 61 | 3,146 |
| HUD–91071–ORCF | Escrow Agreement for Off-site Facilities. | 3 | 2 | 6 | 0.50 | 3 | 55 | 164 |
| HUD–91128–ORCF | Initial Operating Deficit Escrow Calculation Template. | 11 | 5 | 55 | 1.50 | 82.5 | 61 | 4,991 |
| HUD–92412–ORCF | Working Capital Escrow .... | 10 | 5.2 | 52 | 0.50 | 26 | 55 | 1,422 |
| HUD–92414–ORCF | Latent Defects Escrow ..... | 20 | 12 | 240 | 0.50 | 120 | 55 | 6,563 |
| HUD–92464–ORCF | Request Approval Advance of Escrow Funds. | 35 | 15 | 525 | 1.00 | 525 | 55 | 28,712 |
| HUD–92476–ORCF | Escrow Agreement Non-critical Deferred Repairs. | 20 | 12 | 240 | 0.50 | 120 | 55 | 6,563 |
| HUD–92476B–ORCF | Escrow Agreement for Operating Deficits. | 12 | 4.8 | 57.6 | 0.50 | 28.8 | 55 | 1,575 |
| HUD–92476C–ORCF | Escrow Agreement for Debt Service Reserves. | 12 | 4.8 | 57.6 | 0.50 | 28.8 | 55 | 1,575 |

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| **Legal Opinion/Certification Documents** | | | | | | | | |
| HUD–91117–ORCF | Operator Estoppel Certificate. | 100 | 2 | 200 | 0.50 | 100 | 100 | 9,960 |
| HUD–91725–ORCF | Guide for Opinion of Borrower's Counsel. | 35 | 10 | 350 | 2.00 | 700 | 100 | 69,720 |
| HUD–91725–INST–ORCF | Instructions to Guide for Opinion of Borrower's and Operator's Counsel. | 35 | 10 | 350 | 0.00 | 0 | 100 | 0 |
| HUD–91725–CERT–ORCF | Exhibit A to Opinion of Borrower's Counsel—Certification. | 35 | 10 | 350 | 2.00 | 700 | 100 | 69,720 |
| HUD–92325–ORCF | Guide for Opinion of Operator's Counsel and Certification. | 30 | 6.5 | 195 | 1.50 | 292.5 | 100 | 29,133 |
| HUD–92327–ORCF | Consolidated Operator Opinion [Single State]. | 30 | 5.83 | 175 | 1.00 | 174.9 | 100 | 17,420 |
| **Asset Management Documents** | | | | | | | | |
| HUD–1044–D–ORCF | Multifamily Insurance Branch Claim. | 20 | 7 | 140 | 0.50 | 70 | 55 | 3,828 |
| HUD–2537–ORCF | Mortgagee's Application for Partial Settlement. | 20 | 7 | 140 | 0.25 | 35 | 55 | 1,914 |
| HUD–2747–ORCF | Application for Insurance Benefits. | 20 | 7 | 140 | 0.10 | 14 | 55 | 766 |
| HUD–9250–ORCF | Funds Authorizations ..... | 500 | 5.6 | 2,800 | 1.00 | 2,800 | 55 | 153,132 |
| HUD–9807–ORCF | Insurance Termination Request. | 20 | 7 | 140 | 0.10 | 14 | 55 | 766 |
| HUD–90019–ORCF | Auditor's Loss period Financial Statement Certification (223d). | 3 | 1 | 3 | 0.50 | 1.5 | 55 | 82 |
| HUD–90029–ORCF | 232 Healthcare Portal Access. | 60 | 3 | 180 | 0.50 | 90 | 55 | 4,922 |
| HUD–90030–ORCF | Lender Narrative, Requests to Release or Modify Original Loan Collateral. | 30 | 2 | 60 | 3 | 180 | 55 | 9,844 |
| HUD–90031–ORCF | Lender Narrative, Accounts Receivable. | 30 | 2 | 60 | 1.5 | 90 | 55 | 4,922 |
| HUD–90032–ORCF | Lender Narrative, Loan Modification. | 20 | 4 | 80 | 1.50 | 120 | 55 | 6,563 |
| HUD–90033–ORCF | Loan Modification Lender Certification. | 20 | 4 | 80 | 0.50 | 40 | 55 | 2,188 |
| HUD–92080–ORCF | Mortgage Record Change—232. | 20 | 1 | 20 | 0.25 | 5 | 55 | 273 |
| HUD–92117–ORCF | Borrower's Certification—Completion of Non-Critical Repairs. | 250 | 2 | 500 | 0.50 | 250 | 55 | 13,673 |
| HUD–92228–ORCF | Model Form Bill of Sale and Assignment. | 20 | 2 | 40 | 0.50 | 20 | 55 | 1,094 |
| HUD–92266–ORCF | Application for Transfer of Physical Assets (TPA). | 50 | 4 | 200 | 5.00 | 1,000 | 55 | 54,690 |
| HUD–92266A–ORCF | Lender Narrative, Change of Operator/Lessee. | 25 | 1 | 25 | 4.00 | 100 | 55 | 5,469 |
| HUD–92266B–ORCF | Lender Narrative, Change of Management Agent. | 25 | 1 | 25 | 2.00 | 50 | 55 | 2,735 |
| HUD–92417–ORCF | Personal Financial and Credit Statement. | 175 | 6 | 1,050 | 3.50 | 3,675 | 55 | 200,986 |
| HUD–93332–ORCF | Certification of Exigent Health & Safety (EH&S) Issues. | 456 | 1 | 456 | 1.00 | 456 | 55 | 24,939 |
| HUD–93333–ORCF | Certification Physical Condition in Compliance. | 208 | 1 | 208 | 0.50 | 104 | 55 | 5,688 |
| HUD–93334–ORCF | Servicer's Notification to HUD of Risks to Healthcare Project. | 60 | 15 | 900 | 0.5 | 450 | 55 | 24,611 |
| HUD–93335–ORCF | Operator's Notification to HUD of Threats to Permits and Approvals. | 60 | 5 | 300 | 0.5 | 150 | 55 | 8,204 |
| HUD–93479–ORCF | Monthly Report for Establishing Net Income. | 60 | 2 | 120 | 1.00 | 120 | 55 | 6,563 |

| Form No. | Document name | Number of respondents | Freq. of resp. | Resp. per annum | Avg. burden hour per resp. | Annual burden hours | Avg. hourly wage per resp. | Annual cost |
|---|---|---|---|---|---|---|---|---|
| HUD–93480–ORCF | Schedule of Disbursements | 60 | 12 | 720 | 1.00 | 720 | 55 | 39,377 |
| HUD–93481–ORCF | Schedule of Accounts Payable. | 60 | 12 | 720 | 1.00 | 720 | 55 | 39,377 |
| HUD–93486–ORCF | Computation of Surplus Cash. | 70 | 1 | 70 | 0.50 | 35 | 55 | 1,914 |
| **241a—Supplemental Loan Documents** | | | | | | | | |
| HUD–91116A–ORCF | Supplemental Addendum to Operator Lease. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–92211A–ORCF | Supplemental Master Lease Addendum. | 10 | 0.5 | 5 | 1.00 | 5 | 100 | 498 |
| HUD–92323A–ORCF | Supplemental Operator Security Agreement. | 10 | 0.5 | 5 | 1.00 | 5 | 100 | 498 |
| HUD–92324A–ORCF | Supplemental Operator Assignment of Leases and Rents. | 30 | 6.5 | 195 | 1.00 | 195 | 100 | 19,422 |
| HUD–92333A–ORCF | Supplemental Master Lease SNDA. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–92334–ORCF | Supplemental Master Tenant Assignment of Leases and Rents. | 30 | 5.83 | 174.9 | 1.00 | 174.9 | 100 | 17,420 |
| HUD–92338–ORCF | Supplemental Healthcare Regulatory Agreement—Master Tenant. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–92340A–ORCF | Supplemental Master Tenant Security Agreement. | 10 | 0.5 | 5 | 1.00 | 5 | 100 | 498 |
| HUD–92434A–ORCF | Supplemental Lender's Certificate for 241(a). | 10 | 0.5 | 5 | 1.00 | 5 | 55 | 273 |
| HUD–92441B–ORCF | Supplemental Building Loan Agreement for 241(a). | 10 | 0.5 | 5 | 1.00 | 5 | 55 | 273 |
| HUD–92467–ORCF | Supplemental Healthcare Regulatory Agreement—Borrower. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–92467A–ORCF | Supplemental Healthcare Regulatory Agreement—Operator. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–94000A–ORCF | Supplemental Security Instrument/Mortgage/Deed of Trust. | 10 | 0.5 | 5 | 0.50 | 2.5 | 100 | 249 |
| HUD–94001A–ORCF | Supplemental Healthcare Facility Note. | 10 | 0.5 | 5 | 1.00 | 5 | 55 | 273 |
| | | 5,451 | 730 | 26,125 | 5.32 | 49,226 | 68 | 2,952,596 |

[FR Doc. 2019–14410 Filed 7–3–19; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–6146–N–07]**

## Privacy Act of 1974; System of Records

**AGENCY:** Office of Single-Family Asset Management, HUD.

**ACTION:** Notice of amended privacy act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Office of Single Family Asset Management, Department of Housing and Urban Development (HUD) is giving notice that it intends to amend one of its systems of records published in the **Federal Register** on August 19, 2016, Asset Disposition and Management System (ADAMS). As a result of the annual review of ADAMS, HUD is updating ADAMS to include automation of the Name Address Identification Number application process (e-NAID). This notice includes updates to the former notice's routine uses, categories of records, and purpose of system statements. This notice also incorporates administrative and format changes to convey already published information in a more synchronized format.

**DATES:** August 5, 2019.

*Comments Due Date:* August 5, 2019.

**ADDRESSES:** You may submit comments, identified by docket number and title, by one of the following methods:

*Federal e-Rulemaking Portal: http://www.regulation.gov.* Follow the instructions provided on that site to submit comments electronically. All comments received will be posted without change to *http://www.regulation.gov,* including any personal information provided.

*Mail:* Attention: Housing and Urban and Development, Privacy Office; John Bravacos, The Executive Secretariat, 451 Seventh Street SW, Room 10139; Washington, DC 20410.

*Email: privacy@hud.gov.*

*Fax:* 202–619–8365.

*Docket:* For access to the docket to read background documents or

comments received go to *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** The Privacy Office, 451 Seventh Street SW, Room 10139, Washington, DC 20410, telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- and speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Federal Housing Administration (FHA) insures approved lenders against the risk of loss on loans they finance for the purchase, and in some instances, rehabilitation of single family homes. In the event of a default on an FHA-insured loan, the lender generally acquires title to the property by foreclosure, a deed-in-lieu of foreclosure, or other acquisition method; files a claim for insurance benefits; and conveys the property to HUD. Properties conveyed to the Secretary of HUD make up the Single Family Real Estate Owned (REO) inventory managed by the Office of Single Family Asset Management. HUD administers its REO disposition program through four Homeownership Centers (HOCs) located in Philadelphia, Pennsylvania; Atlanta, Georgia; Denver, Colorado; and Santa Ana, California. HUD currently has 55 Management and Marketing (M&M) contracts; 23 Asset Managers (AMs); 31 Field Service Managers (FSMs); and 1 Mortgage Compliance Manager (MCM) who provide M&M services throughout the United States. The ADAMS application is provided under a Software as a Service (SaaS) contract for HUD/FHA to track the acquisition, maintenance, and sale of HUD's Single-Family Real Estate Owned (REO) inventory under HUD's Property Disposition Sales Program (24 CFR part 291). The Office of Single-Family Asset Management (OSFAM) has automated the approval process for real estate brokers (selling and principal brokers), governmental entities (State and local governments, public agencies) and private nonprofit organizations that participate in HUD's Property Disposition Sales Program (24 CFR 291). Eligible participants must have an approved, active Name Address Identifier (NAID) and be registered as a Bidder on the HUD Home store website. The e-NAID process leverages existing ADAMS technology to verify program eligibility and approval requirements and consolidates the prior paper-based NAID application process with processing and approval of the NAID in ADAMS. The e-NAID enhancement eliminates manual data entry and supports the Department's mission to mitigate financial risk to the FHA Mutual Mortgage Insurance Fund (MMIF) by reducing the NAID processing timeframe and the required IRS 1099 payment to brokers and service contractors. As a result of the annual review of ADAMS, records have been updated to include automation of the Name Address Identification Number application process (e-NAID). This notice includes updates to the former notice's routine uses, categories of records, and purpose of system statements. This notice also incorporates administrative and format changes to convey already published information in a more synchronized format.

Specifically, this ADAMS notice amendment identifies automation of the Name Address Identification Number (NAID) application process (e-NAID). E-NAID:

- Allows participants to complete forms SAMS 1111, ''Payee Name and Address,'' and SAMS 1111–A, ''Selling Broker Certification'' through *HUDhomestore.com*
- Leverages e-Signature's Application Programming Interface (API) to allow the NAID application to be signed and approved electronically
- Provides near-real time approval and tracking/generation of NAID
- Eliminates the ''Check current NAID Status'' lookup option
- Eliminates manual data entry
- Reduces NAID processing time

## SYSTEM NAME AND NUMBER

Asset Disposition and Management System (ADAMS—P260).

### SECURITY CLASSIFICATION:

Not classified.

### SYSTEM LOCATION:

ADAMS is accessible at workstations located at the following locations: Department of Housing and Urban Development Headquarters, 451 Seventh Street SW, Washington, DC 20410; HUD Atlanta Homeownership Center, Five Points Plaza, 40 Marietta Street, Atlanta, GA 30303–2806; HUD Philadelphia Homeownership Center, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3389; HUD Denver Homeownership Center Processing & Underwriting—20th FL, 1670 Broadway Denver, CO 80202; Santa Ana Homeownership Center, Santa Ana Federal Building, 34 Civic Center Plaza, Room 7015, Santa Ana, CA 92701–4003. The system is externally hosted by Yardi Systems, Inc., 430 S Fairview, Goleta, CA 93117; SunGard, 1001 E Campbell Road, Richardson, TX 75081; and CenturyLink, 200 N Nash Street, El Segundo, CA 90245. The Santa Barbara datacenter hosts the design and development instances. Testing, production and disaster recovery instances are located in the Dallas, TX and Los Angeles, CA datacenters.

### SYSTEM MANAGER(S):

Ivery W. Himes, Director, Office of Single-Family Asset Management, Room 9178, 450 Seventh Street SW, Washington, DC 20410.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The specific authorizations are:

- The National Housing Act, Public Law 479, 48 Stat. 1246, 12 U.S.C. 1715z–11a
- The Housing and Community Development Act of 1987, Public Law 100–242, Title I, 165, Feb. 5, 1988, 101 Stat. 1864, 42 U.S.C. 3543
- Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Public Law 100–628, 42 U.S.C. 3544
- Title 24 Code of Federal Regulations, Part 291, Disposition of HUD-Acquired and -Owned Single Family Property

### PURPOSE(S) OF THE SYSTEM:

ADAMS is a case management system for HUD-owned and HUD-managed single-family properties in support of HUD Property Disposition Sales Program (24 CFR part 291). ADAMS supports HUD Headquarters and Homeownership Center (HOC) staff and HUD's Management and Marketing (M&M) contractors to track single-family properties from their acquisition by HUD through the steps necessary to resell the properties. ADAMS captures pertinent data relating to the properties, including acquisition, maintenance and sales cost, property description and value, bids and sales proceeds, and special program designations. ADAMS also tracks and monitors certain events after sales under the Good Neighbor Next Door, non-profit, and Asset Control Area (ACA) sales programs. Additional Nonprofit/Government entity web-based program management tools improve the application, recertification, and reporting process for organizations that participate in the Office of Single Family Housing (OSFH) activities and to assist HUD staff with the daily administration of FHA's Nonprofit Program activities. HUD maintains a roster of nonprofit organizations that are qualified to participate in certain specified FHA activities. ADAMS is used to:

• Approve and/or recertify participant's Name Address Identification (e-NAID) required to submit bids and purchaser information (SAMS 1111, SAMS 1111–A) for HUD REO property sales (*HUDhomestore.com*).
• Obtain, store, and display case-level information about properties acquired by or in custody of HUD.
• Track events and information describing the status of real property from the date of conveyance to the Department through several stages of management, marketing, and disposition, to final reconciliation of sale proceeds.
• Retain data relative to contracts, contractors, and vendors that support the property disposition program.
• Calculate property management, marketing, and incentive fees earned by management and marketing (M&M) contractors, closing agents, and special property inspection (SPI) contractors, and generate disbursement transmittals.
• Calculate M&M contractor payment incentives and disincentives.
• Generate disbursement transmittals for payment of other property-related expenses such as pass-through expenses and property taxes.
• Exchange data with HUD and non-HUD systems and internet sites for both input and retrieval of data using the data exchange.
• Provide data security with multiple levels of access for users including HUD employees and designated contractors.
• Provide standard and ad hoc reporting capability.
• Facilitate summary, trend, and comparative analysis of portfolio performance.
• Provide ease of navigation and use for users at all skill levels.
• Ensure the security and privacy of the information collected and stored in the SSAE–18 compliant data center and provide disaster recovery from the disaster recovery data center.
• Provide Web-based access to subcontractors, appraisers, and inspectors to enable them to upload property data and related documents.
• Provide Pre-Conveyance functionality including request for conveyance extension, request for approval of occupied conveyance, over-allowable requests, and surchargeable damage request.
• Special reporting designed for ease of use by M&M contractors. Reports based on latest daily and weekly data and provides for online reports, national summary reports, and historical reports that are uploaded by administrative users.
• Web-based Disposition Program Compliance System (DPCS) module provides features to support the performance of Good Neighbor Next Door Sales Programs (GNND) compliance control tasks. DPCS features are organized according to three main steps in the sales process: Pre-sales/pre-registration, sales/pre-closing, and post-closing.

Extensive workflow rules are incorporated into ADAMS to ensure compliance with HUD regulations, policies, and procedures. OSFAM ensures the protection of program participant PII and mortgagee business sensitive information by ensuring ADAMS' compliance with HUD and Federal Information Security Management Act (FISMA) security and privacy controls. Data exchanges are done via secure file transfer protocol (SFTP); and the servers and mainframes used employ Federal Information Processing Standards (FIPS) 199 moderate security categorization controls. The ADAMS Information System Security Officer (ISSO) and Co-CORs work closely with system security administrators, network and project security personnel to ensure the integrity of data exchanges. The ADAMS service provider has annual independent Service Organization Control (SOC I) attestation audits conducted in accordance with the American Institute of Certified Public Accountants' (AICPA) Statement on Standards for Attestation Engagements No. 18 (SSAE 18) and under Federal Information System Controls Audit Manual (FISCAM) standards. Access to REO data and ADAMS screens is restricted to those individuals with a need-to-know and a valid business justification. Approved changes undergo rigorous service provider acceptance, smoke, and regression testing before User Acceptance Testing (UAT) by HUD Subject Matter Experts (SMEs) and implementation is authorized.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system include:
• Homebuyers
• Successful Bidders (purchasers)
• Nonprofits and Government (state and local) agencies
• Management and Marketing (M&M) contractors

**CATEGORIES OF RECORDS IN THE SYSTEM:**

*Homebuyers*
• Name, address, SSN, race/ethnicity

*Successful Bidders (Purchasers)*
• Business name, address, and telephone number
• Social Security Number (SSN), Employee Identification Number (EIN), or Tax Identification Number (TIN)
• Mortgagee ID Number
• SAMS name and address identification number (NAID)
• FHA case number and property address
• Date purchaser(s) signed sales contract (Form HUD–9548)
• Date sales contract accepted by HUD
• Purchase price
• Purchaser type
• Appraisal information
• Tax payments
• Sales offer information
• HUD–1
• Contract information
• Vendor information
• Financial transactions

*Nonprofit and Government (state and local) (Note: In addition to the successful bidders/purchasers)*
• Internal Revenue Service (IRS) letters for determination of nonprofit status
• Articles of Organization
• Mortgage notes
• W–9
• SAMS–1111
• Property report documentation (Median Income certification)

*Management and Marketing (M&M) Contractors*
• Business name, address, and telephone number
• EIN, TIN, or SSN
• SAMS NAID
• FHA case number and property address
• Date purchaser(s) signed sales contract (Form HUD–9548)
• Date sales contract accepted by HUD
• Purchase price
• Purchaser type
• Mortgage notes
• W–9
• SAMS–1111
• Property report documentation (Median Income certification)
• Limited information about the homebuyers: Name, address, SSN, and race/ethnicity characteristics
• Payment Information Form ACH Vendor Payment System (SF 3881) *new*

ADAMS contains files on property appraisals, tax payments, purchase sales offer information, HUD–1, purchase contract information, vendor information, and property preservation and protection invoice information, FHA property listings, and property agent contact information.

**RECORD SOURCE CATEGORIES:**

Purchasers, Brokers, appraisers, M&M contractors, Nonprofits, State and Local Government entities, and HUD employees.

**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, all or a portion of the records or information in this system may be disclosed to authorized entities, as determined to be relevant and necessary, outside the Department of Housing and Urban Development (HUD) as a routine use pursuant to 5 U.S.C. 552a(b)(3):

1. To the Government Accountability Office (GAO) for audit purposes.

2. To the Office of the Inspector General (OIG) for audit purposes.

3. To Management and Marketing contractors for processing the sale of HUD Homes.

4. To the Federal Bureau of Investigation (FBI) to investigate possible fraud revealed in the course of property disposition efforts to allow HUD to protect the interest of the Secretary.

5. To the National Archives and Records Administration (NARA) for records having sufficient historical or other value to warrant continued preservation by the United States Government, or for inspection under authority of Title 44, Chapter 29, of the United States Code.

6. To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

7. To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, or cooperative agreement, when necessary to accomplish an agency function related to a system of records, for the purpose of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, or to otherwise support the Department's mission. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

1. To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant or cooperative agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Department.

2. To appropriate agencies, entities, and persons when:

i. HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised;

ii. HUD has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity thief, or fraud, or hard to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and

iii. the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

8. To the Department of Justice (DOJ) when seeking legal advice for a HUD initiative or in response to DOJ's request for the information, after either HUD or DOJ determine that such information is relevant to DOJ's representatives of the United States or any other components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which HUD collected the records. HUD on its own may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which HUD collected the records.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

ADAMS records are stored electronically in secure facilities. Electronic files are stored in case files on secure servers. Electronic files are replicated at a disaster recovery offsite location in case of loss of computing capability or other emergency at the primary facility. ADAMS primary host facility is located at SunGard, 1001 E Campbell Road, Richardson, TX 75081. The ADAMS disaster recovery facility is at CenturyLink, 200 N Nash Street, El Segundo, CA 90245.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records can be viewed using computer search by the FHA case number, property address (including other geographical characteristics such as contract area, property state/city/county/zip code, Homeownership Center), or contractor ID or name, or non-profit/government agency name.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

ADAMS records comply with the National Archives and Records Administration's July 2017 General Records Schedule 1.1, Financial Management and Reporting Records, Items 010 and 011, to maintain for six years, or when business use ceases. Backup and Recovery digital media will be destroyed or otherwise rendered irrecoverable per NIST SP 800–88 ''Guidelines for Media Sanitization'' (December 2014).

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

FHA ensures the protection of program participants' PII and mortgagee business sensitive information by ensuring ADAMS' compliance with HUD and Federal Information Security Management Act (FISMA) security and privacy controls.

*Administrative*

1. OSFAM conducts a full security assessment of ADAMS to ensure compliance with NIST SP 800–53, Recommended Security Controls for Federal Information Systems, as amended, and NIST SP 800–37, Guide for Applying the Risk Management Framework to Federal Information Systems, as amended, and HUD's authorization to operate methodology.

2. ADAMS undergoes an annual independent attestation assessment.

3. A documented security impact analysis is conducted whenever changes are proposed to ADAMS or its interfacing information systems, networks, or to their physical environment, interfaces, or user-community makeup.

4. The ADAMS hosting environment tests and documents the incident response capability for ADAMS on a yearly basis. This training allows for determination of the effectiveness the incident response plan and incorporation into the procedure for contingency planning testing plan.

Technical

1. Access to program participants data and ADAMS screens is restricted to those individuals with a need-to-know and a valid business justification.

2. ADAMS access requires two levels of logins to access the system. The first login uses HUD Siteminder system to verify that the user has active HUD authorization. The second login uses ADAMS internal security system to set permissions for data access and system functionality.

3. Data exchanges are done via secure file transfer protocol (SFTP); and the servers and mainframes used employ Federal Information Processing Standards (FIPS) 199 moderate security categorization controls. OSFAM personnel work closely with system security administrators, network and project security personnel to ensure the integrity of data exchanges.

Physical

1. Access to data centers are controlled using an electromagnetic badge and/or biometric access system which maintains information such as employee names, ID numbers, access badge numbers, issue date of the access badge, as well as what areas the employee is authorized to access.

2. Each system logs the date, time, and location of each entry into the data center. Physical access is further restricted only to authorized personnel and other approved individuals according to their job functions. The systems are used to generate access badges used at each data center entrance where a badge reader is installed. Each badge reader stores an access list in memory. If a connection between a badge reader and the master server supporting the card key system is severed, the badge readers will still limit access using the access list stored in memory.

3. A Facilities Manager performs a monthly review of entry logs at each data center to ensure access is appropriate. Any unusual activities are investigated and resolved.

**RECORD ACCESS PROCEDURES:**

For Information, assistance, or inquiries about records, contact John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, telephone number (202) 708–3054. When seeking records about yourself from this system of records or any other HUD system of records, your request must conform with the Privacy Act regulations set forth in 24 CFR part 16. You must first verify your identity, by providing your full name, address, and date and place of birth. You must sign your request, and your 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.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA Office may not conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with regulations.

**CONTESTING RECORD PROCEDURES:**

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Implementation of the Privacy Act of 1974. Additional assistance may be obtained by contacting John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10110, Washington, DC 20410.

**NOTIFICATION PROCEDURES:**

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 Privacy Office at the address provided above or to the component's FOIA Officer, whose contact information can be found at *http://www.hud.gov/foia* under ''contact.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Senior Agency Official for Privacy, HUD, 451 Seventh Street SW, Room 10139, Washington, DC 20410.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

Amendment—Asset Disposition and Management System *HSNG.SF/HUF.01,* 81 FR 55477; Published in the **Federal Register**—August 19, 2016.

Amendment—Asset Disposition and Management System *HSNG.SF/HUF.01,* 79 FR 10825; Published in the **Federal Register**—February 26, 2014 (*note:* Changed coding structure).

Amendment—Asset Disposition and Management System HUD/HS–58, 77 FR 41993; Published in the **Federal Register**—July 17, 2012.

Initial—Asset Disposition and Management System HUD/HS–58, 73 FR 62520; Published in the **Federal Register**—October 21, 2008.

Dated: June 28, 2019.

**John Bravacos,**

*Senior Agency for Privacy.*

[FR Doc. 2019–14409 Filed 7–3–19; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R8–ES–2019–N082; FXES11130800000–190–FF08E00000]**

### Endangered and Threatened Species; Receipt of Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before August 5, 2019.

**ADDRESSES:** *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX).

- *Email: permitsr8es@fws.gov.*
- *U.S. Mail:* Daniel Marquez, Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825.

**FOR FURTHER INFORMATION CONTACT:** Daniel Marquez, via phone at 760–431–9440, via email at *permitsr8es@fws.gov,* or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the

applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

## Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

## Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

| Application No. | Applicant, city, state | Species | Location | Activity | Type of take | Permit action |
|---|---|---|---|---|---|---|
| TE–12069D | Ryan Layden, Oceanside, California. | • Conservancy fairy shrimp (*Branchinecta conservatio*),.<br>• Longhorn fairy shrimp (*Branchinecta longiantenna*),.<br>• San Diego fairy shrimp (*Branchinecta sandiegonensis*),.<br>• Riverside fairy shrimp (*Streptocephalus woottoni*),.<br>• Vernal pool tadpole shrimp (*Lepidurus packardi*). | CA | Survey | Survey, capture, handle, release, and collect vouchers. | New. |
| TE–122026 | Tracy Bailey, Ridgecrest, California. | • San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*),.<br>• Stephens' kangaroo rat (*Dipodomys stephensi*),.<br>• Pacific pocket mouse (*Perognathus longimembris pacificus*),.<br>• Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*). | CA | Survey | Capture, handle, and release. | Renew. |
| TE–41340D | Ariana Rogers, San Leandro, California. | • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*). | CA | Survey | Capture, handle, and release. | New. |
| TE–191704 | Dana Terry, Pleasant Hill, California. | • Conservancy fairy shrimp (*Branchinecta conservatio*),.<br>• Longhorn fairy shrimp (*Branchinecta longiantenna*),.<br>• San Diego fairy shrimp (*Branchinecta sandiegonensis*),.<br>• Riverside fairy shrimp (*Streptocephalus woottoni*),.<br>• Vernal pool tadpole shrimp (*Lepidurus packardi*),.<br>• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*). | CA | Survey | Survey, capture, handle, release, and collect vouchers. | Renew and Amend. |
| TE–808241 | Sonoma County Water Agency, Santa Rosa, California. | • California tiger salamander (Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).<br>• California freshwater shrimp (*Syncaris pacifica*). | CA | Survey | Capture, handle, and release. | Renew. |
| TE–42300D | Kelli Camara, Soquel, California. | • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).<br>• Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*). | CA | Survey, restore habitat, collect genetic data. | Capture, handle, relocate, release, swab, and collect tissue. | New. |
| TE–811188 | Resource Conservation District of the Santa Monica Mountains, Topanga, California. | • Tidewater goby (*Eucyclogobius newberryi*) | CA | Survey | Capture, handle, and release. | Renew. |
| TE–820658 | AECOM Technical Services, San Diego, California. | • Conservancy fairy shrimp (*Branchinecta conservatio*),.<br>• Longhorn fairy shrimp (*Branchinecta longiantenna*),. | CA | Survey and nest monitor. | Capture, handle, release, and monitor nests. | Renew and amend. |

| Application No. | Applicant, city, state | Species | Location | Activity | Type of take | Permit action |
|---|---|---|---|---|---|---|
| | | • San Diego fairy shrimp (*Branchinecta sandiegonensis*),.<br>• Riverside fairy shrimp (*Streptocephalus woottoni*),.<br>• Vernal pool tadpole shrimp (*Lepidurus packardi*),.<br>• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*),.<br>• Southwestern willow flycatcher (*Empidonax traillii extimus*),.<br>• Least Bell's vireo (*Vireo belli pusillus*),.<br>• California least tern (*Sternula antillarum browni*) (*Sterna a. browni*),.<br>• Quino checkerspot butterfly (*Euphydryas editha quino*).<br>• Pacific pocket mouse (*Perognathus longimembris pacificus*),.<br>• Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*),.<br>• Giant kangaroo rat (*Dipodomys ingens*),.<br>• Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*),.<br>• Light-footed clapper rail (light-footed Ridgway's r.) (*Rallus longirostris levipes*) (*R. obsoletus l.*). | | | | |
| TE–027427 ..... | Jeff Alvarez, Sacramento, California. | • California tiger salamander (Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).<br>• Conservancy fairy shrimp (*Branchinecta conservatio*),.<br>• Longhorn fairy shrimp (*Branchinecta longiantenna*),.<br>• San Diego fairy shrimp (*Branchinecta sandiegonensis*),.<br>• Riverside fairy shrimp (*Streptocephalus woottoni*),.<br>• Vernal pool tadpole shrimp (*Lepidurus packardi*). | CA | Survey, research, and conduct educational workshops. | Capture, handle, release, collect vouchers, and collect tissue. | Renew. |
| TE–64124A ..... | Sean Rowe, Weldon, California. | • Southwestern willow flycatcher (*Empidonax traillii extimus*). | CA | Survey ..... | Survey ..... | Renew. |
| TE–63440B ..... | Daniel Thompson, Las Vegas, Nevada. | • Mount Charleston blue butterfly (*Icaricia* (*Plebejus*) *shasta charlestonensis*). | NV | Genetics research ..... | Capture, handle, collect tissue, collect vouchers, and release. | Renew and Amend. |
| TE–181714 ..... | Pieter Johnson, Boulder, Colorado. | • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*). | CA | Ecological and disease research; invasive species control; pond draining. | Capture, handle, swab, and release. | Amend. |
| TE–844645 ..... | Richard Kann, Sunland, California. | • Quino checkerspot butterfly (*Euphydryas editha quino*),.<br>• Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*).<br>• Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*).<br>• Casey's June Beetle (*Dinacoma caseyi*). | CA | Survey ..... | Capture, handle, and release. | Renew. |
| TE–049175 ..... | Melanie Dicus, Black Canyon City, Arizona. | • Quino checkerspot butterfly (*Euphydryas editha quino*),.<br>• Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). | CA | Survey ..... | Survey ..... | Renew. |
| TE–092622 ..... | Gabriel Valdes, Gilbert, Arizona. | • Southwestern willow flycatcher (*Empidonax traillii extimus*). | AZ, CA, NM, TX | Survey ..... | Survey ..... | Renew. |

## Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

**Authority**

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Angela Picco,**

*Acting Chief of Ecological Services, Pacific Southwest Region, Sacramento, California.*

[FR Doc. 2019–14340 Filed 7–3–19; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCOF02000 L51100000.GA0000 LVEMC18CC500 18X]**

### Notice of Availability of the Environmental Assessment and Notice of Public Hearing for the New Elk Coal Company, LLC, Coal Lease-by-Application COC–71978, Las Animas County, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability and public hearing.

**SUMMARY:** In accordance with Federal coal management regulations, the New Elk Coal Company, LLC (New Elk Coal) Federal Coal Lease-by-Application (LBA) Environmental Assessment (EA) is available for public review and comment. The Bureau of Land Management (BLM), Royal Gorge Field Office (RGFO) will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources contained in the proposed New Elk Coal LBA lease tract, serial number COC–71978.

**DATES:** The public hearing will be held on July 24, 2019, from 6 p.m. to 8 p.m. Mountain Time. Comments should be received no later than August 5, 2019.

**ADDRESSES:** The public hearing will be held at the Mount Carmel Wellness and Community Center, 911 Robison Avenue, Trinidad, Colorado 81082. Copies of the EA are available online at *https://go.usa.gov/xENMj* and at the BLM RGFO, 3028 East Main Street, Canon City, Colorado 81212. Verbal comments related to the New Elk Coal LBA EA, FMV and MER will be accepted at the public hearing, all other comments must be submitted electronically. Electronic submissions may be uploaded at: *https://go.usa.gov/xENMj.*

**FOR FURTHER INFORMATION CONTACT:** Melissa Smeins, Geologist; BLM RGFO, 3028 East Main Street, Canon City, Colorado 81212; telephone: 719–269–8523; email: *msmeins@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Smeins during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** On October 12, 2007, New Elk Coal submitted an application to lease 1,279 acres of Federal coal resources located in Las Animas County, Colorado. The company put the lease application on hold for several years and is now interested in proceeding with the lease application. The application is for the Blue and Maxwell coal seams, which would be mined by underground methods. The EA analyzes and discloses the potential direct, indirect and cumulative impacts of leasing of the proposed 1,279 acres of the Blue and Maxwell seams. The LBA is located at the New Elk Coal Mine and contains approximately 8 million tons of recoverable Federal coal resources. The LBA underlies private surface owned by 12 individuals and is described as follows:

**Sixth Principal Meridian, Colorado**

T. 33 S., R. 67 W.,
sec. 6, lots 2 thru 7, and E½SW¼;
sec. 7, lot 2;
sec. 17, E½NE¼, and NE¼SE¼;
sec. 18, lots 2 thru 4, and E½SW¼;
sec. 19, lot 1, NW¼NE¼, and NE¼NW¼.
T. 33 S., R. 68 W.,
sec. 1, lots 1 and 2, S½NE¼, and E½SE¼;
sec. 12, E½NE¼;
sec. 13, S½NE¼, N½SE¼, and SE¼SE¼.

The areas described contain 1,279.63 acres of Federal coal resources.

The EA addresses natural resource, cultural, socioeconomic, environmental, and cumulative impacts that would result from leasing these lands. Two alternatives are addressed in the EA:

*Alternative 1* (Proposed Action): The BLM would lease the tract as requested in the LBA; and

*Alternative 2* (No Action): The BLM would reject or deny the application, and the subsurface Federal coal reserves would be bypassed.

Through this Notice, the BLM is inviting the public to provide comments regarding the potential environmental impacts related to the proposed action and to submit comments on the EA, FMV and the MER for the proposed LBA tract. All public comments will receive consideration prior to the BLM's decision regarding the leasing of the Federal coal contained in the tract.

Proprietary information or data marked as confidential may be submitted to the BLM in response to this solicitation of comments. Information and data marked confidential will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tract, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM RGFO at the address listed earlier during regular business hours (8 a.m. to 4:30 p.m. M.D.T.), Monday through Friday.

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 public at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1506.6; 43 CFR 3425.3, and 3425.4)

**Jamie E. Connell,**

*BLM Colorado State Director.*

[FR Doc. 2019–14344 Filed 7–3–19; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCOSO01000 L51100000.GA0000.LVEMC18CC400.18X]**

### Notice of Availability of the Draft Environmental Assessment and Notice of Public Hearing for the GCC Energy, LLC, Coal Lease-by-Application and Mine Plan Modification COC–78825, La Plata County, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability and public hearing.

**SUMMARY:** In accordance with Federal coal management regulations, the GCC Energy, LLC, (GCCE) Federal Coal Lease-by-Application (LBA) Environmental Assessment (EA) is available for public review and comment. The Bureau of Land Management (BLM) Tres Rios Field Office (TRFO) will hold a public hearing to receive comments on the EA, Fair Market Value (FMV), and Maximum Economic Recovery (MER) of the coal resources contained in the proposed

Dunn Ranch LBA lease tract, serial number COC–78825.

**DATES:** The public hearing will be held on July 24, 2019, from 5 p.m. to 8 p.m. Comments should be received no later than August 5, 2019.

**ADDRESSES:** The public hearing will be held at the Dolores Public Lands Office, 29211 Highway 184, Dolores, Colorado 81323. Copies of the EA are available online at *https://go.usa.gov/xEKTV,* and at the BLM Tres Rios Field Office, located in the Dolores Public Lands Office. Verbal comments related to the GCCE Coal LBA EA, FMV and MER will be accepted at the public hearing; all other comments must be submitted online at: *https://go.usa.gov/xEKTV.*

**FOR FURTHER INFORMATION CONTACT:** James Blair, Geologist; BLM Tres Rios Field Office, 29211 Highway 184, Dolores, Colorado 81323; telephone: 970–882–1135; email: *jblair@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM and the Office of Surface Mining, Reclamation and Enforcement (OSMRE) are preparing the EA jointly. In accordance with the TRFO Resource Management Plan, the BLM will consider a lease sale for the lands in the LBA and, if a lease sale is conducted, determine whether or not to approve the lease. Should the BLM approve and issue the lease, OSMRE will review the proposed permit revision and mining plan modification to mine the leased Federal coal and provide the Assistant Secretary for Land and Minerals Management (ASLM) a recommendation to approve, approve with conditions, or disapprove the permit revision and mining plan. The BLM and OSMRE will issue separate decision documents.

On January 10, 2018, GCCE submitted an application to lease 2,462 acres (as amended) of Federal coal located in La Plata County, Colorado. The application is for coal within the Cretaceous Menefee Formation, which would be mined by underground methods. The EA analyzes and discloses the potential direct, indirect and cumulative impacts of leasing and mining the proposed 2,462-acres of coal. The LBA is located adjacent to the King II Mine and contains an estimated 9.54 million tons of recoverable coal reserves, as determined by the BLM. As proposed, up to 12 million tons of combined private and Federal coal would be mined, resulting in approximately 20 acres of surface disturbance. An engineered, below-grade, steel-lined haulage way called a ''low-cover crossing'' (LCC) would be constructed to connect the LBA to the existing mine. The LCC would allow underground mining equipment to pass beneath East Alkali Gulch and not emerge to the surface. Surface facilities, operations and haulage at the existing King II Coal Mine would not change.

About two-thirds of the coal shipped from the mine is used to fuel cement manufacturing plants controlled by GCCE's parent company, Grupo Cementos de Chihuahua. The plants are located in Arizona, Colorado, New Mexico, and Texas, as well as in Mexico. The excess coal is sold for use on local scenic railways, home heating and on the spot market. Coal for cement plants in Arizona, Texas, and Mexico and for some spot market buyers is initially transported to a railhead in Gallup, New Mexico.

GCCE produces approximately 600,000 tons of coal each year, shipping approximately 80 truckloads of coal per day with 28.5 tons per load. If the BLM issues the lease, production may increase to 800,000 tons per year, with a shipping increase of 120 truckloads per day.

If the proposal is approved, the total mine life at the King II Coal Mine would be extended by 22 years (including both private and Federal coal).

The proposed project area is mostly split-estate federally owned coal, with various surface estate owners. The Ute Mountain Ute Tribe owns the majority of the surface estate, with private individuals owning a small portion, as well as one 47-acre parcel of BLM-managed land. The lands are in an area referred to as the Dunn Ranch in La Plata County and described as follows:

**New Mexico Principal Meridian, Colorado**

T. 35 N, R. 11 W,
- Sec. 18, lots 2 thru 5, 8, 9, and 10, SE¼NW¼, and NE¼SW¼;
- Sec. 19, lots 1, 2, 6, and 7, NE¼NW¼, and N½SE¼NW¼.

T. 35 N, R. 12 W,
- Sec. 13, S½NE¼, SE¼NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
- Sec. 14, S½NE¼SW¼, S½NW¼SW¼, S½SW¼, S½NW¼SE¼, and S½SE¼;
- Sec. 15, SE¼SW¼ and S½SE¼;
- Sec. 22, N½NE¼, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, and E½NW¼SE¼;
- Sec. 23, N½NE¼, SE¼NE¼, N½NW¼, SE¼SW¼, and SE¼;
- Sec. 24, N½, SW¼ and NW¼SE¼;
- Sec. 26, N½NE¼NE¼, SW¼NE¼NE¼, NW¼NE¼, N½NW¼, N½SW¼NW¼, SE¼SW¼NW¼, and SE¼NW¼;
- Sec. 27, NE¼NE¼ and SE¼NW¼NE¼.

The area described contains 2,462.07 acres.

The EA addresses natural resource, cultural, socioeconomic, environmental, and cumulative impacts that would result from leasing and mining these lands. Two alternatives are addressed in the EA:

*Alternative 1* (Proposed Action): The BLM would offer the tract for competitive lease as requested in the LBA and issue a lease to the winning bidder, with OSMRE approving the proposed permit revision and mine plan modification to the lessee; and

*Alternative 2* (No Action): The BLM would reject or deny the application, and the subsurface Federal coal reserves would be bypassed. If the BLM does not issue a Federal coal lease, OSMRE's proposed action would be moot.

Proprietary information or data marked as confidential may be submitted to the BLM in response to this solicitation of comments. Information and data marked confidential will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, FMV, and MER for the tract, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM TRFO at the address listed above, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday.

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 public at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1506.6; 43 CFR 3425.3 and 3425.4.)

**Jamie E. Connell,**

*BLM Colorado State Director.*

[FR Doc. 2019–14353 Filed 7–3–19; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–27998; PPWOCRADN0–PCU00RP16.R50000]**

### Native American Graves Protection and Repatriation Review Committee Notice of Public Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** The National Park Service is hereby giving notice that the Native American Graves Protection and Repatriation Review Committee (Review Committee) will meet as indicated below.

**DATES:** The Review Committee will meet on August 21–22, 2019, from 8:30 a.m. until approximately 5 p.m. in Fairbanks, Alaska.

**ADDRESSES:** The Review Committee will meet in the Arnold Espe Multimedia Auditorium, University of Alaska Museum of the North, 1962 Yukon Drive, Fairbanks, AK 99775. Electronic submissions of materials or requests are to be sent to *nagpra_info@nps.gov.*

**FOR FURTHER INFORMATION CONTACT:** Melanie O'Brien, Designated Federal Officer, National Native American Graves Protection and Repatriation Act Program (2253), National Park Service, telephone (202) 354–2201, or email *nagpra_info@nps.gov.*

**SUPPLEMENTARY INFORMATION:** The Review Committee was established in section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the National NAGPRA Program website at *https://www.nps.gov/nagpra.*

*Purpose of the Meeting:* The agenda will include a report from the National NAGPRA Program; the discussion of the Review Committee Report to Congress; subcommittee reports and discussion; and other topics related to the Review Committee's responsibilities under section 8 of NAGPRA; and public comments. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains proceed; and presentations by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals. Presentation to the Review Committee by telephone may be requested but is not guaranteed. The agenda and materials for this meeting will be posted on or before July 22, 2019, at *https://www.nps.gov/nagpra.* The meeting is open to the public and there will be time for public comment.

**General Information**

The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian tribes and Native Hawaiian organizations and museums on matters affecting such tribes or organizations lying within the scope of work of the Review Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

The Review Committee is soliciting presentations from Indian tribes, Native Hawaiian organizations, museums, and Federal agencies on the following two topics: (1) The progress made, and any barriers encountered, in implementing NAGPRA and (2) the outcomes of disputes reviewed by the Review Committee pursuant to 25 U.S.C. 3006 (c)(4). The Review Committee also will consider other presentations from Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals. A presentation request must, at minimum, include an abstract of the presentation and contact information for the presenter(s). Written comments will be accepted from any party and provided to the Review Committee.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains proceed. A disposition request must include specific information and, as applicable, ancillary materials. For details on the required information go to *https://www.nps.gov/nagpra/Review.*

Contact the Designated Federal Officer to discuss requests for findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items; or requests to facilitate the resolution of disputes.

Deadlines for submissions and requests can be found at *https://www.nps.gov/nagpra/review/announcements.htm.* Submissions and requests should be sent to *nagpra_info@nps.gov.* Such items are subject to posting on the National NAGPRA Program website prior to the meeting.

*Public Disclosure of Comments:* Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 5 U.S.C. Appendix 2; 25 U.S.C. 3006.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2019–14354 Filed 7–3–19; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 190S180110; S2D2S SS08011000 SX064A00 19XS501520]**

### Notice of Record of Decision for the Coal Hollow Mine Mining Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of record of decision.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSMRE) announces its decision to adopt the Bureau of Land Management's (BLM) Final Environmental Impact Statement (FEIS) for the Alton Coal Tract Lease by Application at the Coal Hollow Mine located in Kane County, UT. In accordance with Section 102 of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's (CEQ) regulations implementing NEPA, and other applicable authorities, OSMRE has conducted an independent review and evaluation of the BLM's FEIS for the Alton Coal Tract Lease by Application at the Coal Hollow Mine dated July 2018.

As a cooperating agency with responsibility for the Federal Lands Program and the preparation of mining plan decision documents for review by the Assistant Secretary for Land and

Minerals Management (ASLM), OSMRE provided subject matter expertise to the BLM during the environmental review process. Based on its independent review and evaluation, OSMRE has determined the FEIS, including all supporting documentation, as incorporated by reference, adequately assesses and discloses the environmental impacts for the mining plan, and that adoption of the 2018 FEIS by OSMRE is authorized. Accordingly, OSMRE adopts the 2018 FEIS, and takes full responsibility for the scope and content that addresses the proposed mining plan at Coal Hollow Mine.

**ADDRESSES:** Documents are available on OSMRE's website: *https://www.wrcc.osmre.gov/initiatives/coalHollowMine.shtm*.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Pinkham, OSMRE Project Manager, at 303–293–5088 or by email at *osm-nepa-ut@osmre.gov*. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:**

I. Background on the Project
II. Alternatives
III. Environmental Impact Analysis
IV. Decision

## I. Background on the Project

As established by the Mineral Leasing Act (MLA) of 1920, the Surface Mining Control and Reclamation Act (SMCRA) of 1977, as amended (30 U.S.C. 1201–1328), and the Cooperative Agreement between the State of Utah and the Secretary of the U.S. Department of the Interior (DOI) in accordance with Section 523(c) of SMCRA (30 U.S.C. 1273(c)), Alton Coal Development, LLC Permit Application Package (PAP) (also referred to as LBA Block 1) must be reviewed by OSMRE and a mining plan approved by the ASLM before Alton Coal Development, LLC may significantly disturb the environment in order to develop the Federal Coal Lease UTU–081895. The Utah Division of Oil, Gas and Mining (DOGM) is the SMCRA regulatory authority principally responsible for reviewing and approving PAPs. Under the MLA, OSMRE is responsible for making a recommendation to the ASLM about whether the proposed mining plan modification should be approved, disapproved, or approved with conditions (30 CFR 746). OSMRE has reviewed the FEIS in its entirety for adoption and determined the analysis to be sufficient. Any future mining plan decisions within the Alternative K1 lease area would be subject to re-evaluation under NEPA.

It is OSMRE's decision to adopt the BLM Kanab Field Office ''Alton Coal Tract Lease by Application'' FEIS (2018), as allowed under 40 CFR 1506.3. Consistent with the BLM decision, OSMRE is selecting Alternative K1, as described in the FEIS (Section 2.5), based on the agencies' consideration of: The purpose and need for the action; the issues; current policies and regulations; the analysis of alternatives contained in the FEIS; public comments received and other information in the project record.

Alternative K1 as analyzed in the FEIS would add 2,114 acres of which approximately 1,227 acres are federal surface and mineral estate and 887 acres are split estate (private surface and federal mineral estate) for surface and underground mining activities. Under Alternative K1, the lease to be mined contains approximately 40.9 million tons of coal and an estimated 30.8 million tons of coal will be recoverable. The lease would produce approximately 2 million tons per year and mining operations would be extended by approximately 16 years.

The BLM and OSMRE, in consultation with the Utah State Historic Preservation Office, developed a programmatic agreement (Appendix N of the FEIS) pursuant to 36 CFR 800.14 that would provide for a comprehensive consideration of possible effects to historic properties in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 300101–307108). Consultations with Native American Tribes are being conducted in accordance with DOI policy.

As part of its consideration of impacts of the proposed Project on threatened and endangered species, OSMRE completed the Section 7 consultation process under the Endangered Species Act (ESA) of 1973, utilizing the BLM's previous consultation completed on October 6, 2017 and came to a finding of no effect for the Ute ladies'-tresses, pursuant to Section 7 of ESA, as amended (16 U.S.C. 1531 *et seq.*) and its implementing regulations.

In addition to compliance with NEPA, NHPA Section 106, and ESA Section 7, all Federal actions will be in compliance with applicable requirements of the SMCRA, the Clean Water Act (33 U.S.C. 1251–1387), the Clean Air Act of 1970, as amended (42 U.S.C. 7401–7671q), the Native American Graves Protection and Repatriation Act of 1990, as amended, (25 U.S.C. 3001–3013), and all applicable laws, regulations, and Executive Orders relating to Environmental Justice (E.O. 12898), Sacred Sites (E.O. 13007), and Tribal Consultation (E.O. 13175).

### *II. Alternatives*

The analysis in the FEIS considers direct, indirect, and cumulative impacts of the Proposed Action and three Alternatives. Alternatives for the Project that were analyzed in the FEIS include:

(a) Alternative A—No Action Alternative: This Alternative was identified by OSMRE as the environmentally preferable Alternative. Even though this is the No Action Alternative, currently permitted mining on private lands adjacent to the lease would continue to mine approximately 5 million short tons of recoverable coal from approximately 635 acres.

(b) Alternative B—Proposed Action: Under the Proposed Action, the lease would encompass approximately 3,576 acres of which approximately 2,280 acres are federal surface and mineral estate and 1,296 acres are split estate; private surface estate and federal mineral estate. The Proposed Action would include approximately 44.9 million tons of recoverable coal to be mined over 25 years at a rate of approximately 2 million tons per year.

(c) Alternative C—Reduced Tract Acreage and Seasonal Restrictions: Under Alternative C, the lease would be modified to exclude Block NW and certain mining activities in the south portion of the lease (Block S) would be subject to seasonal restrictions to reduce impacts to the local Greater Sage-Grouse population. The modified lease would encompass approximately 3,173 acres of which approximately 2,280 acres are federal surface and mineral estate and 893 acres are split estate. The modified lease area would contain 39.2 million tons of recoverable coal to be mined over 21 years at a rate of 2 million tons per year.

(d) Alternative K1—Preferred Alternative: Under Alternative K1, the lease would be modified to exclude Block NW and Block S. The lease would add 2,114 acres of which approximately 1,227 acres are federal surface and mineral estate and 887 acres are split estate (private surface and federal mineral estate) for surface and underground mining activities. Approximately 30.8 million tons of coal will be recoverable to be mined over 16 years at a rate of 2 million tons per year.

A wide range of additional Alternatives were considered by OSMRE but not carried forward for

detailed analysis in the FEIS. The following Alternatives were not analyzed in the FEIS (Section 2.7) because they either did not meet the purpose and need of the Project or were not considered technically feasible or economically feasible or cost-effective:

- Alternative D: Alton Coal Development's Original Lease By Application Submittal
- Alternative E: No Surface Mining
- Alternative F: Postpone Leasing Decision Until Completion Of The Kanab Field Office Resource Management Plan Revision
- Alternative G: Postpone Leasing Decision Until More Environmentally Friendly Coal Mining Practices Are Available
- Alternative H: Construct A Coal-Fired Power Plant Next To The Tract
- Alternative I: Promote The Development Of Alternative Sources Of Energy, Natural Gas, And Energy Conservation
- Alternative J: Coal Transportation Alternatives
- Alternative K2: Tract Modifications To Address Concerns Related To Greater Sage-Grouse And Big Game
- Alternative L: Tract Modifications To Address Concerns Related To Kanab Creek, Possible Alluvial Valley Floors, And Other Water Features
- Alternative M: Maximize Flexibility Of Mining Operations
- Alternative N: Nitrogen Dioxide Emissions Control Measures
- Alternative O: Restrict Mining Operations To Daylight Hours
- Alternative P: Update The KFO RMP Unsuitability Determinations Based On The Analysis In The DEIS And Reconfigure The Tract To Exclude These Areas
- Alternative Q: Air Quality Protection Alternative
- Alternative R: Restrict Coal Truck Traffic After Sunset And Before Sunrise
- Alternative S: Reconfigure The Tract To Exclude Cultural Resources Sites Eligible For The National Register Of Historic Places
- Alternative T: Seasonal Timing Restrictions And Varying Buffer-Size Restrictions For The Tract
- Alternative U: Alternative Locations
- Alternative V: Lease All Known Recoverable Coal Resources

Certain components of the federal action would be independent of the elements of any alternative. In the FEIS, these were considered options, any one of which could be chosen in combination with any alternative and would not necessitate changes in the alternative, or vice versa. Those options that were considered but not carried forward for detailed analysis are listed below (FEIS Section 2.7).

- Kanab Field Office Route 116 Relocation Options
- Other Roads In The Tract
- Power Generation Options

### III. Environmental Impact Analysis

The FEIS analyzes the potential environmental impacts to 16 different resource categories, including:

- Air Resources
- Paleontology
- Geology and Minerals
- Cultural Resources
- Soils
- Vegetation
- Wildlife: Special Status Species
- Wildlife: General
- Hazardous Materials and Hazardous and Solid Waste
- Water Resources
- Livestock Grazing
- Transportation
- Land Use and Access
- Recreation
- Socioeconomics
- Aesthetics Resources

### IV. Decision

In consideration of the information presented above, OSMRE approves the Record of Decision (ROD) adopting the BLM Alton Coal Tract Lease by Application FEIS and selects Alternative K1 as the Preferred Alternative as described in the FEIS (Section 2.5). The BLM included lease stipulations which were outlined in Appendix B of BLM's ROD to minimize environmental impacts. This action can be implemented following approval of the mining plan modification by the ASLM.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.1.

Dated: June 25, 2019.

**David Berry,**

*Regional Director, Regions 5, 7, 8, 9, 10 and 11.*

[FR Doc. 2019–14333 Filed 7–3–19; 8:45 am]

BILLING CODE 4310–05–P

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–606 and 731–TA–1416 (Final)]**

## Quartz Surface Products From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of quartz surface products from China, provided for in subheading 6810.99.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of China.[2]

### Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective April 17, 2018, following receipt of a petition filed with the Commission and Commerce by Cambria Company LLC, Eden Prairie, Minnesota. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of quartz surface products from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the revised notice in the **Federal Register** on February 12, 2019 (84 FR 3487). The hearing was held in Washington, DC, on May 9, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on June 28, 2019. The views of the Commission are contained in USITC Publication 4913 (June 2019), entitled *Quartz Surface Products from China: Investigation Nos. 701–TA–606 and 731–TA–1416 (Final).*

By order of the Commission.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing and antidumping duty orders on quartz surface products from China.

Dated: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14312 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–1123 (Second Review)]**

## Steel Wire Garment Hangers From China; Scheduling of an Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on steel wire garment hangers from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** May 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** (Calvin Chang (202) 205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On May 7, 2019, the Commission determined that the domestic interested party group response to its notice of institution (84 FR 2245, February 6, 2019) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

*Staff report.*—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on July 15, 2019, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

*Written submissions.*—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before July 22, 2019 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by July 22, 2019. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determination.*—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14309 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–749 (Fourth Review)]**

## Persulfates From China; Scheduling of an Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on persulfates from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** May 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** Stamen Borisson (202–205–3125), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On May 7, 2019, the Commission determined that the

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the response submitted by M&B Metal Products Company to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

domestic interested party group response to its notice of institution (84 FR 2252, February 6, 2019) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

*Staff report.*—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on July 9, 2019, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

*Written submissions.*—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before July 15, 2019 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by July 15, 2019. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determination.*—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Dated: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14310 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the response submitted by PeroxyChem LLC (''PeroxyChem''), a domestic producer of persulfates, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1107]**

## Certain LED Lighting Devices and Components Thereof; Commission Determination To Review-in-Part an Initial Determination Granting Complainant's Motion for Summary Determination on Violation by Defaulting Respondents; and, on Review, To Find a Violation of Section 337; Request for Written Submissions on Remedy, Bonding, and the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part an initial determination (''ID'') (Order No. 21) of the presiding administrative law judge (''ALJ'') granting summary determination on violation of section 337 of the Tariff Act of 1930, as amended, (''section 337'') by certain defaulting respondents. On review, the Commission has determined to find a violation of section 337. The Commission is requesting written submission on remedy, bonding, and the public interest.

**FOR FURTHER INFORMATION CONTACT:** Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on April 10, 2018, based on a complaint filed on behalf of Fraen Corporation (''Fraen'') of Reading, Massachusetts. 83 FR 15399–15400 (Apr. 10, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED lighting devices and components thereof by reason of infringement of one or more claims of U.S. Patent No. 9,411,083 (''the '083 patent'') and U.S. Patent No. 9,772,499 (''the '499 patent''). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents Chauvet & Sons, LLC of Sunrise, Florida; ADJ Products, LLC of Los Angeles, California; Elation Lighting, Inc. of Los Angeles, California; Golden Sea Professional Equipment Co., Ltd. of Guangdong, China; Artfox USA, Inc. of City of Industry, California; Artfox Electronics Co., Ltd. of Guangdong, China; Guangzhou Chaiyi Light Co., Ltd. d/b/a Fine Art Lighting Co., Ltd. of Guangdong, China; Guangzhou Xuanyi Lighting Co., Ltd. d/b/a XY E-Shine of Guangdong, China; Guangzhou Flystar Lighting Technology Co., Ltd. of Guangdong, China; and Wuxi Changsheng Special Lighting Apparatus Factory d/b/a Roccer of Jiangsu, China. *Id.* The Office of Unfair Import

Investigations (''OUII'') is also participating in the investigation. *Id.*

On June 13, 2018, the ALJ issued an initial determination terminating Chauvet & Sons, LLC from the investigation on the basis of a license agreement. Order No. 14 at 1 (June 13, 2018), *unreviewed,* Notice (July 9, 2018).

On July 12, 2018, the ALJ issued an initial determination terminating ADJ Products, LLC and Elation Lighting, Inc. from the investigation on the basis of a license agreement. Order No. 17 at 1 (July 12, 2018), *unreviewed,* Notice (Aug. 8, 2018). In the same initial determination, the ALJ terminated Golden Sea Professional Equipment Co., Ltd. from the investigation based on the provisions of 19 CFR 210.21(a). *Id.*

On July 20, 2018, the ALJ issued an initial determination terminating Artfox USA, Inc. from the investigation on the basis of a license agreement. Order No. 18 at 1 (July 20, 2018), *unreviewed,* Notice (Aug. 14, 2018). In the same initial determination, the ALJ terminated Artfox Electronics Co., Ltd. from the investigation based on the provision of 19 CFR 210.21(a). *Id.*

On August 28, 2018, the ALJ issued an initial determination finding the remaining respondents in default for failure to respond to the complaint, notice of investigation, and her order to show cause. Order No. 20 at 2 (Aug. 28, 2018), *unreviewed,* Notice (Sep. 17, 2018).

On September 14, 2018, Fraen moved for summary determination of violation of section 337 by the defaulting respondents. In addition, Fraen requested a recommended determination for the Commission to issue a general exclusion order and set a bond in the amount of 100 percent of entered value. On September 28, 2018, OUII filed a response in support of Fraen's motion and requested remedy.

On May 16, 2019, the ALJ issued the subject ID granting Fraen's motion for summary determination of violation of section 337 by the defaulting respondents. Specifically, the ALJ found, *inter alia,* that Fraen established infringement of claim 1 of the '083 patent and claim 1 of the '499 patent; that Fraen established that the importation requirement is satisfied as to each defaulting respondent and each accused product; and that Fraen satisfied both the technical and economic prongs of the domestic industry requirement. The ALJ's ID also included her recommendation that the Commission issue a general exclusion order and impose a 100 percent bond during the period of presidential review.

No petitions for review were filed.

Having examined the record of this investigation, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review the ID's findings that Fraen satisfies the economic prong of the domestic industry requirement under section 337(a)(3)(A) and (C). On review, the Commission has determined to take no position on those issues.

The Commission has further determined not to review the remainder of the ID, including the ID's findings that Fraen has established infringement of claim 1 of the '083 patent and claim 1 of the '499 patent; that Fraen established that the importation requirement is satisfied as to each defaulting respondent and each accused product; that Fraen satisfied the technical prong of the domestic industry requirement; and that Fraen satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(B). Accordingly, the Commission has determined to affirm with modifications the ID's finding of violation of section 337.

In connection with the final disposition of this investigation, the Commission may issue an order that could result in the exclusion of the subject articles from entry into the United States. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 *FR* 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

Complainant and OUII are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the patents expire, the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation. The written submissions and proposed remedial orders must be filed no later than close of business on July 15, 2019. Reply submissions must be filed no later than the close of business on July 22, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1107'') in a prominent place on the cover page and/or the first page. (*See* Handbook on Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such

treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. 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,[1] solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14269 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

[1] All contract personnel will sign appropriate nondisclosure agreements.

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1167]**

## Certain Reload Cartridges for Laparoscopic Surgical Staplers; Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 30, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ethicon LLC of Guaynabo, PR; Ethicon Endo-surgery, Inc. of Cincinnati, Ohio; and Ethicon US, LLC of Cincinnati, Ohio. Letters supplementing the complaint were filed on June 7 and 17, 2019. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain reload cartridges for laparoscopic surgical staplers by reason of infringement of certain claims of U.S. Patent No. 9,844,379 (''the '379 patent''); U.S. Patent No. 9,844,369 (''the '369 patent''); U.S. Patent No. 7,490,749 (''the '749 patent''); U.S. Patent No. 8,479,969 (''the '969 patent''); and U.S. Patent No. 9,113,874 (''the '874 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

**SUPPLEMENTARY INFORMATION:**

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

*Scope of Investigation:* Having considered the complaint, as supplemented, the U.S. International Trade Commission, on June 28, 2019, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–3 of the '379 patent; claims 22–23 of the '369 patent; claim 1 of the '749 patent; claim 24 of the '969 patent; and claim 19 of the '874 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2)) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''stapler reload cartridges for surgical instruments used in laparoscopic surgical procedures to both cut and staple tissue'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant are:

Ethicon LLC, 475 Street C, Los Frailes Industrial Park, Guaynabo, PR 00969

Ethicon Endo-Surgery, Inc., 4545 Creek Road, Cincinnati, OH 45242

Ethicon US, LLC, 4545 Creek Road, Cincinnati, OH 45242

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Intuitive Surgical Inc., 1020 Kifer Road, Building 101, Sunnyvale, CA 94086

Intuitive Surgical Operations, Inc., 1020 Kifer Road, Sunnyvale, CA 94086

Intuitive Surgical Holdings, LLC, Circuito Internacional Sur #21–A, Parque Industrial Nelson, Carretera A San Luis R.c., Km 14, Mexicali Baja California, Mexico 21397; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the

notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the Administrative Law Judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14308 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–450 and 731–TA–1122 (Second Review)]**

## Scheduling of Expedited Five-Year Reviews; Laminated Woven Sacks From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on laminated woven sacks from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** May 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** Celia Feldpausch 202–205–2387, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background.*—On May 7, 2019, the Commission determined that the domestic interested party group response to its notice of institution (84 FR 2249, February 6, 2019) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

*Staff report.*—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on July 11, 2019, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

*Written submissions.*—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to these reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to these reviews may file written comments with the Secretary on what determinations the Commission should reach in the reviews. Comments are due on or before July 18, 2019 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by July 18, 2019. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determinations.*—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 28, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–14311 Filed 7–3–19; 8:45 am]

**BILLING CODE 7020–02–P**

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the responses submitted by the Laminated Woven Sacks Fair Trade Coalition and its individual members, domestic producers Polytex Fibers Corp. and ProAmpac Holdings, Inc., to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

## DEPARTMENT OF LABOR

### Employment and Training Administration

## Agency Information Collection Activities; Comment Request; Student Safety Assessment of Job Corps Participants

**AGENCY:** Employment and Training Administration; Department of Labor.

**ACTION:** Notice of information request; request for comment.

**SUMMARY:** The Department of Labor (DOL), Employment Training Administration (ETA) is soliciting comments concerning a proposed request for the authority to conduct the information collection request (ICR)

titled, ''Student Safety Assessment of Job Corps Participants.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

**DATES:** Consideration will be given to all written comments received by September 3, 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 by contacting Lawrence Lyford by telephone at 202–693–3121, TTY 1–877–889–5627 (these are not toll-free numbers) or by email at *Lyford.Lawrence@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Job Corps, 200 Constitution Avenue NW, Room N4507, Washington, DC 20210; by email: *Lyford.Lawrence@dol.gov* or by Fax 202–693–3113.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Lawrence Lyford by telephone at 202–693–3121 (this is not a toll free number) or by email at *Lyford.Lawrence@dol.gov.*

**Authority:** 44 U.S.C. 3506(c)(2)(A).

**SUPPLEMENTARY INFORMATION:** DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Job Corps is the nation's largest residential, educational, and career technical training program for young Americans. The Economic Opportunity Act established Job Corps in 1964, and it currently operates under the authority of the Workforce Innovation and Opportunity Act (WIOA) of 2014. For over 52 years, Job Corps has helped prepare nearly three million at-risk young people between the ages of 16 and 24 for success in our nation's workforce. With 123 centers in 50 states, Puerto Rico, and the District of Columbia, Job Corps assists students across the nation in attaining academic credentials, including High School Diplomas (HSD) and/or High School Equivalency (HSE), and career technical training credentials, including industry-recognized certifications, state licensures, and pre-apprenticeship credentials.

Job Corps is a national program administered by DOL through the Office of Job Corps and six regional offices. DOL awards and administers contracts for the recruiting and screening of new students, center operations, and the placement and transitional support of graduates and former enrollees. Large and small corporations and nonprofit organizations manage and operate 98 Job Corps centers under contractual agreements with DOL. These contract center operators are selected through a competitive procurement process that evaluates potential operators' technical expertise, proposed costs, past performance, and other factors, in accordance with the Competition in Contracting Act and the Federal Acquisition Regulations. The remaining 25 Job Corps centers, called Civilian Conservation Centers, are operated by the U.S. Department of Agriculture Forest Service, via an interagency agreement. DOL has a direct role in the operation of Job Corps and does not serve as a pass-through agency for this program.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0NEW.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments. DOL will only consider comments received during the 60-day comment period.

DOL 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.

*Title of Collection:* Student Safety Assessment Survey of Job Corps Students.

*Agency:* DOL–ETA.

*Type of Review:* New Information Collection Request.

*Form:* Appendix A.

*OMB Control Number:* 1205–0NEW.

*Affected Public:* Active Job Corps students.

*Estimated Number of Respondents Monthly:* 9,815.

*Frequency:* Monthly.

*Total Estimated Annual Responses:* 117,780.

*Estimated Average Time per Response:* 0.25 hours.

*Estimated Total Annual Burden Hours:* 29,445.

*Total Estimated Annual Other Cost Burden:* $0.

**Molly E. Conway,**

*Acting Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2019–14320 Filed 7–3–19; 8:45 am]

**BILLING CODE 4510–FT–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (19–039)]**

## NASA Advisory Council; Aeronautics Committee; Meeting.

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as

amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). This meeting will be held for soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

**DATES:** Wednesday, July 24, 2019, 1:00 p.m.–5:30 p.m., and Thursday, July 25, 2019, 9:00 a.m. to 12:00 p.m., Local Time.

**ADDRESSES:** NASA Glenn Research Center, Mission Integration Center, Building 162, Room 302, 21000 Brookpark Road, Cleveland, Ohio 44135.

**FOR FURTHER INFORMATION CONTACT:** Ms. Irma Rodriguez, Designated Federal Officer, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0984, or *irma.c.rodriguez@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch-tone telephone to participate in this meeting. Any interested person may dial the USA toll-free conference number 1–888–769–8716, participant passcode: 6813159, followed by the # sign to participate in this meeting by telephone on both days. The WebEx link is *https://nasaenterprise.webex.com/,* the meeting number on both days is 900 824 618, and the password is PvYA3mu*.

The agenda for the meeting includes the following topics:

—Propulsion Transformation—Electric Propulsion

—Autonomy Strategy

Attendees will be requested to sign a register and to comply with NASA Glenn Research Center security requirements, including the presentation of a valid government-issued identification (*i.e.,* driver's license, passport, etc.) to Security before access to NASA. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 15 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 5 working days in advance. Information should be sent to Ms. Irma Rodriguez by fax at (202) 358–4060. For questions, please call Ms. Irma Rodriguez at (202) 358–0984. Attendees will also be required to sign a register prior to entering the meeting room. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

**Patricia Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2019–14369 Filed 7–3–19; 8:45 am]

**BILLING CODE 7510–13–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2019–0073]**

## Public Meetings To Discuss Best Practices for Establishment and Operation of Local Community Advisory Boards in Response to a Portion of the Nuclear Energy Innovation and Modernization Act

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Public meetings.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is undertaking activities to develop a report identifying best practices for establishment and operation of local community advisory boards associated with decommissioning activities, including lessons learned from existing boards, as required by the Nuclear Energy Innovation and Modernization Act (NEIMA). As part of developing the report, the NRC is hosting 11 public meetings and at least 1 webinar to consult with host States, communities within the emergency planning zone of an applicable nuclear power reactor, and existing local community advisory boards. The results of these meetings, along with any other data received as a result of the NRC's information collection activities associated with NEIMA, will be captured in a best practices report that will be submitted to Congress.

**DATES:** Public meetings to discuss best practices and lessons learned associated with community advisory boards at decommissioning nuclear power reactors will take place from approximately August through October of 2019.

**FOR FURTHER INFORMATION CONTACT:** Marlayna Vaaler Doell or Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178 or 301–415–1335; email: *NEIMA108.Resource@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The NRC is coordinating activities in accordance with Section 108 of NEIMA to collect information on the use of, and lessons learned from, local community advisory boards during decommissioning activities and issue a best practices report.

The contents of this report, scheduled to be issued to Congress no later than July 14, 2020, will include a description of the type of topics that might be brought before a community advisory board; how the board's input could inform the decision-making process of stakeholders for various decommissioning activities; how the board could interact with the NRC and other Federal regulatory bodies to promote dialogue between the licensee and affected stakeholders; and how the board could offer opportunities for public engagement throughout all phases of the decommissioning process. The report will also include a discussion of the composition of existing community advisory boards and best practices identified during the establishment and operation of such boards, including logistical considerations, frequency of meetings, and the selection of board members.

In developing a best practices report, the NRC is consulting with host States, communities within the emergency planning zone of an applicable nuclear power reactor, and existing local community advisory boards. This consultation will include the distribution of a questionnaire, which is currently being developed, to solicit information on specific topics that Section 108 of NEIMA requires be included in the report. The NRC will also conduct twelve Category 3 public meetings, including at least one nationwide webinar.

The public meetings will be held in locations that ensure geographic diversity across the United States, with priority given to States that (i) have a nuclear power reactor currently undergoing the decommissioning process; and (ii) requested a public meeting under the provisions of NEIMA in accordance with the **Federal Register** (FR) notice published on March 18, 2019 (84 FR 9841). At NRC Category 3 public meetings, the public is invited to participate by providing comments and asking questions.

**II. Category 3 Public Meeting Locations and Nationwide Webinar**

Consistent with the consultation requirements in NEIMA Section 108, the NRC received requests for and identified the areas surrounding the following nuclear power reactors as locations to host public meetings to discuss best practices and lessons learned for establishment and operation of local community advisory boards: (1) Crystal River 3 Nuclear Power Plant in Crystal River, Florida; (2) Diablo Canyon Power Plant in San Luis Obispo, California; (3) Humboldt Bay Nuclear Power Plant in Eureka, California; (4) Indian Point Energy Center in Buchanan, New York; (5) Kewaunee Power Station in Kewaunee, Wisconsin; (6) Oyster Creek Nuclear Generating Station in Forked River, New Jersey; (7) Palisades Nuclear Generating Station in Covert, Michigan; (8) Pilgrim Nuclear Power Station in Plymouth, Massachusetts; (9) San Onofre Nuclear Generating Station in San Clemente, California; (10) Vermont Yankee Nuclear Power Plant in Vernon, Vermont; and (11) Zion Nuclear Power Station in Zion, Illinois.

The public meetings to discuss best practices and lessons learned associated with community advisory boards at decommissioning nuclear power reactors will take place from approximately August through October of 2019. Specific details regarding the dates, times, locations, and other logistical information for each of the meetings can be found, as they become available, on the NRC's NEIMA Section 108 public website at: *https://www.nrc.gov/waste/decommissioning/neima-section-108.html.* The meeting details for each Category 3 public meeting will also be published in the NRC Public Meeting Notice System a minimum of ten days before the meeting takes place.

The NRC staff is also planning to host at least one nationwide webinar to discuss best practices and lessons learned for establishment and operation of local community advisory boards. The first of these webinars will take place in August. For information about attending the webinar, or any of the other planned public meetings, please see the public NEIMA Section 108 website or contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated at Rockville, Maryland this 1st day of July, 2019.

For the Nuclear Regulatory Commission.

**Bruce A. Watson,**

*Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2019–14363 Filed 7–3–19; 8:45 am]

**BILLING CODE 7590–01–P**

## OVERSEAS PRIVATE INVESTMENT CORPORATION

**[DFC–011]**

## Submission for OMB Review; Comments Request

**AGENCY:** Overseas Private Investment Corporation (OPIC), US International Development Finance Corporation (DFC).

**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. As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the agencies are seeking a Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. 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 the generic clearance no earlier than October 1, 2019. Comments must be received by September 5, 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. 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 F.I. 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 Forms Under Review**

*Title of Collection:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Type of Review:* New information collection.

*Agency Form Number:* DFC–011.

*OMB Form Number:* Not assigned, new information collection.

*Frequency:* Once.

*Affected Public:* Business or other for-profit; not-for-profit institutions; individuals.

*Total Estimated Number of Annual Number of Respondents:* 200.

*Estimated Time per Respondent:* 0.1 to 1 hours.

*Total Estimated Number of Annual Burden Hours:* 100 hours.

*Abstract:* The information collection activity under this clearance will garner qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback the agency means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the

agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs.

Dated: July 1, 2019.

**Catherine F.I. Andrade,**

*Corporate Secretary, Department of Legal Affairs.*

[FR Doc. 2019–14366 Filed 7–3–19; 8:45 am]

**BILLING CODE 3210–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86234; File No. SR–C2–2019–017]**

## Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Trigger for Its Opening Rotation Process for Equity Options

June 28, 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 24, 2019, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to amend the trigger for its opening rotation process for equity options.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

On April 24, 2019, the Exchange filed a rule filing, SR–C2–2019–009, which, among other things, amended its opening auction process.[5] Specifically, the filing amended the events that will trigger the opening rotation for equity options pursuant to Rule 6.11(d). As of June 17, 2019, Rule 6.11(d) provides that after a time period (which the Exchange determines for all classes) following the System's observation after 9:30 a.m. of the first disseminated transaction price for the security underlying an equity the System will initiate the opening rotation for the series in that class.[6]

Prior to June 17, 2019, the System would initiate its opening rotation for a series following the first transaction in the security underlying an equity option disseminated by the primary market after 9:30. The Exchange now seeks to amend the opening rotation trigger for equity options to revert back to the trigger used prior to the implementation of SR–C2–2019–009. The Exchange understands its opening rotation trigger event is not consistent with general practice in the industry, which is to trigger an opening rotation based on disseminated transactions from the primary market rather than any market. The Exchange notes that the proposed change to reflect the prior opening trigger event is the same as the rule language that existed before the SR–C2–2019–009 amendments, previously filed with the Commission, modified only to conform to other rule text under Rule 6.11(d) amended by SR–C2–2019–009 that the Exchange does not intend to alter.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change will serve to remove impediments to and perfect the mechanism of a free and open market and national market system because it will realign the trigger for its opening rotation for equity options with the trigger used by most other options exchanges.[10] The proposed change will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 85788 (May 6, 2019), 84 FR 20673 (May 10, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Opening Process and Add a Global Trading Hours Session for DJX Options) (SR–C2–2019–009). The rule filing was part of Feature Pack 7, implemented on June 17, 2019, in connection with the migration of Cboe Exchange, Inc. (''Cboe Options'') technology to the same trading platform used by the Exchange, Cboe EDGX Exchange, Inc. (''EDGX Options''), and Cboe BZX Exchange, Inc. (''BZX Options'') in the fourth quarter of 2019.

[6] The Exchange circulated an Exchange notice in advance of the implementation of the rule changes pursuant to SR–C2–2019–009 describing such rule changes. *See* Exchange Notice No. C2019050201 (May 2, 2019). The Exchange also circulated an Exchange notice as a reminder of the upcoming rule changes under SR–C2–2019–009. *See* Exchange Notice No. C2019061200 (June 12, 2019).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See* Rules of Nasdaq BX, Chapter VI, Sec. 8(b); and Nasdaq Stock Market Options Rules, Chapter VI, Sec. 8(b). *See also http://*

Continued

benefit investors, as it will create consistency throughout the industry and will implement an opening rotation trigger that was previously in place under the Exchange Rules and thus, previously filed with the Commission and already familiar to market participants.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act, because the proposed opening trigger will apply in the same manner to all equity options. The proposed rule change impacts a System process that occurs prior to the opening of trading, and merely modifies when the System will initiate an opening rotation. The remainder of the opening auction process will occur as it does today. The Exchange also does not believe that the proposed change will impose any burden on intermarket competition that is not necessary in furtherance of the purposes of the Act, because use of the first disseminated transaction price from the primary market as a trigger for the opening rotation is consistent with the rules of other options exchanges [11] and with the Exchange Rules in place prior to June 17, 2019.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

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 for 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 [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii) [15] 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. The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change will implement functionality relating to the opening rotation trigger for equity options that was previously in place on C2. As such, waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as the proposed rule change will implement an opening rotation trigger that was previously in place under an Exchange Rule that is already familiar to market participants. Thus, as represented by the Exchange, the proposed rule change does not introduce any new or novel issues. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2019–017 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2019–017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2019–017 and should be submitted on or before July 26, 2019.

*www.nasdaqtrader.com/Content/BXOptions/BXOptions_FAQs.pdf*; and *http://www.nasdaqtrader.com/content/ProductsServices/Trading/OptionsMarket/options_market_faqs.pdf.*

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change 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.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14280 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86232; File No. SR–CboeBYX–2019–009]**

## Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

June 28, 2019.

### I. Introduction

On May 2, 2019, Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeBYX–2019–009) to amend the BYX fee schedule to establish a monthly Trading Rights Fee to be assessed on Members.[3] The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[4] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[5] The Commission has received no comment letters on the proposal. Under Section 19(b)(3)(C) of the Act,[6] the Commission is hereby: (i) Temporarily suspending the proposed rule change; and (ii) instituting proceedings to determine whether to approve or disapprove the proposed rule change.

### II. Description of the Proposed Rule Change

The Exchange proposes to amend the Membership Fees section of the BYX fee schedule to establish a monthly Trading Rights Fee, which would be assessed on Members that trade more than a specified volume in U.S. equities.[7] Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $250 per month for the ability to trade on the Exchange. A Member would not be charged the monthly Trading Rights Fee if it meets one of the following exceptions: (1) The Member has a monthly ADV[8] of less than 100,000 shares, or (2) at least 90% of the Member's orders submitted to the Exchange per month are retail orders.[9] The proposed Trading Rights Fee also would not be charged to new Members for the first three months of their membership.[10]

### III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,[11] at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act,[12] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') 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. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

The Exchange asserts that the proposed Trading Rights Fee ''is reasonable because it will assist in funding the overall regulation and maintenance of the Exchange.'' [13] The Exchange also asserts that the proposed Trading Rights Fee is reasonable because the ''cost of this membership fee is generally less than the analogous membership fees of other markets.'' [14] The Exchange states that it believes the proposed Trading Rights Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that do not meet the requirements of the exceptions.[15]

In regard to the proposed exceptions pursuant to which Members would not be charged the Trading Rights Fee, the Exchange states that it believes that both exceptions are reasonable. Specifically, the Exchange states that the proposed exception for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it would allow such smaller Members to continue to trade at a lower cost.[16] In addition, the Exchange states the exception is reasonable because such firms consume fewer regulatory resources.[17]

The Exchange also states that the second exception for Members that submit 90% or more of their orders per month as retail orders is reasonable because it would ensure that ''retail broker members can continue to submit orders for individual investors at a lower cost, thereby continuing to encourage retail investor participation on the Exchange.'' [18]

Finally the Exchange states that it believes that not charging a Trading Rights Fee for new Members is reasonable because it will incentivize firms to become Members of the Exchange and ''bring additional liquidity to the market to the benefit of all market participants.[19]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[20] The instructions to Form 19b-4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [21]

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that the Exchange initially filed the proposed rule change on April 29, 2019 (SR–CboeBYX–2019–006). On May 2, 2019, the Exchange withdrew that filing and submitted the present proposal (SR–CboeBYX–2019–009).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] *See* Securities Exchange Act Release No. 85841 (May 10, 2019), 84 FR 22199 (''Notice'').

[6] 15 U.S.C. 78s(b)(3)(C).

[7] *See* Notice, *supra* note 5, at 22199. The Commission notes that the Exchange's affiliates, Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., and Cboe EDGX Exchange, Inc., each also filed a proposed rule change to amend their fee schedules to establish a monthly Trading Rights Fee to be assessed on Members: CboeBZX–2019–041, CboeEDGA–2019–011, and CboeEDGX–2019–029, respectively.

[8] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. *See* Notice, *supra* note 5, at 22199 n.4.

[9] *See* Notice, *supra* note 5, at 22199.

[10] For any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee would be pro-rated in accordance with the date on which Membership is approved. Notice, *supra* note 5, at 22199–22200.

[11] 15 U.S.C. 78s(b)(3)(C).

[12] 15 U.S.C. 78s(b)(1).

[13] *See* Notice, *supra* note 5, at 22200.

[14] *See id.* The Exchange notes, for example, that the Exchange's proposed Trading Rights Fee of $250 a month is ''substantially lower'' than the monthly $1,250 monthly Trading Rights Fee that Nasdaq assesses on its members. *Id.*

[15] *See id.*

[16] *See id.*

[17] *See id.*

[18] *See id.*

[19] *See id.*

[20] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

[21] *See id.*

Among other things, exchange proposed rule changes are subject to Section 6 of the Act, including Sections 6(b)(4), (5), and (8), which requires the rules of an exchange to: (1) Provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities;[22] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers;[23] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[24]

In temporarily suspending the Exchange's fee change, the Commission intends to further consider whether assessing the proposed monthly Trading Rights Fee on certain Members is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[25]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[26]

## IV. Proceedings to Determine Whether To Approve or Disapprove the Proposed Rule Change

The Commission is instituting proceedings pursuant to Sections 19(b)(3)(C)[27] and 19(b)(2)(B) of the Act[28] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[29] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities,''[30]
- Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers,''[31] and
- Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].''[32]

As noted above, the proposal imposes a new monthly Trading Rights Fee on certain Members. The Commission notes that the Exchange's statements in support of the proposed rule change are general in nature and lack detail and specificity. For example, the Exchange asserts broadly that the proposed fee will fund overall regulation and maintenance of the Exchange, but does not explain why this increase in funding is necessary at this time or what is covered under this broad umbrella of ''overall regulation and maintenance.''[33] Further, the rationale provided does not address how the proposed fee is an equitable allocation of fees, other than to note simply that it applies to all Members who do not qualify for an exception. Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.''[34] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[35] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[36]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposed fees are consistent with the Act, and specifically, with its requirements that exchange fees be reasonable and equitably allocated; be designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest, and not be unfairly discriminatory; or not impose an unnecessary or inappropriate burden on competition.[37]

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 26, 2019. Rebuttal comments should be submitted by August 9, 2019. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[38]

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views, and

[22] 15 U.S.C. 78f(b)(4).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(b)(8).

[25] See 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[26] For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 15 U.S.C. 78f(b)(4).

[31] 15 U.S.C. 78f(b)(5).

[32] 15 U.S.C. 78f(b)(8).

[33] *See* Notice, *supra* note 5, at 22200.

[34] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[35] *See id.*

[36] *See id.*

[37] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[38] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

arguments concerning the proposed rule change, 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–CboeBYX–2019–009 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–CboeBYX–2019–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2019–009 and should be submitted on or before July 26, 2019. Rebuttal comments should be submitted by August 9, 2019.

## VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(3)(C) of the Act,[39] that File Number SR–CboeBYX–2019–009 be and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14282 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

[39] 15 U.S.C. 78s(b)(3)(C).

[40] 17 CFR 200.30–3(a)(57) and (58).

---

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 33537]**

## Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

June 28, 2019.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of June 2019. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail.

Hearing requests should be received by the SEC by 5:30 p.m. on July 23, 2019, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

**FOR FURTHER INFORMATION CONTACT:** Shawn Davis, Branch Chief, at (202) 551–6413 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

### BlackRock Preferred Partners LLC [File No. 811–22550]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 6, 2019, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $4,000 incurred in connection with the liquidation were paid by applicant. Applicant also has retained $92,815 in an illiquid security and holdback receivable for the purpose of paying outstanding liabilities.

*Filing Date:* The application was filed on June 14, 2019.

*Applicant's Address:* 100 Bellevue Parkway, Wilmington, Delaware 19809.

### Dividend Builder Portfolio [File No. 811–08014]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On June 8, 2018, applicant made liquidating distributions to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

*Filing Dates:* The application was filed on March 19, 2019, and amended on June 12, 2019.

*Applicant's Address:* Two International Place, Boston, Massachusetts 02110.

### Growth Portfolio [File No. 811–21121]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On May 11, 2018, applicant made liquidating distributions to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

*Filing Dates:* The application was filed on March 19, 2019, and amended on June 12, 2019.

*Applicant's Address:* Two International Place, Boston, Massachusetts 02110.

### Large-Cap Value Portfolio [File No. 811–08548]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On June 15, 2018, applicant made liquidating distributions to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

*Filing Dates:* The application was filed on March 19, 2019, and amended on June 12, 2019.

*Applicant's Address:* Two International Place, Boston, Massachusetts 02110.

**Nuveen Build America Bond Opportunity Fund [File No. 811–22425]**

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Nuveen Taxable Municipal Income Fund, and on December 6, 2018, made a final distribution to its shareholders based on net asset value. Expenses of $839,358 incurred in connection with the reorganization were paid by the applicant and the acquiring fund.

*Filing Date:* The application was filed on May 14, 2019.

*Applicant's Address:* 333 West Wacker Drive, Chicago, Illinois 60606.

**Templeton Global Opportunities Trust [File No. 811–05914]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Templeton Growth Fund, Inc., and on August 24, 2018, made a final distribution to its shareholders based on net asset value. Expenses of $300,440.58 incurred in connection with the reorganization were paid by the applicant and its investment adviser, and the acquiring fund and its investment adviser.

*Filing Dates:* The application was filed on April 11, 2019, and amended on June 11, 2019.

*Applicant's Address:* 300 South East 2nd Street, Fort Lauderdale, Florida 33301.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14287 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86233; File No. SR–CboeBZX–2019–041]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

June 28, 2019.

### I. Introduction

On May 2, 2019, Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeBZX–2019–041) to amend the BZX fee schedule to establish a monthly Trading Rights Fee to be assessed on Members.[3] The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[4] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[5] The Commission has received no comment letters on the proposal. Under Section 19(b)(3)(C) of the Act,[6] the Commission is hereby: (i) Temporarily suspending the proposed rule change; and (ii) instituting proceedings to determine whether to approve or disapprove the proposed rule change.

### II. Description of the Proposed Rule Change

The Exchange proposes to amend the Membership Fees section of the BZX fee schedule to establish a monthly Trading Rights Fee, which would be assessed on Members that trade more than a specified volume in U.S. equities.[7] Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $500 per month for the ability to trade on the Exchange. A Member would not be charged the monthly Trading Rights Fee if it meets one of the following exceptions: (1) The Member has a monthly ADV[8] of less than 100,000 shares, or (2) at least 90% of the Member's orders submitted to the Exchange per month are retail orders.[9] The proposed Trading Rights Fee also would not be charged to new Members for the first three months of their membership.[10]

### III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,[11] at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act,[12] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') 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. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

The Exchange asserts that the proposed Trading Rights Fee ''is reasonable because it will assist in funding the overall regulation and maintenance of the Exchange.''[13] The Exchange also asserts that the proposed Trading Rights Fee is reasonable because the ''cost of this membership fee is generally less than the analogous membership fees of other markets.''[14] The Exchange states that it believes the proposed Trading Rights Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that do not meet the requirements of the exceptions.[15]

In regard to the proposed exceptions pursuant to which Members would not be charged the Trading Rights Fee, the Exchange states that it believes that both exceptions are reasonable. Specifically, the Exchange states that the proposed exception for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it would allow such smaller Members to continue to trade at a lower cost.[16] In addition, the Exchange states the exception is reasonable because such firms consume fewer regulatory resources.[17]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that the Exchange initially filed the proposed rule change on April 29, 2019 (SR–CboeBZX–2019–036). On May 2, 2019, the Exchange withdrew that filing and submitted the present proposal (SR–CboeBZX–2019–041).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] *See* Securities Exchange Act Release No. 85840 (May 10, 2019), 84 FR 22190 (''Notice'').

[6] 15 U.S.C. 78s(b)(3)(C).

[7] *See* Notice, *supra* note 5, at 22190. The Commission notes that the Exchange's affiliates, Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., and Cboe EDGX Exchange, Inc., each also filed a proposed rule change to amend their fee schedules to establish a monthly Trading Rights Fee to be assessed on Members: CboeBYX–2019–009, CboeEDGA–2019–011, and CboeEDGX–2019–029, respectively.

[8] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. *See* Notice, *supra* note 5, at 22190 n.4.

[9] *See* Notice, *supra* note 5, at 22190.

[10] For any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee would be pro-rated in accordance with the date on which Membership is approved. Notice, *supra* note 5, at 22190.

[11] 15 U.S.C. 78s(b)(3)(C).

[12] 15 U.S.C. 78s(b)(1).

[13] *See* Notice, *supra* note 5, at 22190.

[14] *See id.* The Exchange notes, for example, that the Exchange's proposed Trading Rights Fee of $500 a month is ''substantially lower'' than the monthly $1,250 monthly Trading Rights Fee that Nasdaq assesses on its members. *Id.*

[15] *See id.* at 22191.

[16] *See id.* at 22190.

[17] *See id.*

The Exchange also states that the second exception for Members that submit 90% or more of their orders per month as retail orders is reasonable because it would ensure that ''retail broker members can continue to submit orders for individual investors at a lower cost, thereby continuing to encourage retail investor participation on the Exchange.'' [18]

Finally the Exchange states that it believes that not charging a Trading Rights Fee for new Members is reasonable because it will incentivize firms to become Members of the Exchange and ''bring additional liquidity to the market to the benefit of all market participants.'' [19]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[20] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [21]

Among other things, exchange proposed rule changes are subject to Section 6 of the Act, including Sections 6(b)(4), (5), and (8), which requires the rules of an exchange to: (1) Provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [22] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [23] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[24]

In temporarily suspending the Exchange's fee change, the Commission intends to further consider whether assessing the proposed monthly Trading Rights Fee on certain Members is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[25]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[26]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

The Commission is instituting proceedings pursuant to Sections 19(b)(3)(C) [27] and 19(b)(2)(B) of the Act [28] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[29] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities,'' [30]
- Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers,'' [31] and
- Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [32]

As noted above, the proposal imposes a new monthly Trading Rights Fee on certain Members. The Commission notes that the Exchange's statements in support of the proposed rule change are general in nature and lack detail and specificity. For example, the Exchange asserts broadly that the proposed fee will fund overall regulation and maintenance of the Exchange, but does not explain why this increase in funding is necessary at this time or what is covered under this broad umbrella of ''overall regulation and maintenance.'' [33] Further, the rationale provided does not address how the proposed fee is an equitable allocation of fees, other than to note simply that it applies to all Members who do not qualify for an exception. Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [34] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[35] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[36]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposed fees are consistent with the Act, and specifically, with its requirements that exchange fees be reasonable and equitably allocated; be designed to perfect the mechanism of a free and

[18] *See id.* at 22191.

[19] *See id.*

[20] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

[21] *See id.*

[22] 15 U.S.C. 78f(b)(4).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(b)(8).

[25] *See* 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[26] For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 15 U.S.C. 78f(b)(4).

[31] 15 U.S.C. 78f(b)(5).

[32] 15 U.S.C. 78f(b)(8).

[33] *See* Notice, *supra* note 5, at 22190.

[34] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[35] *See id.*

[36] *See id.*

open market and the national market system, protect investors and the public interest, and not be unfairly discriminatory; or not impose an unnecessary or inappropriate burden on competition.[37]

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 26, 2019. Rebuttal comments should be submitted by August 9, 2019. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[38]

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2019–041 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2019–041. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2019–041 and should be submitted on or before July 26, 2019. Rebuttal comments should be submitted by August 9, 2019.

## VI. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(3)(C) of the Act,[39] that File Number SR–CboeBZX–2019–041 be and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14281 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

[37] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[38] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[39] 15 U.S.C. 78s(b)(3)(C).

[40] 17 CFR 200.30–3(a)(57) and (58).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86238; File No. SR–NYSE–2019–14]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Section 703.18 of the Listed Company Manual To Permit the Listing of Event-Based Contingent Value Rights and Make Other Changes To the Listing Standards for Contingent Value Rights

June 28, 2019.

On April 25, 2019, New York Stock Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 703.18 of the Exchange's Listed Company Manual to expand the circumstances under which a contingent value right (''CVR'') may be listed on the Exchange and make other changes to the listing standards for CVRs. The proposed rule change was published for comment in the **Federal Register** on May 15, 2019.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is June 29, 2019.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates August 13, 2019, as the date

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85812 (May 9, 2019), 84 FR 21861.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2019–14).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14278 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

---

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86231; File No. SR–CboeEDGX–2019–029]**

## Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

June 28, 2019.

### I. Introduction

On April 29, 2019, Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeEDGX–2019–029) to amend the EDGX fee schedule to establish a monthly Trading Rights Fee to be assessed on Members. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[4] The Commission has received no comment letters on the proposal. Under Section 19(b)(3)(C) of the Act,[5] the Commission is hereby: (i) Temporarily suspending the proposed rule change; and (ii) instituting proceedings to determine whether to approve or disapprove the proposed rule change.

### II. Description of the Proposed Rule Change

The Exchange proposes to amend the Membership Fees section of the EDGX fee schedule to establish a monthly Trading Rights Fee, which would be assessed on Members that trade more than a specified volume in U.S. equities.[6] Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $500 per month for the ability to trade on the Exchange. A Member would not be charged the monthly Trading Rights Fee if it meets one of the following exceptions: (1) The Member has a monthly ADV[7] of less than 100,000 shares, or (2) at least 90% of the Member's orders submitted to the Exchange per month are retail orders.[8] The proposed Trading Rights Fee also would not be charged to new Members for the first three months of their membership.[9]

### III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,[10] at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act,[11] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') 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. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

The Exchange asserts that the proposed Trading Rights Fee ''is reasonable because it will assist in funding the overall regulation and maintenance of the Exchange.'' [12] The Exchange also asserts that the proposed Trading Rights Fee is reasonable because the ''cost of this membership fee is generally less than the analogous membership fees of other markets.'' [13] The Exchange states that it believes the proposed Trading Rights Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that do not meet the requirements of the exceptions.[14]

In regard to the proposed exceptions pursuant to which Members would not be charged the Trading Rights Fee, the Exchange states that it believes that both exceptions are reasonable. Specifically, the Exchange states that the proposed exception for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it would allow such smaller Members to continue to trade at a lower cost.[15] In addition, the Exchange states the exception is reasonable because such firms consume fewer regulatory resources.[16]

The Exchange also states that the second exception for Members that submit 90% or more of their orders per month as retail orders is reasonable because it would ensure that ''retail broker members can continue to submit orders for individual investors at a lower cost, thereby continuing to encourage retail investor participation on the Exchange.'' [17]

Finally the Exchange states that it believes that not charging a Trading Rights Fee for new Members is reasonable because it will incentivize firms to become Members of the Exchange and ''bring additional liquidity to the market to the benefit of all market participants.'' [18]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[19] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the

---

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 85838 (May 10, 2019), 84 FR 22174 (''Notice'').

[5] 15 U.S.C. 78s(b)(3)(C).

[6] *See* Notice, *supra* note 4, at 22174. The Commission notes that the Exchange's affiliates, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., and Cboe EDGA Exchange, Inc., each also filed a proposed rule change to amend their fee schedules to establish a monthly Trading Rights Fee to be assessed on Members: CboeBYX–2019–009, CboeBZX–2019–041, and CboeEDGA–2019–011, respectively.

[7] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. *See* Notice, *supra* note 4, at 22174 n.3.

[8] *See* Notice, *supra* note 4, at 22174.

[9] For any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee would be pro-rated in accordance with the date on which Membership is approved. Notice, *supra* note 4, at 22174.

[10] 15 U.S.C. 78s(b)(3)(C).

[11] 15 U.S.C. 78s(b)(1).

[12] *See* Notice, *supra* note 4, at 22174.

[13] *See id.* The Exchange notes, for example, that the Exchange's proposed Trading Rights Fee of $500 a month is ''substantially lower'' than the monthly $1,250 monthly Trading Rights Fee that Nasdaq assesses on its members. *Id.*

[14] *See id.* at 22175.

[15] *See id.* at 22174–75.

[16] *See id.* at 22175.

[17] *See id.*

[18] *See id.*

[19] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

proposed rule change is consistent with [those] requirements.'' [20]

Among other things, exchange proposed rule changes are subject to Section 6 of the Act, including Sections 6(b)(4), (5), and (8), which requires the rules of an exchange to: (1) Provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [21] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [22] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[23]

In temporarily suspending the Exchange's fee change, the Commission intends to further consider whether assessing the proposed monthly Trading Rights Fee on certain Members is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[24]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[25]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

The Commission is instituting proceedings pursuant to Sections 19(b)(3)(C) [26] and 19(b)(2)(B) of the Act [27] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[28] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities,'' [29]
- Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers,'' [30] and
- Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [31]

As noted above, the proposal imposes a new monthly Trading Rights Fee on certain Members. The Commission notes that the Exchange's statements in support of the proposed rule change are general in nature and lack detail and specificity. For example, the Exchange asserts broadly that the proposed fee will fund overall regulation and maintenance of the Exchange, but does not explain why this increase in funding is necessary at this time or what is covered under this broad umbrella of ''overall regulation and maintenance.'' [32] Further, the rationale provided does not address how the proposed fee is an equitable allocation of fees, other than to note simply that it applies to all Members who do not qualify for an exception. Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [33] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[34] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[35]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposed fees are consistent with the Act, and specifically, with its requirements that exchange fees be reasonable and equitably allocated; be designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest, and not be unfairly discriminatory; or not impose an unnecessary or inappropriate burden on competition.[36]

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 26, 2019. Rebuttal comments should be submitted by August 9, 2019. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[37]

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to

[20] *See id.*

[21] 15 U.S.C. 78f(b)(4).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78f(b)(8).

[24] See 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[25] For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[27] 15 U.S.C. 78s(b)(2)(B).

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 15 U.S.C. 78f(b)(4).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78f(b)(8).

[32] *See* Notice, *supra* note 4, at 22174.

[33] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[34] *See id.*

[35] *See id.*

[36] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[37] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–029 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2019–029. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2019–029 and should be submitted on or before July 26, 2019. Rebuttal comments should be submitted by August 9, 2019.

## VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(3)(C) of the Act,[38] that File Number SR–CboeEDGX–2019–029 be and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14283 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

---

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86236; File No. SR–CboeEDGA–2019–011]**

## Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Amending the Fee Schedule Assessed on Members To Establish a Monthly Trading Rights Fee

June 28, 2019.

## I. Introduction

On May 2, 2019, Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeEDGA–2019–011) to amend the EDGA fee schedule to establish a monthly Trading Rights Fee to be assessed on Members.[3] The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[4] The proposed rule change was published for comment in the **Federal Register** on May 16, 2019.[5] The Commission has received no comment letters on the proposal. Under Section 19(b)(3)(C) of the Act,[6] the Commission is hereby: (i) Temporarily suspending the proposed rule change; and (ii) instituting proceedings to determine whether to approve or disapprove the proposed rule change.

## II. Description of the Proposed Rule Change

The Exchange proposes to amend the Membership Fees section of the EDGA fee schedule to establish a monthly Trading Rights Fee, which would be assessed on Members that trade more than a specified volume in U.S. equities.[7] Specifically, the Exchange proposes to charge Members a Trading Rights Fee of $250 per month for the ability to trade on the Exchange. A Member would not be charged the monthly Trading Rights Fee if the Member has a monthly ADV[8] of less than 100,000 shares.[9] The proposed Trading Rights Fee also would not be charged to new Members for the first three months of their membership.[10]

## III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,[11] at any time within 60 days of the date of filing of a proposed rule change pursuant to Section 19(b)(1) of the Act,[12] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') 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. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

The Exchange asserts that the proposed Trading Rights Fee ''is reasonable because it will assist in

---

[38] 15 U.S.C. 78s(b)(3)(C).

[39] 17 CFR 200.30–3(a)(57) and (58).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that the Exchange initially filed the proposed rule change on April 29, 2019 (SR–CboeEDGA–2019–009). On May 2, 2019, the Exchange withdrew that filing and submitted the present proposal (SR–CboeEDGA–2019–011).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] *See* Securities Exchange Act Release No. 85842 (May 10, 2019), 84 FR 22212 (''Notice'').

[6] 15 U.S.C. 78s(b)(3)(C).

[7] *See* Notice, *supra* note 5, at 22212. The Commission notes that the Exchange's affiliates, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., and Cboe EDGX Exchange, Inc., each also filed a proposed rule change to amend their fee schedules to establish a monthly Trading Rights Fee to be assessed on Members: CboeBYX–2019–009, CboeBZX–2019–041, and CboeEDGX–2019–029, respectively.

[8] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. *See* Notice, *supra* note 5, at 22213 n.4.

[9] *See* Notice, *supra* note 5, at 22213–14.

[10] For any month in which a firm is approved for Membership with the Exchange, the monthly Trading Rights Fee would be pro-rated in accordance with the date on which Membership is approved. Notice, *supra* note 5, at 22213.

[11] 15 U.S.C. 78s(b)(3)(C).

[12] 15 U.S.C. 78s(b)(1).

funding the overall regulation and maintenance of the Exchange.'' [13] The Exchange also asserts that the proposed Trading Rights Fee is reasonable because the ''cost of this membership fee is generally less than the analogous membership fees of other markets.'' [14] The Exchange states that it believes the proposed Trading Rights Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that do not meet the requirements of the exception.[15]

In regard to the proposed exception pursuant to which Members would not be charged the Trading Rights Fee, the Exchange states that it believes the exception is reasonable. Specifically, the Exchange states that the proposed exception for Members that trade less than a monthly ADV of 100,000 shares is reasonable because it would allow such smaller Members to continue to trade at a lower cost.[16] In addition, the Exchange states the exception is reasonable because such firms consume fewer regulatory resources.[17]

Finally the Exchange states that it believes that not charging a Trading Rights Fee for new Members is reasonable because it will incentivize firms to become Members of the Exchange and ''bring additional liquidity to the market to the benefit of all market participants.[18]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[19] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [20]

Among other things, exchange proposed rule changes are subject to Section 6 of the Act, including Sections 6(b)(4), (5), and (8), which requires the rules of an exchange to: (1) Provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [21] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [22] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[23]

In temporarily suspending the Exchange's fee change, the Commission intends to further consider whether assessing the proposed monthly Trading Rights Fee on certain Members is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[24]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[25]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

The Commission is instituting proceedings pursuant to Sections 19(b)(3)(C) [26] and 19(b)(2)(B) of the Act [27] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[28] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities,'' [29]
- Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers,'' [30] and
- Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [31]

As noted above, the proposal imposes a new monthly Trading Rights Fee on certain Members. The Commission notes that the Exchange's statements in support of the proposed rule change are general in nature and lack detail and specificity. For example, the Exchange asserts broadly that the proposed fee will fund overall regulation and maintenance of the Exchange, but does not explain why this increase in funding is necessary at this time or what is covered under this broad umbrella of ''overall regulation and maintenance.'' [32] Further, the rationale provided does not address how the proposed fee is an equitable allocation of fees, other than to note simply that it applies to all Members who do not qualify for an exception. Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [33] The description of a proposed rule change,

[13] *See* Notice, *supra* note 5, at 22213.

[14] *See id.* The Exchange notes, for example, that the Exchange's proposed Trading Rights Fee of $250 a month is ''substantially lower'' than the monthly $1,250 monthly Trading Rights Fee that Nasdaq assesses on its members. *Id.*

[15] *See id.*

[16] *See id.*

[17] *See id.*

[18] *See id.*

[19] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

[20] *See id.*

[21] 15 U.S.C. 78f(b)(4).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78f(b)(8).

[24] *See* 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[25] For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[27] 15 U.S.C. 78s(b)(2)(B).

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 15 U.S.C. 78f(b)(4).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78f(b)(8).

[32] *See* Notice, *supra* note 5, at 22213.

[33] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[34] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[35]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposed fees are consistent with the Act, and specifically, with its requirements that exchange fees be reasonable and equitably allocated; be designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest, and not be unfairly discriminatory; or not impose an unnecessary or inappropriate burden on competition.[36]

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by July 26, 2019. Rebuttal comments should be submitted by August 9, 2019. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[37]

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change, 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–CboeEDGA–2019–011 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–CboeEDGA–2019–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGA–2019–011 and should be submitted on or before July 26, 2019. Rebuttal comments should be submitted by August 9, 2019.

## VI. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(3)(C) of the Act,[38] that File Number SR–CboeEDGA–2019–011 be and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14279 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

[34] *See id.*

[35] *See id.*

[36] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[37] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[38] 15 U.S.C. 78s(b)(3)(C).

[39] 17 CFR 200.30–3(a)(57) and (58).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86253; File No. 265–30]**

## Fixed Income Market Structure Advisory Committee

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is being provided that the Securities and Exchange Commission Fixed Income Market Structure Advisory Committee will hold a public meeting on Monday, July 29, 2019 in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC. The meeting will begin at 9:30 a.m. (ET) and will be open to the public. The meeting will be webcast on the Commission's website at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact persons listed below. The public is invited to submit written statements to the Committee. The meeting will include updates and presentations from the subcommittees.

**DATES:** The public meeting will be held on July 29, 2019. Written statements should be received on or before July 24, 2019.

**ADDRESSES:** The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC. Written statements may be submitted by any of the following methods:

*Electronic Statements*

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–30 on the subject line; or

*Paper Statements*

- Send paper statements in triplicate to Vanessa A. Countryman, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–30. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's internet website at *http://www.sec.gov/comments/265-30/265-30.shtml.*

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** David Dimitrious, Senior Special Counsel, at (202) 551–5131, or Benjamin Bernstein, Special Counsel, at (202) 551–5354, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–7010.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Brett Redfearn, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: July 1, 2019.

**Vanessa A. Countryman,**

*Committee Management Officer.*

[FR Doc. 2019–14345 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86241; File No. SR–IEX–2019–05]**

## Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing of Proposed Rule Change To Establish a Retail Price Improvement Program

June 28, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 20, 2019, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] IEX is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to establish a Retail Price Improvement Program.

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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

Background

IEX proposes to adopt new IEX Rule 11.232 to establish a Retail Price Improvement Program (''Retail Program''). As proposed, the Retail Program is designed to provide retail investors with meaningful price improvement opportunities by executing at the Midpoint Price [6] such that Members will be incentivized to add midpoint orders to the Exchange above and beyond the already existing and significant midpoint liquidity at IEX.

As Commission Chairman Jay Clayton noted in a recent speech, forty-three million U.S. households hold a retirement or brokerage account, with $3.6 trillion in balance sheet assets in 128 million customer accounts serviced by more than 2,800 registered broker-dealers.[7] He also noted the importance of continued broad, long-term retail participation in our capital markets, and that retail investors count on the capital markets to fund major life events such as paying for their children's higher education or funding their own retirements.[8]

Against this backdrop, the Retail Program is designed to provide retail investors with access to the Exchange's already deep pool of midpoint liquidity by introducing a new mechanism for retail-oriented liquidity provision, thereby providing enhanced opportunities for meaningful price improvement at the Midpoint Price. The Exchange believes that introducing the Retail Program could provide retail investors with better execution quality than they are currently able to obtain through existing exchange and over-the-counter (''OTC'') order retail programs, by attracting counterparty liquidity to the Exchange from Members and their clients seeking to interact with retail liquidity.[9] The Retail Program would therefore be consistent with the goals of the Commission to encourage markets that are structured to benefit ordinary investors,[10] while facilitating order interaction and price discovery to the benefit of all market participants.

As proposed, through the Retail Program, the Exchange would create a new class of market participants, Retail Member Organizations (''RMOs''), which would be eligible to submit certain retail order flow (''Retail orders'') to the Exchange. Any Exchange Member would be permitted to provide price improvement to Retail orders in the form of interest that is priced to execute at the Midpoint Price, including through a new Retail Liquidity Provider

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] The term ''Midpoint Price'' shall mean the midpoint of the NBBO. *See* IEX Rule 1.160(t). The term ''NBBO'' shall mean the national best bid or offer, as set forth in Rule 600(b) of Regulation NMS under the Act, determined as set forth in IEX Rule 11.410(b).

[7] *See* The Evolving Market for Retail Investment Services and Forward-Looking Regulation—Adding Clarity and Investor Protection while Ensuring Access and Choice, Chairman Jay Clayton, Commission (May 2, 2018), available at *https://www.sec.gov/news/speech/speech-clayton-2018-05-02.*

[8] *Id.*

[9] See discussion *infra* on the desirability of interacting with retail liquidity.

[10] *See e.g.,* U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at *https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf* (''Commission Strategic Plan'').

(''RLP'') order that is only eligible to execute against a Retail order.

IEX is already among the largest exchanges when measuring the volume of executions at the Midpoint Price. Based on informal discussions with several Members, IEX believes that some of the orders sent to IEX today that seek to access this midpoint liquidity originate with retail customers. Furthermore, several IEX Members firms' primary business is on behalf of retail clients, which indicates that at least some of IEX's current midpoint executions result from incoming retail orders seeking price improvement compared to the NBBO, even if IEX does not currently have the means to identify the exact percentage. IEX therefore expects that the introduction of Retail and RLP orders will result in a balanced mix of retail brokerage firms and their wholesaling partners submitting Retail orders to IEX to access both IEX's existing midpoint liquidity and the additional midpoint liquidity IEX anticipates from the Retail Program.

If the Commission approves this proposed rule change, the Exchange will submit a separate proposal to amend its Price List in connection with the Retail Program. Under that proposal, the Exchange would initially not charge any fees for executions of either Retail orders or RLP orders.

Definitions

The Exchange proposes to adopt the following definitions under existing IEX Rule 11.190 (Orders and Modifiers) and proposed IEX Rule 11.232 (Retail Price Improvement Program). First, the term ''Retail order'' would be defined as an agency or riskless principal order that satisfies the criteria of FINRA Rule 5320.03, which is submitted by a Retail Member Organization, designated with a ''Retail order'' modifier, and reflects trading interest of a natural person, with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market, and that does not originate from a trading algorithm or any other computerized methodology.[11] An order from a natural person can include orders submitted on behalf of accounts that are held in a corporate legal form—such as an Individual Retirement Account, Corporation, or a Limited Liability Company—that have been established for the benefit of an individual or group of related family members, provided that the order is submitted by an individual.[12] Retail orders would either be Discretionary Peg or Midpoint Peg orders with a Time-in-Force of IOC or FOK, and would only be eligible to trade at the Midpoint Price.[13]

Second, the term ''Retail Member Organization'' (or ''RMO'') would be defined as an IEX Member (or division thereof) that has been approved by the Exchange to submit Retail orders.[14]

Finally, the term ''Retail Liquidity Provider order'' (or ''RLP order'') would be defined as a Discretionary Peg order that is only eligible to execute against Retail orders through the execution process described in proposed Rule 11.232(e).[15]

Retail Member Organization Qualifications and Approval Process

Under proposed IEX Rule 11.232, any IEX Member (or a division thereof) could qualify as an RMO if it conducts a retail business or handles retail orders on behalf of another broker-dealer. Any IEX Member that wishes to obtain RMO status would be required to submit: (1) An application form; (2) supporting documentation sufficient to demonstrate the retail nature and characteristics of the applicant's order flow;[16] and (3) an attestation, in a form prescribed by the Exchange, that substantially all orders submitted as Retail orders would meet the qualifications under proposed IEX Rule 11.232.

An RMO would be required to have written policies and procedures reasonably designed to assure that it will only designate orders as Retail orders if all requirements of a Retail order are met. Such written policies and procedures must require the IEX Member to: (i) Exercise due diligence before entering a Retail order to assure that entry as a Retail order is in compliance with the requirements of this Rule; and (ii) monitor whether orders entered as Retail orders meet the applicable requirements. If an RMO does not itself conduct a retail business but routes Retail orders on behalf of another broker-dealer, the RMO's supervisory procedures must be reasonably designed to assure that the orders it receives from such other broker-dealer that are designated as Retail orders meet the definition of a Retail order. The RMO must: (i) Obtain an annual written representation, in a form acceptable to the Exchange, from each other broker-dealer that sends the RMO orders to be designated as Retail orders that entry of such orders as Retail orders will be in compliance with the requirements of this Rule; and (ii) monitor whether Retail order flow routed on behalf of such other broker-dealers meets the applicable requirements.[17]

After an applicant submits the RMO application form, supporting documentation, and attestation, the Exchange would notify the applicant of the Exchange's decision in writing. A disapproved applicant would be able to request an appeal of such disapproval by the Exchange and/or reapply for RMO status 90 days after the disapproval notice is issued by the Exchange. Additionally, an RMO may voluntarily withdraw from such status at any time by giving written notice to the Exchange.

Failure of Retail Member Organization To Abide by Retail Order Requirements

The proposed Retail Program also sets forth procedures for addressing an RMO's failure to abide by the Retail Program's Retail order requirements. If an RMO designates orders submitted to the Exchange as Retail orders, and the Exchange determines, in its sole discretion, that such orders fail to meet any of the requirements set forth in proposed IEX Rule 11.232(a)(2), the Exchange may disqualify a Member from its status as an RMO. When disqualification determinations are made, the Exchange shall provide a written disqualification notice to the Member.

Appeal of Disapproval or Disqualification

Proposed IEX Rule 11.232(d) would provide a mechanism through which Members could appeal either the Exchange's disapproval of its application to become an RMO or the Exchange's disqualification of a previously-approved RMO from the Retail Program. If a Member disputes the Exchange's decision to disapprove it as an RMO under proposed IEX Rule 11.232(b) or disqualify it as an RMO under IEX Rule 11.232(c), the Member may request, within five business days after notice of the decision is issued by the Exchange, that the RMO Panel

[11] *See* proposed Rule 11.190(15).

[12] *Id.*

[13] *See* proposed Rule 11.232(a)(2). As with all pegged orders, Retail orders may only trade during the Regular Market Session. *See* IEX Rule 11.190(a)(3)(E).

[14] *See* proposed Rule 11.232(a)(1).

[15] *See* proposed Rule 11.232(a)(3).

[16] For example, a prospective RMO could be required to provide sample marketing literature, website screenshots, other publicly disclosed materials describing the Member's retail order flow, and any other documentation and information requested by the Exchange.

[17] FINRA, on behalf of the Exchange, will review an RMO's compliance with these requirements through an exam-based review of the RMO's internal controls.

(''RMO Panel'') review the decision to determine if it was correct.

The RMO Panel shall consist of the Exchange's Chief Regulatory Officer (''CRO''), or a designee of the CRO, and two officers of the Exchange designated by the Exchange's Chief Operating Officer (''COO''). The RMO Panel shall review the facts and render a decision within the time frame prescribed by the Exchange. The RMO Panel may overturn or modify an action taken by the Exchange under proposed IEX Rule 11.232. A determination by the RMO Panel shall constitute final action by the Exchange.

Additionally, under the proposed Retail Program, any IEX Member that was either disapproved as an RMO under proposed IEX Rule 11.232(b) or disqualified as an RMO under IEX Rule 11.232(c) could reapply for RMO status a minimum of 90 days after the date it receives its disapproval or disqualification notice from the Exchange.

Priority and Order Allocation

As proposed, Retail Liquidity Provider orders in the same security would be ranked and allocated according to price then time of entry into the System.[18] Retail orders would seek to execute upon entry into the System at the Midpoint Price.[19] Retail Liquidity Provider orders would interact with Retail orders as follows:

A Retail order will seek to execute upon entry into the System at the Midpoint Price against orders resting on the Order Book in price/time priority in accordance with Rule 11.230, subject to the following:

A Retail order to buy (sell) shall execute upon entry against sell (buy) orders resting on the Order Book in the following order:

(1) Displayed sell (buy) orders at the NBO[20] (NBB) during a locked or crossed market;

(2) non-displayed orders priced to trade at the Midpoint Price; followed by

(3) Retail Liquidity Provider orders priced to trade at the Midpoint Price.

The following examples illustrate how IEX would handle orders under this proposed new rule:

Assume the following facts:

(1) NBBO for security ABC is $10.00–$10.10.[21]

(2) User 1[22] enters a Retail Liquidity Provider order to buy ABC at $10.05 for 500 shares.

(3) User 2 then enters an unpriced Discretionary Peg order to buy 500 shares of ABC.

(4) User 3 then enters a Midpoint Peg order to buy 500 shares of ABC at $10.04.

*Example 1:* RMO enters a Retail order to sell 800 shares of ABC. The order will first execute against the full size of User 2's buy order, and then execute against 300 shares of User 1's buy order, at which point the entire size of the Retail order to sell 800 shares is depleted. In this example the Retail order does not execute against User 3's buy order because the order is not priced to execute at 10.05, the current Midpoint Price.

*Example 2:* Assume the same facts above, except that User 2's unpriced Discretionary Peg order to buy ABC is for 100 shares. The incoming Retail order to sell 800 shares executes first against User 2's buy order for 100 shares at $10.05, then against User 1's buy order for 500 shares at $10.05. The Retail order still does not execute against User 3's buy order because the order is not priced to execute at 10.05, the current Midpoint Price. The Retail order is filled for 600 shares and the balance of 200 shares is cancelled back to the RMO.

*Example 3:* Assume the same facts as Example 1, except that User 3 enters a non-displayed limit order to buy 300 shares of ABC at 10.05. The incoming Retail order to sell 800 shares executes first against User 3's order for 300 shares (because it has priority over User 2's Discretionary Peg order pursuant to IEX Rule 11.220(a)(C)(viii)) and then against User 2 for the remaining 500 shares, completing the Retail order's 800 share quantity. User 1's buy order is not executed because it is ranked behind Users 2 and 3.

Implementation

The Exchange proposes that all securities traded on the Exchange would be eligible for inclusion in the Retail Program. Assuming that the Commission approves this proposed rule change, the Exchange will implement the proposed rule change within 90 days of approval and provide at least ten (10) days' notice to Members and market participants of the implementation timeline.

Comparison to Existing Retail Programs

As described above, the proposed Retail Program is a simple approach designed to provide retail investors with the opportunity for meaningful price improvement (by executing at the Midpoint Price), by attracting counterparty liquidity to the Exchange from Members and their clients seeking to interact with retail liquidity.

IEX understands that many professional market participants, such as market makers, view interacting with orders of retail investors as more desirable than interacting with orders of other professional market participants. For example, as the Commission staff noted in a 2016 memorandum to the Equity Market Structure Advisory Committee (''EMSAC Memorandum''), ''[m]arket makers are interested in retail customer order flow because retail investors are, on balance, less informed than other traders about short-term price movements . . . [and t]rading against retail customer order flow enables market makers to avoid adverse selection by informed professional traders and to more reliably profit from market-making activity.'' The EMSAC Memorandum also described that ''[a]fter market makers internalize the relatively uninformed retail customer order flow, the informed order flow that remains is left for the exchanges to absorb . . . [and that t]ypically, dealers that pay to receive retail customer order flow will guarantee executions of that order flow with some amount of average price improvement over the national best bid or offer (''NBBO'') and with a separate payment to retail brokers for directing customer orders to them.''[23]

Consistent with the EMSAC Memorandum's conclusions, and based on informal discussions with market participants and the knowledge and experience of its staff, IEX believes that market makers and other sophisticated market participants generally value interacting with retail orders because they are smaller and not likely to be part of a larger parent order that can move a stock price, causing a loss to the market maker. For example, a retail order to buy 200 shares is probably just an order for 200 shares. In contrast, a 200-share buy order from a more sophisticated institutional market participant may be part of a 100,000-share parent order. If the market maker sells to the 200-share child order,

[18] *See* proposed Rule 11.132(e)(1).

[19] *See* proposed Rule 11.132(e)(2).

[20] The term ''NBO'' shall mean the national best offer, and the term ''NBB'' shall mean the national best bid, as set forth in Rule 600(b) of Regulation NMS under the Act, determined as set forth in IEX Rule 11.410(b).

[21] For purposes of these examples, assume it is not a period of quote instability as set forth in IEX Rule 11.190(g).

[22] The term ''User'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to IEX Rule 11.130.

[23] *See* January 26, 2016 Memorandum entitled ''Certain Issues Affecting Customers in the Current Equity Market Structure'' from the staff of the Commission's Division of Trading and Markets, available at *https://www.sec.gov/spotlight/equity-market-structure/issues-affecting-customers-emsac-012616.pdf.*

execution of the balance of the parent order may move the market up above the price at which the market maker sold.

The proposed rule change leverages IEX's existing market structure to provide enhanced price improvement opportunities for retail customers by incentivizing Members and their clients to provide liquidity to the orders of retail investors. The IEX Retail Program is similar to NYSE Rule 107C, governing NYSE's Retail Liquidity Program (''NYSE RLP'') which was recently approved on a permanent basis by the Commission.[24] The proposed rule change is similar to the NYSE RLP with a few key distinctions, as described below. The proposed Retail Program is also similar to the Commission-approved retail pilot programs of NYSE Arca,[25] Cboe BYX [26] and Nasdaq BX [27] (''Current Retail Pilot Programs''), also with several differences as highlighted below.

• *More price improvement for retail investors.* The proposed rule change would provide more price improvement for retail customers than the NYSE RLP, because a Retail order on IEX could only execute at the Midpoint Price, as opposed to the minimum $.001 price improvement that the NYSE RLP can provide.[28] IEX believes that its approach is preferable because executed Retail orders in stocks priced equal to or greater than $1.00 will receive a minimum of $0.005 in price improvement (half of the smallest bid/ask spread) compared to lesser amounts in the NYSE RLP [29] and the amount of price improvement is transparent by rule, rather than being dependent on the pricing of the contra-side non-displayed order. IEX's proposed Retail Program would also provide greater price improvement than the Current Retail Pilot Programs because those three retail pilot programs also allow for execution at sub-penny prices, as opposed to the IEX proposal which would only allow for execution at the Midpoint Price.

• *RLP orders available to all Members.* Unlike the NYSE RLP, IEX's Retail Program will not limit or discriminate among its Members and their clients, and will allow all Members and their clients to submit RLP orders that seek to interact and provide price improvement to incoming Retail orders. Because the order type is designed to create as much new price improvement opportunity for retail investors as possible, IEX does not believe that there is any reason to limit usage to a privileged group of Members. This aspect of the IEX Retail Program is similar to the Current Retail Pilot Programs, which also do not limit which Members can submit specialized retail liquidity providing orders that only interact with retail orders.

• *No dissemination of data identifying Retail orders on proprietary data feeds.* IEX would not disseminate when an RLP order is on the order book on any proprietary data feeds, as opposed to the NYSE RLP and the Current Retail Pilot Programs, each of which disseminates retail liquidity providing orders on its proprietary data feeds. IEX believes that such dissemination could create unnecessary complexity, as well as a skewed and unduly limited view of the liquidity available to trade with Retail orders. RLP orders on IEX will simply be more dark liquidity priced to execute at the Midpoint Price. As described above, Retail orders will be able to execute against any order priced to execute at the Midpoint Price and RLP orders are just additive. Even in the absence of resting RLP orders, a Retail order could execute against existing order types. Thus, there will be no impact on consolidated or proprietary market data feeds, no flickering disseminations, and no inadvertent incentive to only route Retail orders to IEX when the presence of RLP order interest is being disseminated.

• *Uniform execution priority.* Retail orders on IEX would execute against available contra-side interest in a uniform manner, with RLP orders having lower priority than other liquidity providing orders priced to trade at the Midpoint Price. In contrast, the NYSE RLP and Current Retail Pilot Programs enable retail liquidity providing orders to gain higher priority than other liquidity providing orders by virtue of the ability to provide subpenny pricing, which results in immaterial price improvement. IEX believes that its approach is superior because it would provide for meaningful price improvement without complicating the market with orders priced and ranked based on immaterial, nonstandard subpenny increments. IEX also believes that it is appropriate for RLP orders to have lower priority than other orders priced to trade at the Midpoint Price because RLP orders are only available to Retail orders.

• *No exception relief needed for tick size trading increments.* The IEX Retail Program will operate in accordance with existing tick size trading increments. IEX is not requesting any exemptive relief in order to enable ranking and/or pricing orders in otherwise impermissible increments. As described above, this approach avoids enabling immaterial price improvement, as well as the concomitant complexity that such an approach can lead to.

• *No impact on order book priority.* IEX's approach will also not impact order book priority, as is the case with the proposal by Cboe EDGX Exchange, Inc to introduce retail order priority.[30]

The Exchange believes that the above distinctions between its proposed rule change and the NYSE RLP and Current Retail Pilot Programs reflect a simple approach designed to provide better execution quality to retail investors, at a lower cost.

Modification to Rule 11.340

Finally, the Exchange proposes to delete Rule 11.340(d)(4), which currently states in relevant part that the Exchange does not operate a retail liquidity program. If the Commission approves the proposed Retail program, the text in Rule 11.340(d)(4) would no longer be accurate, and should therefore be deleted.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[31] in general, and furthers the objectives of Section 6(b)(5),[32] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating

[24] *See* Securities Exchange Act Release No. 85160 (February 15, 2019), 84 FR 5754 (February 22, 2019) (SR–NYSE–2018–28) (approving NYSE RLP on a permanent basis). *See also* SR–NYSE–2019–26, Securities Exchange Act Release No. 85930 (May 23, 2019) adopting substantially similar rules for securities traded on the NYSE Pillar Platform on an immediately effective basis.

[25] *See* Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR–NYSEArca–2013–107) (approving NYSE Arca retail pilot program).

[26] *See* Securities Exchange Act Release No. 68303 (November 27, 2012), 77 FR 71652 (December 3, 2012) (SR–BYX–2012–019) (approving Cboe BYX retail pilot program).

[27] *See* Securities Exchange Act Release No. 73702 (November 28, 2014), 79 FR 72049 (December 4, 2014) (SR–BX–2014–048) (approving NASDAQ BX retail pilot program).

[28] The Exchange is not seeking an exemption under Rule 612 of Regulation NMS with respect to the ''Sub-Penny Rule'' because it will not accept or rank orders priced greater than $1.00 per share in an increment smaller than $0.01.

[29] *See supra* note 24, at 5759 (''Table 1''), which reflects average price improvement of $0.0014–$0.0019 during the period January 2016–December 2017. The NYSE RLP is limited to securities priced equal to or greater than $1.00.

[30] *See* Securities Exchange Act Release No. 85482 (April 2, 2019), 84 FR 13729 (April 5, 2019) (SR–CboeEDGX–2019–012) (proposing rule change to give order book priority for equity orders submitted on behalf of retail investors).

[31] 15 U.S.C. 78f(b).

[32] 15 U.S.C. 78f(b)(5).

transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed rule change is consistent with these principles because it is designed to increase competition among execution venues and offer the potential for meaningful price improvement to orders of retail investors, including through incentivizing market participants to provide additional liquidity to execute against the orders of retail investors.

As discussed in the Purpose section, IEX's proposed Retail Program is a simple, transparent approach designed to provide opportunities for meaningful price improvement for Retail orders by incentivizing additional non-displayed resting interest priced to trade at the Midpoint Price.

Section 6(b)(5) of the Act prohibits an exchange from establishing rules that treat market participants in an unfairly discriminatory manner. However, Section 6(b)(5) of the Act does not prohibit exchange members or other broker-dealers from discriminating, so long as their activities are otherwise consistent with the federal securities laws. And IEX understands that broker-dealers commonly differentiate between customers based on the nature and profitability of their business.

While the Retail Program would differentiate among its Members, the Exchange believes that such differentiation is not unfairly discriminatory but rather is designed to promote a competitive process for retail executions while providing retail investors with the potential to receive meaningful price improvement. There is ample precedent for differentiation of retail order flow in the existing approved programs of other national securities exchanges.[33] As the Commission has recognized, retail order segmentation was designed to create additional competition for retail order flow, leading to additional retail order flow to the exchange environment and ensuring that retail investors benefit from the better price that liquidity providers are willing to give their orders.[34]

The Commission consistently highlights the need to ensure that the U.S. capital markets are structured with the interests of retail investors in mind, and recently highlighted its focus on the ''long-term interest of Main Street Investors'' as its number one strategic goal for fiscal years 2018 to 2022. The Exchange believes its Retail Program would serve the retail investing public by providing them with the opportunity for meaningful price improvement on eligible trades.

The Exchange notes that several other national securities exchanges, including NYSE as described herein, have for several years operated retail liquidity programs that include market segmentation whereby retail orders receive execution priority in specified circumstances.[35] A NYSE rule filing to make its retail liquidity pilot program permanent was recently approved by the Commission notwithstanding market segmentation. IEX understands that these programs were designed to promote competition for retail order flow among execution venues, most of which continues to be executed in the OTC markets rather than on exchanges.[36] Similarly, IEX's Retail Program is designed to provide an additional competitive alternative for retail orders. IEX believes that it is appropriate to provide incentives to bring more retail order flow to a public exchange. As described in the Purpose section, these incentives include the opportunity for retail orders to receive meaningful price improvement, while also providing all Members with the opportunity to execute against such orders.

IEX believes that the proposed distinctions between its Retail Program and the NYSE RLP, as well as similar Current Retail Pilot Programs, will enhance competition among exchange venues. IEX further believes that this structure is designed to foster competition among exchanges and OTC markets, as well as to protect investors and the public interest, and is therefore consistent with the Act. IEX also believes that the segmentation in its Retail Program, as proposed, is less significant than in the NYSE RLP and the Current Retail Pilot Programs for two reasons. First, non-RLP orders priced to execute at the Midpoint Price have higher priority than RLP order. And second, any Member, or clients thereof, can enter an RLP order. This structure is designed to facilitate a broader interaction between Retail orders and those of all IEX market participants, rather than a more constrained approach whereby retail orders interact primarily with a segmented pool of liquidity providing orders of privileged members.

IEX believes that its proposed eligibility criteria for submission of a Retail order are consistent with the Act in that they are designed to provide reasonable assurance that such orders are on behalf of actual retail investors, as opposed to professional market participants. In this regard, IEX notes that the definition of a Retail order clearly specifies that it must reflect the trading interest of a natural person (including orders placed on behalf of accounts held in a corporate legal form such as Individual Retirement Accounts, so long as the order is submitted by an individual) without algorithmic or computerized methodology changes to the order (except to change a market order to a marketable limit order). Further, as proposed, a Retail order can only be submitted by a Member that has been approved by IEX as an RMO, based upon appropriate criteria that provide reasonable assurances to IEX that the RMO will only identify orders as Retail orders in conformance with applicable IEX rules, as proposed. The proposed criteria and approval process are substantially similar to the definition of Retail Order in NYSE Rule 107C(a)(3) as well as comparable provisions of the rules of Current Retail Pilot Programs. The definition also includes additional clarifying text to explicitly include orders placed on behalf of accounts held in a corporate legal form such as Individual Retirement Accounts so long as the order is submitted by an individual, which is based on the definition of ''Designated Retail Order'' in the Nasdaq Stock Market (''Nasdaq'') pricing schedule.[37] Thus, IEX does not believe that its proposed criteria and approval process for submission of Retail orders raises any new or novel issues not already considered by the Commission.

IEX also believes that the proposed RMO approval, disapproval, and disqualification rules are consistent with the Act in that they provide a fair process for determining whether a Member qualifies as an RMO, as well as for appeals of denials thereof. These processes are also substantially similar to comparable provisions in NYSE Rule 107C(b) and the rules of Current Retail Pilot Programs.

The Exchange further believes that it is consistent with the Act to structure its proposed Retail Program such that a Retail order must be a Discretionary Peg order or Midpoint Peg order with a Time-in-Force of IOC or FOK, and is

[33] *See supra* notes 24, 25, 26, and 27.

[34] *See supra* note 24 at 40679.

[35] *See* NYSE Rule 107C, NYSE Arca Equities Rule 7.44, Cboe Rule 11.24, and NASDAQ BX Rule 4780.

[36] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673, 40679 (July 10, 2012) (SR–NYSE–2011–55) (order approving NYSE RLP pilot program).

[37] *See* Equity 7, Section 118.

only eligible to trade at the Midpoint Price. As described above, the Exchange has structured its proposed Retail Program to provide that Retail orders will trade at the Midpoint Price, so that such orders receive meaningful price improvement. Further, and as discussed in the Purpose section, only permitting Retail orders to be executed at the Midpoint Price is designed to be a simple approach that does not introduce unnecessary complexity to the order entry and execution process on IEX. All orders, including Retail orders, will continue to be priced and ranked in standard increments and pursuant to existing priority.

The Exchange believes that introducing a program that provides and encourages additional liquidity and price improvement to Retail orders is appropriate because retail investors are typically less sophisticated than professional market participants and therefore would not have the type of technology to enable them to compete with such market participants. Therefore, the Exchange believes that it is consistent with the public interest and the protection of investors to provide retail investors with these enhanced opportunities.

In addition, the Exchange believes that providing for execution of Retail orders only at the Midpoint Price is also designed to facilitate Members' compliance with their best execution obligations when acting as agent on behalf of a Retail order.[38] Specifically, as noted in FINRA Regulatory Notice 15–46 (Guidance on Best Execution Obligations in Equity, Options and Fixed Income Markets), when conducting its review of execution quality in any security, a firm should consider, among other things, whether it could obtain mid-point price improvement on one venue versus less price improvement on another venue.[39]

The Exchange also believes that specifying that a Retail order must be Discretionary Peg order or Midpoint Peg order with a Time-in-Force of IOC or FOK is designed to maximize the opportunity for such orders to be executed on IEX and receive such price improvement against resting interest on IEX priced to trade at the Midpoint Price. Thus, IEX believes that this approach is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and further the investor protection and public interest objectives of Section 6(b) of the Act, by establishing a structure that is designed to facilitate the provision of meaningful price improvement for orders of retail investors.

The Exchange believes that its priority and order execution approach for the Retail Program is consistent with the Act. As discussed in the Purpose section, the Exchange understands that a large majority of orders from retail investors are executed in the OTC market, and exchange retail programs have not attracted a significant volume.[40] While there are likely a variety of reasons for this, the IEX Retail Program is designed to provide meaningful incentives for Members to send orders of retail investors to IEX as well as for market participants to provide liquidity to Retail orders. Currently, retail orders are routed across different wholesalers and dark pools. The Exchange believes that creating an exchange retail program specifically designed to provide midpoint executions for retail investors will help grow that overall opportunity for exchange price improvement and introduce additional, healthy competition to the benefit of the retail investor.

As discussed in detail above, the Exchange believes that the opportunity to obtain meaningful price improvement for Retail orders should operate as a powerful incentive for Members to send retail orders to IEX. Based on publicly available information, IEX notes that other exchange retail programs provide less price improvement overall,[41] and believes that OTC retail programs guarantee to execute retail orders at prices better than the NBBO but not necessarily at the midpoint of the NBBO.[42] While IEX typically has a deep pool of non-displayed liquidity priced to execute at the Midpoint Price, a key aspect of IEX's Retail Program is to further incentivize Members and their clients to enter additional non-displayed interest, including interest that will only trade with Retail orders. As discussed in the Purpose section, IEX believes that many professional market participants view interacting with orders of retail investors as desirable. Further, IEX understands that some market participants may be hesitant to enter resting interest to trade in public markets because of the risk of being subjected to latency arbitrage by more sophisticated market participants leveraging fast proprietary market data feeds and connectivity along with predictive strategies to chase short-term price momentum and successfully target resting orders at unstable prices. IEX also believes that retail investors are unlikely to have such technological advantages and as a result, certain market participants, including buy-side and other fundamental investors, may be more willing to enter resting interest to trade on a public exchange, and to allow that interest to rest for a longer period of time, if they were assured that their orders would not be subject to latency arbitrage by more sophisticated market participants. As the stock and exchange trading product values fluctuate throughout the day, professional market participants will be able to utilize the RLP order type to provide liquidity to Retail orders at times when they might otherwise be unwilling to do so because of the differences between Retail and non-Retail orders described above. These market participants would have the additional flexibility to submit both RLP and non-RLP mid-point orders, and switch between them based on intraday values, resulting in enhanced mid-point liquidity throughout the trading day.

Thus, IEX believes that by providing an order type that only executes against retail orders, other market participants may be incentivized to enter additional resting interest on IEX. Accordingly, the Exchange further believes that it is consistent with the Act for RLP orders to only execute against Retail orders so as to incentivize the entry of RLP orders and thereby provide meaningful price improvement to Retail orders. In addition, to the extent that the RLP order structure is successful in incentivizing the entry of resting interest by buy-side and other fundamental investors, it would reduce unnecessary intermediation of Retail orders, which is consistent with the purposes of Section 6(b)(5) of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system as well as with Section 11A of the Act in that it is designed to provide enhanced opportunities for investor orders to be executed without the participation of a dealer, as described above.[43]

At the same time, the Exchange believes that, given the benefit of

[38] All IEX Members that handle customer orders as agent are required to be FINRA members, and therefore are subject to FINRA guidance. *See* 17 CFR 240.15b9–1(a).

[39] *See* FINRA Regulatory Notice 15–46, endnote 25 available at: *https://www.finra.org/sites/default/files/notice_doc_file_ref/Notice_Regulatory_15-46.pdf.*

[40] *See* supra note 24, at 5762 (''Although the Program provides the opportunity to achieve significant price improvement, the Program has not generated significant activity. . . . The Program's share of NYSE volume during [in 2016–17] was below 0.4%'').

[41] *See e.g., supra* note 29.

[42] *See supra* note 23.

[43] 15 U.S.C. 78k–1(a)(1)(c)(v).

trading only with Retail orders, it is consistent with the Act for RLP orders to have lower execution priority than other orders priced to trade at the Midpoint Price. IEX believes that a healthy market includes interaction between a diverse array of market participants and is not seeking to establish a segmented pool within the Exchange. Accordingly, IEX believes that providing other orders priced to trade at the Midpoint Price with higher priority is an appropriate balancing of these competing considerations.

Finally, the Exchange believes that the deletion of Rule 11.340(d) pertaining to the expired Tick Size Pilot Plan,[44] which currently states in relevant part that the Exchange does not operate a retail liquidity program is consistent with the Act because, if the Commission approves the proposed rule change, the provision will be inaccurate. Notwithstanding that the Tick Size Pilot expired at the close of trading on September 28, 2018, continued inclusion of this provision could engender confusion on the part of Members and other market participants as to IEX's Retail Program. Consequently, the Exchange believes that it is consistent with the Act to delete the provision to ensure accuracy and consistency in IEX's rules.

In sum, the Exchange submits that its proposed Retail Program is a simple approach designed to provide an opportunity for retail customers' orders to receive meaningful price improvement in a manner consistent with the approved retail programs of other exchanges, but without certain complexities that IEX believes are unnecessary for its program. Thus, IEX believes that the proposed Retail Program is consistent with the Act in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Further, IEX does not believe that the proposal raises any new or novel issues not already considered by the Commission.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, IEX believes that introducing a Retail Program would continue to enhance competition and execution quality for retail order flow among execution venues and contribute to the public price discovery process.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition since competing venues have and can continue to adopt similar retail programs, subject to the SEC rule change process. The Exchange operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues.

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. While orders submitted by some Members will be treated differently, as described in the Purpose section, those differences are not based on the type of Member entering orders but on whether the order is for a retail customer, and there is no restriction on whether a Member can handle retail customer orders. Further, any Member can enter an RLP order.

Finally, the Exchange does not believe that deleting Rule 11.340(d), pertaining to the expired Tick Size Pilot Plan, will impose any burden on competition since it is merely designed to remove a conflicting rule provision.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be 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–IEX–2019–05 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–IEX–2019–05. 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 offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2019–05, and should be submitted on or before July 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14277 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

[44] *See* IEX Trading Alert #2018–035 (Tick Size Pilot Program Expiration), available at *https://iextrading.com/alerts/#/35.*

[45] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–86246; File No. SR–NASDAQ–2019–017]**

## Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change To Adopt Additional Requirements for Listings in Connection With an Offering Under Regulation A of the Securities Act

June 28, 2019.

### I. Introduction

On April 5, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a new initial listing requirement for any company applying to list on the Exchange in connection with an offering under Regulation A [3] of the Securities Act of 1933 (''Securities Act'').[4] The proposed rule change was published for comment in the **Federal Register** on April 24, 2019.[5] The Commission received one comment in support of the proposed rule change.[6] On June 7, 2019, pursuant to Section 19(b)(2) of the Act,[7] 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.[8] This order approves the proposed rule change.

### II. Description and Summary of Comment

The Exchange proposed to adopt a new initial listing requirement for companies listing on the Exchange in connection with an offering under Regulation A of the Securities Act.[9] Specifically, the Exchange proposed to require any company listing on the Exchange in connection with an offering under Regulation A [10] to have a minimum operating history of two years at the time of approval of its initial listing application.[11]

The Exchange stated in its proposal that it has observed problems with certain companies listing on the Exchange in connection with an offering under Regulation A.[12] Nasdaq also noted, among other things, that Regulation A offering statements have lighter disclosure requirements as compared to a traditional initial public offering on Form S–1.[13]

The Exchange stated that it believes that the proposed new minimum two-year operating history requirement will help assure that a company listing in connection with an offering under Regulation A has a more established business plan and a history of operations upon which investors can rely, has been able to fund the initial phase of its operations, and will be more likely to be ready for the rigors of being a public company, including satisfying the Commission's and Exchange's reporting and corporate governance requirements. The Exchange stated these are important benefits given the lighter disclosure requirements associated with Regulation A offerings.[14]

Nasdaq proposed that this proposed rule change be effective 30 days after approval by the Commission, and stated that such 30-day delay would allow companies that have substantially completed the Nasdaq review process, or are near completion of their offering, a short opportunity to complete that offering and list before the new rules become effective.[15]

The Commission received one comment letter in support of the Nasdaq proposal.[16] The commenter noted that companies relying on Regulation A are subject to less burdensome accounting and disclosure standards than companies conducting a traditional initial public offering on Form S–1.[17] The commenter agreed with Nasdaq that its proposal will ''. . . help assure that [listed] companies have more established business plans and a history of operations upon which investors can rely'' and that such more seasoned companies are more likely to be ready for the rigors of being a public company.[18]

### III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[20] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The development and enforcement of meaningful listing standards for an exchange is of critical importance to financial markets and the investing public. Among other things, listing standards provide the means for an exchange to screen issuers that seek to become listed, and to provide listed status only to those that are bona fide companies with sufficient public float, investor base, and trading interest likely to generate depth and liquidity sufficient to promote fair and orderly markets. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 230.251–230.263.

[4] 15 U.S.C. 77a *et seq.*

[5] *See* Securities Exchange Act Release No. 85687 (April 18, 2019), 84 FR 17224 (April 24, 2019) (''Notice'').

[6] *See* Letter from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated May 2, 2019 (''CII Letter''), available at *https://www.sec.gov/comments/sr-nasdaq-2019-017/srnasdaq2019017-5441017-184816.pdf.*

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 86067 (June 7, 2019), 84 FR 27672 (June 13, 2019). The Commission designated July 23, 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.

[9] The Exchange stated that its staff has also adopted heightened review procedures for companies applying to list on the Exchange in connection with an offering under Regulation A. *See* Notice, *supra* note 5, at 17225.

[10] Regulation A of the Securities Act was amended in 2015 to implement provisions of the Jumpstart Our Business Startups Act. Among other things, such amendments provide for an exemption from registration under the Securities Act for securities offerings of up to $50 million in a 12-month period. *See* Securities Exchange Act Release No. 74578 (March 25, 2015), 80 FR 21805 (April 20, 2015) (Amendments for Small and Additional Issues Exemptions Under the Securities Act (Regulation A); Final Rule) (''Regulation A Adopting Release'').

[11] *See* proposed Rule 5210(j).

[12] *See* Notice, *supra* note 5, at 17225 (citing to Securities and Exchange Commission vs. Longfin Corp., Case No. 18-cv-2977 (DLC) (S.D.N.Y., filed April 4, 2018), available at *https://www.sec.gov/litigation/complaints/2018/comp-pr2018-61.pdf*).

[13] *See id.*

[14] *See id.*

[15] *See id.*

[16] *See* CII Letter, *supra* note 6.

[17] *See id.* at 2.

[18] *See id.* at 3. The commenter also raised additional issues that were beyond the scope of the Commission's review of this rule proposal.

[19] 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[21]

The Commission believes the proposed two-year minimum operating history requirement for companies that seek to list on the Exchange in connection with an offering under Regulation A of the Securities Act is reasonably designed to address the Exchange's concerns regarding maturity and preparedness for listing of these types of issuers. Regulation A allows companies to raise money from the public in securities offerings of up to $50 million with the filing of Form 1–A but with somewhat more limited disclosure requirements than what is required in a registration statement on Form S–1 for an initial public offering.[22] For example, Form 1–A requires less disclosure about the compensation of officers and directors and less detailed management discussion and analysis of the issuer's liquidity and capital resources and results of operations.[23] The Commission further notes that Regulation A issuers tend to be smaller companies in earlier stages of development.[24] As a general matter, early-stage ventures may be relying on the development of a new business, product, or service that may or may not find a market, unlike a mature business that is more likely to have a track record of revenue or income.

The Commission believes, based on the factors discussed above, that the proposed operating history requirement may help to ensure that a company listing in connection with a Regulation A offering is more seasoned, and thus more likely to be ready for the rigors of being a public, exchange-listed and traded, company, and that therefore the requirement would be consistent with the investor protection provisions of Section 6(b)(5) of the Exchange Act. The Commission notes that, as Nasdaq stated in its proposal, the additional two-year operating history requirement can help to assure that a company listing in connection with a Regulation A offering will be more likely to have a developed business plan upon which investors can rely, was able to successfully fund its initial phase of operations, and may be more likely to be better prepared to satisfy public company requirements, including reporting and corporate governance requirements.

While capital formation and access to markets is very important, the Commission notes that the additional listing requirement applies to a small subset of companies applying to list in connection with a Regulation A offering and that the Exchange has identified a reasonable requirement that it believes will help it to ensure the suitability of such companies for an Exchange listing, consistent with the requirements of Section 6(b)(5) of the Exchange Act. Finally, the Commission would expect Nasdaq to review its experience with the new initial listing standard for Regulation A listed companies and consider whether the adoption of the new rule has addressed the concerns identified by Nasdaq and propose any appropriate changes, if necessary, to its listing standards.

For the reasons discussed above, the Commission believes that Nasdaq's proposal will further the purposes of Section 6(b)(5) of the Exchange Act by, among other things, protecting investors and the public interest, and preventing fraudulent and manipulative acts and practices, as well as promoting fair and orderly markets under the Exchange Act.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Exchange Act,[25] that the proposed rule change (SR–NASDAQ–2019–017) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**Eduardo A. Aleman,**

*Deputy Secretary.*

[FR Doc. 2019–14276 Filed 7–3–19; 8:45 am]

**BILLING CODE 8011–01–P**

[21] *See, e.g.,* Securities Exchange Act Release Nos. 65708 (November 8, 2011), 76 FR 70799 (November 15, 2011) (SR–Nasdaq–2011–073) (order approving a proposal to adopt additional listing requirements for companies applying to list after consummation of a ''reverse merger'' with a shell company), and 57785 (May 6, 2008), 73 FR 27597 (May 13, 2008) (SR–NYSE–2008–17) (order approving a proposal to adopt new initial and continued listing standards to list securities of special purpose acquisition companies).

[22] *See* Regulation A Adopting Release, *supra* note 10.

[23] *See id.* at 21889. The Commission notes that a company that conducts an offering under Regulation A at the same time as listing can include balance sheets for its last two fiscal years, with no interim financial statements, whereas a company that conducts an initial public offering on Form S–1 at the time of listing would be required to have interim financial statements dated no later than 134 days prior to effectiveness of the Form S–1 and at the time of listing *See* Notice, *supra* note 5, at 17225.

[24] *See* Securities Exchange Act Release No. 86129 (June 18, 2019), 84 FR 30460, 30492–93 (June 26, 2019) (File No. S7–08–19) (Concept Release on Harmonization of Securities Offering Exemptions).

[25] 15 U.S.C. 78s(b)(2).

[26] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 10815]**

## Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Mapa Wiya (Your Map's Not Needed): Australian Aboriginal Art From the Fondation Opale'' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Mapa Wiya (Your Map's Not Needed): Australian Aboriginal Art from the Fondation Opale,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Menil Collection, Houston, Texas, from on or about September 13, 2019, until on or about January 26, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 236–28 of June 10, 2019.

**Rick A. Ruth,**

*Senior Advisor, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2019–14322 Filed 7–3–19; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF STATE

**[Public Notice 10813]**

## List of Participating Countries and Entities in the Kimberley Process Certification Scheme, Known as ''Participants'' for the Purposes of the Clean Diamond Trade Act of 2003 and Section 2 of Executive Order 13312 of July 29, 2003

**SUMMARY:** The Department of State is updating the list of Participants eligible for trade in rough diamonds under the Act, and their respective Importing and Exporting Authorities, revising the previously published list of April 26, 2017 to reflect the addition of Gabon.

**DATES:** This notice is effective July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Pamela Fierst-Walsh, Senior Advisor, Bureau of Economic and Business Affairs, Department of State, (202) 647–6116.

**SUPPLEMENTARY INFORMATION:** Section 4 of the Clean Diamond Trade Act of 2003, Public Law 108–19 (the ''Act'') requires the President to prohibit the importation into, or the exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme (KPCS). Under Section 3(2) of the Act, ''controlled through the Kimberley Process Certification Scheme'' means an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is either (i) carried out in accordance with the KPCS, as set forth in regulations promulgated by the President, or (ii) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the KPCS. The referenced regulations are contained at 31 CFR part 592 (''Rough Diamond Control Regulations'') (68 FR 45777, August 4, 2003).

Section 6(b) of the Act requires the President to publish in the **Federal Register** a list of all Participants, and all Importing and Exporting Authorities of Participants, and to update the list as necessary. Section 2 of Executive Order 13312 of July 29, 2003 delegates this function to the Secretary of State. Section 3(7) of the Act defines ''Participant'' as a state, customs territory, or regional economic integration organization identified by the Secretary of State. Section 3(3) of the Act defines ''Exporting Authority'' as one or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate a Kimberley Process Certificate. Section 3(4) of the Act defines ''Importing Authority'' as one or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regarding imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

### List of Participants

Pursuant to Sections 3 and 6 of the Act, Section 2 of Executive Order 13312, Department of State Delegations of Authority No. 245–1 (February 13, 2009), and No. 376 (October 31, 2011), I hereby identify the following entities as Participants under section 6(b) of the Act. Included in this List are the Importing and Exporting Authorities for Participants, as required by Section 6(b) of the Act. This List is published solely for the purpose of implementing the mandates cited above and does not reflect or prejudice any other regulation or prohibition that may apply with respect to trading, doing business, or engaging in any other transaction with any of the listed countries or entities. This list revises the previously published list of April 26, 2017 to reflect the addition of Gabon.

Angola—Ministry of Mineral Resources and Petroleum, Ministry of Trade.
Armenia—Ministry of Economic Development and Investment.
Australia—Department of Industry, Innovation and Science (Exporting Authority), Department of Home Affairs (Importing Authority).
Bangladesh—Export Promotion Bureau.
Belarus—Ministry of Finance—Precious Metals and Gemstones Department.
Botswana—Ministry of Minerals, Green Technology and Energy Security—Diamond Hub.
Brazil—Ministry of Mines and Energy—Secretariat of Geology, Mining and Mineral Processing—National Mining Agency.
Cambodia—Ministry of Commerce.
Cameroon—Ministry of Mines—National Permanent Secretariat for the Kimberley Process.
Canada—Ministry of Natural Resources Canada.
Central African Republic—Ministry of Mines, Energy and Hydraulics.
China—General Administration of China Customs; in the Hong Kong Special Administrative Region: Trade and Industry Department (Exporting Authority), Customs and Exercise Department (Importing Authority).
Congo, Democratic Republic of the—Ministry of Mines—The Center of Expertise, Evaluation and Certification of Precious and Semiprecious Mineral Substances.
Congo, Republic of the—Ministry of Mines and Geology—Bureau of Expertise, Evaluation and Certification of Precious Mineral Substances.
Cote D'Ivoire (Ivory Coast)—General Directorate of Customs.
European Union—European Commission—Foreign Policy Instruments; in Belgium: Federal Public Service of Economy; in the Czech Republic: General Directorate of Customs; in Germany: Main Customs Office (Exporting Authority), General Directorate for Management VI (Importing Authority); in Portugal: Tributary and Customs Authority—Licensing Services Directorate; in Romania: National Authority for Consumer Protection—General Department for Precious Metals, Precious Stones and the Kimberley Process; in the United Kingdom: Foreign and Commonwealth Office—Government Diamond Office.
Gabon—Permanent Center for the Kimberley Process
Ghana—Ministry of Lands and Natural Resources—Precious Minerals Marketing Company Limited.
Guinea—Ministry of Mines and Geology.
Guyana—Guyana Geology and Mines Commission.
India—The Gem and Jewellery Export Promotion Council.
Indonesia—Ministry of Trade—Director General for Foreign Trade.
Israel—Ministry of Economy and Industry—Office of the Diamond Controller.
Japan—Ministry of Economy, Trade and Industry—Agency for Natural Resources and Energy Trade and Economic Cooperation Bureau.
Kazakhstan—Ministry for Investments and Development—Committee for Technical Regulation and Metrology.
Korea, Republic of (South Korea)—Ministry of Trade, Industry and Energy.
Laos—Ministry of Industry and Commerce—Department of Import and Export.
Lebanon—Ministry of Economy and Trade.
Lesotho—Ministry of Mining—Department of Mines—Diamond Control Office.
Liberia—Ministry of Lands, Mines and Energy.
Malaysia—Royal Malaysian Customs Department.
Mali—Ministry of Mines—Office of Expertise, Evaluation and Certification of Rough Diamonds.
Mauritius—Ministry of Industry, Commerce and Consumer Protection—Trade Division.
Mexico—Ministry of Economy—Directorate-General for International Trade in Goods.
Namibia—Ministry of Mines and Energy—Directorate of Diamond Affairs.
New Zealand—New Zealand Customs Service.
Norway—Norwegian Customs Service.
Panama—National Customs Authority.
Russia—Ministry of Finance.
Sierra Leone—National Minerals Agency, National Revenue Authority.
Singapore—Ministry of Trade and Industry, Singapore Customs.
South Africa—South African Diamond and Precious Metals Regulator.
Sri Lanka—National Gem and Jewellery Authority.
Swaziland—Office of the Commissioner of Mines.

Switzerland—State Secretariat for Economic Affairs.
Taipei—Ministry of Economic Affairs—Bureau of Foreign Trade—Import/Export Administration Division.
Tanzania—Ministry of Energy and Minerals—Commissioner for Minerals.
Thailand—Ministry of Commerce—Department of Foreign Trade.
Togo—Ministry of Mines and Energy—Head Office of Mines and Geology.
Turkey—Borsa Istanbul Precious Metals and Diamond Market.
Ukraine—Ministry of Finance—State Gemmological Centre of Ukraine.
United Arab Emirates—Dubai Multi Commodities Center Authority—U.A.E. Kimberley Process Office in the Dubai Airport Free Zone.
United States of America—United States Census Bureau (Exporting Authority), United States Customs and Border Protection (Importing Authority).
Venezuela—Central Bank of Venezuela (Exporting Authority), National Customs and Tax Administration Integrated Service (Importing Authority).
Vietnam—Ministry of Industry and Trade—Import Export Management Divisions in Hanoi and Ho Chi Minh City.
Zimbabwe—Minerals Marketing Corporation of Zimbabwe (Exporting Authority), Zimbabwe Revenue Authority (Importing Authority).

Dated: June 28, 2019.

**Manisha Singh,**

*Assistant Secretary, Bureau of Economic and Business Affairs, Department of State.*

[FR Doc. 2019–14358 Filed 7–3–19; 8:45 am]

**BILLING CODE 4710–AE–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**[Docket No. USTR–2019–0003]**

## Notice of Hearing and Request for Public Comments: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of hearing, and request for comments.

**SUMMARY:** The U.S. Trade Representative is considering the additional list of products in the Annex to this notice, for inclusion on a final list of products to be subject to increased duties in connection with the enforcement of U.S. rights in the World Trade Organization (WTO) dispute against the European Union (EU) and certain EU member States addressed to EU subsidies on large civil aircraft. The interagency Section 301 Committee is seeking public comments and will hold a public hearing in connection with the possible imposition of increased duties on the products in the Annex to this notice.

**DATES:** To be assured of consideration, the following schedule applies:

*July 24, 2019:* Due date for submission of requests to appear at the public hearing and summary of testimony.

*August 5, 2019:* Due date for submission of written comments.

*August 5, 2019:* The Section 301 Committee will convene a public hearing in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington DC 20436 beginning at 9:30 a.m.

*August 12, 2019:* Due date for submission of post-hearing rebuttal comments.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in sections D and E below. The docket number is USTR–2019–0003. For issues with on-line submissions, please contact the Office of the United States Trade Representative (USTR) Section 301 line at (202) 395–5725.

**FOR FURTHER INFORMATION CONTACT:** For questions about this investigation including the proposed tariff actions, contact Megan Grimball, Assistant General Counsel, at (202) 395–5725. For questions on customs classification of products identified in the Annex to this notice, contact *Traderemedy@cbp.dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### A. Proceedings in the Investigation

In a notice published on April 12, 2019 (84 FR 15028), the U.S. Trade Representative announced the initiation of an investigation to enforce U.S. rights in the WTO dispute against the EU and certain EU member States addressed to EU subsidies on large civil aircraft. The April 12 notice, among other things, sought public comment on a preliminary list of EU products (the April 12 list) to be considered for inclusion on a final list of products that would be subject to additional ad valorem duties of up to 100 percent. As announced in the April 12 notice, the Section 301 Committee held a public hearing on May 15–16, 2019, and received testimony from over 40 individuals. Interested persons filed over 600 written submissions, including post-hearing comments.

A number of public comments submitted in response to the April 12 notice requested that the U.S. Trade Representative consider additional products that were not included in the April 12 list for possible inclusion on the final list of products to be subject to additional duties.

### B. Consideration of Additional Products

The U.S. Trade Representative has decided to consider an additional list of products set out in the Annex to this notice, which may be included on a final list of products subject to additional ad valorem duties of up to 100 percent. The additional list takes into account public comments requesting the consideration of additional products not included on the April 12 list.

The additional list in the Annex to this notice contains 89 tariff subheadings. These subheadings are valued at approximately $4 billion in terms of the estimated import trade value for calendar year 2018. If the U.S. Trade Representative determines to take action in this investigation, a final list of products to be subject to additional duties may be drawn from both this and the April 12 lists. As stated in the April 12 notice, the final list will take into account the report of the WTO Arbitrator on the appropriate level of countermeasures to be authorized by the WTO.

### C. Request for Public Comments

USTR invites comments from interested persons with respect to the possible inclusion of products from the additional list in the Annex to this notice on the final list of products subject to additional duties. In particular, USTR invites comments with respect to:

- The specific products in the additional list to be subject to increased duties;
- the level of the increase, if any, in the rate of duty; and
- whether increased duties on particular products on the additional list might have an adverse effect upon U.S. stakeholders, including small businesses and consumers.

### D. Hearing Participation

The Section 301 Committee will convene a public hearing in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington DC 20436 beginning at 9:30 a.m. on August 5, 2019. You must submit requests to appear at the hearing by July 24, 2019. The request to appear should include a written version of the testimony you expect to give. Remarks at the hearing may be no longer than five minutes to allow time for questions from the Section 301 Committee.

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit a request to appear at the hearing via *www.regulations.gov,* enter docket number USTR–2019–0003. In the ''type comment'' field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach testimony, and a pre-hearing submission if provided, by using the ''upload file'' field. USTR strongly prefers submissions in Adobe Acrobat (.pdf). The file name should include the name of the person who will be presenting the testimony. In addition, please submit a request to appear by email to *301aircraft@ustr.eop.gov.* In the subject line of the email, please include the name of the person who will be presenting the testimony, followed by 'Request to Appear'. Please also include the name, address, email address, and telephone number of the person who will be presenting testimony in the body of the email message.

**E. Procedures for Written Submissions**

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2019–0003 on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''how to use *regulations.gov*'' on the bottom of the *www.regulations.gov* home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a ''type comment'' field or by attaching a document using an ''upload file'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR strongly prefers submissions in Adobe Acrobat (.pdf). If you use an application other than Adobe Acrobat or Word (.doc), please indicate the name of the application in the ''type comment'' field.

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Section 301 line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except business confidential information. You can view submissions on the *https://www.regulations.gov* website by entering docket number USTR–2019–0003 in the search field on the home page.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

**Annex**

The products that are enumerated and described in this Annex are being considered for additional import duties if they are the product of any of the twenty-eight member States of the European Union. All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTS) that are listed in this Annex are covered by the proposed action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of a particular HTS subheading should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

| HTS subheading | Product description |
|---|---|
| 0203.22.90 | Frozen hams, shoulders and cuts thereof, with bone in, other than retail cuts. |
| 0203.29.40 | Frozen meat of swine, other than retail cuts, nesoi. |
| 0403.90.85 | Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments. |
| 0403.90.90 | Curdled milk/cream/kephir & other fermented or acid. milk/cream subject to add US note 10 to Ch.4. |
| 0403.90.95 | Curdled milk/cream/kephir & other fermented or acid. milk/cream subj to GN 15 or Ch4 US note 10. |
| 0404.10.05 | Whey protein concentrates. |
| 0405.20.20 | Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14. |
| 0405.20.30 | Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional US note 14. |
| 0405.20.80 | Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1. |
| 0405.90.10 | Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional US note 14. |
| 0406.10.44 | Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, subj to Ch4 US note 20, not GN15. |
| 0406.10.48 | Fresh (unripened/uncured) edam and gouda cheeses, cheese/subs for cheese cont or processed therefrom, not sub to Ch4 US note 20, not GN15. |
| 0406.10.54 | Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, subj to Ch4 US nte 21, not GN15. |
| 0406.10.58 | Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15. |

| HTS subheading | Product description |
|---|---|
| 0406.20.51 | Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to add US note 21 to Ch.4. |
| 0406.20.53 | Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subj to Ch4 US nte 21 or GN15. |
| 0406.20.77 | Cheese containing or processed from Italian-type cheeses made from cow's milk, grated or powdered, subject to add US note 21 to Ch. 4. |
| 0406.20.79 | Cheese containing or processed from Italian-type cheeses made from cow's milk, grated or powdered, not subject to add US note 21 to Ch. 4. |
| 0406.20.87 | Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, not subject to add US note 23 to Ch. 4. |
| 0406.30.51 | Gruyere-process cheese, processed, not grated or powdered, subject to add. US note 22 to Ch. 4. |
| 0406.30.55 | Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered. |
| 0406.30.79 | Processed cheese cont/procd from Italian-type, not grated/powdered, not subject to add US note 21 to Ch. 4, not GN15. |
| 0406.30.85 | Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15. |
| 0406.40.54 | Blue-veined cheese, nesoi, in original loaves, subject to add. US note 17 to Ch. 4. |
| 0406.90.16 | Edam and gouda cheese, nesoi, subject to add. US note 20 to Ch. 4. |
| 0406.90.41 | Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. US note 21 to Ch. 4. |
| 0406.90.42 | Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to GN 15 or Ch4 US note 21. |
| 0406.90.43 | Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15. |
| 0406.90.68 | Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US note 21, not GN15. |
| 0711.20.18 | Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, subject to add. US note 5 to Ch. 7. |
| 0711.20.28 | Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, not subject to add. US note 5 to Ch. 7. |
| 0711.20.38 | Olives, n/pitted, nesoi. |
| 0711.20.40 | Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption. |
| 0811.90.80 | Fruit, nesoi, frozen, whether or not previously steamed or boiled. |
| 0812.10.00 | Cherries, provisionally preserved, but unsuitable in that state for immediate consumption. |
| 0812.90.10 | Mixtures of two or more fruits, provisionally preserved, but unsuitable in that state for consumption. |
| 0813.40.30 | Cherries, dried. |
| 0901.21.00 | Coffee, roasted, not decaffeinated. |
| 0901.22.00 | Coffee, roasted, decaffeinated. |
| 1601.00.20 | Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products. |
| 1602.41.20 | Pork hams and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers. |
| 1602.41.90 | Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi. |
| 1602.42.20 | Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers. |
| 1602.42.40 | Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers. |
| 1602.49.10 | Prepared or preserved pork offal, including mixtures. |
| 1602.49.20 | Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers. |
| 1602.49.40 | Prepared or preserved pork, not containing cereals or vegetables, nesoi. |
| 1602.49.90 | Prepared or preserved pork, nesoi. |
| 1902.11.20 | Uncooked pasta, not stuffed or otherwise prepared, containing eggs, exclusively pasta. |
| 1902.11.40 | Uncooked pasta, not stuffed or otherwise prepared, containing eggs, nesoi, including pasta packaged with sauce preparations. |
| 1902.19.20 | Uncooked pasta, not stuffed or otherwise prepared, not containing eggs, exclusively pasta. |
| 1902.19.40 | Uncooked pasta, not stuffed or otherwise prepared, not containing eggs, nesoi, including pasta packaged with sauce preparations. |
| 1902.20.00 | Stuffed pasta, whether or not cooked or otherwise prepared. |
| 1902.30.00 | Pasta nesoi. |
| 1905.32.00 | Waffles and wafers. |
| 2005.70.12 | Olives, green, not pitted, in saline, not ripe. |
| 2008.40.00 | Pears, otherwise prepared or preserved, nesoi. |
| 2008.60.00 | Cherries, otherwise prepared or preserved, nesoi. |
| 2008.70.20 | Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included. |
| 2008.97.90 | Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad). |
| 2009.89.65 | Cherry juice, concentrated or not concentrated. |
| 2101.11.21 | Instant coffee, not flavored. |
| 2103.90.80 | Mixed condiments and mixed seasonings, not described in add US note 3 to Ch. 21. |
| 2208.30.30 | Irish and Scotch whiskies. |
| 2208.30.60 | Whiskies, other than Irish and Scotch whiskies. |
| 2814.10.00 | Anhydrous ammonia. |
| 2814.20.00 | Ammonia in aqueous solution. |
| 3102.10.00 | Urea, whether or not in aqueous solution. |
| 3102.21.00 | Ammonium sulfate. |
| 3102.29.00 | Double salts and mixtures of ammonium sulfate and ammonium nitrate. |
| 3102.30.00 | Ammonium nitrate, whether or not in aqueous solution. |
| 3102.40.00 | Mixtures of ammonium nitrate with calcium carbonate or other inorganic nonfertilizing substances. |
| 3102.50.00 | Sodium nitrate. |
| 3102.60.00 | Double salts and mixtures of calcium nitrate and ammonium nitrate. |

| HTS subheading | Product description |
|---|---|
| 3102.80.00 | Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution. |
| 3102.90.01 | Mineral or chemical fertilizers, nitrogenous, nesoi, including mixtures not specified elsewhere in heading 3102. |
| 7202.92.00 | Ferrovanadium. |
| 7303.00.00 | Cast iron, tubes, pipes and hollow profiles. |
| 7307.11.00 | Cast nonmalleable iron, fittings for tubes or pipes. |
| 7407.10.50 | Refined copper, bars and rods. |
| 7407.21.90 | Copper-zinc base alloys (brass), bars & rods nesoi, not having a rectangular cross section. |
| 7409.11.50 | Refined copper, plates, sheets and strip, in coils, with a thickness over 0.15mm but less than 5 mm. |
| 7409.21.00 | Copper-zinc base alloys (brass), plates, sheets and strip, in coils. |
| 7409.29.00 | Copper-zinc base alloys (brass), plates, sheets and strip, not in coils. |
| 7409.31.50 | Copper-tin base alloys (bronze), plates, sheets and strip, in coils, with a thickness o/0.15mm but less than 5mm & a width of 500mm or more. |
| 7409.31.90 | Copper-tin base alloys (bronze), plates, sheets and strip, in coils, w/thickness o/0.15mm but less than 5mm & a width of less than 500mm. |
| 7409.40.00 | Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver), plates, sheets and strip, w/thickness o/0.15mm. |
| 7409.90.90 | Copper alloys (o/than brass/bronze/cupro-nickel/nickel silver), plates, sheets & strip, w/thick. o/0.15mm but less th/5mm & width less 500mm. |
| 7410.11.00 | Refined copper, foil, w/thickness of 0.15 mm or less, not backed. |

[FR Doc. 2019–14352 Filed 7–3–19; 8:45 am]
BILLING CODE 3290–F9–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Commercial Space Transportation Advisory Committee—Charter Renewal

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

**ACTION:** Announcement of renewal of the Commercial Space Transportation Advisory Committee (COMSTAC) charter.

**SUMMARY:** FAA announces the renewal of the COMSTAC charter, a Federal Advisory Committee that provides information, advice, and recommendations to DOT and the FAA on the critical matters facing the U.S. commercial space transportation industry. This renewal will take effect the day of publication of this announcement, and will expire after 2 years.

**FOR FURTHER INFORMATION CONTACT:** Di Reimold, COMSTAC Designated Federal Officer/Executive Director, FAA, Commercial Space Transportation, 800 Independence Avenue SW, Rm. 331, Washington, DC 20591, telephone (202) 267–7635, email *dorothy.reimold@faa.gov.*

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FAA is giving notice of the renewal of the COMSTAC charter. The primary goals of COMSTAC are to: Evaluate economic, technological, and institutional developments relating to the U.S. commercial space transportation industry; provide a forum for the discussion of problems involving the relationship between industry activities and government requirements; and make recommendations to the FAA Administrator on issues and approaches for Federal policies and programs regarding the industry. COMSTAC membership consists of senior executives from the commercial space transportation industry; the aviation industry; representatives from the satellite industry, both manufacturers and users; state and local government officials; representatives from firms providing insurance, financial investment and legal services for commercial space activities; and representatives from academia, space advocacy organizations, and industry associations. Complete information regarding COMSTAC is available on the FAA website at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.*

Dated: June 26, 2019.

Issued in Washington, DC.

**Elaine L. Chao,**

*Secretary, Department of Transportation.*

[FR Doc. 2019–14349 Filed 7–3–19; 8:45 am]
BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: Mid-States Corridor, Southern Indiana

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The Federal Highway Administration (FHWA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed Mid-States Corridor in Southern Indiana.

**FOR FURTHER INFORMATION CONTACT:** Michelle Allen, Environmental Specialist, Federal Highway Administration, Federal Building, Room 254, 575 North Pennsylvania Street, Indianapolis, Indiana 46204, Telephone (317) 226–7344, or Laura Hilden, Director of Environmental Services, Indiana Department of Transportation, 100 N Senate Avenue, Room N642, Indianapolis, Indiana 46204, Telephone (317) 232–5018.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the Indiana Department of Transportation (INDOT) and the Mid-States Corridor Regional Development Authority (RDA) will prepare a Tier 1 EIS on proposed highway corridors to improve access to Southern Indiana population, manufacturing, and multimodal centers (*e.g.,* river barge and rail connections).

The southern terminus of the proposed action will be US 231 at the Indiana end of the Natcher Bridge crossing of the Ohio River near Rockport. The northern terminus will be at either I–69 or SR 37 at a location south of the intersection of these two routes in Monroe County, Indiana.

The Tier 1 EIS for this proposed action will be to resolve ''big picture'' planning issues such as ''build'' vs. ''no-build''; facility type; preferred corridor; and logical termini for ''projects of independent utility'' within the preferred corridor. This proposed action is intended to strengthen the highway network in Southern Indiana by providing improved linkages among the existing highway routes in the region and by providing more direct connections among the region's major population and economic centers. By

strengthening the highway network, this proposed action is intended to stimulate economic growth in Southern Indiana by enhancing access to existing centers of economic activity and creating new opportunities where possible.

The FHWA is using a *tiered* EIS to focus on issues in an organized manner as discussed in the Council of Environmental Quality (CEQ) regulations at 40 CFR 1502.20. The Tier 1 document will include in-depth analysis of environmental, transportation, and economic impacts, as well as cost estimates. This document will provide the basis for FHWA to grant location approval for a specific corridor.

The Tier 2 environmental documents will result from a series of smaller studies for individual sections of the corridor. Within each section of the corridor, specific alignments would be identified and evaluated based upon their social, economic and environmental impacts. The Tier 2 documents would be more closely tailored to address transportation needs within each project section.

A scoping meeting will be held for the regulatory agencies. There also will be several public scoping meetings held at various locations in the project area. Early coordination letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. As part of the process, public hearings will also be held. Public notice will be given as to the time and place of the meetings and hearings. The public hearings will be held after the draft EIS is available for review.

To ensure that the full range of issues related to this proposed action is addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and this Tier 1 EIS should be directed to the FHWA or the INDOT at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: June 28, 2019.

**Mayela Sosa,**

*Division Administrator, Indianapolis, IN.*

[FR Doc. 2019–14306 Filed 7–3–19; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

#### Notice of OFAC Action(s)

On June 28, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

*Individual*

1. MADURO GUERRA, Nicolas Ernesto (Latin: MADURO GUERRA, Nicolás Ernesto), Caracas, Capital District, Venezuela; DOB 21 Jun 1990; Gender Male; Cedula No. 19398759 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela'' (E.O. 13692), as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' (E.O. 13857) for being a current or former official of the Government of Venezuela.

Dated: June 28, 2019.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2019–14318 Filed 7–3–19; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0864]**

### Agency Information Collection Activity: VA Post-Separation Transition Assistance Program (TAP) Assessment (PSTAP) Longitudinal Survey

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), 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 revision 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 September 3, 2019.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or Nancy Kessinger, Veterans Benefits Administration (20M3), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0864'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Danny S. Green at (202) 421–1354).

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed

collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Authority:* Public Law 112–56 Sec 221–225.

*Title:* Department of Veterans Affairs (VA) Post-Separation Transition Assistance Program (TAP) Assessment Longitudinal Survey.

*OMB Control Number:* 2900–0864.

*Type of Review:* New collection.

*Abstract:* This collection effort is the second phase of the PSTAP and participants are respondents of the original collection under the subject control number approved on 4 Apr 19. The PSTAP Longitudinal Survey will be implemented by VA to assess how the TAP training for Transitioning Servicemembers (TSMs) prepares Veterans for civilian life and its effects on long-term Veteran outcomes. This new information collection request (ICR) will be conducted once per year and is designed as a longitudinal survey in conjunction with a cross sectional survey previously submitted to OMB. The survey population will include servicemembers who participated in the cross-sectional survey and voluntarily agreed to participate in the longitudinal survey. VA will use email, other electronic communications and mail methods to administer the survey, limiting the burden on respondents. The survey will be administered to gauge the long-term effectiveness of the Transition Assistance Program (TAP) by: (1) Examining the relationship between attendance in TAP courses and the use of VA Benefits; (2) analyzing the effect of participation in TAP courses on the long-term outcomes of Veterans in the broad life domains of employment, education, health and social relationships, financial, social connectivity and overall satisfaction and well-being, and; (3) identifying areas of improvement for TAP and the broader transition process to guide training and/or operational activities aimed at enhancing the quality of service provided to transitioning service members, Veterans, their families and caregivers.

*Affected Public:* Individuals.

*Estimated Annual Burden:* 1,478 hours.

*Estimated Average Burden per Respondent:* 18.5 minutes.

*Frequency of Response:* Annual.

*Estimated Number of Respondents:* 4,795.

By direction of the Secretary.

**Danny S. Green,**

*Interim VA Clearance Officer, Office of Quality, Performance, and Risk, Department of Veterans Affairs.*

[FR Doc. 2019–14348 Filed 7–3–19; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

### Veterans' Advisory Committee on Rehabilitation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a meeting of the Veterans' Advisory Committee on Rehabilitation (VACOR) will be held on Tuesday, August 13–Wednesday, August 14, 2019, at 1800 G Street NW, Room 542, Washington, DC 20006. The meeting sessions will begin and end as follows:

| Date: | Time: |
|---|---|
| August 13, 2019 ..... | 8:30 a.m. to 4:00 p.m. |
| August 14, 2019 ..... | 8:30 a.m. to 4:00 p.m. |

The meeting sessions are open to the public.

The purpose of the Committee is to provide advice to the Secretary on the rehabilitation needs of Veterans with disabilities and on the administration of VA's rehabilitation programs.

On August 13, 2019, the Committee members will be provided with updated briefings on various VA programs designed to enhance the rehabilitative potential of disabled Veterans to include an update on Vocational Rehabilitation and Employment Modernization efforts. On August 14, 2019, Committee members will discuss and explore potential recommendations to be included in the Committee's next annual report.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Latrese Arnold, Designated Federal Officer, Veterans Benefits Administration (28), 810 Vermont Avenue NW, Washington, DC 20420, or via email at *Latrese.Arnold@va.gov.* In the communication, writers must identify themselves and state the organization, association or person(s) they represent. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Any member of the public who wishes to attend the meeting should RSVP to Latrese Arnold at (202) 461–9773 no later than close of business, August 5, 2019, at the phone number or email address noted above.

Dated: June 28, 2019.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2019–14289 Filed 7–3–19; 8:45 am]

BILLING CODE P

## DEPARTMENT OF VETERANS AFFAIRS

### Creating Options for Veterans Expedited Recovery (COVER) Commission, Notice of Meeting

In accordance with the Federal Advisory Committee Act, the Creating Options for Veterans Expedited Recover (COVER) Commission gives notice that a full commission meeting will be held on July 16, 2019.

The purpose of the COVER Commission is to examine the evidence-based therapy treatment model used by the Department of Veterans Affairs (VA) for treating mental health conditions of Veterans and the potential benefits of incorporating complementary and integrative health approaches as standard practice throughout the Department.

On July 16, 2019, the open meeting will be held virtually from 1:00–4:00 p.m. ET via a dedicated phone line for the COVER Commissioners and a listening line for the public. These meetings are for Commissioners to summarize COVER Commission subcommittee activities and findings, receive briefings from external subject matter experts and discuss treatment experiences with Veterans.

The listening line for the public is 1–800–767–1750; access code 83362#. The line will be activated 10 minutes before the call-in session. Listeners are asked to acknowledge themselves as being present by sending an email to *COVERCommission@va.gov.* Any member of the public seeking additional information should also email *COVERCommission@va.gov.* The Designated Federal Officer for the Commission is Mr. John Goodrich. He and commission staff will be monitoring and responding to questions or

comments sent to this email box. The Committee will also accept written comments which may be sent to the same email box. In the public's communications with the COVER Commission, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: June 28, 2019.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2019–14290 Filed 7–3–19; 8:45 am]

BILLING CODE P

# Reader Aids

**Federal Register**

Vol. 84, No. 129

Friday, July 5, 2019

## CUSTOMER SERVICE AND INFORMATION

| | |
|---|---|
| **Federal Register/Code of Federal Regulations** | |
| General Information, indexes and other finding aids | **202–741–6000** |
| **Laws** | **741–6000** |
| **Presidential Documents** | |
| Executive orders and proclamations | **741–6000** |
| **The United States Government Manual** | **741–6000** |
| **Other Services** | |
| Electronic and on-line services (voice) | **741–6020** |
| Privacy Act Compilation | **741–6050** |

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, JULY

31171–31458 ..... 1
31459–31686 ..... 2
31687–32012 ..... 3
32013–32254 ..... 5

## CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**3 CFR**

**Proclamations:**
9907 ..... 32013
**Administrative Orders:**
Memorandums:
Memorandum of June 26, 2019 ..... 31457

**7 CFR**

1222 ..... 31459
3201 ..... 32015
**Proposed Rules:**
210 ..... 31227
220 ..... 31227
226 ..... 31227

**8 CFR**

1003 ..... 31463
1292 ..... 31463

**10 CFR**

**Proposed Rules:**
150 ..... 31518
431 ..... 31232

**12 CFR**

229 ..... 31687
265 ..... 31701
365 ..... 31171
390 ..... 31171
1030 ..... 31687
**Proposed Rules:**
1003 ..... 31746

**14 CFR**

25 ..... 31174, 31176, 31178
39 ..... 31707, 31710, 32028
91 ..... 31713
97 ..... 32030, 32033, 32037, 32038
**Proposed Rules:**
25 ..... 31522, 31747
27 ..... 31747
29 ..... 31747
39 ..... 31244, 31246, 31249, 31252, 31254, 31524, 31526, 31769, 31772, 31775, 32099, 32101
91 ..... 31747
121 ..... 31747
125 ..... 31747
135 ..... 31747

**16 CFR**

609 ..... 31180

**17 CFR**

210 ..... 32040
232 ..... 31192
**Proposed Rules:**
1 ..... 32104
30 ..... 32105
39 ..... 32104
140 ..... 32104

**21 CFR**

10 ..... 31471
800 ..... 31471

**25 CFR**

**Proposed Rules:**
224 ..... 31529

**26 CFR**

1 ..... 31194, 31717
31 ..... 31717
301 ..... 31478, 31717
**Proposed Rules:**
1 ..... 31777
53 ..... 31795

**27 CFR**

**Proposed Rules:**
4 ..... 31257
5 ..... 31264
7 ..... 31264
26 ..... 31264
27 ..... 31264

**30 CFR**

**Proposed Rules:**
70 ..... 31809
71 ..... 31809
72 ..... 31809
75 ..... 31809
90 ..... 31809
916 ..... 32109
918 ..... 32111

**32 CFR**

1701 ..... 31194

**33 CFR**

100 ..... 32061
165 ..... 31197, 31199, 31200, 31202, 31480, 31481, 31484, 31486, 31587, 31490, 31492, 31721, 31722, 31723, 31724, 31725, 32063, 32064
207 ..... 31493
**Proposed Rules:**
100 ..... 31810
165 ..... 31273, 32112

**34 CFR**

Ch. II ..... 31726
200 ..... 31660
299 ..... 31660
600 ..... 31392
668 ..... 31392

**37 CFR**

2 ..... 31498

7 ....31498
11 ....31498

**39 CFR**

3060 ....31738

**Proposed Rules:**

3050 ....31277

**40 CFR**

52 ....31204, 31206, 31682, 31684, 31739, 31741, 32066, 32068, 32072, 32076
60 ....32084
180 ....31208, 31214, 32088
222 ....31512
223 ....31512
224 ....31512
228 ....31512
229 ....31512
435 ....32094

**Proposed Rules:**

49 ....31813
52 ....31538, 31540, 31541, 31814
60 ....32114
62 ....31278, 31279
81 ....31814
300 ....31281, 31826

**43 CFR**

3830 ....31219

**45 CFR**

**Proposed Rules:**

1323 ....32116

**47 CFR**

**Proposed Rules:**

2 ....31542
54 ....32117
87 ....31542

**50 CFR**

648 ....31743
660 ....31222, 32096
679 ....31517

**Proposed Rules:**

Ch. I ....31559

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List July 3, 2019**

## Public Laws Electronic Notification Service (PENS)

**PENS** is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.