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

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

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R–1637]

RIN 7100–AF28

Availability of Funds and Collection of Checks (Regulation CC)

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Final rule; correction.

SUMMARY: The Board published a final rule in the **Federal Register** on July 3, 2019 amending Regulation CC, which implements the Expedited Funds Availability Act (EFA Act), to implement a statutory requirement in the EFA Act to adjust the dollar amounts under the EFA Act for inflation, incorporate the Economic Growth, Regulatory Relief, and Consumer Protection Act and made certain other technical amendments. This document corrects errors in amendatory instructions affecting the Board's rules.

DATES: Effective July 1, 2020.

FOR FURTHER INFORMATION CONTACT: Gavin Smith, Senior Counsel, (202) 452–3473, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: This document corrects errors in amendatory instructions in a final rule published on July 3, 2019, affecting 12 CFR 229.12, 229.13 and 229.21 of the Board's rules.

Correction

In final rule FR Doc. 2019–13668 published in the **Federal Register** on July 3, 2019 (84 FR 31687), beginning on page 31696, make the following corrections:

§ 229.12 [Corrected]

■ 1. On page 31696, in the third column, correct amendatory instruction 6.a. to read as follows:

■ 6. In § 229.12:

■ a. Remove ''$400'' and add in its place ''$450'' and remove ''$100'' and add in its place ''$225'' in paragraph (d); and

■ 2. On page 31697, in the first column, remove amendatory instruction 7.

§ 229.13 [Amended]

■ 3. On page 31697, in the first column, add amendatory instruction 7a to read as follows:

§ 229.13 [Amended]

■ 7a. In § 229.13, remove ''$5,000'' and add in its place ''$5,525'' in paragraphs (a)(1)(ii), (b), and (d)(2).

§ 229.21 [Corrected]

■ 4. On page 31697, in the first column, add amendatory instruction 7b to read as follows:

§ 229.21 [Amended]

■ 7b. In § 229.21, remove ''$1,000'' and add in its place ''$1,100'' and remove ''$500,000'' and add in its place ''$552,500.''

Board of Governors of the Federal Reserve System, August 22, 2019.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2019–18658 Filed 8–28–19; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 686

[DOL Docket No. ETA–2019–0006]

RIN 1205–AB96

Procurement Roles and Responsibilities for Job Corps Contracts

AGENCY: Employment and Training Administration, Labor.

ACTION: Direct final rule; request for comment.

SUMMARY: In this direct final rule (DFR), the Department of Labor (Department) makes two procedural changes to its Workforce Innovation and Opportunity Act (WIOA) Job Corps regulations to enable the Secretary to delegate procurement authority as it relates to the development and issuance of requests for proposals for the operation of Job Corps centers, outreach and admissions, career transitional services, and other operational support services. The Department is taking this procedural action to align regulatory provisions with the relevant WIOA statutory language and to provide greater flexibility for internal operations and management of the Job Corps program.

DATES: This DFR will become effective on October 28, 2019 unless significant adverse comment is submitted (transmitted, postmarked, or delivered) by September 30, 2019. If DOL receives significant adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public that this DFR will not take effect (see Section III, Direct Final Rulemaking,'' for more details on this process). Comments to this DFR and other information must be submitted (transmitted, postmarked, or delivered) by September 30, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1205–AB96, by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the website instructions for submitting comments.

Mail and Hand Delivery/Courier: Written comments, disk, and CD–ROM submissions may be mailed to Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: Label all submissions with ''RIN 1205–AB96.''

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this DFR on *http://www.regulations.gov* without making any change to the comments or redacting any information. The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information

may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on this DFR will be available on the *http://www.regulations.gov* website, and can be found using RIN 1205–AB96. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids, such as readers or print magnifiers. The Department will make copies of this DFR available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the DFR in an alternative format, contact the Office of Policy Development and Research at (202) 693–3700 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210; telephone (202) 693–3700 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Department is amending two provisions of 20 CFR part 686, which implements subtitle C of title I of WIOA. Through these amendments, the Department is aligning these regulatory provisions with the language in WIOA by broadening the authority to issue contract solicitations from the Employment and Training Administration (ETA) to the Secretary of Labor. The Department is making this procedural change to the WIOA regulation to provide greater flexibility in the management and operation of the Job Corps program by allowing the Secretary of Labor to designate the component of the Department that is authorized to issue requests for proposals (RFPs) for the operation of Job Corps centers, outreach and admissions, career transitional services, and other operational support services. This change will provide the Department with the flexibility to more efficiently manage the Job Corps procurement process, which will in turn allow greater economies of scale and operational efficiencies. This rule is consistent with the President's Management Agenda Cross-Agency Priority (CAP) Goal Number 5—Sharing Quality Services. The Department is implementing this CAP, in part, via the Department's Enterprise-Wide Shared Services Initiatives whose primary goals are as follows:

1. Improve human resources efficiency, effectiveness, and accountability;
2. Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation;
3. Maximize DOL's federal buying power through effective procurement management; and
4. Safeguard fiscal integrity, and promote the effective and efficient use of resources.

This rule will assist the Department's implementation of its Enterprise-Wide Shared Services Initiative.

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

II. Consideration of Comments

ETA will consider comment on issues related to this action. If ETA receives no significant adverse comments, ETA will publish a **Federal Register** document confirming the effective date of the DFR and withdrawing the companion Notice of Proposed Rulemaking (NPRM). Such confirmation may include minor stylistic or technical changes to the DFR. For the purpose of judicial review, ETA views the date of confirmation of the effective date of the DFR as the date of promulgation.

III. Direct Final Rulemaking

In direct final rulemaking, an agency publishes a DFR in the **Federal Register**, with a statement that the rule will go into effect unless the agency receives significant adverse comment within a specified period. The agency may publish an identical concurrent NPRM. If the agency receives no significant adverse comment in response to the DFR, the rule goes into effect. ETA plans to confirm the effective date of a DFR through a separate **Federal Register** document. If the agency receives a significant adverse comment, the agency will withdraw the DFR and treats such comment as a response to the NPRM. An agency typically uses direct final rulemaking when an agency anticipates that a rule will not be controversial.

For purposes of this DFR, a significant adverse comment is one that explains why the amendments to the regulatory provisions identified below would be inappropriate. In determining whether a comment necessitates withdrawal of the DFR, ETA will consider whether the comment raises an issue serious enough to warrant a substantive response. ETA will not consider a comment recommending an additional amendment to this regulation to be a significant adverse comment unless the comment states why the DFR would be ineffective without the addition.

In addition to publishing this DFR, ETA is publishing a companion NPRM in the **Federal Register**. The comment period for the NPRM runs concurrently with that of the DFR. ETA will treat comments received on the companion NPRM as comments also regarding the DFR. Similarly, ETA will consider comments submitted to the DFR as comment to the companion NPRM. Therefore, if ETA receives a significant adverse comment on either the DFR or the NPRM, it will withdraw this DFR and proceed with the companion NPRM. In the event ETA withdraws the DFR because of significant adverse comment, ETA will consider all timely comments received in response to the DFR when it continues with the NPRM. After carefully considering all comments to the DFR and the NPRM, ETA will decide whether to publish a new final rule.

ETA determined that the subject of this rulemaking is suitable for direct final rulemaking. This amendment is procedural in nature and does not impact the operation of Job Corps centers, the operational support services, or the delivery of career transitional services and other operation, the process by which offerors respond to solicitations, the substance of their responses, or the criteria upon which the solicitation will be evaluated. Finally, the revisions would not impose any new costs or burdens. For these reasons, ETA does not anticipate objections from the public to this rulemaking action.

IV. Discussion of Changes

Sec. 147(a) of WIOA authorizes the Secretary of Labor to enter into agreements with eligible entities to operate Job Corps centers and to provide activities to a Job Corps center. Two provisions in the regulation implementing subtitle C of Title I of

WIOA implement section 147(a). 20 CFR 686.310(a) broadly states that the Secretary selects eligible entities to operate contract centers on a competitive basis in accordance with applicable statutes and regulations and 20 CFR 686.340(a) states that the Secretary selects eligible entities to provide outreach and admission, career transition, and operational support services on a competitive basis in accordance with applicable statutes and regulations. However, both provisions also specifically require ETA to develop and issue RFPs for these Job Corps contracts. These provisions are narrower than section 147(a) and constrain the Department's authority to assign the authority to develop and issue RFPs to whichever component of the agency it determines appropriate.

This DFR amends §§ 686.310(a) and 686.340(a) by replacing ''ETA'' with ''the Secretary.'' Through this DFR, the Department is aligning the text of §§ 686.310(a) and 686.340(a) with the statutory language in section 147(a) of WIOA and eliminating the inconsistency between the regulation and the statute. This change also affords the Department greater flexibility to manage and oversee the Job Corps procurement process in a manner that it determines appropriate, which in turn will aid in the implementation of the Department's Enterprise-Wide Shared Services Initiative described above.

V. Rulemaking Analyses and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a ''significant regulatory action'' is one meeting any of a number of specified conditions, including the following: Having an annual effect on the economy of $100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. The Department has determined that this DFR is not a ''significant'' regulatory action and a cost-benefit and economic analysis is not required. This regulation merely makes a procedural change to allow flexibility to manage and oversee the Job Corps procurement process in a manner that the Department determines appropriate. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Executive Order 13563 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

This rule makes only a procedural change to allow flexibility to manage and oversee the Job Corps procurement process in a manner that the Department determines appropriate; thus this rule is not expected to have any regulatory impacts.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA), at 5 U.S.C. 603(a), requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis, which describes the impact of the DFR on small entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the DFR is not expected to have a significant economic impact on a substantial number of small entities. This DFR does not affect small entities as defined in the RFA. Therefore, the DFR will not have a significant economic impact on a substantial number of these small entities. Therefore, the Department certifies that the DFR will not have a significant economic impacts on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this rule does not alter any information collection burdens.

Executive Order 13132 (Federalism)

Section 6 of E.O. 13132 requires Federal agencies to consult with State entities when a regulation or policy may have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, within the meaning of the E.O. Section 3(b) of the E.O. further provides that Federal agencies must implement regulations that have a substantial direct effect only if statutory authority permits the regulation and it is of national significance.

This DFR does not have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of Government, within the meaning of the E.O. This DFR merely makes a procedural change for internal Departmental operations and management for Job Corps procurement.

Unfunded Mandates Reform Act of 1995

This regulatory action has been reviewed in accordance with the Unfunded Mandates Reform Act of 1995 (the Reform Act). Under the Reform Act, a Federal agency must determine whether a regulation proposes a Federal mandate that would result in the increased expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any single year. This DFR merely makes an administrative change to the name of the Departmental entity authorized for Job Corps procurement responsibilities. The requirements of Title II of the Act, therefore, do not apply, and the Department has not prepared a statement under the Act.

Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed the DFR under the terms of E.O. 13175 and DOL's Tribal Consultation Policy, and have concluded that the changes to regulatory text which are the focus of the DFR would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

List of Subjects in 20 CFR Part 686

Employment, Grant programs—labor, Job Corps.

For the reasons stated in the preamble, the Department amends 20 CFR part 686 as follows:

PART 686—THE JOBS CORPS UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

■ 1. The authority citation for part 686 continues to read as follows:

Authority: Sec. 147, Pub. L. 113–128, 128 Stat. 1425 (Jul. 22, 2014).

■ 2. Amend § 686.310 by revising paragraph (a) to read as follows:

§ 686.310 How are entities selected to receive funding to operate centers?

(a) The Secretary selects eligible entities to operate contract centers on a competitive basis in accordance with applicable statutes and regulations. In selecting an entity, the Secretary issues requests for proposals (RFPs) for the operation of all contract centers according to the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Labor Acquisition Regulation (48 CFR chapter 29). The Secretary develops RFPs for center operators in consultation with the Governor, the center workforce council (if established), and the Local WDB for the workforce development area in which the center is located.

* * * * *

■ 3. Amend § 686.340 by revising paragraph (a) to read as follows:

§ 686.340 How are entities selected to receive funding to provide outreach and admission, career transition and other operations support services?

(a) The Secretary selects eligible entities to provide outreach and admission, career transition, and operational services on a competitive basis in accordance with applicable statutes and regulations. In selecting an entity, the Secretary issues requests for proposals (RFP) for operational support services according to the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Labor Acquisition Regulation (48 CFR chapter 29). The Secretary develops RFPs for operational support services in consultation with the Governor, the center workforce council (if established), and the Local WDB for the workforce development area in which the center is located.

* * * * *

John P. Pallasch,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–18497 Filed 8–28–19; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 553

[Docket No. USA–2018–HQ–0001]

RIN 0702–AA80

Army Cemeteries

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is finalizing its regulation for the development, operation, maintenance, and administration of the Army Cemeteries. The revisions include changes in management and a name change to the Army National Military Cemeteries. The rule also adopts modifications suggested by the Department of the Army Inspector General and approved by the Secretary of the Army, as well as implementing changes in interment eligibility due to statute.

DATES: This rule is effective on September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Riddle, Army National Military Cemeteries, 703–614–6219.

SUPPLEMENTARY INFORMATION:

A. Executive Summary

I. Purpose of the Regulatory Action

a. This final rule modifies the Department of the Army's (DA) regulation governing Army Cemeteries by finalizing the proposed rule (83 FR 53412) without change. Army Cemeteries consist of Arlington National Cemetery, the U.S. Soldiers' and Airmen's Home National Cemetery, twenty-five Army post cemeteries, the West Point Post Cemetery, and the U.S. Disciplinary Barracks Cemetery at Fort Leavenworth. The rule revises the current part as 'subpart A' (Army National Military Cemeteries), makes corrections and additions to subpart A, and adds subpart B (Army Post Cemeteries) to further reflect changes in the management structure of the Army National Military Cemeteries created by Army General Orders 2014–74 (*https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUBNO=DAGO+2014-74*) and provisions of an April 17, 2012 Secretary of the Army Decision Memorandum.

b. The legal authorities for this regulatory action include Public Law 93–43 Stat. 87, 10 U.S.C. 3013, and 38 U.S.C. 2411. Public Law 93–43 Stat 87, also known as the National Cemeteries Act of 1973, contains a clause in Section 7(b)(2) that exempts the Secretary of the Army from the provisions of the act with respect to those cemeteries that remained under the control of the Army. Title 10 U.S.C. 3013 governs the appointment of the Secretary of the Army and the responsibilities of his position to include the formulation of policies and programs, which apply to Army Cemeteries. Title 38 U.S.C. 2411 contains further descriptions of persons convicted of capital crimes.

II. Summary of the Major Provisions

Section 553.12, ''Eligibility for interment at Arlington National Cemetery'', clarifies certain dependent eligibility criteria.

Section 553.28, ''Private headstones and markers'', clarifies private headstone and marker approval policies at the Army National Military Cemeteries.

Section 553.36, ''Definitions'', provides the definitions of terms used throughout the final rule.

Section 553.37, ''Purpose'', establishes eligibility for interment and inurnment in the twenty-five Army post cemeteries, the U.S. Disciplinary Barracks Cemetery at Fort Leavenworth, KS, and the United States Military Academy Cemetery at West Point, NY.

Section 553.38, ''Statutory authorities'', cites relevant sections of United States Code applicable to Army Post Cemeteries including Public Law 93–43 Stat 87, 10 U.S.C. 985, 1481, 1482, 3013, and 38 U.S.C. 2411.

Section 553.39, ''Scope and applicability'', establishes the applicability of this part and not on the applicability of a separate internal Army regulation.

Section 553.40, ''Assignment of gravesites or niches'', establishes policies regarding the assignment of gravesites or niches.

Section 553.41, ''Proof of Eligibility'', establishes the requirements for family members to provide necessary documentation needed to verify veterans and their family members are eligible for interment or inurnment in Army post cemeteries.

Section 553.42, ''General rules governing eligibility for interment or inurnment in Army Post Cemeteries'', establishes the general rules that apply to Army post cemeteries.

Section 553.43, ''Eligibility for interment and inurnment in Army Post Cemeteries'', established for the twenty-five Army cemeteries on various active or former installations which excludes the post cemetery at West Point, NY and the U.S. Disciplinary Barracks Cemetery at Fort Leavenworth, KS.

Section 553.44, ''Eligibility for interment and inurnment in the West Point Post Cemetery'', is established for the post cemetery at West Point, NY.

Section 553.45, ''Eligibility for interment in U.S. Disciplinary Barracks Cemetery at Fort Leavenworth'', is established for the U.S. Disciplinary Barracks Cemetery at Fort Leavenworth, KS.

Section 553.46, ''Ineligibility for interment, inurnment or memorialization in an Army Post Cemetery'', clarifies those individuals who are ineligible for interments, inurnments and memorialization. This language is also to clarify the ineligibility of a former spouse whose marriage to the primarily eligible person ended in divorce, to clarify the termination of a spouse's derivative eligibility for interment in a cemetery upon the remarriage of the primarily eligible spouse, to forbid the interment or inurnment of persons convicted of certain crimes, to forbid the interment or inurnment of persons who died on active duty under certain circumstances, and to govern how animal remains unintentionally comingled with human remains will be interred or inurned.

Section 553.47, ''Prohibition of interment, inurnment, or memorialization in an Army Cemetery of persons who have committed certain crimes'', is added to implement 10 U.S.C. 985 and 38 U.S.C. 2411, which prohibits the interment, inurnment, or memorialization in any military cemetery of an individual who has been convicted of a Federal or state capital crime or who committed a Federal or state capital crime but was not convicted of such crime because the person was not available for trial due to death or flight to avoid prosecution. Definitions of the terms *Federal capital crime* and *state capital crime* are in § 553.36.

Section 553.48, ''Findings concerning the commission of certain crimes where a person has not been convicted due to death or flight to avoid prosecution'', is added to implement 10 U.S.C. 985 and 38 U.S.C. 2411, which prohibit the interment, inurnment, or memorialization in any military cemetery of an individual who has been convicted of a Federal or state capital crime, or who committed a Federal or state capital crime but was not convicted of such crime because the person was not available for trial due to death or flight to avoid prosecution.

Section 553.49, ''Exceptions to policies for interment or inurnment at Army Post Cemeteries'', establishes the authorities for granting exceptions and method by which exceptions can be requested.

III. Comments and Responses

The proposed rule was published in the **Federal Register** on October 23, 2018 (83 FR 53412, FR Doc. 2018–22968) for a 60-day comment period. The Department of the Army received four comments from four individuals. This section addresses the public comments.

Two of the comments expressed support for this final rule, most notably in regards to the responsibilities of the Cemetery Responsible Official and detailed proof of eligibility. The Department of the Army appreciates the commenters' support for this regulation.

One comment questioned the perceived lack of an adjudicatory appeals process for eligibility based upon discharge rating as addressed in §§ 553.11 through 553.19. Contrary to the assertion that a formal adjudicatory appeals process for eligibility due to military discharge rating does not exist, the Department of Defense maintains that the Board of Correction of Military Records for each branch of service serves as the highest level of administrative review to appeal and correct errors or injustices in military records. If the military discharge document or any other military record renders the veteran ineligible, that record may be appealed to the Discharge Review Board or the Board for Correction of Military Records. This board provides the service member or veteran a method for due process required by law. If the military discharge document or any other military record renders the veteran ineligible, proof that the veteran's military record has been corrected and adjudicated by the Board of Correction of Military Records or Discharge Review Board is required. Department of the Army cemeteries are places that honor the service and sacrifice of those who served our Country in uniform honorably. Requiring that the service member or veteran have a certificate of honorable service or honorable discharge is the method chosen by the Agency to maintain the dignity and honor of these cemeteries. No changes were made to the rule as a result of this comment.

Another comment questioned the fairness of the cancellation of reservations made prior to May 1, 1975, when a derivatively eligible individual remarries after the death of the primary eligible service member. When a derivatively eligible individual remarries after the death of the primary eligible service member, the eligibility for burial of a derivatively eligible individual is based solely upon the relationship with the primarily eligible service member. Once a derivatively eligible spouse remarries the prior relationship is superseded by the new legal association which terminates the derivative eligibility for burial. Therefore, maintaining the additional gravesite is often unnecessary and results in the waste of an available gravesite in cemeteries which are all limited on space. Further, at their time of need, the surviving spouse could request an exception to be buried in the same grave as their former spouse. No changes were made to the rule as a result of this comment.

IV. Expected Cost Savings of This Rule

This rule will reduce a burden to the public by saving time to the regulated community, primarily legal assistants and veterans, who now have to currently search for the appropriate eligibility criteria in the current Code of Federal Regulations (CFR), a West Point Regulation, and an outdated Army Regulation. With these revisions all Army cemetery eligibility requirements will be contained in one regulation which is the publicly-accessible CFR. DA estimates the consolidation of eligibility criteria into a single authoritative source will save those referring to the CFR for guidance approximately 30 minutes of research, review, and compliance time. DA cemetery eligibility subject matter experts estimate that 20% of Army cemetery eligibility research involves consultation of the CFR or other Army regulations by legal assistants and 20% consultation by veterans. This results in a total of 40% of Army cemetery eligibility criteria involving consultation of the CFR and the other Army regulations. For purposes of estimating opportunity costs, DA subject matter experts deemed it reasonable to use the average of a legal assistant's mean hourly wage ($25.57/hour), as informed by the 2016 Bureau of Labor and Statistics, and the 2016 U.S. Census Bureau, American Community Survey for 2015 reported annual veteran income of $56,978.50. This annum income for veterans divided by 2,080 annual work hours yields an average veteran hourly wage ($27.39/hour) to approximate an hourly wage for an average eligibility researcher. That rate is $26.48/hour.

As there was an average of 7,600 burials in Army installations in 2016 for which DA cemetery eligibility subject matter experts estimate that 40% involve eligibility research by legal assistants or veterans, the impacted

population would be 3,040 (7,600 * 0.40). Therefore, 3,040 impacted burials with an estimated savings of 30 minutes per eligibility research at average researcher hourly rate of $26.48 results in a savings to the public of $40,249.60 (7,600*0.40*30mins*$26.48) annually.

B. Regulatory Flexibility Act

The Army has determined that the Regulatory Flexibility Act does not apply because the rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

C. Unfunded Mandates Reform Act

The Army has determined that the Unfunded Mandates Reform Act does not apply because the rule does not include a mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or the private sector, of $100 million or more.

D. National Environmental Policy Act

Neither an environmental analysis nor an environmental impact statement under the National Environmental Policy Act is required. This new rule codifies existing policies and does not significantly alter ongoing activities, nor does this rule constitute a new use of the property.

E. Paperwork Reduction Act

The Army has determined that this rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

F. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Army has determined that E.O. 12630 does not apply because the rule does not impair private property rights.

G. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget (OMB).

H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Army has determined that according to the criteria defined in Executive Order 13045, the requirements of that Order do not apply to this rule.

I. Executive Order 13132 (Federalism)

The Army has determined that, according to the criteria defined in Executive Order 13132, the requirements of that Order do not apply to this rule because the rule will not have a substantial effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

J. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

This rule is considered an E.O. 13771 deregulatory action. Details on the estimated cost savings can be found in the ''expected cost savings'' section of this rule.

List of Subjects in 32 CFR Part 553

Armed forces, Armed forces reserves, Cemeteries, Government property, Military personnel, Monuments and memorials, Veterans.

For the reasons stated in the preamble, the Department of the Army amends 32 CFR part 553 to read as follows:

PART 553—ARMY CEMETERIES

■ 1. The authority citation for 32 CFR part 553 is revised to read as follows:

Authority: 10 U.S.C. 985, 1128, 1481, 1482, 3013, 4721–4726; 24 U.S.C. 295a, 412; 38 U.S.C. 2402 note, 2409–2411, 2413; 40 U.S.C. 9102; and Pub. L. 93–43, 87 Stat. 75.

■ 2. The heading for part 553 is revised to read as set forth above.

§§ 553.1 through 553.35 [Designated as Subpart A]

■ 3. Designate §§ 553.1 through 553.35 as subpart A and add a heading for subpart A to read as follows:

Subpart A—Army National Military Cemeteries

§ 553.10 [Amended]

■ 4. Amend § 553.10 by removing ''pursuant to § 553.19(i)'' and adding in its place ''pursuant to § 553.19(h)'' in paragraph (c).

■ 5. Section 553.12 is amended by:

■ a. Adding ''and'' at the end of paragraph (b)(4)(iv).

■ b. Removing ''; and'' and adding a period in its place in paragraph (b)(4)(v).

■ c. Adding paragraph (b)(5).

The addition reads as follows:

§ 553.12 Eligibility for interment in Arlington National Cemetery.

* * * * *

(b) * * *

(5) A minor child or permanently dependent child of a primary eligible person who is or will be interred in Arlington National Cemetery.

§ 553.28 [Amended]

■ 6. Amend § 553.28 by removing ''is'' and adding in its place ''may be approved at the discretion of the Executive Director, and are'' in paragraph (a).

■ 7. Add subpart B to read as follows:

Subpart B—Army Post Cemeteries

Sec.
553.36 Definitions.
553.37 Purpose.
553.38 Statutory authorities.
553.39 Scope and applicability.
553.40 Assignment of gravesites or niches.
553.41 Proof of eligibility.
553.42 General rules governing eligibility for interment or inurnment in Army Post Cemeteries.
553.43 Eligibility for interment and inurnment in Army Post Cemeteries.
553.44 Eligibility for interment and inurnment in the West Point Post Cemetery.
553.45 Eligibility for interment in U.S. Disciplinary Barracks Cemetery at Fort Leavenworth.
553.46 Ineligibility for interment, inurnment or memorialization in an Army Post Cemetery.
553.47 Prohibition of interment, inurnment or memorialization in an Army Cemetery of persons who have committed certain crimes.
553.48 Findings concerning the commission of certain crimes where a person has not been convicted due to death or flight to avoid prosecution.
553.49 Exceptions to policies for interment or inurnment at Army Post Cemeteries.

Subpart B—Army Post Cemeteries

§ 553.36 Definitions.

As used in this subpart, the following terms have these meanings:

Active duty. Full-time duty in the active military service of the United States.

(1) This includes:

(i) Active Reserve component duty performed pursuant to title 10, United States Code.

(ii) Service as a cadet or midshipman currently on the rolls at the U.S. Military, U.S. Naval, U.S. Air Force, or U.S. Coast Guard Academies.

(iii) Active duty for operational support.

(2) This does not include:

(i) Full-time duty performed under title 32, United States Code.

(ii) Active duty for training, initial entry training, annual training duty, or inactive-duty training for members of the Reserve components.

Active duty for operational support (formerly active duty for special work). A tour of active duty for Reserve personnel authorized from military or Reserve personnel appropriations for work on Active component or Reserve component programs. The purpose of active duty for operational support is to provide the necessary skilled manpower assets to support existing or emerging requirements and may include training.

Active duty for training. A category of active duty used to provide structured individual and/or unit training, including on-the-job training, or educational courses to Reserve component members. The active duty for training category includes annual training, initial active duty for training, or any other training duty.

Annual training. The minimum period of active duty for training that Reserve members must perform each year to satisfy the training requirements associated with their Reserve component assignment.

Armed Forces. The U.S. Army, Navy, Marine Corps, Coast Guard, Air Force and their Reserve components.

Army Post Cemeteries. Army Post Cemeteries consist of the 26 cemeteries on active Army installations, on Army reserve complexes, and on former Army installations or inactive posts. Army National Military Cemeteries are not included in Post Cemeteries. The West Point Cemetery is considered an Army Post Cemetery but has separate eligibility standards due to its unique stature. In addition to the 26 Post Cemeteries, there are 3 Apache Native American Prisoner of War Cemeteries on Fort Sill, Oklahoma and 5 World War II German and Italian Prisoner of War Cemeteries on four Army installations which are closed for interments but for which the Army bears responsibilities. Finally, there is the U.S. Army Disciplinary Barracks Cemetery at Fort Leavenworth used for interring the unclaimed remains of those who die while incarcerated by the United States Military. Unlike the other Army cemeteries which honor the Nation's veterans, this cemetery has unique eligibility standards due to the characterization of service of those criminally incarcerated.

Cemetery Responsible Official. An appointed official who serves as the primary point of contact and responsible official for all matters relating to the operation maintenance and administration of an Army cemetery. The appointee must be a U.S. Federal Government employee, DA civilian or military member and appointed on orders by the appropriate garrison commander or comparable official.

Child, minor child, permanently dependent child, unmarried adult child—(1) *Child.* (i) Natural child of a primarily eligible person, born in wedlock;

(ii) Natural child of a female primarily eligible person, born out of wedlock;

(iii) Natural child of a male primarily eligible person, who was born out of wedlock and:

(A) Has been acknowledged in a writing signed by the male primarily eligible person;

(B) Has been judicially determined to be the male primarily eligible person's child;

(C) Whom the male primarily eligible person has been judicially ordered to support; or

(D) Has been otherwise proven, by evidence satisfactory to the Executive Director, to be the child of the male primarily eligible person;

(iv) Adopted child of a primarily eligible person; or

(v) Stepchild who was part of the primarily eligible person's household at the time of death of the individual who is to be interred or inurned.

(2) *Minor child.* A child of the primarily eligible person who:

(i) Is unmarried;

(ii) Has no dependents; and

(iii) Is under the age of twenty-one years, or is under the age of twenty-three years and is taking a full-time course of instruction at an educational institution which the U.S. Department of Education acknowledges as an accredited educational institution.

(3) *Permanently dependent child.* A child of the primarily eligible person who:

(i) Is unmarried;

(ii) Has no dependents; and

(iii) Is permanently and fully dependent on one or both of the child's parents because of a physical or mental disability incurred before attaining the age of twenty-one years or before the age of twenty-three years while taking a full-time course of instruction at an educational institution which the U.S. Department of Education acknowledges as an accredited educational institution.

(4) *Unmarried adult child.* A child of the primarily eligible person who:

(i) Is unmarried;

(ii) Has no dependents; and

(iii) Has attained the age of twenty-one years.

Close relative. The spouse, parents, adult brothers and sisters, adult natural children, adult stepchildren, and adult adopted children of a decedent.

Derivatively eligible person. Any person who is entitled to interment or inurnment solely based on his or her relationship to a primarily eligible person, as set forth in §§ 553.43 through 553.45.

Executive Director. The person charged by the Secretary of the Army to serve as the functional proponent for policies and procedures pertaining to the administration, operation, and maintenance of all military cemeteries under the jurisdiction of the Army.

Federal capital crime. An offense under Federal law for which a sentence of imprisonment for life or the death penalty may be imposed.

Former spouse. See *spouse.*

Government. The U.S. Government and its agencies and instrumentalities.

Inactive-duty training. (1) Duty prescribed for members of the Reserve components by the Secretary concerned under 37 U.S.C. 206 or any other provision of law.

(2) Special additional duties authorized for members of the Reserve components by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(3) In the case of a member of the Army National Guard or Air National Guard of any State, duty (other than full-time duty) under 32 U.S.C. 316, 502, 503, 504 or 505 or the prior corresponding provisions of law.

(4) This term does not include:

(i) Work or study performed in connection with correspondence courses;

(ii) Attendance at an educational institution in an inactive status; or

(iii) Duty performed as a temporary member of the Coast Guard Reserve.

Interment. The ground burial of casketed or cremated human remains.

Inurnment. The placement of cremated human remains in a niche.

Media. Individuals and agencies that print, broadcast, or gather and transmit news, and their reporters, photographers, and employees.

Minor child. See *child.*

Niche. An above ground space constructed specifically for the placement of cremated human remains.

Parent. A natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year stood *in loco parentis,* or was granted

legal custody by a court decree or statutory provision.

Permanently dependent child. See *child.*

Person authorized to direct disposition. The person primarily entitled to direct disposition of human remains and who elects to exercise that entitlement. Determination of such entitlement shall be made in accordance with applicable law and regulations.

Personal representative. A person who has legal authority to act on behalf of another through applicable law, order, and regulation.

Primarily eligible person. Any person who is entitled to interment or inurnment based on his or her service as specified in §§ 553.39 through 553.41.

Primary next of kin. (1) In the absence of a valid written document from the decedent identifying the primary next of kin, the order of precedence for designating a decedent's primary next of kin is as follows:

(i) Spouse, even if a minor;

(ii) Children;

(iii) Parents;

(iv) Siblings, to include half-blood and those acquired through adoption;

(v) Grandparents; and

(vi) Other next of kin, in order of relationship to the decedent as determined by the laws of the decedent's state of domicile.

(2) Absent a court order or written document from the deceased, the precedence of next of kin with equal relationships to the decedent is governed by seniority (age), older having higher priority than younger. Equal relationship situations include those involving divorced parents of the decedent, children of the decedent, and siblings of the decedent.

Reserve component. The Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve, the Army National Guard of the United States, and the Air National Guard of the United States.

Spouse, former spouse, subsequently remarried spouse—(1) *Spouse.* A person who is legally married to another person.

(2) *Former spouse.* A person who was legally married to another person at one time but was not legally married to that person at the time of one of their deaths.

(3) *Subsequently remarried spouse.* A derivatively eligible spouse who was married to the primarily eligible person at the time of the primarily eligible person's death and who subsequently remarried another person.

State capital crime. Under State law, the willful, deliberate, or premeditated unlawful killing of another human being for which a sentence of imprisonment for life or the death penalty may be imposed.

Subsequently recovered remains. Additional remains belonging to the decedent that are recovered or identified after the decedent's interment or inurnment.

Subsequently remarried spouse. See *spouse.*

Subversive activity. Actions constituting subversive activity are those defined in applicable provisions of Federal law.

Unmarried adult child. See *child.*

Veteran. A person who served in the U.S. Armed Forces and who was discharged or released under honorable conditions.

§ 553.37 Purpose.

This subpart specifies the eligibility for interment and inurnment in the twenty-five Army Post Cemeteries, the West Point Post Cemetery, NY and the U.S. Disciplinary Barracks Cemetery at Fort Leavenworth, KS.

§ 553.38 Statutory authorities.

The statutory authorities for this subpart are Public Law 93–43 Stat 87, 10 U.S.C. 985, 1481, 1482, 3013, and 38 U.S.C. 2411.

§ 553.39 Scope and applicability.

(a) *Scope.* The development, maintenance, administration, and operation of the Army Post Cemeteries are governed by this subpart, Army Regulation 290–5, and Department of the Army Pamphlet 290–5. The development, maintenance, administration, and operation of Army National Military Cemeteries are not covered by this subpart.

(b) *Applicability.* This subpart is applicable to all persons seeking interment or inurnment in Army Post Cemeteries.

§ 553.40 Assignment of gravesites or niches.

(a) All eligible persons will be assigned gravesites or niches without discrimination as to race, color, sex, religion, age, or national origin and without preference to military grade or rank.

(b) Army Cemeteries will enforce a one-gravesite-per-family policy. Once the initial interment or inurnment is made in a gravesite or niche, each additional interment or inurnment of eligible persons must be made in the same gravesite or niche, except as noted in paragraph (f) of this section. This includes multiple primarily eligible persons if they are married to each other.

(c) A gravesite reservation will be honored if the gravesite was properly reserved before May 1, 1975.

(d) The commander responsible for an Army Cemetery may cancel a gravesite reservation:

(1) Upon determination that a derivatively eligible spouse has remarried;

(2) Upon determination that the remains of the person having the gravesite reservation have been buried elsewhere or otherwise disposed of;

(3) Upon determination that the person having the gravesite reservation desires to or will be interred in the same gravesite with the predeceased, and doing so is feasible; or

(4) Upon determination that the person having the gravesite reservation would be 120 years of age and there is no record of correspondence with the person having the gravesite reservation within the last two decades.

(e) In cases of reservations where more than one gravesite was reserved (on the basis of the veteran's eligibility at the time the reservation was made), the gravesite reservations will be honored only if the decedents continue to meet the eligibility criteria for interment in Army Post Cemeteries that is in effect at the time of need, and the reserved gravesite is available.

(f) Gravesites or niches shall not be reserved or assigned prior to the time of need.

(g) The selection of gravesites and niches is the responsibility of the Cemetery Responsible Official. The selection of specific gravesites or niches by the family or other representatives of the deceased at any time is prohibited.

§ 553.41 Proof of eligibility.

(a) The personal representative or primary next of kin is responsible for providing appropriate documentation to verify the decedent's eligibility for interment or inurnment.

(b) The personal representative or primary next of kin must certify in writing that the decedent is not prohibited from interment or inurnment under § 553.46 because he or she has not committed or has not been convicted of a Federal or State capital crime or is not a convicted Tier III sex offender.

(c) For service members who die on active duty, a statement of honorable service from a general court martial convening authority is required. If the certificate of honorable service cannot be granted, the service member is ineligible for interment or inurnment pursuant to § 553.46(b).

(d) When applicable, the following documents are required:

(1) Death certificate;

(2) Proof of eligibility as required by paragraphs (e) through (g) of this section;

(3) Any additional documentation to establish the decedent's eligibility (*e.g.,* marriage certificate, birth certificate, waivers, statements that the decedent had no children);

(4) Burial agreement;

(5) A certificate of cremation or notarized statement attesting to the authenticity of the cremated human remains and that 100% of the cremated remains received from the crematorium are present. The Cemetery Responsible Official may, however, allow a portion of the cremated remains to be removed by the crematorium for the sole purpose of producing commemorative items.

(6) Any other document as required by the Cemetery Responsible Official.

(e) The following documents may be used to establish the eligibility of a primarily eligible person:

(1) DD Form 214 (issued by all military services since January 1, 1950), Certificate of Release or Discharge from Active Duty or any other DD Form that shows service or discharge information);

(2) WD AGO 53, 55 or 53–55, Enlisted Record and Report of Separation Honorable Discharge;

(3) WD AGO 53–98, Military Record and Report of Separation Certificate of Service or any other WD AGO/AGO Form that shows service or discharge information;

(4) NGB 22, Report of Separation and Record of Service, Departments of the Army and the Air Force, National Guard Bureau (must indicate a minimum of 20 years total service for pay);

(5) ADJ 545, Discharge Certificate or Army DS ODF, Honorable Discharge from the United States Army;

(6) Bureau of Investigation No. 6, 53 or 118, Discharge Certificate or Bureau of Investigation No. 213, Discharge from U.S. Naval Reserve Force;

(7) VA Adjudication 545, Summary of Record of Active Service or any other VA/GSA/NAR/NA Form that shows service or discharge information;

(8) NAVPERS–553, Notice of Separation from U.S. Naval Service;

(9) NAVMC 70–PD, Honorable Discharge, U.S. Marine Corps or any other NAVPERS/NAVCG/NAVMC/NMC/Form No. 6 U.S.N./Navy (no number) Form that shows service or discharge information; or

(10) DD Form 1300, Report of Casualty (required in the case of death of an active duty service member).

(f) In addition to the documents otherwise required by this section, a request for interment or inurnment of a subsequently remarried spouse must be accompanied by:

(1) A notarized statement from the new spouse of the subsequently remarried spouse agreeing to the interment or inurnment and relinquishing any claim for interment or inurnment in the same gravesite or niche.

(2) Notarized statement(s) from all of the children from the prior marriage agreeing to the interment or inurnment of their parents in the same gravesite or niche.

(g) In addition to the documents otherwise required by this section, a request for interment or inurnment of a permanently dependent child must be accompanied by:

(1) A notarized statement as to the marital status and degree of dependency of the decedent from an individual with direct knowledge; and

(2) A physician's statement regarding the nature and duration of the physical or mental disability; and

(3) A statement from someone with direct knowledge demonstrating the following factors:

(i) The deceased lived most of his or her adult life with one or either parents, one or both of whom are otherwise eligible for interment; and

(ii) The decedent's children, siblings, or other family members, other than the eligible parent, waive any derivative claim to be interred at the Army Post Cemetery in question, in accordance with DA Form 2386 (Agreement for Interment).

(h) Veterans or primary next of kin of deceased veterans may obtain copies of their military records by writing to the National Personnel Records Center, Attention: Military Personnel Records, 1 Archives Drive, St. Louis, Missouri 63138 or using their website: *http://www.archives.gov/veterans/.* All others may request a record by completing and submitting Standard Form 180.

(i) The burden of proving eligibility lies with the party who requests the burial. Commanders of these cemeteries or their Cemetery Responsible Officials will determine whether the submitted evidence is sufficient to support a finding of eligibility.

§ 553.42 General rules governing eligibility for interment or inurnment in Army Post Cemeteries.

(a) Only those persons who meet the criteria of § 553.43 or are granted an exception to policy pursuant to § 553.49 may be interred in the twenty-five Army Post Cemeteries. Only those persons who meet the criteria of § 553.44 or are granted an exception to policy pursuant to § 553.49 may be interred or inurned in the West Point Cemetery. Only those persons who meet the criteria of § 553.45 may be interred in the U.S. Disciplinary Barracks Cemetery.

(b) Derivative eligibility for interment or inurnment may be established only through a decedent's connection to a primarily eligible person and not to another derivatively eligible person.

(c) No veteran is eligible for interment, inurnment, or memorialization in an Army Post Cemetery (except for the U.S. Disciplinary Cemetery) unless the veteran's last period of active duty ended with an honorable discharge. A general discharge under honorable conditions is not sufficient for interment, inurnment or memorialization in an Army Post Cemetery.

(d) For purposes of determining whether a service member has received an honorable discharge, final determinations regarding discharges made in accordance with procedures established by chapter 79 of title 10, United States Code, will be considered authoritative.

(e) The Executive Director has the authority to act on requests for exceptions to the provisions of the interment, inurnment, and memorialization eligibility policies contained in this subpart. The Executive Director may delegate this authority on such terms deemed appropriate.

(f) Individuals who do not qualify as a primarily eligible person or a derivatively eligible person, but who are granted an exception to policy to be interred or inurned pursuant to § 553.49 in a new gravesite or niche, will be treated as a primarily eligible person for purposes of this subpart.

(g) Notwithstanding any other section in this subpart, memorialization with an individual memorial marker, interment, or inurnment in an Army Post Cemetery is prohibited if there is a gravesite, niche, or individual memorial marker for the decedent in any other Government-operated cemetery or the Government has provided an individual grave marker, individual memorial marker or niche cover for placement in a private cemetery.

§ 553.43 Eligibility for interment and inurnment in Army Post Cemeteries.

Only those who qualify as a primarily eligible person or a derivatively eligible person are eligible for interment and inurnment in Army Post Cemeteries (except for the West Point Cemetery), unless otherwise prohibited as provided for in §§ 553.46 through 553.48, provided that the last period of active duty of the service member or veteran ended with an honorable discharge.

(a) *Primarily eligible persons.* The following are primarily eligible persons for purposes of interment:

(1) Any service member who dies on active duty in the U.S. Armed Forces (except those service members serving on active duty for training only), if the General Courts Martial Convening Authority grants a certificate of honorable service.

(2) Any veteran retired from a Reserve component who served a period of active duty (other than for training), is carried on the official retired list, and is entitled to receive military retired pay.

(3) Any veteran retired from active military service and entitled to receive military retired pay.

(b) *Derivatively eligible persons.* The following individuals are derivatively eligible persons for purposes of interment who may be interred if space is available in the gravesite of the primarily eligible person:

(1) The spouse of a primarily eligible person who is or will be interred in an Army Post Cemetery in the same grave as the spouse. A former spouse of a primarily eligible person is not eligible for interment in an Army Post Cemetery under this section.

(2) A subsequently remarried spouse of a primarily eligible person who is remarried at the time of need, provided that there are no children from any subsequent marriage; that all children from the prior marriage to the primarily eligible person agree to the interment and relinquish any claim for interment in the same gravesite in a notarized statement(s); and that the new spouse, if still living and married to the subsequently remarried spouse, agrees to the interment and relinquishes any claim for interment. The Cemetery Responsible Official may cancel the subsequently remarried spouse's gravesite reservation, if any, consistent with § 553.40, and place the subsequently remarried spouse's remains in the same gravesite as the primarily eligible person.

(3) The spouse of an active duty service member or an eligible veteran, who was:

(i) Lost or buried at sea, temporarily interred overseas due to action by the Government, or officially determined to be missing in action;

(ii) Buried in a U.S. military cemetery maintained by the American Battle Monuments Commission; or

(iii) Interred in Arlington National Cemetery as part of a group burial (the derivatively eligible spouse may not be buried in the group burial gravesite) and the active duty service member does not have a separate individual interment or inurnment location.

(4) A minor child or permanently dependent adult child of a primarily eligible person who is or will be interred in an Army Post Cemetery.

(5) The parents of a minor child or a permanently dependent adult child, whose remains were interred in an Army Post Cemetery based on the eligibility of a parent at the time of the child's death, unless eligibility of a parent is lost through divorce from the primarily eligible parent.

§ 553.44 Eligibility for interment and inurnment in the West Point Post Cemetery.

The following persons are eligible for interment and inurnment in the West Point Post Cemetery, unless otherwise prohibited as provided for in §§ 553.46 through 553.48, provided that the last period of active duty of the service member or veteran ended with an honorable discharge or characterization of honorable service for active duty deaths.

(a) *Primarily eligible persons for interment or inurnment.* The following are primarily eligible persons for purposes of interment or inurnment:

(1) A graduate of the USMA, provided the individual was a U.S. citizen, both as a cadet and at the time of death, and whose military service fulfilled one of the following criteria.

(i) The graduate's service in the Armed Forces of the United States, if any, terminated honorably.

(ii) The graduate's service in wartime in the Armed Forces of a nation that was allied with the United States during the war terminated honorably.

(2) Members of the Armed Forces of the United States, including USMA cadets, who were on active duty at the USMA at time of death and their derivatively eligible person dependents who may have died while the service member was on active duty at the USMA.

(3) Members of the Armed Forces of the United States who were on active duty at the USMA at time of retirement.

(4) Members of the Armed Forces of the United States whose last active duty station prior to retirement for physical disability was the USMA. However, personnel (not otherwise eligible) who are transferred to the Medical Holding Detachment, Keller Army Hospital, for medical boarding or medical disability retirement are not, regardless of length of time, eligible for interment or inurnment in the West Point Cemetery or Columbarium.

(5) Officers appointed as Professors, USMA.

(b) *Derivatively eligible persons.* Derivatively eligible persons are those connected to an individual described in paragraph (a) of this section through a relationship described in § 553.43(b). Such individuals may be interred or inurned if space is available in the primarily eligible person's gravesite or niche.

(c) *Temporary restrictions.* The Secretary of the Army or his designee may, in special circumstances, impose temporary restrictions on the eligibility standards for the USMA cemetery. If temporary restrictions are imposed, they will be reviewed annually to ensure the special circumstances remain valid for retaining the temporary restrictions.

§ 553.45 Eligibility for interment in U.S. Disciplinary Barracks Cemetery at Fort Leavenworth.

(a) Military prisoners who die while in Military custody and are not claimed by the person authorized to direct disposition of remains or other persons legally authorized to dispose of remains are permitted to be interred in the U.S. Disciplinary Barracks Cemetery. All decisions for interment in the U.S.D.B. Cemetery will be made by the Executive Director, ANMC.

(b) Other persons approved by the Executive Director.

§ 553.46 Ineligibility for interment, inurnment or memorialization in an Army Post Cemetery.

The following persons are not eligible for interment, inurnment, or memorialization in an Army Post Cemetery:

(a) A father, mother, brother, sister, or in-law solely on the basis of his or her relationship to a primarily eligible person, even though the individual is:

(1) Dependent on the primarily eligible person for support; or

(2) A member of the primarily eligible person's household.

(b) Except for the U.S. Disciplinary Barracks Cemetery in § 553.45, a person whose last period of service was not characterized as an honorable discharge (*e.g.,* a separation or discharge under general but honorable conditions, other than honorable conditions, a bad conduct discharge, a dishonorable discharge, or a dismissal), regardless of whether the person:

(1) Received any other veterans' benefits; or

(2) Was treated at a Department of Veterans Affairs hospital or died in such a hospital.

(c) A person who has volunteered for service with the U.S. Armed Forces, but has not yet entered on active duty.

(d) A former spouse whose marriage to the primarily eligible person ended in divorce.

(e) A spouse who predeceases the primarily eligible person and is interred

or inurned in a location other than an Army Cemetery, and the primarily eligible person remarries.

(f) A divorced spouse of a primarily eligible person or the service-connected parent when the divorced spouse has a child interred or inurned in an Army Cemetery under the child's derivative eligibility.

(g) Otherwise derivatively eligible persons, such as a spouse or minor child, if the primarily eligible person was not or will not be interred or inurned at an Army Cemetery.

(h) A person convicted in a Federal court or by a court-martial of any offense involving subversive activity or an offense described in 18 U.S.C. 1751 (except for military prisoners at the U.S. Disciplinary Barracks Cemetery).

(i) A service member who dies while on active duty, if the first General Courts Martial Convening Authority in the service member's chain of command determines that there is clear and convincing evidence that the service member engaged in conduct that would have resulted in a separation or discharge not characterized as an honorable discharge (*e.g.,* a separation or discharge under general but honorable conditions, other than honorable conditions, a bad conduct discharge, a dishonorable discharge, or a dismissal) being imposed, but for the death of the service member.

(j) If animal remains are unintentionally commingled with human remains due to a natural disaster, unforeseen accident, act of war or terrorism, violent explosion, or similar incident, and such remains cannot be separated from the remains of an eligible person, then the remains may be interred or inurned with the eligible person, but the identity of the animal remains shall not be inscribed or identified on a niche, marker, headstone, or otherwise.

§ 553.47 Prohibition of interment, inurnment or memorialization in an Army Cemetery of persons who have committed certain crimes.

(a) *Prohibition.* Notwithstanding §§ 553.43 through 553.45, and pursuant to 10 U.S.C. 985 and 38 U.S.C. 2411, the interment or inurnment in an Army Cemetery of any of the following persons is prohibited:

(1) Any person identified in writing to the Executive Director by the Attorney General of the United States, prior to his or her interment or inurnment as a person who has been convicted of a Federal capital crime and whose conviction is final (other than a person whose sentence was commuted by the President).

(2) Any person identified in writing to the Executive Director by an appropriate State official, prior to his or her interment or inurnment as a person who has been convicted of a State capital crime and whose conviction is final (other than a person whose sentence was commuted by the Governor of the State).

(3) Any person found under procedures specified in § 553.48 to have committed a Federal or State capital crime, but who has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution. Notice from officials is not required for this prohibition to apply.

(4) Any person identified in writing to the Executive Director by the Attorney General of the United States or by an appropriate State official, prior to his or her interment or inurnment as a person who has been convicted of a Federal or State crime causing the person to be a Tier III sex offender for purposes of the Sex Offender Registration and Notification Act, who for such crime is sentenced to a minimum of life imprisonment and whose conviction is final (other than a person whose sentence was commuted by the President or the Governor of a State, as the case may be).

(b) *Notice.* The Executive Director is designated as the Secretary of the Army's representative authorized to receive from the appropriate Federal or State officials notification of conviction of capital crimes referred to in this section.

(c) *Confirmation of person's eligibility.* (1) If notice has not been received, but the Executive Director has reason to believe that the person may have been convicted of a Federal capital crime or a State capital crime, the Executive Director shall seek written confirmation from:

(i) The Attorney General of the United States, with respect to a suspected Federal capital crime; or

(ii) An appropriate State official, with respect to a suspected State capital crime.

(2) The Executive Director will defer the decision on whether to inter, inurn, or memorialize a decedent until a written response is received.

(d) *Due diligence.* Army Post Cemetery Superintendents and Commanders who have cemeteries for which they are responsible will make every effort to determine if the decedent is ineligible in accordance with 10 U.S.C. 985 and 38 U.S.C. 2411. For those determined ineligible due to the provisions of these sections, commanders will submit their determinations in writing to the Executive Director for validation.

§ 553.48 Findings concerning the commission of certain crimes where a person has not been convicted due to death or flight to avoid prosecution.

(a) *Preliminary inquiry.* If the Executive Director has reason to believe that a decedent may have committed a Federal capital crime or a State capital crime but has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the Executive Director shall submit the issue to the Army General Counsel. The Army General Counsel or his or her designee shall initiate a preliminary inquiry seeking information from Federal, State, or local law enforcement officials, or other sources of potentially relevant information.

(b) *Decision after preliminary inquiry.* If, after conducting the preliminary inquiry described in paragraph (a) of this section, the Army General Counsel or designee determines that credible evidence exists suggesting the decedent may have committed a Federal capital crime or State capital crime, then further proceedings under this section are warranted to determine whether the decedent committed such crime. Consequently the Army General Counsel or his or her designee shall present the personal representative with a written notification of such preliminary determination and a dated, written notice of the personal representative's procedural options.

(c) *Notice and procedural options.* The notice of procedural options shall indicate that, within fifteen days, the personal representative may:

(1) Request a hearing;

(2) Withdraw the request for interment, inurnment, or memorialization; or

(3) Do nothing, in which case the request for interment, inurnment, or memorialization will be considered to have been withdrawn.

(d) *Time computation.* The fifteen-day time period begins on the calendar day immediately following the earlier of the day the notice of procedural options is delivered in person to the personal representative or is sent by U.S. registered mail or, if available, by electronic means to the personal representative. It ends at midnight on the fifteenth day. The period includes weekends and holidays.

(e) *Hearing.* The purpose of the hearing is to allow the personal representative to present additional information regarding whether the decedent committed a Federal capital

crime or a State capital crime. In lieu of making a personal appearance at the hearing, the personal representative may submit relevant documents for consideration.

(1) If a hearing is requested, the Army General Counsel or his or her designee shall conduct the hearing.

(2) The hearing shall be conducted in an informal manner.

(3) The rules of evidence shall not apply.

(4) The personal representative and witnesses may appear, at no expense to the Government, and shall, at the discretion of the hearing officer, testify under oath. Oaths must be administered by a person who possesses the legal authority to administer oaths.

(5) The Army General Counsel or designee shall consider any and all relevant information obtained.

(6) The hearing shall be appropriately recorded. Upon request, a copy of the record shall be provided to the personal representative.

(f) *Final determination.* After considering the hearing officer's report, the opinion of the Army General Counsel or his or her designee, and any additional information submitted by the personal representative, the Secretary of the Army or his or her designee shall determine the decedent's eligibility for interment, inurnment, or memorialization. This determination is final and not appealable.

(1) The determination shall be based on evidence that supports or undermines a conclusion that the decedent's actions satisfied the elements of the crime as established by the law of the jurisdiction in which the decedent would have been prosecuted.

(2) If an affirmative defense is offered by the decedent's personal representative, a determination as to whether the defense was met shall be made according to the law of the jurisdiction in which the decedent would have been prosecuted.

(3) Mitigating evidence shall not be considered.

(4) The opinion of the local, State, or Federal prosecutor as to whether he or she would have brought charges against the decedent had the decedent been available is relevant but not binding and shall be given no more weight than other facts presented.

(g) *Notice of decision.* The Executive Director shall provide written notification of the Secretary's decision to the personal representative.

§ 553.49 Exceptions to policies for interment or inurnment at Army Post Cemeteries.

(a) Requests for exceptions to policy will be made to the Executive Director, Army National Military Cemeteries.

(b) Eligibility standards for interment and inurnment are based on honorable military service. Exceptions to the eligibility standards are rarely granted. When granted, exceptions are for those persons who have made significant contributions that directly and substantially benefited the U.S. military.

(c) Requests for an exception to the interment or inurnment eligibility policies shall be considered only after the individual's death.

(d) Procedures for submitting requests for exceptions to policy for interment and inurnment will be established by the Executive Director, Army National Military Cemeteries.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–18664 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0552]

RIN 1625–AA00

Safety Zone; Ohio River, Portsmouth, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Ohio River. This action is necessary to provide for the safety of life on these navigable waters near Portsmouth, OH, during a fireworks display on September 1, 2019. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 10 p.m. through 10:30 p.m. on September 1, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0552 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 MST3 Wesley Cornelius, MSU Huntington, U.S. Coast Guard; telephone 304–733–0198, email *Wesley.P.Cornelius@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On May 8, 2019, Hamburg Fireworks notified the Coast Guard that it would be conducting a firework display from the Kentucky Shoreline to commemorate Labor Day from 10 p.m. through 10:30 p.m. on September 1, 2019. In response, on July 16, 2019 the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Ohio River, Portsmouth, OH (84 FR 33880). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended August 15, 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 contrary to the public interest because this rule must be established in time to provide for the safety of the public before, during, and after the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks to be used in this September 1, 2019 display will be a safety concern for anyone within the safety zone. 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 Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published July 16, 2019. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 10 p.m. through 10:30 p.m. on

September 1, 2019. The safety zone will cover all navigable waters from mile marker 355.8 to mile marker 356.8. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person will be permitted to enter the safety zone unless expressly authorized by the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, location, and duration of the safety zone. The safety zone will be enforced on a one-mile stretch of the Ohio River near Portsmouth, OH for one-half hour on one day. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting less than 1 hour that will prohibit access to the Ohio River from Mile Marker 355.8 to Mile Marker 356.8. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0552 to read as follows:

§ 165.T08–0552 Safety Zone; Ohio River, Portsmouth, OH.

(a) *Location.* The following area is a safety zone: All navigable waters on the Ohio River from Mile Marker 355.8 to Mile Marker 356.8

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, vessels or persons may not enter the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

(2) To seek permission to enter the zone, contact the COTP or the COTP's designated representative. The COTP or designated representative may be contacted on VHF Channel 13 or 16 or at 1–800–253–7565.

(3) 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.

(c) *Enforcement period.* This section will be enforced from 10 p.m. through 10:30 p.m. on September 1, 2019.

Dated: August 23, 2019.

M.A. Wike,

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

[FR Doc. 2019–18597 Filed 8–28–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0739]

RIN 1625–AA00

Safety Zone; Apple Vacations Fireworks; Lake Michigan, Chicago IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Michigan in Chicago, Illinois, in order to protect vessels and persons from the potential hazards associated with a barge based fireworks display. The temporary safety zone will encompass all waters within a 560 foot radius from the designated barge responsible for the display. The barge will be located in approximate position 41°55′42.62″ N, 87°37′34.28″ W. Vessels will not be allowed to enter, transit through, or anchor within the safety zone without the permission of the Captain of the Port Lake Michigan or a designated representative.

DATES: This rule is effective from 9:35 p.m. through 10:05 p.m. on September 9, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0739 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LT Tiziana Garner, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with a barge based fireworks display.

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 would be contrary to the rule's objectives of protecting safety of life on the navigable waters in the vicinity of the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Lake Michigan has determined that the barge based fireworks display will pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, falling and burning debris, and collisions among spectator vessels. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:35 p.m. through 10:05 p.m. on September 9, 2019. The safety zone will encompass all waters within a 560 foot radius centered on the designated barge responsible for the fireworks. The barge will be located in approximate position 41°55′42.62″ N, 87°37′34.28″ W. Vessels will not be allowed to enter, transit through, or anchor within the safety zone without the permission of the Captain of the Port Lake Michigan or a designated representative. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the 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 short time. Also, 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 rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting one half hour that will prohibit entry within 560 feet of approximate location 41°55′42.62″ N, 87°37′34.28″ W. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0739 to read as follows:

§ 165.T09–0739 Safety Zone; Apple Vacations Fireworks; Lake Michigan, Chicago, IL.

(a) *Location.* The safety zone will encompass all waters within a 560 foot radius centered on a designated barge during a barge based fireworks display. The barge will be located in approximate position 41°55′42.62″ N, 87°37′34.28″ W.

Effective and enforcement period. This safety zone will be enforced from 9:35 p.m. until 10:05 p.m. on September 9, 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 Lake Michigan 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 Lake Michigan or a designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port

Lake Michigan 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 Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be contacted via VHF Channel 16 or at 414–747–7182. 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 Lake Michigan, or an on-scene representative.

Dated: August 22, 2019.

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2019–18605 Filed 8–28–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2019–0005; FRL–9996–59–Region 9]

Air Plan Approval; California; Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Imperial County Air Pollution Control District (ICAPCD) portion of the California state implementation plan (SIP). These revisions concern emissions of particulate matter (PM) from open areas and wood burning appliances and update certain definitions relevant to stationary source permitting. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on September 30, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2019–0005. 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: Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4125 or by email at *vineyard.christine@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On May 3, 2019 (84 FR 19005), the EPA proposed to approve the following rules into the California SIP.

Local agency	Rule No.	Rule title	Adopted/ amended/ revised	Submitted
ICAPCD ..	101	Definitions	09/11/18	10/29/18
ICAPCD ..	428	Wood Burning Appliances [1]	09/11/18	10/29/18
ICAPCD ..	429	Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning	09/11/18	10/29/18
ICAPCD ..	804	Open Areas	09/11/18	10/29/18

[1] We are not acting on the opacity limit in section E.4.2. of Rule 428 at this time. However, ICAPCD Rule 401 has been approved into the California SIP (54 FR 5448 February 3, 1989) and established a 20% opacity limit that applies to most sources, including wood burning appliances. Our action on Rule 428 will not affect the applicability of this existing limit.

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received one comment, which expressed support for our proposed action.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the ICAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

• 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 Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 28, 2019.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(424)(i)(A)(*5*), (c)(485)(i)(A)(*4*), and (c)(523) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(424) * * *

(i) * * *

(A) * * *

(*5*) Previously approved on April 22, 2013 in paragraph (c)(424)(i)(A)(2) of this section and now deleted with replacement in (c)(523)(i)(A)(4), Rule 804, ''Open Areas,'' amended on October 16, 2012.

* * * * *

(485) * * *

(i) * * *

(A) * * *

(*4*) Previously approved on June 8, 2017 in paragraph (c)(485)(i)(A)(1) of this section and now deleted with replacement in (c)(523)(i)(A)(1), Rule 101, ''Definitions,'' revised on February 9, 2016.

* * * * *

(523) New and amended regulations for the following Air Pollution Control Districts were submitted on October 29, 2018 by the Governor's Designee.

(i) *Incorporation by reference.* (A) Imperial County Air Pollution Control District.

(*1*) Rule 101, ''Definitions,'' revised on September 11, 2018.

(*2*) Rule 428, ''Wood Burning Appliances'' except section E.4.2, adopted on September 11, 2018.

(*3*) Rule 429, ''Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning,'' adopted on September 11, 2018.

(*4*) Rule 804, ''Open Areas,'' revised on September 11, 2018.

[FR Doc. 2019–18589 Filed 8–28–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0809; FRL–9998–71–Region 10]

Air Plan Approval; AK: Adoption Updates and Permitting Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted on October 25, 2018. The revisions adopt changes to federal emissions factors and modeling guidelines, update pre-construction permitting of stationary sources, and fix typographical and grammatical errors. The EPA is also approving the submitted revisions as meeting major source pre-construction permitting requirements for the Fairbanks North Star Borough fine particulate matter nonattainment area. On the effective date of this rule, the Alaska SIP will include provisions for electronic permit applications, online notice of draft permits, revised modeling guidelines, and updated fine particulate matter requirements in nonattainment areas.

DATES: This final rule is effective September 30, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA–R10–OAR–2018–0809. 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 or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kristin Hall (15–H13), EPA Region 10, Air and Radiation Division, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, at (206) 553–6357 or *hall.kristin@epa.gov.*

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

Table of Contents

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

I. Background

On October 25, 2018, Alaska submitted revisions to the Alaska SIP for approval by the EPA. The submission includes revisions to Alaska Administrative Code, Title 18, Environmental Conservation, Chapter 50, Air Quality Control (18 AAC 50), state effective September 15, 2018. We proposed to approve the submitted revisions on June 11, 2019 (84 FR 27049). An explanation of the Clean Air Act requirements, a detailed analysis of the submission, and our reasons for proposing approval were provided in the proposal and will not be restated here. The public comment period for the proposal ended on July 11, 2019. We received no comments.

II. Final Action

The EPA is approving, and incorporating by reference, revisions to the Alaska SIP submitted on October 25, 2018. We are also approving the submitted revisions as fulfilling nonattainment new source review requirements that were triggered upon reclassification of the Fairbanks North Star Borough fine particulate matter nonattainment area from ''moderate'' to ''serious'' on May 10, 2017 (82 FR 21711). On the effective date of this rule, the Alaska SIP will contain the following rule sections, state effective September 15, 2018:

- 18 AAC 50.025 *Visibility and Other Special Protection Areas;*
- 18 AAC 50.035 *Documents, Procedures, and Methods Adopted by Reference,* except (a)(6), (a)(9), and (b)(4);
- 18 AAC 50.040 *Federal Standards Adopted by Reference,* except (a), (b), (c), (d), (e), (g), (j), and (k);
- 18 AAC 50.055 *Industrial Processes and Fuel-Burning Equipment,* except (d)(2)(B);
- 18 AAC 50.215 *Ambient Air Quality Analysis Methods,* except (a)(4);
- 18 AAC 50.220 *Enforceable Test Methods,* except (c)(1)(A), (B), (C), and (c)(2);
- 18 AAC 50.225 *Owner-Requested Limits;*
- 18 AAC 50.230 *Preapproved Emission Limits,* except (d);
- 18 AAC 50.260 *Guidelines for Best Available Retrofit Technology under the Regional Haze Rule;*
- 18 AAC 50.311 *Nonattainment Area Major Stationary Source Permits;*
- 18 AAC 50.345 *Construction, Minor and Operating Permits: Standard Permit Conditions,* except (b), (c)(3), and (l).
- 18 AAC 50.502 *Minor Permits for Air Quality Protection;*
- 18 AAC 50.540 *Minor Permit: Application;*
- 18 AAC 50.542 *Minor Permit: Review and Issuance;*
- 18 AAC 50.560 *General Minor Permits;* and
- 18 AAC 50.990 *Definitions.*

The listed exceptions were not submitted in the October 25, 2018 submission and are not part of the current federally-approved Alaska SIP.[1] For more information, please see our prior actions on September 19, 2014 (79 FR 56268) and August 14, 2007 (72 FR 45378).

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the provisions set forth below as amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available electronically through *https://www.regulations.gov* and at the EPA Region 10 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

IV. Statutory and Executive Order Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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);

[1] The excepted provisions implement New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAPs), and title V of the Clean Air Act and are not relied on by the state to attain or maintain the NAAQS under Clean Air Act section 110 and the SIP; or are inconsistent with Clean Air Act requirements.

[2] 62 FR 27968 (May 22, 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 this action does not involve technical standards; and

• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and it 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 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.

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

Dated: July 31, 2019.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 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 C—Alaska

■ 2. In § 52.70, the table in paragraph (c) is amended by revising entries ''18 AAC 50.025'', ''18 AAC 50.035'', ''18 AAC 50.040'', ''18 AAC 50.055'', ''18 AAC 50.215', ''18 AAC 50.220'', ''18 AAC 50.225'', ''18 AAC 50.230'', ''18 AAC 50.260'', ''18 AAC 50.311'', ''18 AAC 50.345'', ''18 AAC 50.502'', ''18 AAC 50.540'', ''18 AAC 50.542'', ''18 AAC 50.560'', and ''18 AAC 50.990'' to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50—Air Quality Control (18 AAC 50)				
18 AAC 50—Article 1. Ambient Air Quality Management				
*	*	*	*	*
18 AAC 50.025	Visibility and Other Special Protection Areas.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
18 AAC 50.035	Documents, Procedures, and Methods Adopted by Reference.	9/15/2018	8/29/2019,[Insert **Federal Register** citation].	except (a)(6), (a)(9), and (b)(4).
18 AAC 50.040	Federal Standards Adopted by Reference.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (a), (b), (c), (d), (e), (g), (j), and (k).
*	*	*	*	*
18 AAC 50.055	Industrial Processes and Fuel-Burning Equipment.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (d)(2)(B).
*	*	*	*	*
18 AAC 50—Article 2. Program Administration				
*	*	*	*	*
18 AAC 50.215	Ambient Air Quality Analysis Methods.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (a)(4).
18 AAC 50.220	Enforceable Test Methods	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (c)(1)(A), (B), (C), and (c)(2).

EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
18 AAC 50.225	Owner-Requested Limits	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
18 AAC 50.230	Preapproved Emission Limits	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (d).
*	*	*	*	*
18 AAC 50.260	Guidelines for Best Available Retrofit Technology under the Regional Haze Rule.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
18 AAC 50—Article 3. Major Stationary Source Permits				
*	*	*	*	*
18 AAC 50.311	Nonattainment Area Major Stationary Source Permits.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
18 AAC 50.345	Construction, Minor and Operating Permits: Standard Permit Conditions.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	except (b), (c)(3), and (l).
*	*	*	*	*
18 AAC 50—Article 5. Minor Permits				
18 AAC 50.502	Minor Permits for Air Quality Protection.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.540	Minor Permit: Application	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
18 AAC 50.542	Minor Permit: Review and Issuance.	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.560	General Minor Permits	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50—Article 9. General Provisions				
*	*	*	*	*
18 AAC 50.990	Definitions	9/15/2018	8/29/2019, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2019–18594 Filed 8–28–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0133; FRL–9990–48–Region 9]

Air Plan Revisions; California; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to delete various local rules from the California State Implementation Plan (SIP) that were approved in error. These rules include general nuisance provisions, federal New Source Performance Standards or National Emission Standards for Hazardous Air Pollutant requirements, hearing board procedures, variance provisions, and local fee provisions. The EPA has determined that the continued presence of these rules in the SIP is potentially confusing and thus problematic for affected sources, the state, local agencies, and the EPA. The intended effect is to delete these rules to make the SIP consistent with the Clean Air Act. The EPA is also taking final action to make certain other corrections to address errors made in previous actions taken by the EPA on California SIP revisions.

DATES: This rule is effective on September 30, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2018–0133. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business information or other information whose disclosure is restricted by statute. Certain other

materials, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, Rules Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3073, *gong.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On August 27, 2018 (83 FR 43576), pursuant to section 110(k)(6) of the Clean Air Act (CAA or ''Act''), the EPA proposed to delete various local rules from the California State Implementation Plan (SIP) that were approved in error. These rules include general nuisance provisions, federal New Source Performance Standards or National Emission Standards for Hazardous Air Pollutant requirements, hearing board procedures, variance provisions, and local fee provisions. The EPA proposed to delete the rules based on the Agency's determination that the rules were approved in error and that the continued presence of these rules in the SIP is potentially confusing and thus problematic for affected sources, the state, local agencies, and the EPA. Table 1 in the proposed rule lists the specific rules that were proposed for deletion.[1] In our August 27, 2018 proposed rule, the EPA also proposed to make certain other corrections to address errors made in previous actions taken by the EPA on California SIP revisions.[2]

One such correction includes the reinstatement in the applicable SIP of the following rules that were previously incorporated by reference but that were erroneously deleted: Lake County AQMD Table I ''Agencies Designated to Issue Agricultural Burning Permits'', Table II ''Daily Quota of Agricultural Material that May Be Burned by Watershed'', Table III ''Guides for Estimating Dry Weights of Several California Fuel Types'', and Table IV ''Particulate Matter Emissions Standard for Process Units and Process Equipment'' (all adopted on November 22, 1976 and submitted to the EPA on February 10, 1977), and Nevada County APCD Rule 404 ''Upset Conditions, Breakdown or Scheduled Maintenance'' (excluding paragraph (D) (adopted on May 7, 1979 and submitted to the EPA on October 15, 1979)).

Another such correction is the incorporation by reference of the following rules that were previously approved but not incorporated by reference: Eastern Kern APCD Rules 108 ''Stack Monitoring'' and 417 ''Agricultural and Prescribed Burning'' (both amended on July 24, 2003 and submitted to the EPA on November 4, 2003), El Dorado County AQMD Rule 1000.1 ''Emission Statement Waiver'' (adopted on September 21, 1992 and submitted to the EPA on November 12, 1992), and Northern Sierra AQMD Rules 212 ''Process Weight Table'' and 213 ''Storage of Gasoline Products'' (adopted on September 11, 1991 and submitted to the EPA on October 28, 1996). Other types of corrections include deletion of rules that were previously disapproved but erroneously incorporated by reference, deletion of rules that were previously deleted but for which the deletion was not codified, and other revisions to address errors in amendatory instructions and publishing errors, and to clarify the documents that were previously approved.

An explanation of the relevant CAA requirements and the rationale for each of the proposed deletions and corrections were provided in the proposed rule and will not be restated here.

II. Public Comments and EPA Responses

The EPA received four comments on the proposal. The comments raised issues that are outside of the scope of this rulemaking, including forest management, wildfire suppression, the Cross-State Air Pollution Rule, and California motor vehicle emission standards. None of these comments concerned any of the specific issues raised in the proposal, nor did they address the EPA's rationale for the proposed deletions and corrections. Therefore, the EPA is not responding to the comments and is finalizing the action as proposed. All the comments received are included in the docket for this action.

III. EPA Action

Under CAA section 110(k)(6), the EPA is taking final action to delete the rules listed in Table 1 of the August 27, 2018 proposed rule and any earlier versions of these rules from the corresponding air pollution control district portions of the California SIP. The EPA is taking this action based on our determination that the rules were previously approved into the applicable California SIP in error.

We are also taking final action to make certain other corrections to fix errors in previous rulemakings on California SIP revisions as described in detail in the August 27, 2018 proposed rule and summarized above.

IV. Incorporation by Reference

In this action, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Eastern Kern APCD rules, El Dorado County AQMD rule, and Northern Sierra AQMD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely corrects errors in previous rulemakings on SIP revisions 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

[1] See 83 FR 43576, at 43577–43579.

[2] See 83 FR 43576, at 43582–43585.

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this action 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: February 22, 2019.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by:

■ a. Adding paragraphs (b)(1)(iii), (b)(13)(ii), (b)(14)(iii), (b)(15)(ii), (b)(16) through (21), (c)(6)(iii)(D), (c)(6)(v)(D), (c)(6)(vi)(F), (c)(6)(viii)(C), (c)(6)(xi)(E), (c)(6)(xvi)(E), (c)(6)(xvii)(C) and (D), (c)(6)(xxi)(B), (c)(6)(xxv) and (xxvi), (c)(22)(i)(A)(*7*), (c)(26)(ii)(E), (c)(26)(viii)(E), (c)(26)(xvi)(G), (c)(27)(vii)(F), (c)(28)(iv)(D), (c)(31)(i)(J), (c)(35)(ix)(D), (c)(39)(x)(F), (c)(42)(i)(G), (c)(47)(i)(H), (c)(51)(xiv)(F), (c)(58)(iii)(D), (c)(89)(iii)(F), (c)(89)(vi)(C), (c)(93)(iii)(F), (c)(93)(iv)(G), (c)(124)(vi)(D), (c)(124)(viii)(D), (c)(124)(ix)(E), (c)(124)(x)(D), (c)(159)(iii)(I), (c)(164)(i)(B)(*6*), (c)(168)(i)(A)(*10*), (c)(168)(i)(B)(*2*), (c)(190)(i)(C)(*2*), (c)(246)(i)(A)(*6*), and (c)(321)(i)(A);

■ b. Redesignating paragraph (c)(27)(viii)(F) as paragraph (c)(27)(vii)(G);

■ c. Redesignating paragraph (c)(280)(i)(C)(*2*) as paragraph (c)(280)(i)(B)(*2*);

■ d. Removing and reserving paragraphs (c)(278)(i)(A)(*3*), (c)(284)(i)(A)(*5*), and (c)(350)(i)(A)(2); and

■ e. Revising paragraphs (c)(37)(iv)(D), (c)(52)(xii)(B), (c)(205)(i)(A)(*1*), and (c)(423).

The additions and revisions read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(b) * * *

(1) * * *

(iii) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Part V, Paragraph 4.A.

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(13) * * *

(ii) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Rules 52 and 53.

(14) * * *

(iii) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Rule 117.

(15) * * *

(ii) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Section 2–1.

(16) Bay Area Air Quality Management District.

(i) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Division 11.

(17) Riverside County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Rules 51 and 106.

(ii) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Regulation V.

(18) Monterey-Santa Cruz County Unified Air Pollution Control District.

(i) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Rule 402.

(19) San Benito County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in paragraph (b) of this section and now deleted without replacement, Rule 403.

(20) Del Norte County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Regulation IV, introductory paragraph.

(21) Humboldt County Air Pollution Control District.

(i) Previously approved on May 31, 1972 in this paragraph (b) and now deleted without replacement, Rule 51.

(c) * * *

(6) * * *

(iii) * * *

(D) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 4.5 and 4.6.

* * * * *

(v) * * *

(D) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 78 and 79.

(vi) * * *

(F) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 419 and 420.

* * * * *

(viii) * * *

(C) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 3:2, 3:3, 3:4, 3:5 and 4:2.

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(xi) * * *

(E) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 3:2 and 3:6.

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(xvi) * * *

(E) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 52, 85, 91 and 96.

(xvii) * * *

(C) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rule 51.

(D) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Regulation VI.

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(xxi) * * *

(B) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rule 51.

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(xxv) Amador County Air Pollution Control District.

(A) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Rules 5 and 6.

(xxvi) Trinity County Air Pollution Control District.

(A) Previously approved on September 22, 1972 in this paragraph (c)(6) and now deleted without replacement, Regulation IV, introductory paragraph, and Rules 56, 62, 67 and 68.

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(22) * * *

(i) * * *

(A) * * *

(*7*) Previously approved on May 11, 1977 in paragraph (c)(22)(i)(A)(*6*) of this section and now deleted without replacement, Division 11, Section 11101.

* * * * *

(26) * * *

(ii) * * *

(E) Previously approved on May 11, 1977 in paragraph (c)(26)(ii)(C) of this section and now deleted without replacement, Regulation 8.

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(viii) * * *

(E) Previously approved on August 22, 1977 in paragraph (c)(26)(viii)(A) of this section and now deleted without replacement, Rule 205.

* * * * *

(xvi) * * *

(G) Previously approved on June 14, 1978 in paragraph (c)(26)(xvi)(B) of this section and now deleted without replacement, Rules 701, 702, 704, 711, 712, 713, 714, 715 and 716.

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(27) * * *

(vii) * * *

(F) Previously approved on June 14, 1978 in paragraph (c)(27)(vii)(A) of this section and now deleted without replacement, Rule 711.

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(28) * * *

(iv) * * *

(D) Previously approved on May 11, 1977 in paragraph (c)(28)(iv)(A) of this section and now deleted without replacement, Rules 205 and 603.

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(31) * * *

(i) * * *

(J) Previously approved on June 6, 1977 in paragraph (c)(31)(i)(B) of this section and now deleted without replacement, Rule 402.

* * * * *

(35) * * *

(ix) * * *

(D) Previously approved on June 14, 1978 in paragraph (c)(35)(ix)(C) of this section and now deleted without replacement, Rules 340, 620, 630, 640 and 650.

* * * * *

(37) * * *

(iv) * * *

(D) Previously approved on August 4, 1978 and now deleted without replacement Rules 300, 800, 1600, 1601, 1610 to 1612, 1620, 1700 to 1701, 1710 to 1714, 1720 to 1725, and 1730 to 1736.

* * * * *

(39) * * *

(x) * * *

(F) Previously approved on September 14, 1978 in paragraph (c)(39)(x)(A) of this section and now deleted without replacement, Rules 700 and 703 (paragraphs (E) and (I)).

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(42) * * *

(i) * * *

(G) Previously approved on August 11, 1978 in paragraph (c)(42)(i)(A) of this section and now deleted without replacement, Rule 513.

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(47) * * *

(i) * * *

(H) Previously approved on May 9, 1980 in paragraph (c)(47)(i)(A) of this section and now deleted without replacement for implementation in the Mojave Desert Air Quality Management District (Riverside County), Rule 1231.

* * * * *

(51) * * *

(xiv) * * *

(F) Previously approved on May 18, 1981 in paragraph (c)(51)(xiv)(A) of this section and now deleted without replacement, Rule 706.

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(52) * * *

(xii) * * *

(B) Previously approved on May 18, 1981 in paragraph (c)(52)(xii)(A) of this section and now deleted without replacement, Rule 404 (paragraph (D)).

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(58) * * *

(iii) * * *

(D) Previously approved on January 27, 1981 in paragraph (c)(58)(iii)(A) of this section and now deleted without replacement, Rule 617.

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(89) * * *

(iii) * * *

(F) Previously approved on April 12, 1982 in paragraph (c)(89)(iii)(B) of this section and now deleted without replacement, Rules 9.7 and 9.8.

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(vi) * * *

(C) Previously approved on April 13, 1982 in paragraph (c)(89)(vi)(A) of this section and now deleted without replacement, Section 1602.

* * * * *

(93) * * *

(iii) * * *

(F) Previously approved on April 23, 1982 in paragraph (c)(93)(iii)(A) of this section and now deleted without replacement, Rules 516 (paragraph (C)), 703 and 710.

(iv) * * *

(G) Previously approved on April 23, 1982 in paragraph (c)(93)(iv)(A) of this section and now deleted without replacement, Rules 516 (paragraph (C)), 703 and 710.

* * * * *

(124) * * *

(vi) * * *

(D) Previously approved on November 10, 1982 in paragraph (c)(124)(vi)(A) of

this section and now deleted without replacement, Rule 620.

* * * * *

(viii) * * *

(D) Previously approved on November 10, 1982 in paragraph (c)(124)(viii)(A) of this section and now deleted without replacement, Rule 620.

(ix) * * *

(E) Previously approved on November 10, 1982 in paragraph (c)(124)(ix)(A) of this section and now deleted without replacement, Rule 620.

(x) * * *

(D) Previously approved on November 10, 1982 in paragraph (c)(124)(x)(A) of this section and now deleted without replacement, Rule 620.

* * * * *

(159) * * *

(iii) * * *

(I) Previously approved on July 13, 1987 in paragraph (c)(159)(iii)(A) of this section and now deleted without replacement, Rule 208.

* * * * *

(164) * * *

(i) * * *

(B) * * *

(*6*) Previously approved on April 17, 1987 in paragraph (c)(164)(i)(B)(*1*) of this section and now deleted without replacement, Rules 600 and 610.

* * * * *

(168) * * *

(i) * * *

(A) * * *

(*10*) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(A)(*1*) of this section and now deleted without replacement, Rule 619.

(B) * * *

(*2*) Previously approved on February 3, 1987 in paragraph (c)(168)(i)(B)(*1*) of this section and now deleted without replacement, Section 1701.Q.

* * * * *

(190) * * *

(i) * * *

(C) * * *

(*2*) Rule 1000.1, ''Emission Statement Waiver,'' adopted on September 21, 1992.

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(205) * * *

(i) * * *

(A) * * *

(*1*) Emissions inventory, 15% Rate-of-Progress plan, Post-1996 Rate-of-Progress plan, modeling, and ozone attainment demonstration, as contained in the ''Rate-of-Progress and Attainment Demonstration Plans for the Kern County Air Pollution Control District,'' adopted on December 1, 1994.

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(246) * * *

(i) * * *

(A) * * *

(*6*) Rules 212, ''Process Weight Table,'' and 213, ''Storage of Gasoline Products,'' adopted on September 11, 1991.

* * * * *

(321) * * *

(i) * * *

(A) Kern County Air Pollution Control District.

(*1*) Rules 108, ''Stack Monitoring,'' and 417, ''Agricultural and Prescribed Burning,'' amended on July 24, 2003.

* * * * *

(423) New and amended regulations for the following APCDs were submitted on September 21, 2012, by the Governor's designee.

(i) *Incorporation by reference.* (A) Placer County Air Pollution Control District.

(*1*) Rule 301, ''Nonagricultural Burning Smoke Management,'' amended on February 9, 2012.

(*2*) Rule 302, ''Agricultural Waste Burning Smoke Management,'' amended on February 9, 2012.

(*3*) Rule 303, ''Prescribed Burning Smoke Management,'' amended on February 9, 2012.

(*4*) Rule 304, ''Land Development Burning Smoke Management,'' amended on February 9, 2012.

(*5*) Rule 305, ''Residential Allowable Burning,'' amended on February 9, 2012.

(*6*) Rule 306, ''Open Burning of Nonindustrial Wood Waste at Designated Disposal Sites,'' amended on February 9, 2012.

(*7*) Rule 233, ''Biomass Boilers,'' amended on June 14, 2012.

(B) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 417, ''Wood Burning Appliances,'' adopted on October 26, 2006.

(*2*) Rule 421, ''Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning (except section 402),'' amended on September 24, 2009.

(C) South Coast Air Quality Management District.

(*1*) Rule 461, ''Gasoline Transfer and Dispensing,'' amended on April 6, 2012.

(D) Antelope Valley Air Quality Management District.

(*1*) Rule 107, ''Certification of Submission and Emission Statements,'' adopted on May 15, 2012.

(*2*) Rule 1151, ''Motor Vehicle and Mobile Equipment Coating Operations,'' amended on June 19, 2012.

(E) Santa Barbara County Air Pollution Control District.

(*1*) Rule 102, ''Definitions'' amended on June 21, 2012.

(*2*) Rule 353, ''Adhesives and Sealants,'' revised on June 21, 2012.

(*3*) Rule 321, ''Solvent Cleaning Machines and Solvent Cleaning,'' revised on June 21, 2012.

(*4*) Rule 330, ''Surface Coating of Metal Parts and Products,'' revised on June 21, 2012.

(*5*) Rule 349, ''Polyester Resin Operations,'' revised on June 21, 2012.

(F) Feather River Air Quality Management District.

(*1*) Rule 10.1, ''New Source Review,'' as amended on February 6, 2012.

(G) Butte County Air Quality Management District.

(*1*) Rule 300, ''Open Burning Requirements, Prohibitions and Exemptions,'' amended on February 24, 2011.

(*2*) Previously approved on July 8, 2015 in paragraph (c)(423)(i)(G)(*1*) of this section and now deleted with replacement in paragraph (c)(474)(i)(C)(*1*), Rule 300, ''Open Burning Requirements, Prohibitions and Exemptions,'' approved on February 24, 2011.

(ii) *Additional material*—(A) *Sacramento Metropolitan Air Quality Management District.* (*1*) Rule 421, ''Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning,'' Financial Hardship Exemption Decision Tree, dated December 12, 2007.

* * * * *

§ 52.273 [Amended]

■ 3. Section 52.273 is amended by redesignating paragraph (a)(6)(ii)(D) as paragraph (a)(19)(iii).

[FR Doc. 2019–18601 Filed 8–28–19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0161; FRL–9997–41]

Buprofezin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of buprofezin in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project No. 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 29, 2019. Objections and requests for hearings must be received

on or before October 28, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0161, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0161 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 October 28, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0161, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 24, 2018 (83 FR 34968) (FRL–9980–31), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7E8654) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of buprofezin, 2-(1,1-dimethylethyl)iminotetrahydro-3(1-methylethyl)-5-phenyl-4H-1,3,5-thiadiazin-4-one in or on the following raw agricultural commodities: Fig at 0.70 parts per million (ppm), Leafy greens subgroup 4–16A, except head lettuce and radicchio at 35 ppm; *Brassica,* leafy greens, subgroup 4–16B at 60 ppm; Vegetable, *brassica,* head and stem, group 5–16 at 12.0 ppm; Leaf petiole vegetable subgroup 22B at 35 ppm; Celtuce at 35 ppm; Fennel, Florence at 35 ppm; Kohlrabi at 12.0 ppm; Tropical and subtropical, small fruit, edible peel, subgroup 23A at 5.0 ppm; Tropical and subtropical, small fruit, inedible peel, subgroup 24A at 0.30 ppm; Cottonseed subgroup 20C at 0.35 ppm; Fruit, citrus, group 10–10 at 2.5 ppm; Fruit, stone, group 12–12, except apricot and peach at 2.0 ppm; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 2.5 ppm and Nut, tree, group 14–12 at 0.05 ppm. The petition also requested to remove the established tolerances for residues of buprofezin in or on the following raw agricultural commodities: Acerola at 0.30 ppm; Brassica, head and stem, subgroup 5A at 12.0 ppm; *Brassica,* leafy greens, subgroup 5B at 60 ppm; Cotton, undelinted seed at 0.35 ppm; Fruit, citrus, group 10 at 2.5 ppm; Fruit, stone, group 12, except apricot and peach at 1.9 ppm; Grape at 2.5 ppm; Longan at 0.30 ppm; Lychee at 0.30 ppm; Nut, tree group 14 at 0.05 ppm; Olive at 3.5 ppm; Olive, oil at 4.8 ppm; Pistachio at 0.05 ppm; Spanish lime at 0.30 ppm; Turnip, greens at 60 ppm; Vegetable, leafy, except *Brassica,* group 4, except head lettuce and radicchio at 35 ppm; and Wax jambu at 0.30 ppm. That document referenced a summary of the petition prepared by Nichino America, Inc., the registrant, which is available in the docket, *http://www.regulations.gov.* No comments were received on the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the levels at which some of the tolerances are being established and has corrected some of the commodity definitions to be consistent with Agency nomenclature. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.''

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for buprofezin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with buprofezin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The primary organs of buprofezin toxicity are the liver and the thyroid. In subchronic toxicity studies in rats, increased microscopic lesions in liver and thyroid, increased liver weights, and increased thyroid weight in males were seen. In chronic studies in the rat, an increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid of males were reported. In chronic studies in the dog, increased relative liver weights were reported in females. Effects observed in a 24-day dermal toxicity study in rats included inflammatory infiltrate of the liver and an increase in acanthosis and hyperkeratosis of the skin in females. Following inhalation exposure of rats, the adrenal gland was the target of buprofezin toxicity (*i.e.,* increased weight and microscopic findings of minimal hypertrophy of the cortex).

The developmental toxicity study in the rat showed reduced ossification and reduced pup weight at maternally toxic doses (death, decreased pregnancy rates, increased resorption rates). No developmental toxicity was observed in the rabbit at or below maternally toxic dose levels. The reproductive toxicity study showed decreased pup body weights at dose levels where liver effects (increased relative and/or absolute liver weights) and decreased body weight gains were observed in the parental generations. In contrast, evidence of post-natal offspring sensitivity was observed in the comparative thyroid toxicity assay (CTA) study. Rat pups experienced decreased body weight during early lactation and increased thyroid stimulating hormone (TSH) levels at a dose that did not elicit toxicity in the dams. Higher doses were required to elicit maternal toxicity which included increased serum TSH concentration, decreased serum T4 levels and histopathological findings in the thyroid (increased follicular cell height and follicular cell hypertrophy). Pre-natal sensitivity was not evident in the CTA study as fetal toxicity (increased thyroid weight in males and increased TSH levels in males and females) was observed only at maternally toxic doses.

EPA has classified buprofezin into the category of ''Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential'' based on liver tumors in female mice only. Buprofezin was negative in *in vitro* and *in vivo* genotoxicity assays. The Agency noted findings from the published literature indicate that buprofezin causes cell transformation and induces micronuclei *in vitro,* but determined that, in the absence of a positive response in an *in vivo* micronucleus assay, buprofezin may have aneugenic potential which is not expressed *in vivo.* The Agency has determined that the cRfD is protective for carcinogenic effects.

Aniline is a substance that may be formed in food from buprofezin and its aniline-containing metabolites as a result of cooking but is toxicologically different from buprofezin and its other metabolites. EPA has classified aniline as a B2-probable human carcinogen with an oral cancer slope factor of 5.7×10^{-3} $(mg/kg/day)^{-1}$ which is considered very conservative for cancer assessment of aniline. The Agency did not identify any other oral endpoint.

Specific information on the studies received and the nature of the adverse effects caused by buprofezin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Buprofezin. Human Health Risk Assessment for Proposed New Uses on Figs and Greenhouse-Grown Peppers and the Establishment of Permanent Tolerances in/on Fig and Tolerance Conversions to Leafy Greens, Subgroup 4–16A, Except Head Lettuce and Radicchio; Brassica, Leafy Greens, Subgroup 4–16B; Vegetable, Brassica, Head and Stem, Group 5–16; Leaf Petiole Vegetable Subgroup 22B; Celtuce; Florence Fennel; Kohlrabi; and Tolerance Expansions to All Members of Fruit, Citrus Group 10–10; Fruit, Stone, Group 12–12; Nut, Tree, Group 14–12; Tropical and Subtropical, Small Fruit, Edible Peel, Subgroup 23A; Tropical and Subtropical, Small Fruit, Inedible Peel, Subgroup 24A; Cottonseed Subgroup 20C; and Fruit, Small, Vine Climbing, Except Fuzzy Kiwifruit, Subgroup 13–07F*'' on pages 59–63 in docket ID number EPA–HQ–OPP–2018–0161.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern 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 at which no adverse effects are observed (the NOAEL) and the lowest dose 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 *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for buprofezin and aniline used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BUPROFEZIN AND ANILINE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	An acute RfD for the general population including infants and children was not selected because the effects observed in the animal studies that could be attributed to a single day exposure were not applicable to the general population.		
Acute dietary (Females 13 to 49 years of age).	NOAEL = 200 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 2.0 mg/kg/day. aPAD = 2.0 mg/kg/day	Developmental Toxicity Study—Rat. Developmental LOAEL = 800 mg/kg/day based on reduced ossification & decreased fetal body weight.
Chronic dietary (All populations)	LOAEL = 10 mg/kg/day. UF_A = 3x UF_H = 10x FQPA SF = 10x (UF_L).	Chronic RfD = 0.033 mg/kg/day. cPAD = 0.033 mg/kg/day	Comparative Thyroid Toxicity Analysis (CTA) Study—rats. Offspring LOAEL = 10.0 mg/kg/day based on significantly decreased pup body weight (↓8–13% in males during LD 4–10 and ↓8–9% in females during LD 4–7) compared to controls and increased TSH levels on LD 4 and LD 21 (↑23–34% in males).
Cancer—Buprofezin (Oral, dermal, inhalation).	''Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential''. The cRfD is considered protective of the cancer effects.		
Cancer—Aniline (Oral, dermal, inhalation).	B2—probable human carcinogen with an oral cancer slope factor of 5.7×10^{-3} (mg/kg/day)$^{-1}$		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to buprofezin, EPA considered exposure under the petitioned-for tolerances as well as all existing buprofezin tolerances in 40 CFR 180.511. EPA assessed dietary exposures from buprofezin 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. Such effects were identified for buprofezin.

In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA; 2003–2008). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) for all commodities. Total residues of concern in crop commodities (*i.e.,* buprofezin and the BF4 Conjugate (2-(2-hydroxy-1,1-dimethylethylimino)-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one) which is not detectable by data collection methods but which may be estimated from metabolism data) were based on tolerance level residues of buprofezin and available metabolism/magnitude of the data to estimate other residues of concern. Given the potential for BF9 (3-isopropyl-5-phenyl-1,3,5-thiadiazinan-2,4-dione) and BF12 (1-isopropyl-3-phenylurea) to concentrate to a greater degree than buprofezin in processed commodities, Dietary Exposure Evaluation Model (DEEM) default processing factors were retained for all commodities, except for tomato paste and puree, which were reduced based on empirical data. Based on the submitted lemon metabolism data, which indicated that residues of concern are primarily found in/on the peel, the maximum theoretical concentration factor for peel was used to estimate residues of concern in citrus peel. Total residues of concern in meat (*i.e.,* buprofezin and BF2 (2-tert-butylimino-5-(4-hydroxyphenyl)-3-isopropyl-1,3,5-thiadiazinan-4-one)) and milk (*i.e.,* buprofezin and BF23 (N-(4-hydroxyphenyl) acetamide)) were based on the feeding study data which were used to establish meat and milk tolerances. Based on the submitted data, which indicated a 5x concentration of residues into milk cream and fat and a Log K_{ow} of 4.31, a default 25x concentration factor was applied for milk fat.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WWEIA (2003–2008). A partially refined chronic dietary analysis was conducted using the same residue estimates used for the acute dietary analysis and average PCT estimates when available.

iii. *Cancer. Buprofezin:* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to buprofezin. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure*.

Aniline: EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, Cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that aniline should be classified as ''Probable human carcinogen'' and a linear approach has been used to quantify cancer risk. A refined cancer dietary analysis was conducted for this

assessment using percent crop treated estimates when available along with USDA Pesticide Data Program (PDP) monitoring data for buprofezin. In addition, residues of aniline from the B4 conjugate was estimated using a cooking residue study.

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 PCT for registered uses as follows:

The acute dietary exposure analyses assumed 100 PCT. Average PCT was used for the following crops for refinement of the chronic analyses: Almond 1%, apple 2.5%, apricot 10%, broccoli 5%, Brussels sprout 2.5%, cabbage 5%, cantaloupe 5%, cauliflower 10%, cherry 2.5%, cotton 1%, grapefruit 5%, grape 5%, lemon 2.5%, lettuce 10%, nectarine 5%, olive 2.5%, orange 2.5%, peach 5%, pear 10%, pepper 2.5%, pistachio 10%, plum/prune 5%, pomegranate 15%, pumpkin 1%, spinach 1%, squash 1%, strawberry 15%, tomato 1%, walnut 1%, and watermelon 2.5%. These average PCT data were also used to refine the cancer dietary exposure analysis for buprofezin-derived aniline.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and California Department of Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the chemical/crop combination for the most recent 10 years. EPA uses an average PCT for chronic dietary risk analysis and a maximum PCT for acute dietary risk analysis. The average PCT figures for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding up to the nearest 5%, except for those situations in which the average PCT is less than 1% or less than 2.5%. In those cases, the Agency would use less than 1% or less than 2.5% as the average PCT value, respectively. The maximum PCT figure is the highest observed maximum value reported within the most recent 10 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except where the maximum PCT is less than 2.5%, in which case, the Agency uses less than 2.5% as the maximum PCT.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for buprofezin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of buprofezin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide*.

Based on the Pesticide Root Zone Model version 5 and Variable Volume Water Model (PRZM5/VVWM) and Pesticide Root Zone Model Ground Water (PRZM GW) models, the estimated drinking water concentrations (EDWCs) of buprofezin for acute exposures are estimated to be 78.8 parts per billion (ppb) for surface water and for chronic exposures are estimated to be 19 ppb for surface water. There was no breakthrough of buprofezin into ground water during a 100-year simulation using the PRZM–GW model. Buprofezin, therefore, is not expected to be detected in shallow ground water. For aniline, the Agency has determined that there is no expectation of buprofezin-derived aniline in drinking water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 78.8 ppb was used to assess the contribution to drinking water. For the chronic dietary risk assessment, the water concentration of value 19 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).

Buprofezin is not registered for any specific use patterns that would result in residential exposure.

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.''

In 2016, EPA's Office of Pesticide Programs released a guidance document entitled ''*Pesticide Cumulative Risk Assessment: Framework for Screening Analysis*'' (*https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework*). This document provides guidance on how to screen groups of pesticides for cumulative evaluation using a two-step approach beginning with the evaluation of available toxicological information and if necessary, followed by a risk-based screening approach. This framework supplements the existing guidance documents for establishing common mechanism groups (CMGs) and conducting cumulative risk assessments (CRA). EPA has utilized this framework for buprofezin and determined that the available toxicological data suggests buprofezin does not share a similar toxicological profile, and thus no common mechanism of toxicity, with other pesticides. No further cumulative evaluation is necessary for buprofezin.

D. 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 safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Developmental toxicity studies in rats and rabbits and reproduction studies in rats provided no indication of increased susceptibility of rats or rabbits following *in utero* exposure or of rats following pre/postnatal exposure to buprofezin. However, a comparative thyroid study demonstrated offspring susceptibility, but not fetal susceptibility to buprofezin oral (gavage) administration. Points of departure (PODs) for risk assessment that are derived from this comparative thyroid study are based on the most sensitive endpoint of concern.

3. *Conclusion.* For exposure scenarios using a NOAEL as POD (*i.e.,* acute dietary exposure for females 13 to 49 years of age), EPA has determined that the FQPA SF which was previously retained due to data deficiency may be reduced to 1x. However, for assessments that use the comparative thyroid study to derive a POD (*i.e.,* chronic dietary, incidental oral, short-term and intermediate-term dermal, and cancer), a FQPA SF of 10x is retained to account for the lack of a NOAEL. That decision is based on the following findings:

i. The toxicity database for buprofezin is complete, with the exception of a NOAEL in the comparative thyroid study.

ii. There was no evidence of neurotoxicity in the toxicity database.

iii. There was no evidence in developmental and reproductive toxicity studies of quantitative or qualitative sensitivity in the young; however, the comparative thyroid study demonstrated enhanced sensitivity in pups but not fetuses relative to maternal animals. A NOAEL could not be established for rat pups in the comparative thyroid study and, as a result, the 10x FQPA SF was retained to account for the uncertainty in the offspring sensitivity introduced by the lack of a NOAEL.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessment uses conservative assumptions which result in protective estimates of dietary exposure. The dietary drinking water assessment uses values generated by models and associated modeling parameters which are designed to provide protective, high-end estimates of water concentrations. These assessments will not underestimate the exposure and risks posed by buprofezin.

E. 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 an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to buprofezin will occupy 4.8% of the aPAD at the 95th percentile of exposure for females 13 to 49 years old, the only population group of concern.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to buprofezin from food and water will utilize 51% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short- and intermediate-term adverse effects were identified; however, buprofezin is not registered for any use patterns that would result in either short- or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term residential exposure and 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- or intermediate-term risk), no further assessment of short-or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for buprofezin.

4. *Aggregate cancer risk for U.S. population. Buprofezin:* As explained in Unit III.A., the Agency has determined that the quantification of risk using a non-linear (*i.e.,* RfD) approach will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to buprofezin. Therefore, based on the results of the chronic risk assessment discussed in Unit III.E.2., buprofezin is not expected to pose a cancer risk to humans.

Aniline: A highly refined cancer dietary exposure and risk assessment for buprofezin-derived aniline residues was conducted for cooked foods only using an oral cancer slope factor of 5.7×10^{-3} $(mg/kg/day)^{-1}$ for aniline. Average residues of buprofezin and its aniline-containing metabolites in/on foods prior to cooking were estimated using (1) monitoring data for uncooked raw agricultural commodities (RACs) provided by USDA PDP, where available, (2) an additional factor based on metabolism data (1.8x) to estimate aniline-containing metabolites, where needed, and (3) average buprofezin PCT data where available. A conversion factor of 18.9%, the highest found in the hydrolysis study, was applied to estimate residues of buprofezin-derived aniline which may form in food as a result of cooking. Only cooked food forms were included in the dietary analysis. The highly refined estimated exposure of the highest exposed adult population (adults 20 to 49 years old) to buprofezin-derived aniline is 0.000053 mg/kg/day which results in an upper bound cancer risk estimate of 3×10^{-7} and is below the Agency's level of concern.

5. *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 buprofezin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methods are available in Pesticide Analytical Manual Volume I (PAM I) and PAM II for enforcement of buprofezin tolerances, including gas chromatography (GC) methods with nitrogen phosphorus detection (GC/NPD), and a GC/mass spectrometry (MS) method for confirmation of buprofezin residues in plant commodities. The validated limit of quantitation (LOQ) is 0.05 ppm.

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.

No Codex MRLs have been established for residues of buprofezin in/on fig.

Codex has established several MRLs for residues of buprofezin in/on other raw agricultural commodities (RACs) included in this petition, including cherries, plums, grapes, almonds, and table olives, which are harmonized with the U.S. tolerances being established in this action. Additionally, Codex has an established MRL on dried grapes (including currants, raisins, and sultanas), which is harmonized with the U.S. tolerance being established for grape, raisin. Codex has also established a more restrictive MRL in/on citrus fruits which is too low to harmonize with U.S. tolerances due to significant differences in good agricultural practices (GAP).

C. Revisions to Petitioned-For Tolerances

The tolerances being established by the Agency differ from the requested tolerances as follows:

All trailing zeroes have been removed from petitioned-for tolerances in accordance with Agency policy.

The following requested commodity definitions have been revised to be consistent with Agency nomenclature: Florence fennel is changed to fennel, Florence, fresh leaves and stalk; and vegetable, *brassica,* head and stem, group 5–16 is changed to vegetable, *Brassica,* head and stem, group 5–16.

The petitioned-for tolerance in/on the fruit, stone, group 12–12, except apricot and peach at 2.0 ppm which is based on cherry and plum data has been revised to fruit, stone, group 12–12, except nectarine and peach at 2 ppm. The petitioned-for stone fruit crop group conversion from group 12 to 12–12 has resulted in a change of the representative commodity for apricot from peach to plum; hence, the petitioned-for tolerance was revised to remove the exclusion for apricot and the established tolerance in/on apricot (9.0 ppm) is removed as inappropriate, thus lowering the tolerance level for apricot from 9.0 ppm to the appropriate tolerance level of 2 ppm. Nectarine was added to the tolerance exclusion since the higher established tolerance in/on peach (9.0 ppm) also covers residues in/on nectarine (40 CFR 180.1(g)). This does not represent a tolerance level change for nectarine.

The petitioned-for tolerance in/on the citrus crop group 10–10 has been revised from 2.5 ppm to 4 ppm. The tolerance level has been increased to harmonize with the Canadian MRL for citrus fruit commodities. The Canadian MRL was determined using U.S. orange data and the Organization for Economic Cooperation and Development (OECD) calculation procedures, while the established U.S. tolerance was determined with older tolerance calculation procedures, including the North American Free Trade Agreement (NAFTA) spreadsheet.

The petitioned-for tolerance in/on the fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F has been revised from 2.5 ppm to 1 ppm to harmonize with the currently established Codex and Canada MRLs in/on grapes.

A tolerance of 2 ppm in/on grape, raisin has been be added due to the crop group expansion and lowering of the currently established tolerance in/on grape (2.5 ppm) to the fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F (1 ppm).

The petitioned-for tolerance in/on leafy greens subgroup 4–16A, except head lettuce and radicchio at 35 ppm is changed to leafy greens subgroup 4–16A at 35 ppm. The tolerances in/on head lettuce and radicchio are covered by the crop subgroup 4–16A tolerance and are being increased to 35 ppm to harmonize with the Canadian MRLs for head lettuce and radicchio. Currently established separate tolerances in/on head lettuce and radicchio at 6.0 ppm are being removed as unnecessary.

D. International Trade Considerations

In this final rule, EPA is reducing the existing tolerances for the commodities of apricot from 9 ppm to 2 ppm and of grape from 2.5 ppm to 1 ppm. The Agency is reducing the tolerances since data indicate the higher tolerance is no longer needed to cover residues from approved domestic uses and in order to harmonize the tolerance in/on grapes with Codex and Canadian MRLs.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of this revision in order to satisfy its obligation. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. At this time, EPA is establishing an expiration date for the existing tolerances to allow those tolerances to remain in effect for a period of six months after the effective date of this final rule, in order to address this requirement. After the six-month period expires, residues of buprofezin on apricot and grape cannot exceed the new tolerance levels established in this rulemaking.

This reduction in tolerance levels is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance levels are supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of buprofezin in or on *Brassica,* leafy greens, subgroup 4–16B at 60 ppm; celtuce at 35 ppm; cottonseed subgroup 20C at 0.35 ppm; fennel, Florence, fresh leaves and stalk at 35 ppm; fig at 0.7 ppm; fruit, citrus, group 10–10 at 4 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 1 ppm; fruit, stone, group 12–12, except nectarine and peach at 2 ppm; grape, raisin at 2 ppm; kohlrabi at 12 ppm; leaf petiole vegetable subgroup 22B at 35 ppm; leafy greens subgroup 4–16A at 35 ppm; nut, tree, group 14–12 at 0.05 ppm; tropical and subtropical, small fruit, edible peel, subgroup 23A at 5 ppm; tropical and subtropical, small fruit, inedible peel, subgroup 24A at 0.3 ppm; and vegetable, *Brassica,* head and stem, group 5–16 at 12 ppm.

Additionally, the existing tolerances on the following commodities are removed as unnecessary due to the establishment of the above tolerances: Acerola; *Brassica,* head and stem, subgroup 5A; *Brassica,* leafy greens, subgroup 5B; cotton, undelinted seed; fruit, citrus, group 10; fruit, stone, group 12, except apricot and peach; lettuce, head; longan; lychee; nut, tree group 14; olive; olive, oil; pistachio; radicchio; Spanish lime; turnip, greens; vegetable, leafy, except *Brassica,* group 4, except head lettuce and radicchio; and wax jambu. Finally, expiration dates are added to the existing tolerances for apricot and grape.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 16, 2019.

Daniel Rosenblatt,

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 § 180.511, amend the table in paragraph (a) as follows:
■ a. Remove the entry for ''Acerola'';
■ b. Revise the entry for ''Apricot'';
■ c. Remove the entries for ''Brassica, head and stem, subgroup 5A'' and ''Brassica, leafy greens, subgroup 5B'';
■ d. Add alphabetically the entries for ''*Brassica,* leafy greens, subgroup 4–16B'' and ''Celtuce'';
■ e. Remove the entry for ''Cotton, undelinted seed'';
■ f. Add alphabetically the entries for ''Cottonseed subgroup 20C''; ''Fennel, Florence, fresh leaves and stalk''; ''Fig''; and ''Fruit, citrus, group 10–10'';
■ g. Remove the entry for ''Fruit, citrus, group 10'';
■ h. Add alphabetically the entries for ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F'' and ''Fruit, stone, group 12–12, except nectarine and peach'';
■ i. Remove the entry for ''Fruit, stone, group 12, except apricot and peach'';
■ j. Revise the entry for ''Grape'';
■ k. Add alphabetically the entries for ''Grape, raisin''; ''Kohlrabi''; ''Leaf petiole vegetable subgroup 22B''; and ''Leafy greens subgroup 4–16A'';
■ l. Remove the entries for ''Lettuce, head''; ''Longan''; ''Lychee''; and ''Nut, tree group 14'';
■ m. Add alphabetically the entry for ''Nut, tree, group 14–12'';
■ n. Remove the entries for ''Olive''; ''Olive, oil''; ''Pistachio''; ''Radicchio''; and ''Spanish lime'';
■ o. Add alphabetically the entries for ''Tropical and subtropical, small fruit, edible peel, subgroup 23A'' and ''Tropical and subtropical, small fruit, inedible peel, subgroup 24A'';
■ p. Remove the entry for ''Turnip, greens'';
■ q. Add alphabetically the entry for ''Vegetable, *Brassica,* head and stem, group 5–16'';
■ r. Remove the entries for ''Vegetable, leafy, except Brassica, group 4, except head lettuce and radicchio'' and ''Wax jambu''; and
■ s. Add footnote 3.

The revisions and additions read as follows:

§ 180.511 Buprofezin; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Apricot [3]	9.0
* * * * *	
Brassica, leafy greens, subgroup 4–16B	60
* * * * *	
Celtuce	35
* * * * *	
Cottonseed subgroup 20C	0.35
* * * * *	
Fennel, Florence, fresh leaves and stalk	35
Fig	0.7
Fruit, citrus, group 10–10	4
* * * * *	
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	1
Fruit, stone, group 12–12, except nectarine and peach	2
* * * * *	
Grape [3]	2.5
Grape, raisin	2

Commodity	Parts per million
* * * * *	
Kohlrabi	12
Leaf petiole vegetable subgroup 22B	35
Leafy greens subgroup 4–16A	35
* * * * *	
Nut, tree, group 14–12	0.05
* * * * *	
Tropical and subtropical, small fruit, edible peel, subgroup 23A	5
Tropical and subtropical, small fruit, inedible peel, subgroup 24A	0.3
Vegetable, *Brassica,* head and stem, group 5–16	12
* * * * *	

* * * * *

[3] This tolerance expires on March 2, 2020.

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[FR Doc. 2019–18365 Filed 8–28–19; 8:45 am]

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DEPARTMENT OF LABOR

48 CFR Part 2902

[DOL Docket No. DOL–2019–0003]

RIN 1291–AA42

Revisions to the Acquisition Regulations

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Direct final rule; request for comment.

SUMMARY: In this direct final rule (DFR), the Department of Labor (Department) is amending three definitions in the Department of Labor Acquisition Regulation (DOLAR) in order to provide the Secretary of Labor greater flexibility and a streamlined procedure to delegate procurement authority and appoint procurement officials. Currently, the definitions section of DOLAR delegates the Secretary's procurement authority to certain specified Department officials. The changes would remove some of those specific designations, allowing the Secretary to delegate the Secretary's procurement authority and assign roles and responsibilities related to procurement through internal guidance, without the need to revise the DOLAR.

DATES: This DFR will become effective on October 28, 2019 unless significant adverse comment is submitted (transmitted, postmarked, or delivered) by September 30, 2019. If DOL receives significant adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public that this DFR will not take effect (see Section III, Direct Final Rulemaking,'' for more details on this process). Comments to this DFR and other information must be submitted (transmitted, postmarked, or delivered) by September 30, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1291–AA42, by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the website instructions for submitting comments.

Mail and Hand Delivery/Courier: Written comments, disk, and CD–ROM submissions may be mailed to Herman J. Narcho, U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Office of the Chief Procurement Officer, 200 Constitution Avenue NW, Room N–2445, Washington, DC 20210.

Instructions: Label all submissions with ''RIN 1291–AA42.''

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this DFR on *http://www.regulations.gov* without making any change to the comments or redacting any information. The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on this DFR will be available on the *http://www.regulations.gov* website, and can be found using RIN1291–AA42. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the address below (**FOR FURTHER INFORMATION CONTACT** section). If you need assistance to review the comments, the Department will provide appropriate aids, such as readers or print magnifiers. The Department will make copies of this DFR available, upon request, in large print and via electronic file. To schedule an appointment to review the comments and/or obtain the DFR in an alternative format, contact the Office of the Assistant Secretary for Administration and Management's Office of the Chief Procurement Officer at (202) 693–7171 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Herman J. Narcho, U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Office of the Chief Procurement Officer, 200 Constitution Avenue NW, Room N–2445, Washington, DC 20210; telephone (202) 693–7171 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627.

SUPPLEMENTARY INFORMATION:

I. Background

As noted in the Federal Acquisition Regulation (FAR), ''[t]he Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies.'' 48 CFR 1.101. In addition, the FAR allows executive agencies to publish regulations which supplement the FAR. 48 CFR 1.301. The DOLAR is the Department's supplementary regulation for the FAR.

The DOLAR was published on April 27, 2004, 69 FR 22991. The Department is amending three DOLAR definitions found at 48 CFR 2902.101(b): Head of Agency, Head of Contracting Activity, and Senior Procurement Executive.

Presently, all three definitions delegate the Secretary's procurement authority to specific Department officials for various functions related to their agencies. The intent of this rulemaking is to remove those delegations to allow the Secretary greater flexibility in delegating procurement authority through internal processes and procedures. It is anticipated that the revisions to the three definitions will substantially reduce the time necessary to delegate procurement authority. As this

rulemaking only changes the process for delegating procurement authority, DOL does not believe that this rulemaking will affect the rights or responsibilities of the procurement community.

These revisions are consistent with the Department's overall goal of updating and streamlining its regulations. This rule is consistent with the President's Management Agenda Cross-Agency Priority (CAP) Goal Number 5—Sharing Quality Services. The Department is implementing this CAP, in part, via the Department's Enterprise-Wide Shared Services Initiatives whose primary goals are as follows:

1. Improve human resources efficiency, effectiveness, and accountability;
2. Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation;
3. Maximize DOL's federal buying power through effective procurement management; and
4. Safeguard fiscal integrity, and promote the effective and efficient use of resources.

This rule will assist the Department's implementation of its Enterprise-Wide Shared Services Initiative.

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

II. Consideration of Comments

The Department will consider comment on issues related to this action. If the Department receives no significant adverse comment, the Department will publish a **Federal Register** document confirming the effective date of the DFR and withdrawing this companion Notice of Proposed Rulemaking (NPRM). Such confirmation may include minor stylistic or technical changes to the DFR. For the purpose of judicial review, the Department views the date of confirmation of the effective date of the DFR as the date of promulgation.

III. Direct Final Rulemaking

In direct final rulemaking, an agency publishes a DFR in the **Federal Register**, with a statement that the rule will go into effect unless the agency receives significant adverse comment within a specified period. The agency may publish an identical concurrent NPRM. If the agency receives no significant adverse comment in response to the DFR, the rule goes into effect. The Department plans to confirm the effective date of a DFR through a separate **Federal Register** document. If the agency receives a significant adverse comment, the agency will withdraw the DFR and treats such comment as a response to the NPRM. An agency typically uses direct final rulemaking when an agency anticipates that a rule will not be controversial.

For purposes of this DFR, a significant adverse comment is one that explains why the amendments to the regulatory provisions identified below would be inappropriate. In determining whether a comment necessitates withdrawal of the DFR, the Department will consider whether the comment raises an issue serious enough to warrant a substantive response. The Department will not consider a comment recommending an additional amendment to this regulation to be a significant adverse comment unless the comment states why the DFR would be ineffective without the addition.

In addition to publishing this DFR, the Department is publishing a NPRM in the **Federal Register**. The comment period for the NPRM runs concurrently with that of the DFR. The Department will treat comments received on the companion NPRM as comments also regarding the DFR. Similarly, the Department will consider comments submitted to the DFR as comment to the companion NPRM. Therefore, if the Department receives a significant adverse comment on either the DFR or this NPRM, it will withdraw this DFR and proceed with the companion NPRM. In the event the Department withdraws the DFR because of significant adverse comment, the Department will consider all timely comments received in response to the DFR when it continues with the NPRM. After carefully considering all comments to the DFR and the NPRM, the Department will decide whether to publish a new final rule.

The Department has determined that the subject of this rulemaking is suitable for direct final rulemaking. This amendment is procedural in nature and does not impact the process by which offerors respond to solicitations, the substance of their responses, or the criteria upon which the solicitation will be evaluated. Finally, the revisions do not impose any new costs or burdens. For these reasons, the Department does not anticipate objections from the public to this rulemaking action.

IV. Discussion of Changes

The Department amends three DOLAR definitions found at 48 CFR 2902.101(b): Head of Agency, Head of Contracting Activity, and Senior Procurement Executive. Presently, all three definitions delegate the Secretary's procurement authority to specific Department officials for various functions related to their agencies. Specifically, the Head of Agency is defined as the Assistant Secretary for Administration and Management except the Secretary of Labor is Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; and the Inspector General is Head of Agency in all cases for the Office of the Inspector General. Further, the definition delegates authority to act as the Head of Agency to the Assistant Secretary for Employment and Training and the Assistant Secretary for Mine Safety and Health for their respective agencies. Finally, for purposes of the Economy Act (determinations and interagency agreements under the Federal Acquisition Regulation, 48 CFR Chapter 1 Subpart 17.5—Interagency Acquisitions) only, the Employee Benefits Security Administration, Employment Standards Administration, Women's Bureau, Office of the Solicitor, Bureau of Labor Statistics, Office of Disability Employment Policy, and the Occupational Safety and Health Administration are delegated contracting authority.

For purposes of the FAR and DOLAR, the revision defines the Head of Agency as the Secretary of Labor or his/her designee except that the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor. In addition, in all cases for the Office of the Inspector General, the Inspector General is the Head of Agency.

Head of Contracting Activity (HCA) is currently defined as the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive. The definition identifies the following positions as HCA for their respective organizations: The Director, Administration and Management for the Mine Safety and Health Administration; the Director, Office of Grants and Contract Management for the Employment and Training Administration; the Director of Finance and Administration [since renamed the Director of Procurement and Administrative Services] for the Office of the Inspector General; the Director, Division of Administrative Services for the Bureau of Labor Statistics; and the Director, Business Operations Center for the Office of the Assistant Secretary for Administration and Management and all

other agencies not listed in this definition. The revision removes the identification of these specific offices as HCAs, leaving the definition of HCA as the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive.

Finally, the Senior Procurement Executive is defined as the Deputy Assistant Secretary for Administration and Management as defined at 48 CFR 2.101. The revision defines Senior Procurement Executive as the Deputy Assistant Secretary for Administration and Management or his/her designee.

With the exception of the delegation to the Inspector General to be the Head of Agency for Office of Inspector General procurement matters, the rulemaking removes those delegations to allow the Secretary greater flexibility in delegating procurement authority through internal processes and procedures, which in turn will aid in the implementation of the Department's Enterprise-Wide Shared Services Initiative described above.

V. Rulemaking Analyses and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a ''significant regulatory action'' is one meeting any of a number of specified conditions, including the following: Having an annual effect on the economy of $100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. The Department has determined that this DFR is not a ''significant'' regulatory action and a cost-benefit and economic analysis is not required. This regulatory action merely makes a procedural change to the process for delegating procurement authority. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Executive Order 13563 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

This DFR makes only a procedural change to amend three definitions in the DOLAR in order to provide the Secretary of Labor greater flexibility and a streamlined procedure for the delegation of procurement authority and the appointment of procurement officials; thus this rule is not expected to have any regulatory impacts.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA), at 5 U.S.C. 603(a), requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis, which describes the impact of the proposed Rule on small entities. Section 605 of the RFA allows an agency to certify a Rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This DFR does not affect small entities as defined in the RFA. Therefore, the proposed rule will not have a significant economic impact on a substantial number of these small entities. Therefore, the Department certifies that the proposed rule will not have a significant economic impacts on a substantial number of small entities. Therefore, the Department certifies that the proposed rule will not have a significant economic impacts on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this DFR does not alter any information collection burdens.

Executive Order 13132 (Federalism)

Section 6 of E.O. 13132 requires Federal agencies to consult with State entities when a regulation or policy may have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, within the meaning of the E.O. Section 3(b) of the E.O. further provides that Federal agencies must implement regulations that have a substantial direct effect only if statutory authority permits the regulation and it is of national significance.

This DFR does not have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of Government, within the meaning of the E.O. This DFR merely makes an administrative change for internal Departmental operations.

Unfunded Mandates Reform Act of 1995

This regulatory action has been reviewed in accordance with the Unfunded Mandates Reform Act of 1995 (the Reform Act). Under the Reform Act, a Federal agency must determine whether a regulation proposes a Federal mandate that would result in the increased expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any single year. This regulatory action merely makes a procedural change to the process for delegating procurement authority. The requirements of Title II of the Act, therefore, do not apply, and the Department has not prepared a statement under the Act.

Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed the DFR under the terms of E.O. 13175 and DOL's Tribal Consultation Policy, and have concluded that the changes to regulatory text which are the focus of the DFR would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

List of Subjects in 48 CFR Part 2902

Government procurement

For the reasons stated in the preamble, the Department amends 48 CFR part 2902 as follows:

PART 2902—DEFINITIONS OF WORDS AND TERMS

■ 1. The authority citation for part 2902 continues to read as follows:

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

■ 2. In section 2902.101, amend paragraph (b) by revising the definitions of ''Head of Agency'', ''Head of Contracting Activity'', and ''Senior Procurement Executive'' to read as follows:

2902.101 Definitions.

* * * * *

Head of Agency (also called agency head), for the FAR and DOLAR only, means the Secretary of Labor or his/her designee except that the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; the Inspector General is the Head of Agency in all cases for the Office of the Inspector General.

Head of Contracting Activity (HCA) means the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive or, in the case of the Office of the Inspector General, issued by the Inspector General or his/her designee. Each Head of Agency may designate HCA(s) as appropriate to be responsible for managing contracting activities within his or her respective Agency.

Senior Procurement Executive means the Deputy Assistant Secretary for Administration and Management or his/her designee.

Bryan Slater,

Assistant Secretary for Administration and Management, Labor.

[FR Doc. 2019–18493 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02]

RIN 0648–XS009

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2019 Commercial Accountability Measure and Closure for South Atlantic Red Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for commercial red snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings for red snapper will reach the commercial annual catch limit (ACL) for the 2019 fishing year. Therefore, NMFS is closing the commercial sector for red snapper in the South Atlantic EEZ on August 30, 2019. This closure is necessary to protect the red snapper resource.

DATES: This rule is effective 12:01 a.m., local time, August 30, 2019, through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *frank.helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes red snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg), round weight, as specified in 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL specified is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic red snapper will be reached by August 30, 2019. Accordingly, the commercial sector for South Atlantic red snapper is closed effective 12:01 a.m., local time, August 30, 2019. For the 2020 fishing year, unless otherwise specified, the commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper onboard must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., local time, August 30, 2019. Because the recreational harvest sector closed on July 21, 2019 (84 FR 7827), after the commercial closure on August 30, 2019, all harvest and possession of red snapper in the South Atlantic EEZ is prohibited.

On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale or purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.,* in state or Federal waters (50 CFR 622.193(y)(1) and 622.181(c)(2)).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of red snapper and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(y)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The NOAA Assistant Administrator for Fisheries (AA), finds that the need to immediately implement this action to close the commercial sector for red snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing Amendment 43 to the FMP, which established the commercial season and ACLs for red snapper, and the accountability measures has already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect red snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 26, 2019.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–18703 Filed 8–26–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 168
Thursday, August 29, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 868

[Doc. No. AMS–FGIS–18–0088]

RIN 0581–AD85

Fees for Rice Inspection Services and Removal of Specific Fee References

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) invites comments on a proposal to reduce the fees for the sampling, inspection, weighing, and certification of rice performed under authority of the Agricultural Marketing Act of 1946 (AMA), as amended. Under the proposal, fees would decrease by 20 percent for fiscal year (FY) 2020 and by another 20 percent for FY 2021. The proposed changes are necessary to lower the balance in the program's operating reserve to a level adequate to cover three to six months' expenses. AMS is also proposing to adopt standardized AMS user-fee calculations used in other AMS programs for rice inspection services beginning in FY 2022.

DATES: Comments must be received on or before September 30, 2019.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. All comments must be submitted through the Federal e-rulemaking portal at *http://www.regulations.gov* and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, FGIS Executive Program Analyst, AMS, USDA; Telephone: (816) 659–8406; Email: *Denise.M.Ruggles@usda.gov*.

SUPPLEMENTARY INFORMATION: The AMA (7 U.S.C. 1621–1638) authorizes the Federal Grain Inspection Service (FGIS) to provide official inspection and weighing services—on a user-fee basis—for rice (7 U.S.C. 1622(h)). FGIS, formerly part of the Grain Inspection and Packers and Stockyards Administration (GIPSA), is now part of AMS, due to a recent merger of the two agencies. Section 203(h) of the AMA provides for the assessment and collection of reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. The fees reflect direct and indirect costs of providing services. Direct costs include employee salaries and benefits and certain operating expenses, such as travel. Indirect overhead costs include expenses related to FGIS and AMS activities supporting the services provided to the industry, including administrative and supervisory expenses, rent, communication, utilities, contractual services, supplies, and equipment. The formula used to calculate the fee rates also includes the cost of building and maintaining an operating reserve, as required by AMS. Reserves are held to meet financial obligations in case of program closure or other unexpected events.

The fees for rice inspection services were last revised in 2007 (72 FR 1931). The fee schedule at 7 CFR 868.91 provides for fee increases at set intervals, the most recent taking effect in October 2010 for the 2011 fiscal year and beyond. Although fees have not increased since then, the current fee structure has generated a recurring annual operating surplus for several years, resulting in an estimated reserve balance at the end of FY 2019 that would cover 21 months of rice inspection program expenses, exceeding AMS's target of maintaining funds to cover 3 to 6 months' expenses. Estimated monthly costs to operate the rice inspection program in FY 2019 are $457,000. Thus, AMS would consider an operating reserve of between $1.37 million and $2.74 million (3 and 6 times the monthly operating cost, respectively) at the end of FY 2019 to be appropriate.

Financial data for the rice inspection program for fiscal years 2015 through 2019 is reviewed in Table 1.

TABLE 1— RICE PROGRAM FINANCIAL ANALYSIS

[Millions of dollars]*

	FY 15	FY 16	FY 17	FY 18	FY 19**
Revenue	$6.93	$5.79	$5.84	$5.50	$5.49
Obligations	5.13	5.36	5.44	5.39	5.48
Annual Surplus or (Deficit)	1.80	0.43	0.40	0.11	0.01
Operating Reserve—running balance	8.45	8.88	9.28	9.38	9.39

* Figures may not sum due to rounding and adjustments of prior year obligations.
** FY 2019 values are projections.

As illustrated by Table 1, even though revenues have generally declined due to varying requests for service and increased efficiencies, and obligations have generally increased over the last five years due to inflation and costs of living adjustments, year-after-year surpluses have continued to increase. The result is an operating reserve running balance exceeding the range AMS deems appropriate.

AMS proposes to address the surplus by reducing fees for rice inspection services by 20 percent across the board for FY 2020 and by another 20 percent for FY 2021. AMS expects that reducing fees in the proposed manner would

gradually reduce the balance in the reserve fund while also allowing FGIS to continue making strategic operational expenditures to meet industry expectations and achieve United States Department of Agriculture (USDA) goals.

The rates proposed in this rule are for Federal inspection services only. Third-party inspection service providers establish their rates independently.

Proposed fees for fiscal years 2020 and 2021 are shown in Tables 2 and 3 below:

TABLE 2—HOURLY RATES/UNIT RATE PER CWT

Service [1]	Regular workday (Monday–Saturday)	Nonregular workday (Sunday and holiday)
FY 2020:		
Contract (per hour per Service representative)	$49.40	$68.50
Noncontract (per hour per Service representative)	60.20	82.90
Export Port Services (per hundredweight) [2]	0.059	
FY 2021:		
Contract (per hour per Service representative)	39.50	54.80
Noncontract (per hour per Service representative)	48.20	66.30
Export Port Services (per hundredweight) [2]	0.047	

[1] Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.
[2] Services performed at export port locations on lots at rest.

TABLE 3—UNIT RATES SERVICE [3]

	FY 2020	FY 2021
Inspection for quality (per lot, sublot, or sample inspection):		
(a) Rough rice	$37.80	$30.20
(b) Brown rice for processing	32.50	26.00
(c) Milled rice	23.40	18.70
Factor analysis for any single factor (per factor):		
(a) Milling yield (per sample) (Rough or Brown rice)	29.30	23.40
(b) All other factors (per factor) (all rice)	14.10	11.30
Total free and fatty acid	45.80	36.60
Stowage Examination (service-on-request):		
(a) Ship (per stowage space) (minimum 5 spaces per ship)	40.40	32.30
(b) Subsequent ship examination (same as original) (minimum 3 spaces per ship)	40.40	32.30
(c) Barge (per examination)	32.40	25.90
(d) All other carriers (per examination)	12.40	9.90

[3] Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or in combination at other than the applicant's facility.

For FY 2022 and beyond, AMS proposes to determine rice inspection service fees by adopting the standardized formulas AMS has established for calculating user fees for Cotton, Dairy, Fruits and Vegetables, Meat and Livestock, Poultry, Science and Technology, and Tobacco. Established in 2014 (79 FR 67313), the standardized method enables AMS to use current information about resource needs and projected costs of providing services to update rates for services on an annual basis, thus better avoiding unexpected financial shortfalls or unintended reserve surpluses. AMS announces the fees pertaining to all the AMS inspection-related services for the coming year annually through a notice in the **Federal Register** by the preceding June 1. AMS posts the fees on the Agency's website for customer reference during the year. AMS believes that this proposed action for rice would help FGIS adjust the rice inspection reserve account as necessary and provide its customers with information they need for planning purposes. Once the reserve balance has reached an appropriate level, AMS anticipates that the standardized formula for fee rates will appropriately account for increases in the actual costs of providing inspection services.

Currently, 7 CFR 868.91—Fees for certain Federal rice inspection services—provides the fees for rice inspections. Section 868.91 lists the fees in two tables: Hourly rates or per unit rates per hundredweight for contract and noncontract services, and unit rates for inspecting, analyzing, or providing other related services. The tables give annual rates effective in 2007, 2008, 2009, and 2010. The current rates have not been adjusted since October 1, 2010. AMS proposes to remove the two tables from § 868.91 for FY 2020. AMS proposes to publish instead reduced fees—as described in Tables 2 and Table 3 above—on the AMS website for FY 2020 and FY 2021.

For FY 2022 and beyond, AMS proposes to add a new § 868.91(b) specifying the formulas for calculating rice inspection fees on an annual basis. As with other programs, AMS would perform financial analyses each year to determine whether the current fees are adequate to recover the costs incurred by providing rice inspection services. AMS would use historical or prior year cost and workload data, along with applicable projections to generate estimates of future obligations and revenues. On the bases of these analyses and formulas, AMS would determine the rates necessary to sustain rice inspection program services. Using the formulas to calculate the fees, and reviewing the fees on an annual basis, would more accurately reflect the actual

cost of providing inspection services each year and would provide greater transparency and predictability to the rice industry. AMS would publish the fees for each upcoming fiscal year in the annual AMS user-fee notice in the **Federal Register** by the preceding June 1. The yearly notice would include both the per-hour rates and the per-unit rates. Updated fees schedules would no longer appear in the Code of Federal Regulations but would be available on the AMS website.

Calculations

AMS proposes to base salary, hours, and most factors used in the proposed calculations on the prior year's actual costs, workload data, projection of expenses impacting program costs, cost of living increase, and inflation. AMS would base cost of living increase and inflation factors on the most recent economic data released by the Office of Management and Budget (OMB) for budget development purposes. AMS would round the final rates up to make the amounts divisible by the quarter hour (15 minutes). Under the proposed rate formulas, the minimum charge for services covered by the inspection fee rates would be for 15 minutes. As explained later in this document, the applicant requesting inspection service would be charged travel costs on an actual basis. AMS chose to propose these formulas for rice inspection fees so they would be consistent with the formulas used agency wide in other AMS programs.

Currently, some rice inspection service fees are charged on a per hour basis, and some are charged on a per unit basis. AMS proposes to continue providing costs on both bases to maintain continuity. As well, AMS would provide the specific amounts used to calculate each year's rates upon request.

AMS proposes to add a new § 868.91(b)(1) to include the following formulas for calculating fee rates for FY 2022 and succeeding fiscal years.

- The regular rate is the Service's total grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate.
- The overtime rate is the Service's total grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate.
- The holiday rate is the Service's total grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate.

AMS further proposes to add a new § 868.91(b)(2) to include the following component formulas, which AMS would derive by using the previous year's actual costs/historical costs.

- The benefits rate is the Service's total inspection program direct benefits costs divided by the total hours (regular, overtime, holiday) worked, which is then multiplied by the next year's percentage of cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan (TSP) retirement basic and matching contributions.
- The operating rate is the Service's total inspection program operating costs divided by total hours (regular, overtime, and holiday) worked, which is then multiplied by the percentage of inflation.
- The allowance for bad debt rate is the total allowance for bad debt, divided by total hours (regular, overtime, holiday) worked.

Finally, AMS proposes to add a new § 868.91(b)(3), which would specify that AMS would use the most recently released OMB economic data to generate the cost of living and inflation factors used in the above formulas.

Travel Expense

One factor that may have contributed to the operating reserve buildup over time is the incorporation of an allowance for travel expenses in the current rice inspection fee rates that may not have reflected actual travel costs. AMS proposes to address this by specifying in the fee calculation formulas that travel expenses related to providing inspection services, such as commercial transportation costs, mileage, and per diem, would be based on actual travel costs incurred to perform the service. The fee rate calculations in proposed § 868.91(b) would specify that actual travel expenses for rice inspection services may be added to the cost of providing the service, consistent with current practice under most other AMS programs. This change would be applicable to fee rates beginning in FY 2022.

As a conforming change, AMS proposes to remove the language in § 868.92(a)(2)—Explanation of service fees and additional fees, which makes specific reference to the inclusion of travel expenses in the current rice inspection fee calculations, as that language would be obsolete.

Delegation of Authority

The Secretary of Agriculture delegated to the Under Secretary for Marketing and Regulatory Programs (MRP) authorities ''related to grain inspection, packers and stockyards.'' 7 CFR 2.22(a)(3)(i)–(vi). In 7 CFR 2.81, the Under Secretary for MRP further delegated these authorities to the Administrator of GIPSA. In a November 14, 2017, Secretary's Memorandum, the Secretary directed that the authorities at 7 CFR 2.81 be re-delegated to the Administrator of AMS, and that the delegations to the Administrator of GIPSA be revoked. The delegations to the Under Secretary of MRP related to grain inspection, packers, and stockyards at 7 CFR 2.22(a)(3) remain unchanged.

The AMS Administrator has authority to administer former GIPSA programs but does not currently have authority to revise the Code of Federal Regulations sections that pertain to grain inspections. MRP will address the transfer of such authority in a separate rulemaking. AMS expects to change the meaning of certain terms in § 868.1, such as ''Administrator'' and ''Service,'' to reflect the change in management from GIPSA to AMS at that time.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866—Regulatory Planning and Review, and 13563—Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, harmonizing rules, and promoting flexibility. This proposed rule does not meet the criteria of a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Therefore, OMB has not reviewed this rule under those Orders. Additionally, because this

proposed rule does not meet the definition of a significant regulatory action under Executive Order 12866, it does not trigger the requirements contained in Executive Order 13771. See OMB's memorandum titled ''Interim Guidance Implementing Section 2 of the E.O. of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

AMS considered several alternatives to the changes in this proposed rule, including making larger decreases to the FY 2020 and FY 2021 rates to bring the reserve balance down more quickly or making a larger fee rate decrease for FY 2020 only. Ultimately, AMS determined that the proposed approach of making smaller—but still significant—reductions two years in a row before transitioning to the standardized fee calculations would be the alternative least disruptive to the industry while moving toward desirable reserve levels. AMS expects the proposed changes to benefit the rice industry by reducing rates by 20% for each of the next two years and then adjusting rates as needed annually thereafter to reflect actual expenses related to rice inspections. Under the proposed rule, rice inspection service users would likely enjoy further savings since most inspection sites are near FGIS field offices and charges for travel would be based on actual expenses rather than the standard flat amount incorporated into the current fee rates. AMS does not expect the proposed rule to provide any environmental, public health, or safety benefits. AMS has not identified any costs related to this proposed action.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988—Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. No administrative proceedings would be required before parties could file suit in court challenging the provisions of this rule.

Congressional Review Act

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

Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–602), AMS has considered the economic impact of this proposed action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 169 applicants who receive rice inspection services. AMS estimates 42 percent of these users would be considered small businesses based on criteria established by the Small Business Administration (13 CFR 121.201) to differentiate between large and small business entities. SBA uses the North American Industry Classification System (NAICS) to categorize various industry businesses. SBA defines small rice farmers, NAICS code 111160, as those whose annual receipts do not exceed $750,000 and small rice millers, NAICS code 311212, as those with no more than 500 employees.

When the current rice inspection fees were set in 2007, an 18 percent increase was implemented to cover program deficits caused by increases in employee salaries and benefits, the replacement of aging rice inspection equipment, and upgrading the information technology system used to generate certificates. The increase also was intended to create the operating reserve. However, as explained earlier in this document, revenues have continued to exceed expenditures, indicating that an adjustment to the fee schedule is now warranted. In addition, travel expenses were built into the hourly and unit fees currently charged by the program, resulting in higher than necessary revenues to cover the actual service provided.

Proposed changes to the fees would reduce the cost of rice inspections by 20 percent for all services in FY 2020 across the board, regardless of the business entity's size, for a projected savings of approximately $1.17 million to the industry. A further 20 percent reduction as proposed for FY 2021 would net approximately $2.13 million in savings to the industry. All entities using rice inspection services, large and small, would be expected to benefit from reduced expenses for these services. Savings would be proportionate to the number of inspection services an entity requests each year. Proposed adoption of standardized AMS user-fee rate calculations for FY 2022 and beyond would benefit all inspection applicants, regardless of size, as fees would more closely reflect the current cost of inspections, and the fee calculation process would be more transparent. Through its annual review, AMS would be able to monitor the financial status of the rice inspection program to determine whether further adjustments are necessary.

AMS has determined this proposed rule would not have a significant economic impact on a substantial number of entities as defined under the RFA because fewer than half the applicants for rice inspection services meet the definition of small entities. Further, rice inspection and weighing services are provided upon request, and rice industry businesses are under no obligation to use these services.

Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act and E-Government Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and record keeping requirements of the rice inspection program have previously been approved by OMB under control number 0580–0013. No additional reporting, record keeping, or other compliance requirements would be imposed as a result of this proposed rule.

AMS is committed to complying with the E-Government Act (44 U.S.C. 3601, *et seq.*), to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 868

Administrative practice and procedure, Agricultural commodities.

For the reasons set out in the preamble, AMS proposes to amend 7 CFR part 868 as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

■ 1. The authority citation for part 868 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

■ 2. Revise § 868.91 to read as follows:

§ 868.91 Fees for certain Federal rice inspection services.

The fees for services in paragraph (a) of this section apply to Federal inspection services. Starting with fiscal year 2022, calculations provided in paragraph (b) of this section will be used to determine annual fee rates.

(a) Fees for services are published on the Service's website.

(b) For each fiscal year, starting with 2022, the Administrator will calculate the rates for services, issue a public notice, and publish fees on the Service's

website with an effective date of October 1 of each year.

(1) For each year, the Administrator will calculate the rates for services, per hour per inspection program employee using the following formulas:

(i) *Regular rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, actual travel expenses may also be added to the cost of providing the service.

(ii) *Overtime rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, actual travel expenses may also be added to the cost of providing the service.

(iii) *Holiday rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, actual travel expenses may also be added to the cost of providing the service.

(2) For each year, based on previous year/historical actual costs, the Administrator will calculate the benefits, operating, and allowance for bad debt components of the regular, overtime, and holiday rates as follows:

(i) *Benefits rate.* The Service's total inspection program direct benefits costs divided by the total hours (regular, overtime, holiday) worked, which is then multiplied by the next year's percentage of cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan (TSP) retirement basic and matching contributions.

(ii) *Operating rate.* The Service's total inspection program operating costs divided by total hours (regular, overtime, and holiday) worked, which is then multiplied by the percentage of inflation.

(iii) *Allowance for bad debt rate.* Total allowance for bad debt, divided by total hours (regular, overtime, holiday) worked.

(3) The Administrator will use the most recent economic factors released by the Office of Management and Budget for budget development purposes to derive the cost of living expenses and percentage of inflation factors used in the formulas in this section.

§ 868.92 [Amended]

■ 3. Amend § 868.92 by:

■ a. Removing paragraph (a)(2) and redesignating paragraphs (a)(3) through (5) as paragraphs (a)(2) through (4), respectively.

■ b. In newly redesignated paragraph (a)(4), removing ''§ 868.92(c)'' and adding ''paragraph (c) of this section'' in its place.

Dated: August 23, 2019.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2019–18602 Filed 8–28–19; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AF16

Assessments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) invites public comment on a notice of proposed rulemaking that would amend the deposit insurance assessment regulations that govern the use of small bank assessment credits (small bank credits) and one-time assessment credits (OTACs) by certain insured depository institutions (IDIs). Under the proposal, once the FDIC begins to apply small bank credits to quarterly deposit insurance assessments, such credits would continue to be applied as long as the Deposit Insurance Fund (DIF) reserve ratio is at least 1.35 percent (instead of, as currently provided, 1.38 percent). In addition, after small bank credits have been applied for eight quarterly assessment periods, and as long as the reserve ratio is at least 1.35 percent, the FDIC would remit the full nominal value of any remaining small bank credits in lump-sum payments to each IDI holding such credits in the next assessment period in which the reserve ratio is at least 1.35 percent, and would simultaneously remit the full nominal value of any remaining OTACs in lump-sum payments to each IDI holding such credits.

DATES: Comments must be received on or before September 30, 2019.

ADDRESSES: You may submit comments, identified by RIN 3064–AF16, by any of the following methods:

- *Agency website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the Agency website.
- *Email: Comments@FDIC.gov.* Include RIN 3064–AF16 in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EDT).
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Public Inspection:* All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal,* including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, or by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Ashley Mihalik, Chief, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–3793, *amihalik@FDIC.gov;* LaVaughn Henry, Policy Analyst, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–6798, *lahenry@FDIC.gov;* Jithendar Kamuni, Manager, Assessment Operations Section, (703) 562–2568, *jikamuni@FDIC.gov;* Samuel B. Lutz, Counsel, Legal Division, (202) 898–3773, *salutz@FDIC.gov.*

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The FDIC maintains and administers the DIF in order to assure the agency's capacity to meet its obligations as the insurer of deposits and receiver of failed IDIs.[1] The FDIC considers the adequacy of the DIF in terms of the reserve ratio, which is equal to the DIF balance divided by estimated insured deposits. A higher reserve ratio reduces the risk that losses from IDI failures during an economic downturn will exhaust the DIF and also reduces the risk of large, pro-cyclical increases in deposit insurance assessments to maintain a

[1] As used in this Notice of Proposed Rulemaking, the term ''insured depository institution'' has the same meaning as the definition used in Section 3 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1813(c)(2).

positive DIF balance during such a downturn.

The FDIC is proposing to amend its regulations governing the use of small bank credits and OTACs.[2] Currently, after the reserve ratio reaches or exceeds 1.38 percent, and provided that it remains at or above 1.38 percent,[3] the FDIC will automatically apply small bank credits up to the full amount of the IDI's credits or quarterly assessment, whichever is less.[4] Under the proposal, the FDIC would continue to apply small bank credits if the reserve ratio falls below 1.38 percent, as long as it does not fall below the statutory minimum reserve ratio of 1.35 percent. The FDIC proposes to remit the full nominal value of any remaining small bank credits after such credits have been applied for eight quarterly assessment periods. At the same time that any remaining small bank credits are remitted, the FDIC proposes to also remit the full nominal value of any remaining OTACs, issued under section 7(e)(3) of the FDI Act, to IDIs holding such credits.[5]

The primary objective of this proposal is to make the application of small bank credits to IDIs' quarterly assessments more predictable, and to simplify the FDIC's administration of small bank credits, without materially impairing the ability of the FDIC to maintain the required minimum reserve ratio of 1.35 percent. The proposal would affect the timing of when small bank credits would be applied to an IDI's quarterly assessment, but it would not change the aggregate amount of credits that banks have been awarded. Based on Consolidated Reports of Condition and Income and the quarterly Reports of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (together, ''quarterly regulatory reports''), data as of March 31, 2019, the aggregate amount of outstanding small bank credits, $764.4 million, represented less than one basis point of the reserve ratio. For each quarter that credits would be applied, such credits would represent less than one-half of one basis point of the reserve ratio.

In the FDIC's view, the proposed changes would lessen the likelihood that application of small bank credits would be suspended due to small variations in the reserve ratio. In particular, the proposed changes would lessen the likelihood that such credits would be applied in the quarter when the reserve ratio first reaches or exceeds 1.38 percent and then immediately suspended in the next quarter if the reserve ratio falls below 1.38 percent. The proposal is expected to result in more stable and predictable application of credits to quarterly assessments, permitting IDIs to better budget for their assessment cash flow, and could benefit certain IDIs that, under the proposal, might realize the full value of their credits at an earlier date.

Additionally, the proposal would simplify the FDIC's administration of the DIF from an operational perspective. While the proposal could affect the timing of DIF revenues by reducing the period of time during which small bank credits are applied, the long-term adequacy of the DIF would not be impacted because the total amount of credits awarded would not change.

An additional objective of the proposal is to establish a reasonable time period during which small bank credits would be applied and OTACs would continue to be applied to quarterly assessments, at the conclusion of which FDIC would formally conclude both programs. The FDIC proposes to accomplish this by remitting, after eight quarterly assessment periods, any remaining small bank credits and OTACs in lump-sum payments to each IDI holding such credits in the next quarterly assessment period in which the reserve ratio reaches or exceeds 1.35 percent. This proposed change would accelerate the time at which IDIs would receive the benefit of such credits, and would permit more efficient administration of the DIF on a going-forward basis.

II. Background

A. Small Bank Assessment Credits

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), which raised the minimum reserve ratio for the DIF to 1.35 percent (from the former minimum of 1.15 percent), required the FDIC to ''offset the effect of the increase in the minimum reserve ratio on insured depository institutions with total consolidated assets of less than $10 billion'' when setting assessments.[6] To offset the effect of increasing the minimum reserve ratio on IDIs with total consolidated assets of less than $10 billion (small IDIs), on March 25, 2016, the FDIC published a final rule (the 2016 final rule) that, among other things, provided assessment credits to small IDIs for the portion of their regular assessments that contributed to the growth in the reserve ratio between 1.15 percent and 1.35 percent.[7] Pursuant to the rule, upon reaching the statutory minimum reserve ratio of 1.35 percent, small IDIs were awarded small bank credits for the portion of their assessments that contributed to the growth in the reserve ratio from 1.15 percent to 1.35 percent.[8] FDIC regulations provide that these small bank credits will be applied to quarterly deposit insurance assessments when the reserve ratio is at least 1.38 percent.[9]

As of September 30, 2018, the DIF reserve ratio reached 1.36 percent, exceeding the statutorily required minimum reserve ratio of 1.35 percent. All IDIs that were small IDIs, including small IDI affiliates of large IDIs, at any time during the ''credit calculation period'' [10] were awarded a share of credits.[11] The aggregate amount of small bank credits awarded is $764.4 million.[12]

The share of the aggregate small bank credits allocated to each IDI was proportional to its credit base, defined as the average of its regular assessment base during the credit calculation period.[13] [14] IDIs eligible to receive a

[2] *See* 12 CFR 327.11(c) (use of small bank credits) and 12 CFR 327.35 (use of OTACs).

[3] *See* 83 FR 14565 (April 5, 2018) (making technical amendments to FDIC's assessment regulations, including an amendment clarifying that small bank credits will be applied in assessment periods in which the reserve ratio is at least 1.38 percent).

[4] After the initial notice of an IDI's assessment credit balance, and the manner in which the credit was calculated, periodic updated notices will be provided to reflect adjustments that may be made as the result of credit use, request for review of credit amounts, any subsequent merger or consolidation. Under the proposal, such notices would also reflect adjustments that may be made as a result of an IDI's amendment to its quarterly Consolidated Reports of Condition and Income or quarterly Reports of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (as applicable).

[5] *See* 12 U.S.C. 1817(e)(3); *see also* 12 CFR part 327, subpart B.

[6] Public Law 111–203, 334(e), 124 Stat. 1376, 1539 (12 U.S.C. 1817 (note)).

[7] *See* 81 FR 16059 (Mar. 25, 2016).

[8] *See* 81 FR at 16066.

[9] 12 CFR 327.11(c)(11).

[10] The ''credit calculation period'' covers the period beginning July 1, 2016 (the quarter after the reserve ratio first reached or exceeded 1.15 percent) through September 30, 2018 (the quarter in which the reserve ratio first reached or exceeded 1.35 percent). *See* 12 CFR 327.11(c)(2).

[11] If a small IDI acquired another small IDI through merger or consolidation during the credit calculation period, the acquiring small IDI's regular assessment bases for purposes of determining its credit base included the acquired IDI's regular assessment bases for those quarters during the credit calculation period that were before the merger or consolidation.

[12] In January 2019, aggregate credits of $764.7 million were awarded by 5,381 institutions. Since then, due to mergers, IDI failures, and voluntary liquidations, 5,212 remaining institutions have credits and the aggregate amount of outstanding credits is $764.4 million.

[13] Individual shares of credits were adjusted so that the assessment credits awarded to an eligible institution would not exceed the total amount of quarterly deposit insurance assessments paid by the institution during the credit calculation period in which it was a credit accruing institution. The adjusted amount was then reallocated to the other

credit were notified of their individual credit allocation in January 2019 via FDIC*connect.* The FDIC plans to provide IDIs with periodic notices to reflect adjustments that may be made as the result of credit use or acquisition of an IDI with credits through merger or consolidation.[15]

B. One-Time Assessment Credits

The Federal Deposit Insurance Reform Act of 2005 (FDI Reform Act) required the FDIC to provide OTACs to IDIs that existed on December 31, 1996, and paid a deposit insurance assessment prior to that date, or that were successors to such an institution.[16] [17] The purpose of the OTAC, which was described as a ''transitional'' credit when it was enacted, was to recognize the contributions that certain institutions made to capitalize the Bank Insurance Fund and Savings Association Insurance Fund, which had been recently merged into the Deposit Insurance Fund.[18] In October 2006, the FDIC adopted a final rule implementing the OTAC required by the FDI Reform Act. The aggregate amount of the OTAC was estimated to be approximately $4.7 billion.[19] The FDIC began to apply OTACs to offset an IDI's quarterly deposit insurance assessments beginning with the first assessment period of 2007. As of March 31, 2019, only two IDIs have outstanding OTACs totaling approximately $300,000. The assessment bases of these two IDIs have decreased significantly from December 31, 1996, which was the date used to calculate assessment bases when awarding OTACs to each eligible IDI. Based on the assessment bases of the two IDIs reported as of March 31, 2019, the FDIC estimates that application of the OTACs could continue for more than 13 years.

III. Description of the Proposal

A. Application of Small Bank Credits as Long as Reserve Ratio is at or Above 1.35 Percent

This proposal would amend the deposit insurance assessment regulations to suspend the application of small bank credits to an IDI's deposit insurance assessment when the reserve ratio is below 1.35 percent rather than below 1.38 percent. The proposal also would amend the assessment regulations to allow for the recalculation of credits applied each quarter as a result of subsequent amendments to the quarterly regulatory reports.[20] Under current regulations, small bank credits will be applied only in assessment periods in which the DIF reserve ratio is at least 1.38 percent, and the amount of credits that were applied for a prior quarter's assessment will not be recalculated as a result of amendments to that prior quarter's quarterly regulatory report.

In the FDIC's view, the proposal would result in more predictable application of credits to quarterly assessments and would simplify the FDIC's administration of the DIF. Otherwise, a small change in the reserve ratio—caused by, for example, insured deposit growth, changing interest rates, or low losses from bank failures—could cause the reserve ratio to fluctuate one basis point above or below 1.38 percent following the quarters in which the reserve ratio met or exceeded 1.38 percent. This uncertainty would make it difficult for IDIs with small bank credits to predict each quarter whether their deposit insurance assessments would be offset by credits, and would complicate the FDIC's ability to administer the DIF.

The proposed changes would not materially impair the ability of the FDIC to maintain the required minimum reserve ratio of 1.35 percent. In the 2016 final rule, the FDIC noted that ''allowing credit use only when the reserve ratio is at or above 1.38 percent should provide sufficient cushion for the DIF to remain above 1.35 percent in the event of rapid growth in insured deposits and ensure that credit use alone will not result in the reserve ratio falling below 1.35 percent. Allowing credit use before the reserve ratio reaches this level, however, would create a greater risk of the reserve ratio falling below 1.35 percent, triggering the need for a restoration plan.'' [21] However, as described below, the FDIC now projects that the reserve ratio will not decline below 1.35 percent due to credit use alone.

First, based on quarterly regulatory report data as of March 31, 2019, the aggregate amount of outstanding small bank credits, $764.4 million, represented less than one basis point of the reserve ratio. Furthermore, the FDIC expects that approximately 41 percent of all small bank credits would be used in the first quarter that credits are applied and would not be affected by the proposal. Application of small bank credits in future quarters almost certainly would represent a substantially smaller portion of the reserve ratio. The largest expected subsequent quarterly effect would be equal to approximately one-third of a basis point of the reserve ratio. Therefore, the application of small bank credits in any one quarter would not be sufficient on its own to cause the reserve ratio to fall below 1.35 percent in future quarters. Second, recent history suggests a generally positive near-term outlook for the banking sector (implying lower costs to the DIF). For example, since December 2017, only one IDI has failed, with an estimated cost to the DIF of $27 million. As of March 31, 2019, the number of ''problem banks'' was 59, the lowest since the first quarter of 2007.

Lowering the reserve ratio threshold at which the application of small bank credits is suspended would permit the FDIC to balance its goal of adequately maintaining the reserve ratio while increasing the likelihood that the application of small bank credits to quarterly assessments would remain stable and predictable over time. Furthermore, suspending the application of small bank credits when the reserve ratio falls below 1.35 percent is consistent with the statutory requirement that the FDIC adopt a restoration plan under the FDI Act when the reserve ratio falls below that level.[22]

Finally, as mentioned above, under current regulations, the recalculation of the amount of small bank credits applied for a prior quarter's assessment resulting from subsequent amendments to a bank's quarterly regulatory reports is impermissible.[23] The removal of this prohibition will result in a more appropriate assignment of credits to the

credit accruing institutions. *See* 12 CFR 327.11(c)(4)(iii).

[14] *See* 12 CFR 327.11(c)(4).

[15] If any IDI acquires an IDI with credits through merger or consolidation, the acquiring IDI will acquire any remaining small bank credits of the acquired institution. *See* 12 CFR 327.11(c)(9). Other than through merger or consolidation, credits are not transferrable. *See* 12 CFR 327.11(c)(12). Credits held by an IDI that fails or ceases to be an insured depository institution will expire.

[16] The FDI Reform Act was included as Title II, Subtitle B, of the Deficit Reduction Act of 2005, Public Law 109–171, 2107(a), 120 Stat. 18, 1539 (12 U.S.C. 1817(e)(3)).

[17] By statute, the aggregate amount of credits equaled the amount that would have been collected if the FDIC had imposed a 10.5 basis point assessment on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001. Individual shares were required to be based on the ratio of the institution's assessment base on December 31, 1996, to the aggregate assessment base of all eligible IDIs on that date.

[18] *See* H.R. Rep., No. 109–362, at 197 (Conf. Rep.); 71 FR 61374, 61381 (Oct. 18, 2006).

[19] 71 FR 61375; 12 CFR part 327, subpart B (327.30 *et seq.*).

[20] This aspect of the proposal addresses the use of credits once the DIF reserve ratio reaches 1.38 percent and the FDIC begins to apply credits to an institution's regular quarterly deposit insurance assessments. This aspect of the proposal would not affect the aggregate amount of credits that have been awarded to all eligible IDIs, nor would it affect the amount of credits awarded to an individual IDI.

[21] *See* 81 FR 16066.

[22] *See* 12 U.S.C. 1817(b)(3)(E).

[23] *See* 12 CFR 327.11(c)(11)(iii).

assessment period in which the credits originally would have been applied under a correct filing of the quarterly regulatory report. This change to the assessment regulations will not affect the overall amount of credits awarded to any institution nor will it affect the management of the DIF, but will improve its operational efficiency.

B. Remitting Small Bank Credits and One-Time Assessment Credits

The proposal further provides that after small bank credits have been applied for eight quarterly assessment periods, and as long as the reserve ratio is at least 1.35 percent, the FDIC would remit in the next assessment period the full balance of any remaining small bank credits to each IDI holding such credits in lump-sum payments. In addition, at the same time that the FDIC remits payment for any remaining small bank credits, FDIC proposes to remit the full balance of any remaining OTACs to each IDI holding such credits in lump-sum payments.

The FDIC anticipates that after applying small bank credits for eight quarterly assessment periods, nine institutions would hold an estimated $1.75 million in small bank credits. Under the proposal, these nine institutions would receive a payment for the nominal amount of the remaining balance. Similarly, the proposal would permit the FDIC to pay the outstanding balances of remaining OTACS at the same time that the FDIC remits payment for any remaining small bank credits. As of March 31, 2019, two institutions held OTACs of about $300,000. After eight more quarters of applying OTACs, the FDIC estimates that the two IDIs would have approximately $248,000 in remaining OTACs. Therefore, remittance of all remaining small bank credits and OTACs in individual lump-sum payments would affect only a small number of institutions, and the total amount of such payments should not be sufficient on their own to cause the DIF reserve ratio to fall below 1.35 percent.

Moreover, in the FDIC's view, remitting the full balance of remaining small bank credits, as well as OTACs, after eight quarters of applying small bank credits would provide a benefit to an IDI that was awarded small bank credits or OTACs. From an operational perspective, implementation of this aspect of the proposal also would allow FDIC to conclude both the small bank credit and OTAC programs at the same time, thereby simplifying the FDIC's administration of the DIF.

C. Proposed Effective Date and Application Date

The FDIC is proposing that this rule be immediately effective upon publication of the final rule in the **Federal Register**. Under current regulations, in the event that the reserve ratio reaches or exceeds 1.38 percent as of June 30, 2019, FDIC will begin applying small bank credits to invoices for the second quarterly assessment period, which began on April 1, 2019, and for which payment is due on September 30, 2019. However, if the reserve ratio falls below 1.38 percent as of September 30, 2019 (the third quarterly assessment period, which began on July 1, 2019, and for which payment is due on December 30, 2019), the FDIC will suspend application of credits. To address any possibility that the reserve ratio may reach or exceed 1.38 percent as of June 30, 2019 (the second quarterly assessment period), then decrease below 1.38 percent as of September 30, 2019 (the third quarterly assessment period), the FDIC is proposing an immediate effective date for this rule with application of the rule beginning in the third quarterly assessment period of 2019.

The proposed effective date and the proposed application date would provide certainty to IDIs with small bank credits that the proposed rule would apply to the third assessment period of 2019, and that the FDIC could apply small bank credits even if the DIF reserve ratio is less than 1.38 percent (but at least 1.35 percent) for that assessment period. As discussed below in Section VII.A (Administrative Procedure Act), the FDIC finds good cause for an immediate effective date, because IDIs would benefit by having increased stability and predictability in the FDIC's application of small bank credits to quarterly assessments over time.

Question 1: Does the proposal increase the predictability of the application of assessments for IDIs with small bank credits? Should the FDIC consider an alternative reserve ratio at or above 1.35 percent as the threshold for suspending the application of credits?

Question 2: Does the FDIC need to clarify the proposed effective date or the proposed application date of the rule? Do institutions have comments on the proposed effective or application date?

Question 3: What potential costs or benefits, or budgeting or accounting implications, should the FDIC consider regarding the proposal to remit all remaining small bank credits and OTACs in lump-sum payments to IDIs holding such credits after small bank credits have been applied for eight assessment periods? Should the FDIC apply credits for fewer or more assessment periods before remitting payment to IDIs for their remaining credit balances?

Question 4: Should the FDIC remit outstanding OTAC balances at the same time that small bank credits are remitted? What are the potential costs or benefits, including any accounting implications, to remitting outstanding OTACs to IDIs?

IV. Economic Effects

The FDIC believes that the expected economic effects of the proposed rule are likely to be small and positive for affected IDIs. As stated previously, the proposed rule lowers the possibility that the FDIC would begin applying small bank credits in the quarter when the reserve ratio first reaches or exceeds 1.38 percent, but then suspend the application of credits if the reserve ratio falls below 1.38 percent (but remains at or above 1.35 percent). The proposal would affect the timing of when small bank credits would be applied to an IDI's quarterly assessment, but it would not change the aggregate amount of credits that IDIs have been awarded. Therefore, the economic effect of this aspect of the proposed rule is a reduction in any potential future costs associated with a disruption in the application of small bank credits to the assessments of IDIs if the reserve ratio drops below 1.38 percent but remains at or above 1.35 percent. It is difficult to accurately estimate the magnitude of these benefits to IDIs because it depends, among other things, on future economic and financial conditions, the operational and financial management practices at affected IDIs, and future levels of the reserve ratio.

Based on quarterly regulatory report data as of March 31, 2019, 5,212 IDIs have small bank credits totaling $764.4 million. The FDIC expects to apply approximately 41 percent of the aggregate amount of small bank credits in the first quarter that the reserve ratio reaches or exceeds 1.38 percent, leaving IDIs uncertain about when the remaining 59 percent of small bank credits would be applied to their assessments. Using the same data, the FDIC estimates that 5,025 IDIs (or 96.4 percent) would exhaust their individual shares of small bank credits within four assessment periods of application. Of the 187 institutions which have small bank credits that would last more than four quarters, 160 IDIs are expected to exhaust their individual shares after being applied for two additional

assessment periods of application (*i.e.,* after a total of six assessment periods), and 18 IDIs within four additional assessment periods (*i.e.,* after a total of eight assessment periods). After applying small bank credits for eight assessment periods, the FDIC estimates that nine IDIs would hold an aggregate of $1.75 million in credits. Under the proposal, the FDIC would remit the remaining individual small bank credit balances to each of these nine institutions in a lump-sum payment. Therefore, the dollar amount of remaining small bank credits declines substantially after the initial application in the first quarter that the reserve ratio reaches or exceeds 1.38 percent, reducing the effects of credit application being suspended due to a decrease in the reserve ratio. Additionally, as mentioned above, recent history suggests a generally positive near-term outlook for the banking sector (implying lower costs to the DIF), therefore the probability of the suspension of applying small bank credits is low, particularly in the near-term quarters.

The proposal similarly would require the FDIC to remit the outstanding balances of remaining OTACs in a lump-sum payment, at the same time that the outstanding small bank credit balances are remitted. The FDIC believes that this aspect of the proposed rule is likely to provide a small benefit to affected institutions. As of March 31, 2019, two institutions held OTACs of approximately $300,000. After eight more quarters of OTAC use, the two banks would have approximately $248,000 remaining. Under the proposal, the FDIC would remit the remaining individual OTAC balances to each of these two IDIs in a lump-sum payment, in the next assessment period in which the reserve ratio is at least 1.35 percent. The benefit of this aspect of the proposed rule to the IDIs with OTACs is that they would receive and could utilize these funds after eight more quarters of use, rather than the expected program duration of more than 13 years. Since the IDIs holding OTACs are not currently earning any returns on these funds, and assuming the funds are invested for 11 years and earn 0.25 percent real rate of return,[24] this aspect of the proposed rule could provide a benefit of $6,635 to the affected institutions.

The FDIC would remit any remaining balances of small bank credits and OTACs into the deposit accounts designated by the IDIs for deposit insurance assessment payment purposes.

Question 5: The FDIC invites comments on all aspects of the information provided in this Economic Effects section. In particular, would this proposal have any significant effects on institutions that the FDIC has not identified?

V. Alternatives Considered

The FDIC considered several alternatives while developing this proposal. First, the FDIC considered leaving its regulation governing the use of small bank credits and OTACs unchanged. The FDIC rejected this alternative because small variations in the reserve ratio could result in the application of credits in one quarter and suspension of credit application in the next, reducing the stability and predictability of assessment obligations. The proposed change to the threshold for suspending application of small bank credits would benefit institutions receiving credits at no material cost to the DIF, since the aggregate amount of credits would not change under the proposal and the proposal would not materially impair the ability of the FDIC to maintain the required minimum reserve ratio of 1.35 percent. The proposed changes also would allow FDIC to remit any remaining small bank credits and OTACs in a lump-sum payment after eight quarterly assessment periods, in the next assessment period in which the reserve ratio is at least 1.35 percent, which would benefit IDIs that could utilize these funds sooner and would permit the FDIC to administer the DIF more efficiently.

Second, the FDIC also considered decreasing the amount of time during which it would apply small bank credits before remitting any remaining balances of such credits and OTACs to IDIs. For example, the FDIC considered immediately issuing a single lump sum payment in the amount of each IDI's aggregate credit to all eligible IDIs and holders of OTACs after the reserve ratio reached or exceeded 1.38 percent. The FDIC also considered applying credits for four quarterly assessment periods, then remitting the remaining balance of small bank credits and OTACs to IDIs. The FDIC rejected shorter time periods because applying credits over a longer period of time would result in less volatility for the DIF.

The FDIC also considered increasing the amount of time during which it would apply small bank credits before remitting any remaining balances of such credits and OTACs to IDIs. The FDIC rejected a period longer than eight quarters because only nine institutions are anticipated to hold an aggregate of $1.75 million in credits after eight quarters of application. Continued application of small bank credits and OTACs beyond eight quarters would unnecessarily complicate FDIC's administration of the DIF from an operational perspective, without providing a material benefit to the DIF.

Question 6: The FDIC invites comment on all alternatives discussed, including whether the FDIC should adopt an alternative instead of the proposal, and if so, why.

VI. Request for Comment

In addition to its request for comment on specific parts of the proposal, the FDIC seeks comment on all aspects of this proposed rulemaking.

VII. Regulatory Analysis and Procedure

A. Administrative Procedure Act

Under the Administrative Procedure Act, ''[t]he required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule.'' [25] Under the proposal, the amendments to the FDIC's deposit insurance assessment regulations would be effective upon publication of a final rule in the **Federal Register**, and the FDIC finds good cause that the publication of a final rule implementing this proposal can be less than 30 days before its effective date because IDIs would benefit from increased stability and predictability in the application of small bank credits to quarterly assessments before the final rule would otherwise become effective.

As explained above in the **SUPPLEMENTARY INFORMATION** section, because the FDIC invoices for quarterly deposit insurance assessments in arrears, invoices for the third quarterly assessment period of 2019 would be made available to IDIs in December 2019, with a payment date of December 30, 2019. To address any possibility that the reserve ratio may reach or exceed 1.38 percent as of June 30, 2019 (the end of the second quarterly assessment period), then decrease below 1.38 percent as of September 30, 2019 (the end of the third quarterly assessment period), the FDIC is proposing an immediate effective date for this rule with application of the rule beginning in the third quarterly assessment period of 2019. This effective date would provide certainty to IDIs with small bank credits

[24] Board of Governors of the Federal Reserve System, 10-Year Treasury Inflation-Indexed Security, Constant Maturity [DFII10] (July 22, 2019), *https://fred.stlouisfed.org/series/DFII10.*

[25] 5 U.S.C. 553(d).

that the proposed rule would apply to the third quarterly assessment period of 2019, and that the FDIC could apply small bank credits even if the DIF reserve ratio is less than 1.38 percent (but at least 1.35 percent) for that assessment period. Once the FDIC begins to apply small bank credits to each IDI's assessment when the reserve ratio reaches or exceeds 1.38 percent, it will continue to do so until all small bank credits have been applied or remitted, as long as the reserve ratio is at least 1.35 percent.

B. Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed final rules published after January 1, 2000. The FDIC invites comments on how to make this proposal easier to understand. For example:

- Has the FDIC organized the material to suit your needs? If not, how could the material be improved?
- Are the requirements in the proposed regulation clearly stated? If not, how could the regulation be stated more clearly?
- Does the proposed regulation contain language or jargon that is unclear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand?

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of a proposed rule on small entities.[26] However, a regulatory flexibility analysis is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined ''small entities'' to include banking organizations with total assets of less than or equal to $550 million.[27] Generally, the FDIC considers a significant effect to be a quantified effect in excess of 5 percent of total annual salaries and benefits per institution, or 2.5 percent of total non-interest expenses. The FDIC believes that effects in excess of these thresholds typically represent significant effects for FDIC-insured institutions. Certain types of rules, such as rules of particular applicability relating to rates or corporate or financial structures, or practices relating to such rates or structures, are expressly excluded from the definition of ''rule'' for purposes of the RFA.[28] The proposed rule relates directly to the rates imposed on IDIs for deposit insurance and to the deposit insurance assessment system that measures risk and determines each established small bank's assessment rate and is, therefore, not subject to the RFA. Nonetheless, the FDIC is voluntarily presenting information in this RFA section.

Based on quarterly regulatory report data as of March 31, 2019, the FDIC insures 5,371 depository institutions, of which 3,920 are defined as small entities by the terms of the RFA. Further, 3,917 RFA-defined small, FDIC-insured institutions have small bank credits totaling $172.4 million.

As stated previously, the proposed rule eliminates the possibility that affected small, FDIC-insured institutions would begin receiving small bank credits in the quarter when the reserve ratio first reaches or exceeds 1.38 percent but that these credits then would be suspended if the reserve ratio subsequently falls below 1.38 percent (but remains at least 1.35 percent). Therefore, the economic effect of this aspect of the proposed rule is a reduction in the potential future costs associated with a disruption of the type just described in the application of small bank credits by affected small, FDIC-insured institutions. It is difficult to accurately estimate the magnitude of this benefit to affected small, FDIC-insured institutions because it depends, among other things, on future economic and financial conditions, the operational and financial management practices at affected small, FDIC-insured institutions, and the future levels of the reserve ratio. However, the FDIC believes the economic effects of the proposed rule are likely to be small because an estimated 41 percent of the aggregate amount of small bank credits would be applied in the first quarter that the reserve ratio is at least 1.38 percent. Further, the FDIC estimates that 3,768 small, FDIC-insured institutions (or 96.2 percent) would exhaust their individual shares of small bank credits within four assessment periods. Of the 149 small, FDIC-insured institutions that the FDIC estimates would have small bank credits that would last more than four quarters, 138 are expected to exhaust their individual shares after being applied for two additional assessment periods (*i.e.,* after a total of six assessment periods of application), and four within four additional assessment periods of application (*i.e.,* after a total of eight assessment periods), and seven will last more than eight quarters. Therefore, the dollar amount of remaining small bank credits declines substantially after the initial application of credits in the first quarter of use, reducing the effects of credit application being suspended due to a decrease in the reserve ratio. Additionally, recent history suggests a generally positive near-term outlook for the banking sector (implying lower costs to the DIF), therefore the probability of suspension of applying small bank credits is low, particularly in the near-term quarters.

As stated previously, the proposed rule would require the FDIC to remit the outstanding balances of remaining OTACs in a lump-sum payment, in the next assessment period in which the reserve ratio is at least 1.35 percent, at the same time that the outstanding small bank credit balances are remitted. As of March 31, 2019, only two IDIs have outstanding OTACs totaling approximately $300,000. However, both institutions are subsidiaries of large banking organizations and therefore do not qualify as small entities under the RFA. Therefore, this aspect of the proposed rule would not affect any small, FDIC-insured institutions.

Question 7: The FDIC invites comments on all aspects of the supporting information provided in this RFA section. In particular, would this proposed rule have any significant effects on small entities that the FDIC has not identified?

D. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995,[29] the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently-valid Office of Management and Budget (OMB) control number. The FDIC's

[26] 5 U.S.C. 601 *et seq.*

[27] The SBA defines a small banking organization as having $550 million or less in assets, where ''a financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See 13 CFR 121.201 (as amended, effective December 2, 2014). ''SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' See 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is ''small'' for the purposes of RFA.

[28] 5 U.S.C. 601.

[29] 44 U.S.C. 3501 *et seq.*

OMB control numbers for its assessment regulations are 3064–0057, 3064–0151, and 3064–0179. The proposed rule does not revise any of these existing assessment information collections pursuant to the PRA and consequently, no submissions in connection with these OMB control numbers will be made to the OMB for review.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[30] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on IDIs, including small IDIs, and customers of IDIs, as well as the benefits of such regulations. In addition, subject to certain exceptions, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[31]

The proposed rule would not impose additional reporting or disclosure requirements on IDIs, including small IDIs, or on the customers of IDIs. It would provide for: Continued application of small bank credits as long as the reserve ratio is at least 1.35 percent, remittance of any remaining small bank credits in a lump-sum payment after such credits have been applied for eight quarterly assessment periods, in the next assessment period in which the reserve ratio is at least 1.35 percent, and remittance of any remaining OTACs in a lump-sum payment at the same time that any remaining small bank credits are remitted. Accordingly, section 302 of RCDRIA does not apply. Nevertheless, the requirements of RCDRIA will be considered as part of the overall rulemaking process, and the FDIC invites any other comments that further will inform the FDIC's consideration of RCDRIA.

List of Subjects in 12 CFR Part 327

Bank deposit insurance, Banks, banking, Savings Associations.

[30] 12 U.S.C. 4802(a).

[31] 12 U.S.C. 4802(b).

For the reasons set forth above, the FDIC proposes to amend Part 327 of title 12 of the Code of Federal Regulations as follows:

PART 327—ASSESSMENTS

■ 1. The authority for 12 CFR Part 327 continues to read:

Authority: 12 U.S.C. 1441, 1813, 1815, 1817–19, 1821.

■ 2. Amend § 327.11 by:

■ a. Revising paragraph (c)(11)(i);

■ b. Removing paragraph (c)(11)(iii); and

■ c. Adding paragraph (c)(13).

The revision and addition read as follows:

§ 327.11 Surcharges and assessments required to raise the reserve ratio of the DIF to 1.35 percent

* * * * *

(c) * * *

(11) *Use of credits.* (i) Effective as of July 1, 2019, the FDIC will apply assessment credits awarded under this paragraph (c) to an institution's deposit insurance assessments, as calculated under this part 327, beginning in the first assessment period in which the reserve ratio of the DIF is at least 1.38 percent, and in each assessment period thereafter in which the reserve ratio of the DIF is at least 1.35 percent, for no more than seven additional assessment periods.

* * * * *

(13) *Remittance of credits.* After assessment credits awarded under paragraph (c) of this section have been applied for eight assessment periods, the FDIC will remit the full nominal value of an institution's remaining assessment credits in a single lump-sum payment to such institution in the next assessment period in which the reserve ratio is at least 1.35 percent.

* * * * *

■ 3. Amend § 327.35 by adding paragraph (c) to read as follows:

§ 327.35 Application of credits.

* * * * *

(c) *Remittance of credits.* Subject to the limitations in paragraph (b) of this section, in the same assessment period that the FDIC remits the full nominal value of small bank assessment credits pursuant to § 327.11(c)(13), the FDIC shall remit the full nominal value of an institution's remaining one-time assessment credits provided under this subpart B in a single lump-sum payment to such institution.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on August 20, 2019.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2019–18257 Filed 8–28–19; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 686

[DOL Docket No. ETA–2019–0006]

RIN 1205–AB96

Procurement Roles and Responsibilities for Job Corps Contracts

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Labor (Department) proposes two procedural changes to its Workforce Innovation and Opportunity Act (WIOA) Job Corps regulations to enable the Secretary to delegate procurement authority as it relates to the development and issuance of requests for proposals for the operation of Job Corps centers, outreach and admissions, career transitional services, and other operational support services. The Department proposes to take this procedural action to align regulatory provisions with the relevant WIOA statutory language and to provide greater flexibility for internal operations and management of the Job Corps program.

DATES: Comments to this proposal and other information must be submitted (transmitted, postmarked, or delivered) by September 30, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1205–AB96, by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the website instructions for submitting comments.

Mail and Hand Delivery/Courier: Written comments, disk, and CD–ROM submissions may be mailed to Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: Label all submissions with "RIN 1205–AB96."

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this NPRM on *http://www.regulations.gov* without making any change to the comments or redacting any information. The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on this proposed rule will be available on the *http://www.regulations.gov* website, and can be found using RIN 1205–AB96. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids, such as readers or print magnifiers. The Department will make copies of this proposed rule available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of Policy Development and Research at (202) 693–3700 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Heidi Casta, Deputy Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210; telephone (202) 693–3700 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Department is proposing to amend two provisions of 20 CFR part 686, which implements subtitle C of title I of WIOA. Through these amendments, the Department proposes to align these regulatory provisions with the language in WIOA by broadening the authority to issue contract solicitations from the Employment and Training Administration (ETA) to the Secretary of Labor. The Department proposes to make this procedural change to the WIOA regulation to provide greater flexibility in the management and operation of the Job Corps program by allowing the Secretary of Labor to designate the component of the Department that is authorized to issue requests for proposals (RFPs) for the operation of Job Corps centers, outreach and admissions, career transitional services, and other operational support services. This change will provide the Department with the flexibility to more efficiently manage the Job Corps procurement process, which will in turn allow greater economies of scale and operational efficiencies. This proposed rule is consistent with the President's Management Agenda with respect to Cross-Agency Priority (CAP) Goal Number 5—Sharing Quality Services. The Department is implementing this CAP goal in part, via the Department's Enterprise-Wide Shared Services Initiatives whose primary goals are as follows:

1. Improve human resources efficiency, effectiveness, and accountability;
2. Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation;
3. Maximize DOL's federal buying power through effective procurement management; and
4. Safeguard fiscal integrity, and promote the effective and efficient use of resources.

This proposal will assist the Department's implementation of its Enterprise-Wide Shared Services Initiative.

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

II. Consideration of Comments

ETA requests comment on all issues related to this proposed rule. As discussed more fully below, this proposed rule is the companion document to a direct final rule (DFR) published in the ''Rules'' section of this issue of the **Federal Register**. If ETA receives no significant adverse comment on the proposal or DFR, ETA will publish a **Federal Register** document confirming the effective date of the DFR and withdrawing this companion NPRM. Such confirmation may include minor stylistic or technical changes to the DFR. For the purpose of judicial review, ETA views the date of confirmation of the effective date of the DFR as the date of promulgation. If, however, ETA receives a significant adverse comment on the DFR or proposal, the Agency will publish a timely withdrawal of the DFR and proceed with the proposed rule, which addresses the same revisions to procurement authority for the Job Corps program in the development and issuance of requests for proposals for the operation of Job Corps centers, and for outreach and admissions, career transitional services, and other operational support services.

III. Direct Final Rulemaking

As noted above, in addition to publishing this NPRM, ETA is concurrently publishing a companion DFR in the **Federal Register**. In direct final rulemaking, an agency publishes a DFR in the **Federal Register**, with a statement that the rule will go into effect unless the agency receives significant adverse comment within a specified period. The agency may publish an identical concurrent NPRM. If the agency receives no significant adverse comment in response to the DFR, the rule goes into effect. ETA plans to confirm the effective date of a DFR through a separate **Federal Register** document. If the agency receives a significant adverse comment, the agency will withdraw the DFR and treat such comment as a response to the NPRM. An agency typically uses direct final rulemaking when an agency anticipates that a rule will not be controversial.

For purposes of the DFR, a significant adverse comment is one that explains why the amendments to the regulatory provisions identified below would be inappropriate. In determining whether a comment necessitates withdrawal of the DFR, ETA will consider whether the comment raises an issue serious enough to warrant a substantive response. ETA will not consider a comment recommending an additional amendment to this regulation to be a significant adverse comment unless the comment states why the DFR would be ineffective without the addition.

The comment period for this NPRM runs concurrently with that of the DFR. ETA will treat comments received on the NPRM as comments also regarding the companion DFR. Similarly, ETA will consider comments submitted to the companion DFR as comment to the

NPRM. Therefore, if ETA receives a significant adverse comment on either the DFR or this NPRM, it will withdraw the companion DFR and proceed with the NPRM. In the event ETA withdraws the DFR because of significant adverse comment, ETA will consider all timely comments received in response to the DFR when it continues with the NPRM. After carefully considering all comments to the DFR and the NPRM, ETA will decide whether to publish a new final rule.

ETA determined that the subject of this rulemaking is suitable for direct final rulemaking. This proposed amendment is procedural in nature and does not impact the operation of Job Corps centers, the operational support services, or the delivery of career transitional services and other operation, the process by which offerors respond to solicitations, the substance of their responses, or the criteria upon which the solicitation will be evaluated. Finally, the revisions would not impose any new costs or burdens. For these reasons, ETA does not anticipate objections from the public to this rulemaking action.

IV. Discussion of Proposed Changes

Sec. 147(a) of WIOA authorizes the Secretary of Labor to enter into agreements with eligible entities to operate Job Corps centers and to provide activities to a Job Corps center. Two provisions in the regulation implementing subtitle C of Title I of WIOA implement section 147(a). 20 CFR 686.310(a) broadly states that the Secretary selects eligible entities to operate contract centers on a competitive basis in accordance with applicable statutes and regulations and 20 CFR 686.340(a) states that the Secretary selects eligible entities to provide outreach and admission, career transition, and operational support services on a competitive basis in accordance with applicable statutes and regulations. However, both provisions also specifically require ETA to develop and issue RFPs for these Job Corps contracts. These provisions are narrower than section 147(a) and constrain the Department's authority to assign the authority to develop and issue RFPs to whichever component of the agency it determines appropriate.

This proposed rule amends §§ 686.310(a) and 686.340(a) by replacing ''ETA'' with ''the Secretary.'' Through this proposed rule, the Department is aligning the text of sections 686.310(a) and 686.340(a) with the statutory language in section 147(a) of WIOA and eliminating the inconsistency between the regulation and the statute. This change also affords the Department greater flexibility to manage and oversee the Job Corps procurement process in a manner that it determines appropriate, which in turn will aid in the implementation of the Department's Enterprise-Wide Shared Services Initiative described above.

V. Rulemaking Analyses and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a ''significant regulatory action'' is one meeting any of a number of specified conditions, including the following: Having an annual effect on the economy of $100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. The Department has determined that this proposed rulemaking is not a ''significant'' regulatory action and a cost-benefit and economic analysis is not required. This regulation merely makes a procedural change to allow flexibility to manage and oversee the Job Corps procurement process in a manner that the Department determines appropriate. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Executive Order 13563 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

This rule makes only a procedural change to allow flexibility to manage and oversee the Job Corps procurement process in a manner that the Department determines appropriate; thus this rule is not expected to have any regulatory impacts.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA), at 5 U.S.C. 603(a), requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis, which describes the impact of the proposed rule on small entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule does not affect small entities as defined in the RFA. Therefore, the proposed rule will not have a significant economic impact on a substantial number of these small entities. Therefore, the Department certifies that the proposed rule will not have a significant economic impacts on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this rule does not alter any information collection burdens.

Executive Order 13132 (Federalism)

Section 6 of E.O. 13132 requires Federal agencies to consult with State entities when a regulation or policy may have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, within the meaning of the E.O. Section 3(b) of the E.O. further provides that Federal agencies must implement regulations that have a substantial direct effect only if statutory authority permits the regulation and it is of national significance.

This proposed rule does not have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of Government, within the meaning of the E.O. This proposed rule merely makes a procedural change for internal Departmental operations and management for Job Corps procurement.

Unfunded Mandates Reform Act of 1995

This regulatory action has been reviewed in accordance with the Unfunded Mandates Reform Act of 1995 (the Reform Act). Under the Reform Act,

a Federal agency must determine whether a regulation proposes a Federal mandate that would result in the increased expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any single year. This proposed rule merely makes an administrative change to the name of the Departmental entity authorized for Job Corps procurement responsibilities. The requirements of Title II of the Act, therefore, do not apply, and the Department has not prepared a statement under the Act.

Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed the NPRM under the terms of E.O. 13175 and DOL's Tribal Consultation Policy, and have concluded that the changes to regulatory text which are the focus of the NPRM would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

List of Subjects in 20 CFR Part 686

Employment, Grant programs—labor, Job Corps.

For the reasons stated in the preamble, the Department proposes to amend 20 CFR part 686 as follows:

PART 686—THE JOBS CORPS UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

■ 1. The authority citation for part 686 continues to read as follows:

Authority: Secs. 142, 144, 146, 147, 159, 189, 503, Pub. L. 113–128, 128 Stat. 1425 (Jul. 22, 2014).

■ 2. Amend § 686.310 by revising paragraph (a) to read as follows:

§ 686.310 How are entities selected to receive funding to operate centers?

(a) The Secretary selects eligible entities to operate contract centers on a competitive basis in accordance with applicable statutes and regulations. In selecting an entity, the Secretary issues requests for proposals (RFPs) for the operation of all contract centers according to the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Labor Acquisition Regulation (48 CFR chapter 29). The Secretary develops RFPs for center operators in consultation with the Governor, the center workforce council (if established), and the Local WDB for the workforce development area in which the center is located.

* * * * *

■ 3. Amend § 686.340 by revising paragraph (a) to read as follows:

§ 686.340 How are entities selected to receive funding to provide outreach and admission, career transition and other operations support services?

(a) The Secretary selects eligible entities to provide outreach and admission, career transition, and operational services on a competitive basis in accordance with applicable statutes and regulations. In selecting an entity, the Secretary issues requests for proposals (RFP) for operational support services according to the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Labor Acquisition Regulation (48 CFR chapter 29). The Secretary develops RFPs for operational support services in consultation with the Governor, the center workforce council (if established), and the Local WDB for the workforce development area in which the center is located.

* * * * *

John P. Pallasch,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–18496 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, 70, 71, 72, and 90

[Docket No. MSHA–2016–0013]

RIN 1219–AB36

Respirable Silica (Quartz)

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for information.

SUMMARY: Metal and nonmetal (MNM) miners and coal miners exposed to silica (quartz) in respirable dust can develop various forms of pneumoconiosis that are irreversible, life limiting, and may lead to death. MSHA's existing standards limit miners' exposures to quartz in respirable dust. In this Request for Information (RFI), MSHA solicits information and data on feasible, best practices to protect miners' health from exposure to quartz in respirable dust, including an examination of an appropriately reduced permissible exposure limit, potential new or developing protective technologies, and/or technical and educational assistance.

DATES: Comments must be received or postmarked by midnight (12 a.m.) Eastern Daylight Savings Time on October 28, 2019.

ADDRESSES: Submit comments and informational materials, identified by RIN 1219–AB36 or Docket No. MSHA 2016–0013, by one of the following methods:

- *Federal E-Rulemaking Portal: https://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Email: zzMSHA-comments@dol.gov*.
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.
- *Hand Delivery or Courier:* 201 12th Street South, Suite 4E401, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th floor East, Suite 4E401.
- *Fax:* 202–693–9441.

Instructions: All submissions must include RIN 1219–AB36 or Docket No. MSHA 2016–0013. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to *http://www.regulations.gov* and *http://arlweb.msha.gov/currentcomments.asp,* including any personal information provided.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* or *http://arlweb.msha.gov/currentcomments.asp*. To read background documents, go to *http://www.regulations.gov*. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk in Suite 4E401.

Email Notification: To subscribe to receive email notification when MSHA publishes rulemaking documents in the **Federal Register**, go to *https://www.msha.gov/subscriptions*.

FOR FURTHER INFORMATION CONTACT: Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email), 202–693–9440 (voice), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

A. Crystalline Silica Sources, Adverse Health Effects, and Existing Standards in Metal and Nonmetal (MNM) and Coal Mining

Crystalline silica refers to a chemical compound, silicon dioxide (SiO_2), that is most commonly found in nature as quartz but sometimes occurs as cristobalite or, rarely, as tridymite. Quartz accounts for the overwhelming majority of naturally occurring crystalline silica and is present in varying amounts in almost every type of mineral. Quartz is found in rocks such as granite, sandstone, limestone, and shale. Mining, milling, and processing crystalline silica-containing substances can create airborne respirable particles. Some activities generate more respirable dust than others including, but not limited to, cutting, sanding, drilling, crushing, grinding, milling, sawing, scraping, jack hammering, excavating, or disturbing materials that contain quartz.

Mechanized operations can generate large amounts of dust, potentially exposing miners to elevated levels of airborne dust, including quartz.[1] Particles with an aerodynamic diameter smaller than 10 micrometer (μm) are more likely to be respirable, and as particle diameter decreases, the proportion of particles that can reach the lungs' alveolar region increases. Quartz particles that are small enough to reach the alveolar spaces (respirable particles) may be deposited and retained there, leading to disease development. The amount of time for a miner to develop lung disease such as chronic obstructive pulmonary disease (COPD) or various forms of pneumoconiosis such as silicosis, coal workers' pneumoconiosis (CWP), progressive massive fibrosis (PMF), and rapidly progressive pneumoconiosis (RPP) depends on various factors such as cumulative dust exposure and genetic predisposition to lung damage.[2] [3] The MNM mining industry includes many commodities that contain various percentages of quartz. MNM miners' exposure to quartz dust depends, in part, on the type of rock or mineral being mined or processed. Each commodity, however, has common dust sources related to the mining process, which includes drilling, blasting, loading, hauling, and crushing. MSHA regulates MNM miners' exposure to respirable dust containing quartz under 30 CFR 56.5001 for surface mining operations and under 30 CFR 57.5001 for underground mining operations. MSHA's existing standard is based on the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV)® published in 1973 [4] that was incorporated by reference by MSHA's predecessor agency, the Mine Enforcement Safety Administration (MESA) in 1974 [5] and then recodified by MSHA in 1985.[6] MSHA's existing standard for MNM mines is 10 mg/m^3/(percent respirable quartz + 2) expressed as the concentration of respirable dust for a full shift or an 8-hour equivalent time-weighted average (TWA).[7]

Coal miners are exposed to quartz during the extraction and processing of coal. Exposure to quartz during extraction occurs when miners disturb the rock above, below, or within the coal seam. Exposure also occurs in processing plants as the coal is being sized, crushed, dried, and conveyed. MSHA's standards (30 CFR 70.101, 71.101, and 90.101) limit coal miners' exposure to respirable quartz in relation to the respirable dust standard. When respirable dust samples are analyzed for quartz and the concentration of quartz exceeds 0.1 mg/m^3 (100 micrograms per cubic meter of air or μg/m^3) MRE (British Mining Research Establishment) equivalent concentration, MSHA reduces the applicable respirable dust standard for sections of the mine represented by the sample data. MSHA computes the reduced dust standard by dividing 10 by the percent of quartz (10/percent quartz [8]).

Since 1974, the National Institute for Occupational Safety and Health (NIOSH) has recommended an exposure limit for respirable crystalline silica (quartz) of 0.05 mg/m^3 (50 μg/m^3) ISO.[9] In 2000, the ACGIH revised its Threshold Limit Value (TLV®) for respirable crystalline silica (quartz) to 50 μg/m^3 (ISO) and has since further lowered its TLV® to 25 μg/m^3 (ISO).[10] In 2016, the Occupational Safety and Health Administration (OSHA) amended MSHA's existing respirable crystalline silica standards to establish a permissible exposure limit (PEL) of 50 μg/m^3 (ISO).[11]

B. Existing Controls, Including Respiratory Protection

MSHA requires engineering or environmental controls as the primary means of controlling respirable dust. This is consistent with section 202(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), which provides that the use of respirators shall not be substituted for environmental control measures in the active workings. Engineering or environmental controls reduce dust generation by suppressing, diluting, capturing, or diverting the dust being generated by the mining process.

MSHA addressed the use of supplementary means of controlling miners' exposures to respirable dust in previous rulemakings. In the preambles to the 2000 [12] and 2003 [13] proposed rules [14] on Verification of Underground

[1] National Institute for Occupational Safety and Health (NIOSH). 2019. *Dust control handbook for industrial minerals mining and processing.* Second edition. By Cecala AB, O'Brien AD, Schall J, Colinet JF, Franta RJ, Schultz MJ, Haas EJ, Robinson J, Patts J, Holen BM, Stein R, Weber J, Strebel M, Wilson L, and Ellis M. Pittsburgh PA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication No. 2019–124, RI 9701. *https://doi.org/10.26616/NIOSHPUB2019124.*

[2] Blanc P. and A. Seaton. 2016. Editorial Pneumoconiosis Redux—Coal Workers' Pneumoconiosis and Silicosis Are Still a Problem. Am J Respir Crit Care Med. 193(6): 603–604.

[3] Cohen, R. 2015. *Clarifying Distribution, Trends, and Determinants of Adverse Health in United States Miners: Exploration and Integration of Existing Data Systems.* ALPHA Foundation for the Improvement of Mine Safety and Health—Final Technical Report. Grant Number: AFC113–4. University of Illinois at Chicago, School of Public Health.

[4] American Conference of Governmental Industrial Hygienists (ACGIH). 1973. *TLVs Threshold Limit Values for Chemical Substances in Workroom Air* Adopted by ACGIH for 1973. Cincinnati, Ohio.

[5] Mine Enforcement Safety Administration (MESA). 1974. Parts 55/56/57—Health and Safety Standards—Miscellaneous Amendments. 39 FR 24316.

[6] Mine Safety and Health Administration (MSHA). 1985. Recodification of Safety and Health Standards for Metal and Nonmetal Mines—Final Rule. 50 FR 4048.

[7] Example: If the quartz content of the sample is 18.0%, the TLV® for quartz is: 10 mg/m^3/18.0% quartz + 2 = 10 mg/m^3/20.0 = 0.50 mg/m^3.

[8] Example: A valid representative dust sample with an equivalent concentration of 1.12 mg/m^3 contains 12.3% of quartz dust corresponds to a quartz concentration of 138 mg/m^3. The respirable dust standard when quartz is present is maintained on each shift at or below 0.8 mg/m^3 (10/12.3% = 0.8 mg/m^3).

[9] National Institute for Occupational Safety and Health (NIOSH). 1974. *Criteria for a recommended standard . . . Occupational Exposure to Crystalline Silica.* HEW Publication No. (NIOSH) 75–120.

[10] American Conference of Governmental Industrial Hygienists (ACGIH). 2006. *Silica, Crystalline: α-Quartz and cristobalite.* Cincinnati, Ohio.

[11] Occupational Safety and Health Administration (OSHA). 2016. Occupational Exposure to Respirable Crystalline Silica—Final Rule. 81 FR 16286.

[12] Mine Safety and Health Administration (MSHA). 2000. Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust—Proposed rule; notice of hearings. 65 FR 42122.

[13] Mine Safety and Health Administration (MSHA). 2003. Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust—Proposed rule; notice of hearings; close of record. 68 FR 10784.

[14] The 2010 proposed rule (75 FR 64413) combined the following rulemaking actions: (1)

Continued

Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verifications proposed rules), MSHA discussed a petition for rulemaking to allow the use of powered air purifying respirators (PAPRs) as a supplemental means of compliance. In the preamble to the 2000 proposed rule, MSHA proposed to ''permit, under certain circumstances, the limited use of either approved loose-fitting PAPRs or verifiable administrative controls for compliance purposes'' (65 FR 42135). In the preamble to the 2003 proposed rule, MSHA proposed to ''permit the limited use of either approved PAPRs, administrative controls, or a combination of both for compliance purposes in those circumstances where further reduction of dust levels cannot be reasonably achieved using all feasible engineering controls.'' (68 FR 10800).

MSHA explained that there may be only limited situations where exposures could not be consistently controlled by available technologies (65 FR 42134; 68 FR 10798–10799, 10818). MSHA reiterated that engineering or environmental controls are the primary means to control respirable dust in the mine atmosphere, which is consistent with sections 201(b) and 202(h) of the Mine Act. MSHA also noted that the Dust Advisory Committee unanimously recommended that respiratory protection should not replace engineering or environmental controls, but should continue to be provided to miners until controls are implemented that are capable of maintaining respirable dust levels in compliance with the standards.[15] In those limited situations, mine operators are required to provide respiratory protection to miners while they adjust engineering and environmental controls to reduce dust levels to at or below the standard.

In addition, in MSHA's 2014 rulemaking on Lowering Miners' Exposure to Respirable Coal Mine Dust, including Continuous Personal Dust Monitors (Dust Rule),[16] commenters advocated the use of PAPRs, not only as a temporary supplementary control, but also as an engineering control. Other commenters stated that using respirators as a means of complying with the dust standard is contrary to the Mine Act and would provide miners with a false sense of protection. Some commenters cited the difficulty of wearing respirators in hot and sweaty jobs, and in dusty, dirty conditions, including in low coal. While the final rule allows operators to use engineering and administrative controls, the rule did not contain provisions to allow operators to use respirators, including PAPRs, as supplementary controls to achieve compliance with the respirable dust standards. As specified in Sections 201(b) and 202(h) of the Mine Act and since passage of the Federal Coal Mine Health and Safety Act of 1969, MSHA has enforced an environmental standard at coal mines; that is, the concentration of respirable dust in the mine atmosphere is measured rather than the breathing zone of any individual miner.

Engineering controls, also known as environmental controls, are the most protective means of controlling dust generation at the source. MSHA is aware that there may be conditions where existing engineering or environmental controls may not be adequate to continuously protect miners' health in areas where there are high levels of quartz dust.

NIOSH researchers have documented large clusters of coal miners in eastern Kentucky, West Virginia, and southwest Virginia with PMF, the most severe form of black lung disease.[17] [18] NIOSH reported that a high proportion of these cases had r-type opacities, category B and C large opacities, and coal mining tenure of less than 20 years, which are indications of exceptionally severe and rapidly progressive disease. Historically, the typical progression (latency) from a normal chest X-ray to advanced pneumoconiosis in coal miners exposed to coal dust was 15 to 25 years of working tenure.[19] However, as mining has become highly mechanized, some miners may be exposed to higher concentrations of dusts, including quartz.[20] NIOSH defined rapid progression of the disease as an increase of greater than one small ILO (International Labor Organization) category within a period of 5 years, or the development of PMF.[21] [22] [23] Researchers also noted that one potential cause of a rapidly progressive disease is overexposure to respirable quartz.[24] [25] [26]

Recent studies indicate that over-exposure to quartz presents same health risks to MNM miners.[27] [28] [29] [30] Although

''Occupational Exposure to Coal Mine Dust (Lowering Exposure);'' (2) ''Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust'' (Plan Verification) (65 FR 42122, July 7, 2000, and 68 FR 10784, March 6, 2003); (3) ''Determination of Concentration of Respirable Coal Mine Dust'' (Single Sample) (65 FR 42068, July 7, 2000, and 68 FR 10940 March 6, 2003); and (4) ''Respirable Coal Mine Dust: Continuous Personal Dust Monitor (CPDM)'' (74 FR 52708, October 14, 2009). The 2010 proposed rule was finalized on May 1, 2014 (84 FR 24814).

[15] U.S. Department of Labor, Mine Safety and Health Administration. 1996. *Report of the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers.* Washington, DC. October 1996.

[16] Mine Safety and Health Administration (MSHA). 2014. Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors—Final rule. 79 FR 24814.

[17] Blackley, D., C. Halldin, and A. Laney. 2016. Resurgence of Progressive Massive Fibrosis in Coal Miners—Eastern Kentucky, 2016. Morbidity and Mortality Weekly Report, 65 (49):1385–9.

[18] Blackley, D., L. Reynolds, C. Short, et al. 2018b. Research Letter: Progressive Massive Fibrosis in Coal Miners from 3 Clinics in Virginia. JAMA, 319(5):500–1.

[19] Petsonk, E., C. Rose, and R. Cohen. 2013. Coal Mine Dust Lung Disease—New Lessons from an Old Exposure. Am J Respir Crit Care Med., 187(11):1178–1185.

[20] ''Drilling into the typical quartz-containing rock surrounding coal seams (*e.g.,* driving tunnels to the seam and drilling the roof to bolt supports to rock above to prevent collapse) long has been recognized to cause silicosis. In addition, however, extrusions of quartz into coal seams may occur . . . accelerated silicosis may result from exploitation of thin seams using coal cutters that take slices of the roof and floor'' (Blanc and Seaton, 2016, page 604).

[21] Antao, V.C. dos S., E.L. Petsonk, L.Z. Sokolow, et. al. 2005. Rapidly Progressive Coal Workers' Pneumoconiosis in the United States: Geographic Clustering and Other Factors. Occup Environ Med., 62(10):670–674.

[22] Cohen, R.A., A. Patel, and F.H. Green. 2008. Lung Disease Caused By Exposure to Coal Mine and Silica Dust. Seminars in Respiratory and Critical Care Medicine, 29(6):651–661. Epub. Feb 16, 2009.

[23] National Academies of Sciences, Engineering, and Medicine. 2018. *Monitoring and Sampling Approaches to Assess Underground Coal Mine Dust Exposures.* Washington, DC: The National Academies Press. doi: *https://www.nap.edu/catalog/25111/monitoring-and-sampling-approaches-to-assess-underground-coal-mine-dust-exposures.* Page 16.

[24] Halldin, C., A. Wolfe, and A. Laney. 2015(b). Debilitating Lung Disease Among Surface Coal Miners With No Underground Mining Tenure. JOEM, 57():62–67.

[25] Petsonk, E., C. Rose, and R. Cohen. 2013. Coal Mine Dust Lung Disease—New Lessons from an Old Exposure. Am J Respir Crit Care Med., 187(11):1178–1185.

[26] Cohen, RA., E. Petsonk, C. Rose, et al. 2016. Lung Pathology in U.S. Coal Workers with Rapidly Progressive Pneumoconiosis Implicates Silica and Silicates. Am J Respir Crit Care Med Vol 193(6): 673–680.

[27] Institute of Occupational Medicine (IOM 2011). *Health, socio-economic and environmental aspects of possible amendments to the EU Directive on the protection of workers from the risks related to exposure to carcinogens and mutagens at work—Respirable crystalline silica.* IOM Research Project: P937/8. May 2011. Edinburgh, UK.

[28] National Institute for Occupational Safety and Health (NIOSH). 2019. Dust control handbook for industrial minerals mining and processing. Second edition. By Cecala AB, O'Brien AD, Schall J, Colinet JF, Franta RJ, Schultz MJ, Haas EJ, Robinson J, Patts J, Holen BM, Stein R, Weber J, Strebel M, Wilson L, and Ellis M. Pittsburgh PA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication No. 2019–124, RI 9701. *https://doi.org/10.26616/NIOSHPUB2019124.*

[29] Occupational Safety and Health Administration (OSHA). 2016. Occupational Exposure to Respirable Crystalline Silica—Final Rule. 81 FR 16286.

[30] U.S. Department of Labor (USDOL). 2008. A Practical Guide to an Occupational Health Program for Respirable Crystalline Silica. A Joint Project of:

most MNM miners with early-stage silicosis (ILO categories 0/1 or 1/0) typically do not experience respiratory symptoms, the primary risk to the affected miner is progression of disease with progressive decline of lung function. Several studies of MNM miners exposed to respirable crystalline silica (quartz) have shown that, once silicosis is detected by x-ray, a substantial proportion of affected miners can progress beyond ILO category 1 silicosis, even after exposure has ceased.[31 32 33 34]

Respiratory protection may play an important role in reducing miners' exposure to respirable quartz. MSHA's existing coal (30 CFR 72.700, 72.701, and 72.710) and MNM standards (30 CFR 56/57.5005) require respiratory protection to be approved by NIOSH under 42 CFR part 84 (Approval of Respiratory Protective Devices), and incorporate by reference the American National Standards Institute's (ANSI's) ''Practices for Respiratory Protection ANSI Z88.2–1969'' standard.[35] MSHA is aware that in 2015, ANSI updated the Z88.2 standard.[36] A copy of the 2015 ANSI standard is in the docket and MSHA seeks comment on this updated standard.

Under MSHA's MNM standards (30 CFR 56/57.5005), control of miners' exposure to respirable quartz must, where feasible, be achieved by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved, miners may work for reasonable periods of time in a location where concentrations of respirable quartz exceed permissible levels only if they are protected by appropriate respiratory protective equipment.

MSHA's standards for coal dust (30 CFR 70.208, 70.209, 71.206, and 90.207) require that either during operator exposure monitoring when a valid representative sample meets or exceeds the excessive concentration value, or when the mine operator receives a citation for a violation of the applicable standard, the mine operator must take actions to protect miners, including making respiratory protection available while evaluating and implementing dust control measures, as necessary, to reduce miners' exposures to respirable dust. Under MSHA's existing coal standards, however, miners are not compelled to wear respirators and mine operators cannot use respirators as a substitute for engineering or environmental controls. Also MSHA cannot credit mine operators' use of respiratory protection in achieving compliance.

C. Hierarchy of Controls

Controlling exposures to occupational hazards is the primary way to protect workers. Traditionally, mine operators use a hierarchy of controls to determine how to implement feasible and effective control solutions and are considered generally accepted industry hygiene principles. The hierarchy of controls begins with the most effective controls: Elimination and substitution of hazards. Elimination and substitution of hazards, while most effective at reducing risks, are not feasible to reduce exposures to respirable crystalline quartz for MNM or coal mining. The controls that are relevant in mining are: Engineering controls, administrative controls, and personal protective equipment (PPE).

Engineering controls are favored over administrative controls and PPE for controlling miner exposures in the workplace because they are designed to remove the hazard at the source, before miners are exposed. Well-designed, installed, and maintained engineering controls can be highly effective in protecting miners and are typically independent of worker interactions (human factors) to provide a high level of protection.[37]

Administrative controls and PPE are frequently used with existing workplace practices where hazards are not well controlled. These methods for protecting miners have proven to be less effective than engineering controls, requiring significant effort by the mine operator and affected miners.

In mining, engineering or environmental controls include all methods that control the level of respirable dust by reducing dust generation (machine parameters) or by suppressing (water sprays, wetting agents, foams, water infusion, etc.), diluting (ventilation), capturing dust (dust collectors) or diverting dust (shearer clearer, passive barriers, etc.).

Administrative controls refer to work practices that reduce miners' daily exposure to respirable dust hazards by altering the way in which work is performed. Administrative controls consists of such actions as rotation of miners to areas having lower dust concentrations, rescheduling of tasks, and modifying work activities. The effectiveness of administrative controls requires oversight to ensure that miners adhere to the controls, such as restrictions of time in an area or switching duties. Using administrative controls also requires a sufficient number of qualified miners available to perform the specific duties.

A form of PPE, an air purifying respirator is designed to protect miners from the inhalation of hazardous contaminants. Respirators can protect miners by removing contaminants from the air they breathe. Particulate air-purifying respirators remove or filter airborne contaminants from the air before they can be inhaled. Examples of this type of respirator include dust masks (filtering face pieces), half or full-mask (elastomeric) respirators, and PAPRs.

Engineering controls are more effective than respirators in continuously protecting miners from respirable crystalline quartz. Many factors affect the effectiveness of respirators to protect miners. The protection of a respirator is reduced dramatically or voided when the respirator is improperly worn such as with facial hair that interferes with the seal or when the respirator is removed in contaminated atmospheres during periods of exposure, even for short durations. For example, if a miner properly wears a half-mask respirator continually during an 8-hour exposure duration, the protection factor afforded is 10; however, removing the respirator for 24 minutes during the 8-hour exposure duration reduces the protection factor to 6.9. If the miner wears the respirator for only half of the exposure duration, the protection factor is reduced to 1.8 (2015 ANSI Z88.2—Table A.7–1). Many respirators may not be comfortable, and a miner's tolerance to wearing a respirator can decrease

The Industrial Minerals Association—North America and the Mine Safety and Health Administration. Instruction Guide Series IG 103. January 25, 2008.

[31] Hessel, P.A., G.K. Sluis-Cremer, E. Hnizdo; et al. 1988. Progression OF Silicosis in Relation to Silica Dust Exposure. Ann. O. Hyg., 32(Suppl 1):689–696.

[32] Kreiss K. and B. Zhen. 1996. Risk of silicosis in a Colorado mining community. Am J Ind Med., 30(5):529–39.

[33] Ng T.P., S.L. Chan, and K.P. Lam. 1987a. Radiological progression and lung function in silicosis: A ten year follow up study. Br Med J., 295:164–168.

[34] Yang, H., L. Yang, J. Zhang, et al. 2006. Natural Course of Silicosis in Dust-exposed Workers. J. Huazhong University of Science and Technology, [Med Sci]. 26(2):257–260.

[35] American National Standards Institute (ANSI). 1969. *Practices for Respiratory Protection ANSI Z88.2–1969.* New York, New York.

[36] American National Standards Institute (ANSI). *American National Standard—Practices for Respiratory Protection—ANSI/ASSE Z88.2–2015.* American National Standards Institute, Inc. American Society of Safety Engineers, Park Ridge, Illinois. Approved March 4, 2015.

[37] National Institute for Occupational Safety and Health (NIOSH). 2015. Hierarchy of Controls. NIOSH website at: *https://www.cdc.gov/niosh/topics/hierarchy/.* Accessed June 4, 2019, last reviewed January 13, 2015.

over an extended period of time. Miners are also likely to remove respirators when performing arduous tasks, communicating, chewing tobacco, are sick, hot or sweaty, or when the respirator is uncomfortable, thereby subjecting miners to respirable crystalline silica concentrations above the standard.

MSHA addressed the ''hierarchy of controls'' in the 2000 (65 FR 42122) and 2003 (68 FR 10784) Plan Verification proposed rules, and in the 2014 Dust rule (79 FR 24814). Commenters to the Dust rule noted that MSHA permits the use of ''hierarchy of controls'' in MNM mines to control miners' exposure to diesel particulate matter (79 FR 24930). In the Plan Verification proposed rules, and in the Dust rule, MSHA reiterated that engineering or environmental controls are the primary means to control respirable dust in the mine atmosphere, which is consistent with sections 201(b) and 202(h) of Mine Act. However, MSHA also recognizes the importance of controlling miners' exposure to quartz and seeks information and data to determine if existing engineering and environmental controls can continuously protect miners and ensure that they do not suffer material impairment of health or functional capacity over their working lives from working in areas with high levels of quartz.

II. Information Request

MSHA is interested in data and information on economically and technologically feasible best practices to protect coal and MNM miners' health from exposure to quartz, including a reduced standard, new or developing protective technologies, and/or technical and educational assistance.

MSHA specifically requests input from industry, labor, and other interested parties on best practices that will improve health protections for coal and MNM miners from exposure to quartz dust.

1. Please provide any information on new or developing technologies and best practices that can be used to protect miners from exposure to quartz dust.

2. Please provide any information on how engineering controls, administrative controls, and personal protective equipment can be used, either alone or concurrently, to protect miners from exposure to quartz dust.

3. Please provide any information on additional feasible dust-control methods that could be used by mining operations to reduce miners' exposure to respirable quartz during high-silica cutting situations, such as on development sections, shaft and slope work, and cutting overcasts.

4. Please provide any other experience, data, or information that may be useful to MSHA in evaluating miners' exposures to quartz.

Authority: 30 U.S.C. 811, 813(h), 957.

David G. Zatezalo,

Assistant Secretary of Labor for Mine Safety and Health Administration.

[FR Doc. 2019–18478 Filed 8–28–19; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

48 CFR Part 2902

[DOL Docket No. DOL–2019–0002]

RIN 1291–AA42

Revisions to the Acquisition Regulations

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Labor (Department) proposes to amend three definitions in the Department of Labor Acquisition Regulation (DOLAR) in order to provide the Secretary of Labor greater flexibility and a streamlined procedure to delegate procurement authority and appoint procurement officials. Currently, the definitions section of DOLAR delegates the Secretary's procurement authority to certain specified Department officials. The proposed changes would remove some of those specific designations, allowing the Secretary to delegate the Secretary's procurement authority and assign roles and responsibilities related to procurement through internal guidance, without the need to revise the DOLAR.

DATES: Comments to this proposal and other information must be submitted (transmitted, postmarked, or delivered) by September 30, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1291–AA42, by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the website instructions for submitting comments.

Mail and hand delivery/courier: Written comments, disk, and CD–ROM submissions may be mailed to Herman J. Narcho, U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Office of the Chief Procurement Officer, 200 Constitution Avenue NW, Room N–2445, Washington, DC 20210.

Instructions: Label all submissions with ''RIN 1291–AA42.''

Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this NPRM on *http://www.regulations.gov* without making any change to the comments or redacting any information. The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on this proposed rule will be available on the *http://www.regulations.gov* website, and can be found using RIN1291–AA42. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the address below (**FOR FURTHER INFORMATION CONTACT** section). If you need assistance to review the comments, the Department will provide appropriate aids, such as readers or print magnifiers. The Department will make copies of this proposed rule available, upon request, in large print and via electronic file. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of the Assistant Secretary for Administration and Management's Office of the Chief Procurement Officer at (202) 693–7171 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Herman J. Narcho, U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Office of the Chief Procurement Officer, 200 Constitution Avenue NW, Room N–2445, Washington, DC 20210; telephone (202) 693–7171 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627.

SUPPLEMENTARY INFORMATION:

I. Background

As noted in the Federal Acquisition Regulation (FAR), ''[t]he Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies.'' 48 CFR 1.101. In addition, the FAR allows executive agencies to publish regulations which supplement the FAR. 48 CFR 1.301. The DOLAR is the Department's supplementary regulation for the FAR.

The DOLAR was published on April 27, 2004, 69 FR 22991. The Department is now proposing to amend three DOLAR definitions found at 48 CFR 2902.101(b): Head of Agency, Head of Contracting Activity, and Senior Procurement Executive.

Presently, all three definitions delegate the Secretary's procurement authority to specific Department officials for various functions related to their agencies. The intent of this rulemaking is to remove those delegations to allow the Secretary greater flexibility in delegating procurement authority through internal processes and procedures. It is anticipated that the revisions to the three definitions will substantially reduce the time necessary to delegate procurement authority. As this rulemaking only changes the process for delegating procurement authority, DOL does not believe that this rulemaking will affect the rights or responsibilities of the procurement community.

These revisions are consistent with the Department's overall goal of updating and streamlining its regulations. This proposed rule is consistent with the President's Management Agenda Cross-Agency Priority (CAP) Goal Number 5—Sharing Quality Services. The Department is implementing this CAP goal, in part, via the Department's Enterprise-Wide Shared Services Initiatives whose primary goals are as follows:

1. Improve human resources efficiency, effectiveness, and accountability;

2. Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation;

3. Maximize DOL's federal buying power through effective procurement management; and

4. Safeguard fiscal integrity, and promote the effective and efficient use of resources.

This proposal will assist the Department's implementation of its Enterprise-Wide Shared Services Initiative.

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

II. Consideration of Comments

The Department requests comment on all issues related to this proposed rule. As discussed more fully below, this proposed rule is the companion document to a direct final rule (DFR) published in the ''Rules'' section of this issue of the **Federal Register**. If the Department receives no significant adverse comment on the proposal or DFR, the Department will publish a **Federal Register** document confirming the effective date of the DFR and withdrawing this companion NPRM. Such confirmation may include minor stylistic or technical changes to the DFR. For the purpose of judicial review, the Department views the date of confirmation of the effective date of the DFR as the date of promulgation. If, however, the Department receives a significant adverse comment on the DFR or proposal, the Department will publish a timely withdrawal of the DFR and proceed with the proposed rule, which addresses the same revisions to the procedure for delegation of procurement authority and the appointment of procurement officials.

III. Direct Final Rulemaking

As noted above, in addition to publishing this NPRM, the Department is concurrently publishing a companion DFR in the **Federal Register**. In direct final rulemaking, an agency publishes a DFR in the **Federal Register**, with a statement that the rule will go into effect unless the agency receives significant adverse comment within a specified period. The agency may publish an identical concurrent NPRM. If the agency receives no significant adverse comment in response to the DFR, the rule goes into effect. The Department plans to confirm the effective date of a DFR through a separate **Federal Register** document. If the agency receives a significant adverse comment, the agency will withdraw the DFR and treats such comment as a response to the NPRM. An agency typically uses direct final rulemaking when an agency anticipates that a rule will not be controversial.

For purposes of the DFR, a significant adverse comment is one that explains why the amendments to the regulatory provisions identified below would be inappropriate. In determining whether a comment necessitates withdrawal of the DFR, the Department will consider whether the comment raises an issue serious enough to warrant a substantive response. The Department will not consider a comment recommending an additional amendment to this regulation to be a significant adverse comment unless the comment states why the DFR would be ineffective without the addition.

The comment period for this NPRM runs concurrently with that of the DFR. The Department will treat comments received on the NPRM as comments also regarding the companion DFR. Similarly, the Department will consider comments submitted to the companion DFR as comment to the NPRM. Therefore, if the Department receives a significant adverse comment on either the DFR or this NPRM, it will withdraw the companion DFR and proceed with the NPRM. In the event the Department withdraws the DFR because of significant adverse comment, the Department will consider all timely comments received in response to the DFR when it continues with the NPRM. After carefully considering all comments to the DFR and the NPRM, the Department will decide whether to publish a new final rule.

The Department has determined that the subject of this rulemaking is suitable for direct final rulemaking. This proposed amendment is procedural in nature and does not impact the process by which offerors respond to solicitations, the substance of their responses, or the criteria upon which the solicitation will be evaluated. Finally, the revisions do not impose any new costs or burdens. For these reasons, the Department does not anticipate objections from the public to this rulemaking action.

IV. Discussion of Proposed Changes

The Department amends three DOLAR definitions found at 48 CFR 2902.101(b): Head of Agency, Head of Contracting Activity, and Senior Procurement Executive. Presently, all three definitions delegate the Secretary's procurement authority to specific Department officials for various functions related to their agencies. Specifically, the Head of Agency is defined as the Assistant Secretary for Administration and Management except the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; and the Inspector General is Head of Agency in all cases

for the Office of the Inspector General. Further, the definition delegates authority to act as the Head of Agency to the Assistant Secretary for Employment and Training and the Assistant Secretary for Mine Safety and Health for their respective agencies. Finally, for purposes of the Economy Act (determinations and interagency agreements under the Federal Acquisition Regulation, 48 CFR chapter 1 subpart 17.5—Interagency Acquisitions) only, the Employee Benefits Security Administration, Employment Standards Administration, Women's Bureau, Office of the Solicitor, Bureau of Labor Statistics, Office of Disability Employment Policy, and the Occupational Safety and Health Administration are delegated contracting authority.

For purposes of the FAR and DOLAR, the proposed revision would define the Head of Agency as the Secretary of Labor or his/her designee except that the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor. In addition, in all cases for the Office of the Inspector General, the Inspector General would be the Head of Agency.

Head of Contracting Activity (HCA) is currently defined as the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive. The definition identifies the following positions as HCA for their respective organizations: The Director, Administration and Management for the Mine Safety and Health Administration; the Director, Office of Grants and Contract Management for the Employment and Training Administration; the Director, Division of Finance and Administration [since renamed the Director of Procurement and Administrative Services] for the Office of the Inspector General; the Director, Division of Administrative Services for the Bureau of Labor Statistics; and the Director, Business Operations Center for the Office of the Assistant Secretary for Administration and Management and all other agencies not listed in this definition. The proposed revision would remove the identification of these specific offices as HCAs, leaving the definition of HCA as the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive.

Finally, the Senior Procurement Executive is defined as the Deputy Assistant Secretary for Administration and Management as defined at 48 CFR 2.101. The proposed revision would define Senior Procurement Executive as the Deputy Assistant Secretary for Administration and Management or his/her designee.

With the exception of the delegation to the Inspector General to be the Head of Agency for Office of Inspector General procurement matters, the intent of this rulemaking is to remove those delegations to allow the Secretary greater flexibility in delegating procurement authority through internal processes and procedures, which in turn will aid in the implementation of the Department's Enterprise-Wide Shared Services Initiative described above.

V. Rulemaking Analyses and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of significant regulatory actions. Under the Executive Order, a ''significant regulatory action'' is one meeting any of a number of specified conditions, including the following: Having an annual effect on the economy of $100 million or more; creating a serious inconsistency or interfering with an action of another agency; materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. The Department has determined that this proposed rulemaking is not a ''significant'' regulatory action and a cost-benefit and economic analysis is not required. This regulation merely makes an administrative change to the manner in which procurement authority is delegated within the Department. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Executive Order 13563 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility to minimize burden.

This rule makes only a procedural change to amend three definitions in the DOLAR in order to provide the Secretary of Labor greater flexibility and a streamlined procedure for the delegation of procurement authority and the appointment of procurement officials; thus this rule is not expected to have any regulatory impacts.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA), at 5 U.S.C. 603(a), requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis, which describes the impact of the proposed Rule on small entities. Section 605 of the RFA allows an agency to certify a Rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule does not affect small entities as defined in the RFA. Therefore, the proposed rule will not have a significant economic impact on a substantial number of these small entities. Therefore, the Department certifies that the proposed rule will not have a significant economic impacts on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the Department consider the impact of paperwork and other information collection burdens imposed on the public. The Department has determined that this rule does not alter any information collection burdens.

Executive Order 13132 (Federalism)

Section 6 of E.O. 13132 requires Federal agencies to consult with State entities when a regulation or policy may have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, within the meaning of the E.O. Section 3(b) of the E.O. further provides that Federal agencies must implement regulations that have a substantial direct effect only if statutory authority permits the regulation and it is of national significance.

This proposed rule does not have a substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and

responsibilities among the various levels of Government, within the meaning of the E.O. This proposed rule merely makes an administrative change for internal Departmental operations.

Unfunded Mandates Reform Act of 1995

This regulatory action has been reviewed in accordance with the Unfunded Mandates Reform Act of 1995 (the Reform Act). Under the Reform Act, a Federal agency must determine whether a regulation proposes a Federal mandate that would result in the increased expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any single year. This proposed rule merely makes an administrative change to the manner in which procurement authority is delegated within the Department. The requirements of Title II of the Act, therefore, do not apply, and the Department has not prepared a statement under the Act.

Executive Order 13175 (Indian Tribal Governments)

The Department has reviewed the NPRM under the terms of E.O. 13175 and DOL's Tribal Consultation Policy, and have concluded that the changes to regulatory text which are the focus of the NPRM would not have tribal implications, as these changes do not have substantial direct effects on one or more Indian tribes, the relationship between the Federal government and Indian tribes, nor the distribution of power and responsibilities between the Federal government and Indian tribes. Therefore, no consultations with tribal governments, officials, or other tribal institutions were necessary.

List of Subjects in 48 CFR Part 2902

Government procurement.

For the reasons stated in the preamble, the Department proposes to amend 48 CFR part 2902 as follows:

PART 2902—DEFINITIONS OF WORDS AND TERMS

■ 1. The authority citation for part 292 continues to read as follows:

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

■ 2. In section 2902.101, amend paragraph (b) by revising the definitions of ''Head of Agency'', ''Head of Contracting Activity'', and ''Senior Procurement Executive'' to read as follows:

2902.101 Definitions.

* * * * *

(b) * * *

Head of Agency (also called agency head), for the FAR and DOLAR only, means the Secretary of Labor or his/her designee except that the Secretary of Labor is the Head of Agency for acquisition actions, which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; the Inspector General is the Head of Agency in all cases for the Office of the Inspector General.

Head of Contracting Activity (HCA) means the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Senior Procurement Executive or, in the case of the Office of the Inspector General, issued by the Inspector General or his/her designee. Each Head of Agency may designate HCA(s) as appropriate to be responsible for managing contracting activities within his or her respective Agency.

Senior Procurement Executive means the Deputy Assistant Secretary for Administration and Management or his/her designee.

Bryan Slater,

Assistant Secretary for Administration and Management, Labor.

[FR Doc. 2019–18492 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 190823–0017]

RIN 0648–BI96

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 18

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 18 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters (Amendment 18), as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Council). This proposed rule would modify the target reduction goal for juvenile red snapper mortality in the Federal Gulf penaeid shrimp trawl fishery, and would modify the FMP framework procedures. The purposes of Amendment 18 are to promote economic stability, to achieve optimum yield in the Federal Gulf shrimp fishery by reducing effort constraints, and to equitably distribute the benefits from red snapper rebuilding, while continuing to protect, the Gulf red snapper stock.

DATES: Written comments must be received on or before September 30, 2019.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2019–0045,'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0045,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 18, which includes a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-18-modifying-shrimp-effort-threshold.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, telephone: 727–824–5305, or email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The 2005 Southeast Data, Assessment, and Review (SEDAR) 7 stock assessment for Gulf red snapper identified bycatch of red snapper by the Gulf shrimp fishery as a primary factor affecting the recovery of the stock (SEDAR 7 2005). The assessment indicated a need to reduce the red snapper bycatch mortality attributed to shrimp trawls by 74 percent, compared to levels of effort and mortality experienced during the baseline 2001–2003 period.

To end overfishing of red snapper and rebuild the stock by 2032 in compliance with the rebuilding plan, the Council developed Amendment 14 to the FMP to cap shrimp fishing effort in statistical zones 10–21 in 10–30 fathom (18.29 m–54.86 m) depth zone of the western Gulf (*i.e.,* the area monitored for juvenile red snapper bycatch). The reduction goal for juvenile red snapper mortality was linked to a reduction in shrimp fishing effort of 74 percent below fishing effort during the baseline 2001–2003 period. The final rule implementing this reduction published on January 29, 2008 (73 FR 5117). Consistent with Amendment 14, NMFS reduced the threshold level to 67 percent of the baseline in 2011. Amendment 14 also stated that the target reduction goal should decrease to 60 percent (*i.e.,* shrimp effort could increase) by 2032 (the final year of the red snapper rebuilding plan). However, the framework procedure to implement this reduction was never established by the Council.

The Gulf shrimp fishery has not exceeded the allowable threshold effort levels established in Amendment 14. Since the early 2000s, the Gulf shrimp fishery has experienced economic losses, primarily as a result of high fuel costs and reduced sales prices caused by competition with imported shrimp. These economic losses have resulted in the reduction in the number of vessels within the fishery, and consequently, a reduction in commercial effort, when compared to historical levels.

Through Amendment 13 to the FMP, the Council took additional steps in 2006 to cap shrimp fishing effort in response to increased levels of bycatch of species including red snapper through establishment of the Federal commercial Gulf shrimp moratorium permit (71 FR 56039; September 26, 2006). The permit moratorium was later extended until October 26, 2026, by the final rule for Amendment 17A to the FMP (81 FR 47733; July 22, 2016) (50 CFR 622.50(b)).

Gulf red snapper is no longer overfished or undergoing overfishing, and continues to rebuild, consistent with the rebuilding plan (SEDAR 52 2018). Also, as described in Amendment 18, recent research indicates that the effect of the shrimp fishery on red snapper mortality is less than previously determined. In response to a request by the Council, the NMFS Southeast Fisheries Science Center (SEFSC) conducted an analysis to determine if effort in the shrimp fishery could increase without affecting red snapper rebuilding. The SEFSC analyzed how increases in Gulf-wide shrimp effort may affect the red snapper rebuilding plan and catch level projections from the SEDAR 52 stock assessment. This analysis of Gulf-wide effort increases was used as a proxy for changes in effort in the specific area monitored for purposes of the threshold because the results from SEDAR 52 could not be broken out into specific depth areas in particular statistical zones. The analysis indicated that increasing shrimp effort to the level considered in Amendment 14 (60 percent below the baseline years of 2001–2003) is unlikely to affect the rebuilding timeline of red snapper and would have little impact on red snapper annual catch limits.

Management Measures Contained in This Proposed Rule To Implement Amendment 18

This proposed rule would implement measures to modify the target reduction goal for juvenile red snapper mortality in the Federal Gulf shrimp trawl fishery, and would modify the FMP framework procedures.

Target Reduction Goal

Although the Gulf red snapper stock is in a rebuilding plan until 2032, it is no longer overfished or undergoing overfishing (SEDAR 52 2018). While the red snapper stock acceptable biological catch (ABC) has consistently increased under the rebuilding plan, the target reduction goal of shrimp trawl bycatch mortality on red snapper has remained the same since 2011. The higher the target reduction of shrimp trawl bycatch mortality on red snapper, the more likely that the effort threshold would be exceeded, triggering a seasonal closure for the Gulf shrimp fishery. Although a shrimp closure has not been implemented to date as a result of effort reaching the threshold, shrimp effort has come within 2 percent of the 67-percent threshold in 2014, 2016, and 2017, indicating that a future commercial shrimp closure could occur.

This proposed rule would implement a reduction for trawl bycatch mortality on red snapper to 60 percent below the baseline effort of the years 2001–2003. As noted previously, the analysis done by the SEFSC indicates that allowing shrimp effort to increase consistent with the lower threshold would not impact the red snapper rebuilding plan and would have only a small impact on red snapper catch levels. The projected reduction in the red snapper ABC in the short term (over the next 3 years) is no more than 100,000 lb (45,359 kg) per year and, in the long term, no more than 200,000 lb (90,719 kg) per year.

FMP Framework Procedures

Amendment 18 and this proposed rule would revise the FMP framework procedure to allow changes to the target reduction goal for juvenile red snapper mortality through the standard open framework documentation process. Amendment 18 and this proposed rule would also modify the FMP abbreviated documentation process to allow specification of an ABC recommended by the Council's Scientific and Statistical Committee based on results of a new stock assessment and using the Council's ABC control rule. The changes to the framework procedure in Amendment 18 would provide for consistency across all abbreviated framework procedures under the Council's jurisdiction and could facilitate faster management action, if necessary, for the Council by providing a more streamlined approach to modify any future effort reduction goals.

Action in This Proposed Rule Not in Amendment 18

This proposed rule would also replace the term ''Letter of Authorization (LOA)'' with ''Gear Test Authorization (GTA)'' in 50 CFR 622.53, *Bycatch Reduction Device Requirements,* paragraphs (a)(2)(i)(B) and (ii). This change was made in the Bycatch Reduction Device Testing Manual when it was revised in 2016 in order to avoid confusion because the acronym LOA is also used to refer to a Letter of Acknowledgment issued under 50 CFR 600.745(a) (81 FR 95056; December 27, 2016). The GTA is required when a person wants to test a new bycatch reduction device, and this change would make the terminology in the regulations consistent with the terminology in the manual.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 18, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to

further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This rule is expected to be an Executive Order 13771 deregulatory action. The potential cost savings from this rule is estimated to be $3.51 million in 2016 dollars, discounted at 7 percent in perpetuity.

The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting and record-keeping requirements are introduced by this proposed rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule. A description of this proposed rule, why it is being considered, and the purposes of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble. The objectives of this proposed rule are to promote economic stability in the Federal Gulf shrimp fishery by reducing effort constraints and to equitably distribute the benefits from rebuilding, while continuing to protect the Gulf red snapper stock.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows. Estimates in the factual basis are based on 2011–2014 data, which is the best data currently available, and all monetary estimates are in 2017 dollars, consistent with the estimates in Amendment 18.

This proposed rule, if implemented, would reduce the target reduction goal for juvenile red snapper mortality in the Gulf shrimp fishery from 67 percent to 60 percent, which would allow vessels with Gulf shrimp moratorium permits to increase their annual effort (days fished) by a maximum of 5,797 days in the 10–30 fathom (18.29 m—54.86 m) depth zone of statistical areas 10 through 21. This proposed rule would also revise the FMP management measures framework procedure to allow changes to the target reduction goal for juvenile red snapper mortality through the abbreviated framework documentation process.

This proposed rule is expected to directly regulate businesses that possess Federal Gulf shrimp moratorium permits and actively fish in the commercial Gulf shrimp fishing industry. From 2011 through 2014, the average number of vessels with valid Gulf shrimp moratorium permits per year was 1,572, though the number of vessels with permits declined each year during this time. As of February 11, 2019, the number of vessels with a valid or renewable Gulf shrimp moratorium permit was 1,417. From 2011 through 2014, the average number of vessels with valid permits that actively fished (*i.e.,* had landings) in the Gulf shrimp fishery was 1,140.

Because it is not currently feasible to accurately determine affiliations between businesses that possess Gulf shrimp moratorium permits, for purposes of this analysis, it is assumed each of these vessels is independently owned by a single business, which is likely an overestimate of the actual number of businesses directly regulated by this proposed rule. Thus, this proposed rule is estimated to directly regulate 1,140 businesses in the commercial Gulf shrimp fishing industry, or about 80 percent of the vessels currently possessing valid or renewable Gulf shrimp moratorium permits.

For vessels with Gulf shrimp moratorium permits, annual gross revenue was about $396,800 on average from 2011 through 2014, of which approximately $357,000 came from commercial fishing operations. Net revenue for these vessels was about $45,600, while net revenue from commercial fishing operations was approximately $8,600. From 2011 through 2014, the greatest average annual gross revenue earned by a single vessel (business) was approximately $1.93 million.

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts (revenue) for all businesses primarily engaged in the commercial fishing industry (NAICS code 11411) for RFA compliance purposes only (80 FR 81194; December 29, 2015). In addition to this gross revenue standard, a business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, and is not dominant in its field of operations (including its affiliates).

Based on the information above, all businesses directly regulated by this proposed rule are determined to be small businesses for the purpose of this analysis. Therefore, it is determined that this proposed rule will affect a substantial number of small businesses.

Reducing the target reduction goal for juvenile red snapper mortality in the Gulf shrimp fishery from 67 percent to 60 percent would allow vessels with Gulf shrimp moratorium permits to increase their annual effort by, on average, a maximum of about 5.1 days per vessel in the 10–30 fathom (18.29 m–54.86 m) depth zone of statistical areas 10 through 21. Catch per unit of effort (CPUE) is estimated to be approximately 1,150 lb (522 kg) (tails). Thus, each vessel could increase its landings by about 5,840 lb (2,649 kg) per year on average. Average ex-vessel price per pound is estimated to be approximately $4.36. Thus, the maximum increase in average annual gross revenue per vessel would be about $25,470.

Net operating revenue is the best available estimate of economic profit in this industry. Net operating revenue per vessel is estimated to be about $8,600 per year, or approximately 2.4 percent of their gross revenue from commercial fishing operations. Thus, annual net operating revenue per vessel could increase by about $610 on average, which would represent an increase of 7 percent in annual net operating revenue per vessel. Whether vessels actually increase their effort and thus increase landings, gross revenue, and net operating revenue by the maximum allowable amount will depend on future levels of abundance, CPUE, shrimp prices, and fuel prices, which cannot be predicted with a high level of certainty using current data and models.

Modifying the FMP framework procedure to allow changes to the target reduction goal for juvenile red snapper mortality through the standard open framework documentation process and to allow specification of an ABC through the abbreviated process are administrative actions that do not alter any requirements that directly regulate federally permitted vessels in the commercial Gulf shrimp fishing industry. Therefore, this action is not expected to affect the profitability of any businesses that possess these permits.

Based on the information above, a reduction in profits for the affected small entities is not expected as a result of this proposed rule. Thus, because there would not be a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Bycatch, Commercial, Fisheries, Fishing, Gear, Gulf, Red snapper, Shrimp.

Dated: August 23, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.53, revise paragraphs (a)(2)(i)(B) and (a)(2)(ii) to read as follows:

§ 622.53 Bycatch reduction device (BRD) requirements.

(a) * * *

(2) * * *

(i) * * *

(B) After reviewing the application, the RA will determine whether to issue a Gear Test Authorization (GTA) to conduct pre-certification trials upon the vessel specified in the application. If the RA authorizes pre-certification, the RA's GTA must be on board the vessel during any trip involving the BRD testing.

(ii) *Certification.* A person who proposes a BRD for certification for use in the Gulf EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the ''Bycatch Reduction Device Testing Manual.'' The RA will issue a GTA to conduct certification trials upon the vessel specified in the application if the RA finds that: The operation plan submitted with the application meets the requirements of the ''Bycatch Reduction Device Testing Manual''; the observer identified in the application is qualified; and the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If an application for a GTA is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies that resulted in the denial. To be certified for use in the fishery, the BRD candidate must successfully demonstrate a 30-percent reduction in total weight of finfish bycatch. In addition, the BRD candidate must satisfy the following conditions: There is at least a 50-percent probability the true reduction rate of the BRD candidate meets the bycatch reduction criterion and there is no more than a 10-percent probability the true reduction rate of the BRD candidate is more than 5 percentage points less than the bycatch reduction criterion. If a BRD meets both conditions, consistent with the ''Bycatch Reduction Device Testing Manual,'' NMFS, through appropriate rulemaking procedures, will add the BRD to the list of certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

* * * * *

■ 3. In § 622.55, revise paragraph (d)(1) to read as follows:

§ 622.55 Closed areas.

* * * * *

(d) * * *

(1) *Procedure for determining need for and extent of closures.* Each year, in accordance with the applicable framework procedure established by the Gulf Shrimp FMP, the RA will, if necessary, establish a seasonal area closure for the shrimp fishery in all or a portion of the areas of the Gulf EEZ specified in paragraphs (d)(2) through (d)(4) of this section. The RA's determination of the need for such closure and its geographical scope and duration will be based on an annual assessment, by the Southeast Fisheries Science Center, of the shrimp effort and associated shrimp trawl bycatch mortality on red snapper in the 10–30 fathom area of statistical zones 10–21, compared to the 60-percent target reduction of shrimp trawl bycatch mortality on red snapper from the benchmark years of 2001–2003 established in the FMP (which corresponds in terms of annual shrimp effort to 27,328 days fished). The framework procedure provides for adjustment of this target reduction level, consistent with the red snapper stock rebuilding plan and the findings of subsequent stock assessments, via appropriate rulemaking. The assessment will use shrimp effort data for the most recent 12-month period available and will include a recommendation regarding the geographical scope and duration of the closure. The Southeast Fisheries Science Center's assessment will be provided to the RA on or about March 1 of each year. If the RA determines that a closure is necessary, the closure falls within the scope of the potential closures evaluated in the Gulf Shrimp FMP, and good cause exists to waive notice and comment, NMFS will implement the closure by publication of a final rule in the **Federal Register**. If such good cause waiver is not justified, NMFS will implement the closure via appropriate notice and comment rulemaking. NMFS intends that any closure implemented consistent with this paragraph (l) will begin on the same date and time as the Texas closure, as described in paragraph (a) of this section, unless circumstances dictate otherwise.

* * * * *

■ 4. In § 622.60, revise paragraphs (a) and (b) to read as follows:

§ 622.60 Adjustment of management measures.

* * * * *

(a) *Gulf penaeid shrimp.* For a species or species group: Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, quotas (including a quota of zero), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, acceptable biological catch (ABC) and ABC control rules, rebuilding plans, restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait), target effort and fishing mortality reduction levels, bycatch reduction criteria, BRD certification and decertification criteria, BRD testing protocol and certified BRD specifications, and target effort reduction for juvenile red snapper mortality.

(b) *Gulf royal red shrimp.* Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, ABC and ABC control rules, rebuilding plans, and restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait), and target effort reduction for juvenile red snapper mortality.

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Notices

Federal Register

Vol. 84, No. 168

Thursday, August 29, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 26, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by September 30, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Secure Rural Schools Act.

OMB Control Number: 0596–0220.

Summary of Collection: The Secure Rural Schools and Community Self-Determination Act of 2000 (the Act) reauthorized in Public Law 110–343, requires the appropriate official of a county that receives funds under Title III of the Act to submit to the Secretary of Agriculture or the Secretary of the Interior, as appropriate, an annual certification that the funds have been expended for the uses authorized under section 302(a) of the Act. Participating counties will also report amounts not obligated by September 30 of the previous year. The information will be collected annually in the form of conventional correspondence such as a letter and, at the respondent's option, attached tables or similar graphic display. At the respondent's discretion, the information may be submitted by hard copy and/or electronically scanned and included as an attachment to electronic mail.

Need and Use of the Information: The information collected will identify the participating county and the year in which the expenditures were made and will include amounts not obligated by September 30 of the previous year. Information includes the name, title, and signature of the official certifying that the expenditures were for uses authorized under section 302(a) of the Act, and the date of the certification. Information will also be collected including the amount of funds expended in the applicable year and the uses for which the amount were expended referencing the authorized categories; (1) carry out activities under the Firewise Communities program; (2) reimburse the participating county for emergency services performed on Federal land and paid for by the participating county; and (3) to develop community wildfire protection plans in coordination with the appropriate Secretary or designee. The information will be used to verify that participating counties have certified that funds were expended as authorized in the Act.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 360.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 8,640.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–18717 Filed 8–28–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 23, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 30, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information

unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Horse Protection Regulations.

OMB Control Number: 0579–0056.

Summary of Collection: In 1970, Congress passed the Horse Protection Act (HPA, 15 U.S.C. 1821 *et seq.*), which was enacted to prevent showing, exhibiting, selling, or auctioning of ''sore'' horses, and certain transportation of sore horses in connection therewith, at horse shows, horse exhibitions, horse sales, and horse auctions. Soring is a process whereby chemical or mechanical agents, or a combination thereof, are applied to the limbs of a horse in order to exaggerate its gait. A ''sore'' horse is one that has been subjected to prohibited practices and, as a result, suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting or otherwise moving. A horse that is ''sore'' is prohibited from entering or participating in HPA-regulated events because exhibitors, owners, and trainers of such horse may obtain unfair advantage over individuals exhibiting horses that are not ''sore.''

Need and Use of the Information: To carry out the Act, the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) administers and enforces the regulations in 9 CFR part 11. Part 11 delineates the responsibilities of horse industry organizations (HIOs), designated qualified persons (DQPs), management of regulated horse events, and persons who have control over regulated horses.

An HIO wishing to certify a program to license DQPs to inspect horses for compliance under the HPA must satisfy and abide by the requirements of the HPA and regulations. After requesting and receiving USDA certification from APHIS, HIOs must maintain an acceptable DQP program and recordkeeping systems. Managers and operators of HPA-regulated events may appoint and retain the services of DQPs to inspect and detect a horse that is sore or otherwise noncompliant with the HPA, and both managers and DQPs are required to provide and/or maintain certain information. Persons who own, train, show, exhibit, sell, transport, or otherwise have custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, or horse sale or auction must also satisfy and abide by the requirements of the HPA and regulations.

APHIS works with HIOs on an ongoing basis to oversee their performance under the HPA. Throughout the year, APHIS uses training sessions, conference calls, and open letters to HIOs, event managers, exhibitors, owners, trainers, custodians, and farriers involved in HPA-covered activities to provide communication and feedback to address issues and strengthen enforcement under the Act. Data collected throughout the year from within APHIS and from the HIOs and event management provide an account of the HIOs' performance and progress toward eliminating the soring of horses and promoting fair competition. HIOs, through their certified licensing programs for DQPs, provide the primary means of detecting sored horses.

Description of Respondents: Business or other for-profit; Individuals and households.

Number of Respondents: 2,004.

Frequency of Responses: Recordkeeping; Reporting.

Total Burden Hours: 3,374.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–18603 Filed 8–28–19; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New York Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the New York Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on: Friday, September 13, 2019. The purpose of the meeting is to discuss progress on the report regarding Education Funding in New York.

DATES: Friday, September 13, 2019 at 12:00 p.m. EST.

Public Call-In Information: Conference call-in number: 1–206–800–4892 and conference ID# 218166706.

FOR FURTHER INFORMATION CONTACT: David Barreras, at *dbarreras@usccr.gov* or by phone at 312–353–8311.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–206–800–4892 and conference ID# 218166706. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the conference call-in number: 1–206–800–4892 and conference ID# 218166706.

Members of the public are invited to make statements during the open comment period of the meetings or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Midwest Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604, faxed to (312) 353–8324, or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwest Regional Office at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=265;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. 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 Midwest Regional Office at the above phone numbers, email or street address.

Agenda

Friday, September 13, 2019

- Open—Roll Call

- Discussion on the draft of the Education Funding report
- Open Comment
- Next Steps
- Adjourn

Dated: August 23, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–18639 Filed 8–28–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–29–2019]

Foreign-Trade Zone (FTZ) 18—San Jose, California; Authorization of Production Activity; Lam Research Corporation (Wafer Fabrication Equipment, Subassemblies and Related Parts); Fremont, Livermore and Newark, California

On April 25, 2019, Lam Research Corporation submitted a notification of proposed production activity to the FTZ Board for its facilities within FTZ 18, in Fremont, Livermore and Newark, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (84 FR 21323–21325, May 14, 2019). On August 23, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 23, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–18604 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.:190605485–9485–01]

National Cybersecurity Center of Excellence (NCCoE) Securing Telehealth Remote Patient Monitoring Ecosystem

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Securing Telehealth Remote Patient Monitoring Ecosystem for the healthcare sector use case. This notice is the initial step for the NCCoE in collaborating with technology companies to address cybersecurity challenges identified under the healthcare sector program. Participation in the use case is open to all interested organizations.

DATES: Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than September 30, 2019.

ADDRESSES: Letters of interest must be submitted to *HIT_NCCOE@nist.gov* or via hard copy to NIST, NCCoE, 9700 Great Seneca Highway, Rockville, Maryland 20850. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a consortium Cooperative Research and Development Agreement (CRADA) with NIST. An NCCoE consortium CRADA template can be found at *https://www.nccoe.nist.gov/sites/default/files/library/nccoe-consortium-crada-example.pdf.*

FOR FURTHER INFORMATION CONTACT: Jennifer Cawthra via email at *HIT_NCCOE@nist.gov;* by telephone, 240–328–4584; or by mail to NIST, NCCoE, 9700 Great Seneca Highway, Rockville, Maryland 20850. Additional details about the healthcare sector program are available at *https://www.nccoe.nist.gov/healthcare.*

SUPPLEMENTARY INFORMATION: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST. Letters of interest will be accepted on a first-come, first-served basis. When the use case has been completed, NIST will post a notice on the NCCoE healthcare sector Securing Telehealth Remote Patient Monitoring Ecosystem project page at *https://www.nccoe.nist.gov/projects/use-cases/health-it/telehealth* announcing the completion of the use case and informing the public that NIST will no longer accept letters of interest for this use case.

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex information technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a CRADA to provide products and technical expertise to support and demonstrate security platforms for the Securing Telehealth Remote Patient Monitoring Ecosystem. The full use case can be viewed at *https://www.nccoe.nist.gov/projects/use-cases/health-it/telehealth.*

Interested parties should contact NIST by using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a template for a letter of interest, which the party must complete, certify that it is accurate, and submit to NIST. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the use case objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first-come, first-served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this use case. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Use Case Objective: The objective of this use case is to provide an architecture that can be referenced and guidance for securing a telehealth remote patient monitoring (RPM) ecosystem in healthcare delivery organizations (HDOs) and patient home environments, including an example solution that uses existing,

commercially, and open-source available cybersecurity products.

A detailed description of the Securing Telehealth Remote Patient Monitoring Ecosystem use case is available at *https://www.nccoe.nist.gov/projects/use-cases/health-it/telehealth.*

Requirements: Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in Section 3 of the Securing Telehealth Remote Patient Monitoring Ecosystem project description (for reference, please see the link in the Process section above) and include, but are not limited to, those listed in the subsections below:

Components for RPM Technologies

- telehealth platform—a solution that enables data and communication flow from the patient monitoring device to the home monitoring device to the care providers
  - internet-based communications
    - transmission of telemetry data
    - videoconference
    - audioconference
    - email
    - secure text messaging
  - routing/triage functionality—The telehealth platform enables patients to identify an appropriate, networked team of care providers.
  - software development kits (SDKs) and application programming interfaces (APIs) that enable telehealth applications to interface with patient monitoring devices
  - patient monitoring devices that send telemetry data via the home monitoring device
    - blood pressure
    - heart monitoring
    - body mass index (BMI)/weight scales
    - other telemetry devices as appropriate
  - home monitoring device (*e.g.,* specialized mobile application, stand-alone device) that transmits telemetry data to the telehealth platform and provides video connectivity

Components for Remote/Patient Home Environment

- personal firewall—an application that controls network traffic to and from a computer, permitting or denying communications based on a security policy
- wireless access point router—a device that performs the functions of a router and includes the functions of a wireless access point
- endpoint protection (anti-malware)—a type of software program designed to prevent, detect, and remove malicious software (malware) on IT systems and on individual computing devices
- mobile device—a multimodal, small form factor communications mechanism that has characteristics of computing devices such as wireless network capability, memory, data storage, and processing. The device may provide real-time audio, video, and text communications as well as support email, web browsing, and other internet-enabled methods to interact with locally and remotely stored information and systems.
- modem—a device that provides a demarcation point for broadband communications access (*e.g.,* cable, digital line subscriber [DSL], wireless, long-term-evolution [LTE], 5G) and presents an Ethernet interface to allow internet access via the broadband infrastructure
- wireless router—a device that provides wireless connectivity to the home network and provides access to the internet via a connection to the cable modem
- telehealth application—an application residing on a managed or unmanaged mobile device or on a specialized stand-alone device and that facilitates transmission of telemetry data and video connectivity between the patient and HDO
- patient monitoring device—a peripheral device used by the patient to perform diagnostic tasks (*e.g.,* measure blood pressure, glucose levels, and BMI/weight) and to send the telemetry data via Bluetooth or wireless connectivity to the telehealth application

Components for HDO Environment

- network access control—discovers and accurately identifies devices connected to wired networks, wireless networks, and virtual private networks (VPNs) and provides network access controls to ensure that only authorized individuals with authorized devices can access the systems and data that access policy permits
- network firewall—a network security device that monitors and controls incoming and outgoing network traffic, based on defined security rules
- intrusion detection system (IDS) (host/network)—a device or software application that monitors a network or systems for malicious activity or policy violations
- intrusion prevention system (IPS)—a device that monitors network traffic and can take immediate action, such as shutting down a port, based on a set of rules established by the network administrator
- VPN—a secure endpoint access solution that delivers secure remote access through virtual private networking
- governance, risk, and compliance (GRC) tool—automated management for an organization's overall governance, enterprise risk management, and compliance with regulations
- network management tool—provides server, application-management, and monitoring services, as well as asset life-cycle management
- endpoint protection and security—provides server hardening, protection, monitoring, and workload micro-segmentation for private cloud and physical on-premises data-center environments, along with support for containers, and provides full-disk and removable media encryption
- anti-ransomware—helps enterprises defend against ransomware attacks by exposing, detecting, and quarantining advanced and evasive ransomware
- application security scanning/testing—provides a means for custom application code testing (static/dynamic)

Each responding organization's letter of interest should identify how its products address one or more of the following desired solution characteristics as outlined in Section 3 of the Securing Telehealth Remote Patient Monitoring Ecosystem project description (for reference, please see the link in the Process section above).

The primary security functions and processes to be implemented for this project are listed below and are based on the NIST Cybersecurity Framework.

IDENTIFY (ID)—*These activities are foundational to developing an organizational understanding to manage risk.*

- Asset management—includes identification and management of assets on the network and management of the assets to be deployed to equipment. Implementation of this category may vary depending on the parties managing the equipment. However, this category remains relevant as a fundamental component in establishing appropriate cybersecurity practices.
- Governance—Organizational cybersecurity policy is established and communicated. Governance practices are appropriate for HDOs and their solution partners, including technology

providers and those vendors that develop, support, and operate telehealth platforms.

- Risk assessment—includes the risk management strategy. Risk assessment is a fundamental component for HDOs and their solution partners.
- Supply chain risk management—The nature of telehealth with RPM is that the system integrates components sourced from disparate vendors and may involve relationships established with multiple supplies, including providers of cloud service.

PROTECT (PR)—*These activities support the ability to develop and implement appropriate safeguards based on risk.*

- identity management, authentication, and access control—includes user account management and remote access
  - controlling (and auditing) user accounts
  - controlling (and auditing) access by external users
  - enforcing least privilege for all (internal and external) users
  - enforcing separation-of-duties policies
  - privileged access management (PAM) with an emphasis on separation of duties
  - enforcing least functionality
- data security—includes data confidentiality, integrity, and availability
  - securing and monitoring storage of data—includes data encryption (for data at rest)
  - access control on data
  - data-at-rest controls should implement some form of data security manager that would allow for policy application to encrypt data, inclusive of access control policy
  - securing distribution of data—includes data encryption (for data in transit) and a data loss prevention mechanism
  - controls that promote data integrity
  - cryptographic modules validated as meeting NIST Federal Information Processing Standards (FIPS) 140–2 are preferred.
- information protection processes and procedures—includes data backup and endpoint protection
- maintenance—includes local and remote maintenance
- protective technology—host-based intrusion prevention, solutions for malware (malicious code detection), audit logging, (automated) audit log review, and physical protection

DETECT (DE)—*These activities enable timely discovery of a cybersecurity event.*

- security continuous monitoring—monitoring for unauthorized personnel, devices, software, and connections
  - vulnerability management—includes vulnerability scanning and remediation
  - patch management
  - system configuration security settings
  - user account usage (local and remote) and user behavioral analytics
  - security log analysis

RESPOND (RS)—*These activities support development and implementation of actions designed to contain the impact of a detected cybersecurity event.*

- Response planning—Response processes and procedures are executed and maintained to ensure a response to a detected cybersecurity incident.
- Mitigation—Activities are performed to prevent expansion of a cybersecurity event, mitigate its effects, and resolve the incident.

RECOVER (RC)—*These activities support development and implementation of actions designed to contain the impact of a detected cybersecurity event.*

- Recovery planning—Recovery processes and procedures are executed and maintained to ensure restoration of systems or assets affected by cybersecurity incidents.
- Communications—Restoration activities are coordinated with internal and external parties (*e.g.,* coordinating centers, internet service providers, owners of attacking systems, victims, other computer security incident response teams, vendors).

Responding organizations need to understand and, in their letters of interest, commit to provide:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components.

2. support for development and demonstration of the Securing Telehealth Remote Patient Monitoring Ecosystem for the healthcare sector use case in NCCoE facilities, which will be conducted in a manner consistent with the following standards and guidance: NIST Special Publication (SP) 800–53, NIST FIPS 140–2, NIST SP 800–41, NIST SP 800–52, NIST SP 800–57 Part 1, NIST SP 800–77, NIST SP 800–121, NIST SP 800–146, Food and Drug Administration (FDA) Radio Frequency Wireless Technology in Medical Devices, FDA Content of Premarket Submissions for Management of Cybersecurity in Medical Devices, FDA Guidance for Industry: Cybersecurity for Networked Medical Devices Containing Off-the-Shelf (OTS) Software, FDA Postmarket Management of Cybersecurity in Medical Devices.

Additional details about the Securing Telehealth Remote Patient Monitoring Ecosystem for the healthcare sector use case are available at *https://www.nccoe.nist.gov/projects/use-cases/health-it/telehealth.*

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in development of the Securing Telehealth Remote Patient Monitoring Ecosystem capability. Prospective participants' contributions to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and setup capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate his or her product in capability demonstrations to the healthcare community. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Securing Telehealth Remote Patient Monitoring Ecosystem for the healthcare sector use case. These descriptions will be public information.

Under the terms of the consortium CRADA, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Securing Telehealth Remote Patient Monitoring Ecosystem capability will be announced on the NCCoE website at least two weeks in advance at *https://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve telehealth RPM cybersecurity across an entire healthcare sector enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE's governance, business processes, and operational structure, visit the NCCoE website at *https://nccoe.nist.gov/.*

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2019–18666 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV048

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Monkfish Advisory to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 18, 2019 at 8:30 a.m.

ADDRESSES: The meeting will be held at the Comfort Inn, 85 American Legion Highway, Revere, MA 02151; telephone: (781) 485–3600.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will discuss the Plan Development Team analysis and draft Framework Adjustment 12 (FW 12) alternatives including recommendations for the Monkfish Allowable Biological Catch (ABC) for Northern and Southern Fishery Management areas, and associated effort controls. They will select preferred alternatives for FW 12. The panel also plans to review findings and recommendations from the Research Set-Aside (RSA) Program Review and identify which issues the Council should consider further. Also on the agenda is to discuss recommendations for the Council to consider for 2020 priorities for the Monkfish FMP. The Council is scheduled to have an initial discussion of potential 2020 priorities at the September Council meeting. They will also receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework, which proposes to implement electronic VTRs for all vessels with commercial permits for species managed by the Mid-Atlantic and New England Fishery Management Councils. Other business may be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 26, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–18662 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV046

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of a public meeting of the SEDAR Steering Committee.

SUMMARY: The SEDAR Steering Committee will meet to discuss the SEDAR process and stock assessment schedule. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR Steering Committee will meet Monday, September 30, 2019, from 10 a.m. until 12 noon, EST.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. See **SUPPLEMENTARY INFORMATION.**

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.Neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The SEDAR Steering Committee provides guidance and oversight of the SEDAR program and manages assessment scheduling. The items of discussion for this meeting are as follows:

SEDAR Steering Committee, Monday, September 30, 2019, 10 a.m. EST–12 p.m. EST

The SEDAR Steering Committee will receive a SEDAR projects update and review the SEDAR projects schedule. The Committee will discuss these items, provide guidance to staff, and take action as necessary.

This meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie Neer (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC

office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 26, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–18660 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

42nd Meeting of the U.S. Coral Reef Task Force; Public Meeting

AGENCY: Coral Reef Conservation Program (CRCP), Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting and request for public comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Department of the Interior (DOI) will hold a public meeting of the 42nd U.S. Coral Reef Task Force (USCRTF).

DATES: The public meeting will be held Thursday, September 12, 2019 from 8:30am to 5:00pm with an opportunity to provide public comments. Written comments must be received on or before August 30, 2019. For the specific date, time, and location of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments to the USCRTF by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Koror, Palau. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Jennifer Koss, NOAA, USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, 1305 East-West Highway, NOS/OCM, Silver Spring, MD 20910 or via email to *Jennifer.Koss@noaa.gov.* Comments that the USCRTF Steering Committee Point of Contact receives are considered part of the public record and may be publicly accessible. Any personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender may also be publicly accessible. NOAA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Jennifer Koss, NOAA USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, 1305 East-West Highway, NOS/OCM, Silver Spring, MD 20910 at (301) 533–0777 or Liza Johnson, USCRTF Executive Secretary, U.S. Department of the Interior, MS–3530–MIB, 1849 C Street NW, Washington, DC 20240 at (202) 208–5004 or visit the USCRTF website at *http://www.coralreef.gov.*

SUPPLEMENTARY INFORMATION: The meeting provides a forum for coordinated planning and action among federal agencies, state and territorial governments, and nongovernmental partners. Registration is requested for all events associated with the meeting. This meeting has time allotted for public comment. If you are making oral comments please also submit a written copy of your comments. A written summary of the meeting will be posted on the USCRTF website within two months of occurrence. For information about the meeting, registering and submitting public comments, go to *http://www.coralreef.gov.*

Commenters may address the meeting, the role of the USCRTF, or general coral reef conservation issues. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment, including personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Established by Presidential Executive Order 13089 in 1998, the USCRTF mission is to lead, coordinate and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. Co-chaired by the Departments of Commerce and the Interior, USCRTF members include leaders of 12 federal agencies, seven U.S. states and territories and three freely associated states.

You may participate and submit oral comments at the public meeting. The Fall public meeting occurs annually in a USCRTF jurisdiction with the 2019 Fall meeting in Koror, Palau, and is scheduled as follows:

Date: Thursday, September 12, 2019.

Time: 8:30am to 5:00pm, local time.

Location: Ngarachamayong Cultural Center, Main Street, Koror, Palau 96940.

Written comments must be received on or before Friday, August 30, 2019.

Dated: August 21, 2019.

Nicole LeBoeuf,

Acting Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2019–18619 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV047

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Monkfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 18, 2019 at 1 p.m.

ADDRESSES: The meeting will be held at the Comfort Inn, 85 American Legion Highway, Revere, MA 02151; telephone: (781) 485–3600.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will discuss the Plan Development Team analysis and draft Framework Adjustment 12 (FW 12) alternatives including recommendations for the Monkfish Allowable Biological Catch (ABC) for Northern and Southern Fishery Management areas, and associated effort controls. They will select preferred alternatives for FW 12. The panel also plans to review findings and recommendations from the Research Set-Aside (RSA) Program Review and identify which issues the Council should consider further. Also on the agenda is to discuss recommendations for the Council to consider for 2020 priorities for the Monkfish FMP. The Council is

scheduled to have an initial discussion of potential 2020 priorities at the September Council meeting. They will also receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework, which proposes to implement electronic VTRs for all vessels with commercial permits for species managed by the Mid-Atlantic and New England Fishery Management Councils. There is also a closed session for committee members only to review Monkfish Advisory Panel applications for 2020–22 and provide recommendations. Other business may be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 26, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–18661 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–T–2019–0028]

Trademark Public Advisory Committee Public Hearing on the Proposed Trademark Fee Schedule

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of public hearing.

SUMMARY: Under Section 10 of the America Invents Act (AIA), the United States Patent and Trademark Office (USPTO) may set or adjust by rule any patent or trademark fee established, authorized, or charged under Title 35 of the United States Code or the Trademark Act of 1946, respectively. The USPTO currently is planning to set or adjust trademark fees pursuant to its Section 10 fee setting authority. As part of the rulemaking process to set or adjust trademark fees, the Trademark Public Advisory Committee (TPAC) is required under Section 10 of the AIA to hold a public hearing about any proposed trademark fees, and the USPTO is required to assist TPAC in carrying out that hearing. To that end, the USPTO will make its proposed trademark fees available as set forth in the **SUPPLEMENTARY INFORMATION** section of this Notice before any TPAC hearing and will help the TPAC to notify the public about the hearing. Accordingly, this document announces the dates and logistics for the TPAC public hearing regarding USPTO proposed trademark fees. Interested members of the public are invited to testify at the hearing and/or submit written comments about the proposed trademark fees.

DATES:

Public hearing: September 23, 2019.

Comments: For those wishing to submit written comments on the fee proposal that will be published on or about September 9, 2019, but not requesting an opportunity to testify at the public hearing, the deadline for receipt of those written comments is September 30, 2019.

Oral testimony: Individuals wishing to present oral testimony at the hearing must request an opportunity to do so in writing no later than September 16, 2019. Those individuals who are scheduled by the TPAC to present oral testimony at the hearing should submit a written copy of their testimony for inclusion in the record of the proceedings no later than September 30, 2019.

ADDRESSES:

Public hearing: The TPAC will hold a public hearing on September 23, 2019 beginning at 2:00 p.m., Eastern Standard Time (EST), and ending at 4:00 p.m., EST, at the USPTO, Clara Barton Auditorium South, Concourse Level, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

Email: Written comments should be sent by email addressed to *TMFRNotices@uspto.gov.*

Postal mail: Comments may also be submitted by postal mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, attention Catherine Cain. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email. Written comments should be identified in the subject line of the email or postal mailing as ''Fee Setting.'' Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or telephone number should not be included in the comments.

Web cast: The public hearing will be available via Web cast. Information about the Web cast will be posted on the USPTO's internet website (address: *www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting*) before the public hearing.

Transcripts: Transcript of the hearing will be available on the USPTO internet website (address: *www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting*) shortly after the hearing.

FOR FURTHER INFORMATION CONTACT: Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, at 571–272–8946, or by email at *catherine.cain@uspto.gov.*

SUPPLEMENTARY INFORMATION: Effective September 16, 2011, with the passage of the AIA, the USPTO is authorized under Section 10 of the AIA to set or adjust by rule all patent and trademark fees established, authorized, or charged under Title 35 of the United States Code and the Trademark Act of 1946, respectively. This authority was extended an additional 8 years by the Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (Pub. L. 115–273). Patent and trademark fees set or adjusted by rule under Section 10 of the AIA may only recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including administrative costs of the Office with respect to each as the case may be. This proposal represents the third iteration of trademark fee setting by the USPTO to set fees under the authority of the AIA. The first AIA trademark fee-setting rule, which reduced certain trademark fees, was implemented in January 2015, and the second was implemented in January 2017.

Congress set forth the process for the USPTO to follow in setting or adjusting patent and trademark fees by rule under Section 10 of the AIA. Congress requires the relevant advisory committee to hold a public hearing about the USPTO fee proposals after receiving them from the agency. Congress likewise requires the relevant advisory committee to prepare a written report on the proposed fees and the USPTO to consider the relevant

advisory committee's report before finally setting or adjusting the fees. Further, Congress requires the USPTO to publish its proposed fees and supporting rationale in the **Federal Register** and give the public not less than 45 days in which to submit comments on the proposed change in fees. Finally, Congress requires the USPTO to publish its final rule setting or adjusting fees also in the **Federal Register**.

Presently, the USPTO is planning to exercise its fee-setting authority to set or adjust trademark fees. The USPTO will publish a proposed trademark fee schedule and related supplementary information for public viewing on or about September 9, 2019, on the USPTO internet website (address: *www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting*). In turn, the TPAC will hold a public hearing about the proposed trademark fee schedule on the date indicated herein. The USPTO will assist the TPAC in holding the hearing by providing resources to organize the hearing and by notifying the public about the hearing, such as through this notice.

Following the TPAC public hearing, the USPTO will publish a Notice of Proposed Rulemaking in the **Federal Register**, setting forth its proposed trademark fees. The publication of that Notice will open a comment window through which the public may provide written comments directly to the USPTO. Additional information about public comment to the USPTO will be provided in the USPTO's Notice of Proposed Rulemaking.

Requests To Present Oral Testimony

Interested members of the public are invited to testify at the TPAC hearing about the proposed trademark fees. Requests to testify should indicate the following: (1) The name of the person wishing to testify; (2) the person's contact information (telephone number and email address); (3) the organization(s) the person represents, if any; and (4) an indication of the amount of time needed for the testimony. Requests to testify must be submitted by email to Anastasia Johnson at *anastasia.johnson@uspto.gov.* Based upon the requests received, an agenda for witness testimony will be sent to testifying requesters and posted on the USPTO internet website (address: *www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting*). If time permits, the TPAC may permit unscheduled testimony as well.

Dated: August 23, 2019.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2019–18655 Filed 8–28–19; 8:45 am]

BILLING CODE 3510–16–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Day of Service Application Instructions

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by October 28, 2019.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention Neill Minish, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Neill Minish, 202–606–6841, or by email at *nminish@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Day of Service Application Instructions.

OMB Control Number: 3045-0180.

Type of Review: Renewal.

Respondents/Affected Public: Nonprofit Organizations.

Total Estimated Number of Annual Responses: 70.

Total Estimated Number of Annual Burden Hours: 1,400.

Abstract: This information collection seeks feedback on CNCS's Day of Service Application Instructions for future Day of Service grant competitions after the expiration of the current Application Instructions. CNCS also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on December 31, 2019.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: August 22, 2019.

Neill Minish,

Senior Advisor.

[FR Doc. 2019–18721 Filed 8–28–19; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; AmeriCorps National Civilian Community Corps (NCCC) Sponsor Survey; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled AmeriCorps National Civilian Community Corps (NCCC) for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by September 30, 2019.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Jacob Sgambati, at (202) 606–6839 or by email to *jsgambati@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on June 7, 2019 at 84 FR 26660. This comment period ended August 6, 2019. No public comments were received from this Notice.

Title of Collection: AmeriCorps NCCC Sponsor Survey.

OMB Control Number: TBD. Type of Review: New.

Respondents/Affected Public: Current/prospective AmeriCorps NCCC Project Sponsors.

Total Estimated Number of Annual Responses: 300.

Total Estimated Number of Annual Burden Hours: 3,900.

Abstract: The AmeriCorps NCCC Sponsor Survey is completed by organizations who have sponsored an AmeriCorps NCCC team. Each year, AmeriCorps NCCC engages teams of members in projects in communities across the United States. Service projects, which typically last from six to eight weeks, address critical needs in natural and other disasters, infrastructure improvement, environmental stewardship and conservation, energy conservation, and urban and rural development. Members construct and rehabilitate low-income housing, respond to natural disasters, clean up streams, help communities develop emergency plans, and address other local needs. This is a new information collection. CNCS seeks to continue using the current application until the revised application is approved by OMB.

Dated: August 23, 2019.

Jacob Sgambati,

Acting Deputy Director.

[FR Doc. 2019–18638 Filed 8–28–19; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2019–HQ–0018]

Submission for OMB Review; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Employee Management and Pay System; Exchange Form 1450–011 ''Annuity Application,'' Exchange Form 1450–018 ''Application for Payment of Survivor Annuity,'' Exchange Form 1700–012 ''Beneficiary Designation'', Web-based ''Health/Benefit Enrollment''; OMB Control Number 0702–0139.

Type of Request: Extension.

Number of Respondents: 10,340.

Responses per Respondent: 1.

Annual Responses: 10,340.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 7,755.

Needs and Uses: The information collection requirement is necessary to administer a number of different benefits and pay to eligible Exchange associates, former associates (retirees), their dependents, beneficiaries, spouses, and ex-spouses. This includes collecting data needed to provide and administer pay, salary and retirement entitlements.

Affected Public: Individuals or Households and Federal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket

ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18700 Filed 8–28–19; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2019–HQ–0020]

Submission for OMB Review; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Accident/Incident Reports; Exchange Form 3900–017, ''Statements''; OMB Control 0702–0138.

Type of Request: Extension.

Number of Respondents: 13,914.

Responses per Respondent: 1.

Annual Responses: 13,914.

Average Burden per Response: 60 minutes.

Annual Burden Hours: 13,914.

Needs and Uses: The information collection requirement is necessary to record incidents such as accidents, mishaps, fires, thefts or any issue involving government property. This collection ensures the Exchange has the necessary information regarding injuries and illnesses in order to administer and follow-up on medical treatment and payment of claims. The collection also assists the Exchange in recouping damages, correcting deficiencies, initiating appropriate disciplinary action(s), filing insurance and Workers' Compensation required documents.

Affected Public: Individuals or Households, Business or other for profit; Not-for-profit institutions, and Federal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18689 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Military Personnel Testing will take place.

DATES: Day 1—Open to the public Thursday, September 26, 2019 from 9:00 a.m. to 5:00 p.m. Day 2—Open to the public Friday, September 27, 2019 from 9:00 a.m. to 1:00 p.m.

ADDRESSES: Sonesta Rittenhouse Square, 1800 Market St., Philadelphia, PA, 19103.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Dr. Sofiya Velgach, (703) 697–9271 (Voice), 703 614–9272 (Facsimile), *osd.pentagon.ousd-p-r.mbx.dacmpt@mail.mil* (Email). Mailing address is Designated Federal Officer, Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness, Room 3D1066, The Pentagon, Washington, DC 20301–4000.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 Code of Federal Regulations (CFR) 102–3.140 and 102–3.150. The agenda includes an overview of development timelines, test development strategies, and planned research for the next 3 years.

Purpose of the Meeting: The purpose of the meeting is to review planned changes and progress in developing selection and classification tests for military accession screening.

Agenda

Day 1, Thursday, September 26, 2019

9:00 a.m.—9:15 a.m. Welcome and Opening Remarks, Dr. Sofiya Velgach, OASD(M&RA)AP*

9:15 a.m.—9:45 a.m. Accession Policy Update, Ms. Stephanie Miller, Director, AP*

9:45 a.m.—10:15 a.m. Milestones and Project Schedules, Dr. Mary Pommerich, DPAC/OPA*
10:15 a.m.—10:30 a.m. Break
10:30 a.m.—11:15 a.m. Abstract Reasoning Evaluation, Dr. Furong Gao, HumRRO*
11:15 a.m.—12:00 p.m. Cloud 101, Mr. Matthew Ellis, Northrup Grumman
12:00 p.m.—1:00 p.m. Lunch
1:00 p.m.—1:30 p.m. Social Media Project Update, Dr. Tim McGonigle, HumRRO
1:30 p.m.—2:30 p.m. Automatic Item Generation, Dr. Isaac Bejar, ETS*
2:30 p.m.—2:45 p.m. Break
2:45 p.m.—3:45 p.m. CEP* Update, Dr. Shannon Salyer, DPAC/OPA*
3:45 p.m.—4:45 p.m. Evaluation of the FYI, Dr. Olga Fridman, DPAC/OPA*
4:45 p.m.—5:00 p.m. Public Comments

Day 2, Friday, September 27, 2019

9:00 a.m.—10:00 a.m. ASVAB* Validity Framework, Dr. Art Thacker, HumRRO*
10:00 a.m.—11:00 a.m. Criterion Measurement, Dr. Laura Ford, HumRRO*
11:00 a.m.—11:15 a.m. Break
11:15 a.m.—11:45 a.m. Navy Validation Business Model, Dr. Stephen Watson, NETC
11:45 a.m.—12:15 p.m. Standards Setting for ASVAB Technical Tests, Dr. Tia Fechter, DPAC/OPA*
12:15 p.m.—12:30 p.m. Future Topics, Dr. Dan Segall, DPAC/OPA*
12:30 p.m.—12:45 p.m. Public Comments
12:45 p.m.—1:00 p.m. Closing Comments, Dr. Michael Rodriguez, Chair *

Abbreviations Key

ASVAB = Armed Services Vocational Aptitude Battery
CEP = Career Exploration Program, provided free to high schools nation-wide to help students develop career exploration skills and used by recruiters identify potential applicants for enlistment
DPAC/OPA = Defense Personnel Assessment Center/Office of People Analytics
ETS = Educational Testing Service
FYI = Find Your Interests
HumRRO = Human Resources Research Organization
NETC = Naval Education Training Command
OASD(M&RA)/AP = Office of the Assistant Secretary of Defense (Manpower & Reserve Affairs)/Accession Policy

Meeting Accessibility: Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is based on first-come, first-served basis. All members of the public who wish to attend the public meeting must contact the Designated Federal Officer, not later than 12:00 p.m. on Monday, September 9, 2019, as listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the Committee at any time about its approved agenda or at any time on the Committee's mission. Written statements should be submitted to the Committee's Designated Federal Officer at the address or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the Committee until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that since the Committee operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection. Opportunity for public comments will be provided at the end of the meeting. Public comments will be limited to 5 minutes per person, as time allows.

Dated: August 26, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18678 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–OS–2019–0071]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Spouse Education and Career Opportunities Program (SECO); OMB Control Number 0704–0556.

Type of Request: Revision.

Number of Respondents: 26,000.

Responses per Respondent: 1.

Annual Responses: 26,000.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 19,500.

Needs and Uses: This information collection requirement is necessary to allow eligible military spouses to access educational and employment resources. The DoD Spouse Education and Career Opportunities (SECO) Program is the primary source of education, career and employment counseling for all military spouses who are seeking post-secondary education, training, licenses and credentials needed for portable career employment. The SECO system delivers the resources and tools necessary to assist spouses of service members with career exploration/discovery, career education and training, employment readiness, and career connections at any point within the spouse career lifecycle.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–18673 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2019–HA–0065]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Agency Retail Pharmacy Program; OMB Control Number 0720–0032.

Type of Request: Extension

Number of Respondents: 300.

Responses per Respondent: 4.

Annual Responses: 1,200.

Average Burden per Response: 8 hours.

Annual Burden Hours: 9,600.

Needs and Uses: The information collection requirement is necessary to obtain and record refund amounts between the DoD and pharmaceutical manufacturers. The DoD quarterly provides pharmaceutical manufacturers with itemized utilization data on covered drugs dispensed to TRICARE beneficiaries through TRICARE retail network pharmacies. These manufacturers validate the refund amounts calculated from the difference in price between the Federal Ceiling Prices and the direct commercial contract sales price. Once the refund amounts are validated, the pharmaceutical manufacturers directly pay the DHA Government account.

Affected Public: Business or other for-profit.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 23, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18633 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2019–HA–0075]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Champus Provider Status: Corporate Services Provider, DD Form 3030, 0720–0020.

Type of Request: Extension.

Number of Respondents: 335.

Responses per Respondent: 1.

Annual Responses: 335.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 112.

Needs and Uses: This information collection requirement is necessary to ensure that the conditions are met for authorization as a TRICARE/CHAMPUS Corporate Service Provider. Respondents are freestanding corporations and foundations seeking authorization under the TRICARE/CHAMPUS program to provide otherwise covered professional services to eligible TRICARE/CHAMPUS beneficiaries.

Affected Public: Business or other for-profit.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to

Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 23, 2019.

Aaron T. Siegel,

Alternate OSD **Federal Register** *Liaison Officer, Department of Defense.*

[FR Doc. 2019–18624 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2019–OS–0035]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Synchronized Predeployment and Operational Tracker Enterprise Suite (SPOT–ES); OMB Control Number 0704–0460.

Type of Request: Revision.

Number of Respondents: 964.

Responses per Respondent: 77.

Annual Responses: 74,228.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 37,114.

Needs and Uses: The information collection requirement is necessary to comply with Section 861 of Public Law 110–181 and DoD Instruction 3020.41, ''Operational Contract Support'' and other appropriate policy, Memoranda of Understanding, and regulations. The Department of Defense, the Department of State (DoS), and the United States Agency for International Development (USAID) require that Government contract companies enter their employee's data into the Synchronized Predeployment and Operational Tracker (SPOT) System before contractors are deployed outside of the United States. Any persons who choose not to have data collected will not be entitled to employment opportunities which require this data to be collected.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18701 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2019–OS–0102]

Proposed Collection; Comment Request

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Security Cooperation Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 28, 2019.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Defense Security Cooperation Agency (DSCA) (ATTN: Paul Will), 220 12th Street South, Suite 312, Arlington, VA 22202–5408 or call (703) 601–3864.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: The GlobalNET Collection; GlobalNET User Registration Form; OMB Control Number 0704–0558.

Needs and Uses: The purpose of the GlobalNET system is to provide a collaborative social networking environment/capability where students, alumni, faculty, partners, and other community members and subject matter experts can find relevant and timely information about pertinent subject matter experts and conduct required training. GlobalNET also collects information on students in order to allow regional center personnel to manage students while enrolled at regional centers.

Affected Public: Individuals and households.

Annual Burden Hours: 1,000.

Number of Respondents: 6,000.

Responses per Respondent: 1.

Annual Responses: 6,000.

Average Burden per Response: 10 Minutes.

Frequency: On Occasion.

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18694 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2019–HA–0074]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Third Party Collection Program (Insurance Information); DD Form 2569; OMB Control Number 0720–0055.

Type of Request: Extension.

Number of Respondents: 3,940,000.

Responses per Respondent: 1.5.

Annual Responses: 5,910,000.

Average Burden per Response: 4 minutes.

Annual Burden Hours: 394,000.

Needs and Uses: The information collection requirement is necessary to obtain health insurance policy information used for coordination of health care benefits and billing third party payers and other federal agencies for health care provided to their beneficiaries and also to civilian non-Uniformed Service beneficiaries for health care provided to them. DoD is authorized to collect from third-party payers the cost of inpatient and outpatient services rendered to DoD beneficiaries who have other health insurance. Military treatment facilities (MTFs) are required to make this form available to third-party payers upon request. A third-party payer may not request any other assignment of benefits form from the subscriber. Also, for civilian non-Uniformed Services beneficiary and interagency patients, DD Form 2569 is necessary and serves as an assignment of benefits approval to submit claims to payers on behalf of the patient and authorization to release medical information.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 23, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18627 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas per Diem Rates

AGENCY: Defense Human Resources Activity, Policy and Regulations Branch, Defense Travel Management Office, DoD.

ACTION: Notice of revised per diem rates in non-foreign areas outside the contiguous U.S.

SUMMARY: The Defense Travel Management Office publishes this Civilian Personnel Per Diem Bulletin Number 311. Bulletin Number 311 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2019 per diem rate review for Guam, Northern Mariana Islands, and Wake Island resulted in lodging and meal rate changes in certain locations.

DATES: The updated rates take effect September 1, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Laws, 571–372–1282.

SUPPLEMENTARY INFORMATION: This notice notifies the public of revisions in per diem rates prescribed by the Defense Travel Management Office for travel to non-foreign areas outside the contiguous United States. The FY 2019 per diem rate review for Guam, Northern Mariana Islands, and Wake Island resulted in lodging, meal and incidental rate changes in certain locations. Bulletin Number 311 is published in the **Federal Register** to ensure that Government travelers outside the Department of Defense are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see DTMO's Per Diem Rate Review Frequently Asked Questions (FAQ) page at *https://www.defensetravel.dod.mil/site/faqraterev.cfm.*

Dated: August 26, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	161	113	274	06/01/2019
ALASKA	ADAK	01/01	12/31	161	117	278	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	05/01	08/31	229	125	354	06/01/2019
ALASKA	ANCHORAGE [INCL NAV RES]	09/01	04/30	199	125	324	06/01/2019
ALASKA	BARROW	05/15	09/14	320	129	449	06/01/2019
ALASKA	BARROW	09/15	05/14	265	129	394	06/01/2019
ALASKA	BARTER ISLAND LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	BETHEL	01/01	12/31	219	101	320	06/01/2019
ALASKA	BETTLES	01/01	12/31	161	113	*274	06/01/2019
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	CLEAR AB	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLD BAY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	COLDFOOT	01/01	12/31	161	93	254	06/01/2019
ALASKA	COPPER CENTER	01/01	12/31	161	115	276	06/01/2019
ALASKA	CORDOVA	01/01	12/31	140	106	246	06/01/2019
ALASKA	CRAIG	05/01	09/30	139	94	233	06/01/2019
ALASKA	CRAIG	10/01	04/30	109	94	203	06/01/2019
ALASKA	DEADHORSE	01/01	12/31	120	113	233*	06/01/2019
ALASKA	DELTA JUNCTION	01/01	12/31	161	101	262	06/01/2019
ALASKA	DENALI NATIONAL PARK	05/17	09/17	189	98	287	06/01/2019
ALASKA	DENALI NATIONAL PARK	09/18	05/16	139	98	237	06/01/2019
ALASKA	DILLINGHAM	05/01	09/30	275	113	388	06/01/2019
ALASKA	DILLINGHAM	10/01	04/30	230	113	343	06/01/2019
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	161	129	290	06/01/2019
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	06/01/2019
ALASKA	EIELSON AFB	05/16	09/15	154	100	254	06/01/2019
ALASKA	EIELSON AFB	09/16	05/15	75	100	175	06/01/2019
ALASKA	ELFIN COVE	01/01	12/31	161	113	274	06/01/2019
ALASKA	ELMENDORF AFB	05/01	08/31	229	125	354	06/01/2019
ALASKA	ELMENDORF AFB	09/01	04/30	199	125	324	06/01/2019
ALASKA	FAIRBANKS	05/16	09/15	154	100	254	06/01/2019
ALASKA	FAIRBANKS	09/16	05/15	75	100	175	06/01/2019
ALASKA	FORT YUKON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	FT. GREELY	01/01	12/31	161	101	262	06/01/2019
ALASKA	FT. RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	FT. RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	FT. WAINWRIGHT	05/16	09/15	154	100	254	06/01/2019
ALASKA	FT. WAINWRIGHT	09/16	05/15	75	100	175	06/01/2019
ALASKA	GAMBELL	01/01	12/31	161	113	274	06/01/2019
ALASKA	GLENNALLEN	01/01	12/31	161	115	276	06/01/2019
ALASKA	HAINES	01/01	12/31	107	113	220	06/01/2019
ALASKA	HEALY	06/01	08/31	189	98	287	06/01/2019
ALASKA	HEALY	09/01	05/31	139	98	237	06/01/2019
ALASKA	HOMER	05/01	09/30	189	124	313	06/01/2019
ALASKA	HOMER	10/01	04/30	129	124	253	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	05/01	08/31	229	125	354	06/01/2019
ALASKA	JB ELMENDORF-RICHARDSON	09/01	04/30	199	125	324	06/01/2019
ALASKA	JUNEAU	04/16	09/15	189	118	307	06/01/2019
ALASKA	JUNEAU	09/16	04/15	169	118	287	06/01/2019
ALASKA	KAKTOVIK	01/01	12/31	161	129	*290	06/01/2019
ALASKA	KAVIK CAMP	01/01	12/31	161	113	*274	06/01/2019
ALASKA	KENAI-SOLDOTNA	05/01	09/30	159	113	272	06/01/2019
ALASKA	KENAI-SOLDOTNA	10/01	04/30	89	113	202	06/01/2019
ALASKA	KENNICOTT	01/01	12/31	161	85	246	06/01/2019
ALASKA	KETCHIKAN	04/01	10/01	250	118	368	06/01/2019
ALASKA	KETCHIKAN	10/02	03/31	160	118	278	06/01/2019
ALASKA	KING SALMON	01/01	12/31	161	89	250	06/01/2019
ALASKA	KING SALMON LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	KLAWOCK	05/01	09/30	139	94	233	06/01/2019
ALASKA	KLAWOCK	10/01	04/30	109	94	203	06/01/2019
ALASKA	KODIAK	05/01	09/30	194	109	303	06/01/2019
ALASKA	KODIAK	10/01	04/30	136	109	245	06/01/2019
ALASKA	KOTZEBUE	01/01	12/31	161	121	282	06/01/2019
ALASKA	KULIS AGS	05/01	08/31	229	125	354	06/01/2019
ALASKA	KULIS AGS	09/01	04/30	199	125	324	06/01/2019
ALASKA	MCCARTHY	01/01	12/31	161	85	246	06/01/2019
ALASKA	MCGRATH	01/01	12/31	161	113	*274	06/01/2019
ALASKA	MURPHY DOME	05/16	09/15	154	100	254	06/01/2019
ALASKA	MURPHY DOME	09/16	05/15	75	100	175	06/01/2019
ALASKA	NOME	01/01	12/31	185	118	303	06/01/2019
ALASKA	NOSC ANCHORAGE	05/01	08/31	229	125	354	06/01/2019
ALASKA	NOSC ANCHORAGE	09/01	04/30	199	125	324	06/01/2019
ALASKA	NUIQSUT	01/01	12/31	161	113	*274	06/01/2019
ALASKA	OLIKTOK LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PALMER	01/01	12/31	155	117	272	06/01/2019
ALASKA	PETERSBURG	01/01	12/31	130	108	238	06/01/2019
ALASKA	POINT BARROW LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	POINT HOPE	01/01	12/31	161	113	*274	06/01/2019
ALASKA	POINT LONELY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	PORT ALEXANDER	01/01	12/31	161	113	*274	06/01/2019

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	PORT ALSWORTH	01/01	12/31	161	113	274	06/01/2019
ALASKA	PRUDHOE BAY	01/01	12/31	120	113	*233	06/01/2019
ALASKA	SELDOVIA	05/01	09/30	189	124	313	06/01/2019
ALASKA	SELDOVIA	10/01	04/30	129	124	253	06/01/2019
ALASKA	SEWARD	04/02	09/30	309	146	455	06/01/2019
ALASKA	SEWARD	10/01	04/01	80	146	226	06/01/2019
ALASKA	SITKA-MT. EDGECUMBE	04/01	09/30	245	116	361	06/01/2019
ALASKA	SITKA-MT. EDGECUMBE	10/01	03/31	200	116	316	06/01/2019
ALASKA	SKAGWAY	04/01	10/01	250	118	368	06/01/2019
ALASKA	SKAGWAY	10/02	03/31	160	118	278	06/01/2019
ALASKA	SLANA	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPARREVOHN LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	SPRUCE CAPE	05/01	09/30	194	109	303	06/01/2019
ALASKA	SPRUCE CAPE	10/01	04/30	136	109	245	06/01/2019
ALASKA	ST. GEORGE	01/01	12/31	161	113	274	06/01/2019
ALASKA	TALKEETNA	01/01	12/31	161	120	281	06/01/2019
ALASKA	TANANA	01/01	12/31	185	118	303	06/01/2019
ALASKA	TATALINA LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TIN CITY LRRS	01/01	12/31	161	113	274	06/01/2019
ALASKA	TOK	04/01	09/30	105	113	218	06/01/2019
ALASKA	TOK	10/01	03/31	99	113	212	06/01/2019
ALASKA	VALDEZ	05/16	09/15	197	110	307	06/01/2019
ALASKA	VALDEZ	09/16	05/15	179	110	289	06/01/2019
ALASKA	WAINWRIGHT	01/01	12/31	275	77	352	06/01/2019
ALASKA	WAKE ISLAND DIVERT AIRFIELD	01/01	12/31	161	113	274	06/01/2019
ALASKA	WASILLA	05/01	09/29	162	94	256	06/01/2019
ALASKA	WASILLA	09/30	04/30	98	94	192	06/01/2019
ALASKA	WRANGELL	04/01	10/01	250	118	368	06/01/2019
ALASKA	WRANGELL	10/02	03/31	160	118	278	06/01/2019
ALASKA	YAKUTAT	01/01	12/31	150	111	261	06/01/2019
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	86	225	07/01/2019
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	86	225	07/01/2019
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	96	255	09/01/2019
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	159	96	255	09/01/2019
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	159	96	255	09/01/2019
GUAM	TAMUNING	01/01	12/31	159	96	255	09/01/2019
HAWAII	[OTHER]	01/01	12/31	218	149	367	07/01/2019
HAWAII	CAMP H M SMITH	01/01	12/31	177	149	326	07/01/2019
HAWAII	EASTPAC NAVAL COMP TELE AREA.	01/01	12/31	177	149	326	07/01/2019
HAWAII	FT. DERUSSEY	01/01	12/31	177	149	326	07/01/2019
HAWAII	FT. SHAFTER	01/01	12/31	177	149	326	07/01/2019
HAWAII	HICKAM AFB	01/01	12/31	177	149	326	07/01/2019
HAWAII	HILO	01/01	12/31	199	120	319	07/01/2019
HAWAII	HONOLULU	01/01	12/31	177	149	326	07/01/2019
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	120	319	07/01/2019
HAWAII	ISLE OF HAWAII: OTHER	01/01	12/31	218	156	374	07/01/2019
HAWAII	ISLE OF KAUAI	01/01	12/31	325	141	466	07/01/2019
HAWAII	ISLE OF MAUI	01/01	12/31	304	150	454	07/01/2019
HAWAII	ISLE OF OAHU	01/01	12/31	177	149	326	07/01/2019
HAWAII	JB PEARL HARBOR-HICKAM	01/01	12/31	177	149	326	07/01/2019
HAWAII	KAPOLEI	01/01	12/31	177	149	326	07/01/2019
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	141	466	07/01/2019
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	120	319	07/01/2019
HAWAII	LANAI	01/01	12/31	218	134	352	07/01/2019
HAWAII	LIHUE	01/01	12/31	325	141	466	07/01/2019
HAWAII	LUALUALEI NAVAL MAGAZINE	01/01	12/31	177	149	326	07/01/2019
HAWAII	MCB HAWAII	01/01	12/31	177	149	326	07/01/2019
HAWAII	MOLOKAI	01/01	12/31	218	106	324	07/01/2019
HAWAII	NOSC PEARL HARBOR	01/01	12/31	177	149	326	07/01/2019
HAWAII	PEARL HARBOR	01/01	12/31	177	149	326	07/01/2019
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	141	466	07/01/2019
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	177	149	326	07/01/2019
HAWAII	TRIPLER ARMY MEDICAL CENTER.	01/01	12/31	177	149	326	07/01/2019
HAWAII	WAHIAWA NCTAMS PAC	01/01	12/31	177	149	326	07/01/2019
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	149	326	07/01/2019
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	07/01/2019
NORTHERN MARIANA ISLANDS	[OTHER]	01/01	12/31	69	113	182	09/01/2019
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	130	114	244	09/01/2019
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	113	274	09/01/2019
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	69	93	162	09/01/2019
PUERTO RICO	[OTHER]	01/01	12/31	109	112	221	06/01/2012
PUERTO RICO	AGUADILLA	01/01	12/31	171	84	255	11/01/2015
PUERTO RICO	BAYAMON	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	BAYAMON	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CAROLINA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	CAROLINA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CEIBA	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	CULEBRA	01/01	12/31	150	98	248	03/01/2012

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	HUMACAO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	LUQUILLO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	112	221	09/01/2010
PUERTO RICO	PONCE	01/01	12/31	149	89	238	09/01/2012
PUERTO RICO	RIO GRANDE	01/01	12/31	169	123	292	06/01/2012
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	VIEQUES	01/01	12/31	175	95	270	03/01/2012
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	116	415	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	110	357	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	113	343	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	107	277	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	110	359	03/01/2017
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	110	449	03/01/2017
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	09/01/2019

*Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2019–18690 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

DATES: Open to the public Wednesday, September 25, 2019, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The address of the open meeting is the Naval Heritage Center Theater, 701 Pennsylvania Avenue NW, Washington, DC 20004. FOR

FOR FURTHER INFORMATION CONTACT: Colonel Paul J. Hoerner, USAF, 703–681–2890 (Voice), *dha.ncr.j-6.mbx.baprequests@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *https://health.mil/bap.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 Code of Federal Regulations (CFR) 102–3.140 and 102–3.150. The Panel will review and comment on recommendations made to the Director of the Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Purpose of the Meeting: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

Agenda

1. Sign-In
2. Welcome and Opening Remarks
3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
   a. Multiple Sclerosis Agents—Interferon
   b. Multiple Sclerosis Agents—Methyl Fumarate
   c. Corticosteroids—Immune Modulators—High Potency
4. Newly Approved Drugs Review
5. Pertinent Utilization Management Issues
6. Panel Discussions and Vote

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

Written Statements: Pursuant to 41 CFR 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO).The DFO's contact information can be obtained previously in this notice. Written comments or statements must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Panel for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to all the committee members.

Dated: August 23, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18593 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2019–HA–0060]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Suicide Event Report; DD Form 2996; OMB Control Number 0720–0058.

Type of Request: Extension.

Number of Respondents: 1,563.

Responses per Respondent: 1.

Annual Responses: 1,563.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 260.5.

Needs and Uses: This data system will provide integrated enterprise and survey data to be used for direct reporting of suicide events and ongoing population-based health surveillance activities. These surveillance activities include the systematic collection, analysis, interpretation, and reporting of outcome-specific data for use in planning, implementation, evaluation, and prevention of suicide behaviors within the Department of Defense. Data is collected on individuals with reportable suicide and self-harm behaviors (to include suicide attempts, self-harm behaviors, and suicidal ideation). All other DoD active and reserve military personnel records collected without evidence of reportable suicide and self-harm behaviors will exist as a control group. Records are integrated from enterprise systems and created and revised by civilian and military personnel in the performance of their duties.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 23, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18637 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2019–HQ–0013]

Submission for OMB Review; Comment Request

AGENCY: United States Naval Academy (USNA), DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 30, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: United States Naval Academy Sponsor Program, USNA Sponsor Application; USNA 1531/12; OMB Control Number 0703–0054.

Type of Request: Extension.

Number of Respondents: 800.

Responses per Respondent: 1.

Annual Responses: 800.

Average Burden per Response: 1 hour.

Annual Burden Hours: 800.

Needs and Uses: The information collection requirement is necessary to obtain and record the professional qualifications of medical and peer reviewers utilized within TRICARE. The form is included as an exhibit in an appeal or hearing case file as evidence of the reviewer's professional qualifications to review the medical documentation contained in the case file.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 26, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–18671 Filed 8–28–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice Inviting Publishers To Submit Tests for a Determination of Suitability for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education (1) invites publishers to submit tests for review and approval for use in the National Reporting System for Adult Education (NRS); and (2) announces the date by which publishers must submit these tests.

DATES: *Deadline for transmittal of applications:* October 1, 2019.

ADDRESSES: Submit your application by mail (through the U.S. Postal Service or a commercial carrier) or deliver your application by hand or by courier service to: NRS Assessment Review, c/o American Institutes for Research, 1000 Thomas Jefferson Street NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: John LeMaster, U.S. Department of Education, 400 Maryland Avenue SW, Room 11152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@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: The Department's regulations for Measuring Educational Gain in the National Reporting System for Adult Education, 34 CFR part 462 (NRS regulations), include the procedures for determining the suitability of tests for use in the NRS. This notice relates to the approved information collection under OMB control number 1830–0567.

There is a review process that will begin on October 1, 2019. Only tests submitted by the due date will be reviewed in that review cycle. If a publisher submits a test after October 1, 2019, the test will not be reviewed until the review cycle that begins on October 1, 2020.

Criteria the Secretary Uses: In order for the Secretary to consider a test suitable for use in the NRS, the test must meet the criteria and requirements established in 34 CFR 462.13.

Submission Requirements:

(a) In preparing your application, you must comply with the requirements in 34 CFR 462.11.

(b) In accordance with 34 CFR 462.10, the deadline for transmittal of applications in this fiscal year is October 1, 2019.

(c) Whether you submit your application by mail (through the U.S. Postal Service or a commercial carrier) or deliver your application by hand or by courier service, you must mail or deliver four copies of your application, on or before the deadline date, to the following address: NRS Assessment Review, c/o American Institutes for Research, 1000 Thomas Jefferson Street NW, Washington, DC 20007.

(d) If you submit your application by mail or commercial carrier, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

(e) If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(f) We do not consider applications postmarked after the application deadline date to be timely for the October 1, 2019, review cycle. If an application is postmarked after the October 1, 2019, deadline date, the application will be considered timely for the October 1, 2020, deadline date.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(g) If you submit your application by hand delivery, you (or a courier service) must deliver four copies of the application by hand, on or before 4:30:00 p.m., Eastern Time, on the application deadline date.

(h) Electronic submission of applications is not permitted.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. 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.

Authority: 29 U.S.C. 3292.

Scott Stump,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2019–18615 Filed 8–28–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0107]

Agency Information Collection Activities; Comment Request; Performance Report for Assistance for Arts Education Development and Dissemination, Professional Development for Arts Educators and Arts in Education National Programs

AGENCY: Department of Education (ED), Office of Innovation and Improvement (OII).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 28, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0107. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those*

submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bonnie Carter, 202–401–3576.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Performance Report for Assistance for Arts Education Development and Dissemination, Professional Development for Arts Educators and Arts in Education National Programs.

OMB Control Number: 1855–0031.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 88.

Total Estimated Number of Annual Burden Hours: 3,520.

Abstract: This data collection package consists of three annual performance templates forms that include fillable tables and open-ended questions to allow grantees to submit data as required by the Department of Education in an efficient and organized manner under the Assistance for Arts Education Development and Dissemination, Professional Development for Arts Educators and Arts in Education National Programs. Data for Government Performance and Results Act measures, budget information and data on project-specific performance measures are collected on the templates. This annual performance report templates collection package is an extension of the current information collection package (OMB #1855–0031).

Dated: August 26, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–18716 Filed 8–28–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. IS19–277–002, IS19–278–002, OR18–22–000]

Notice of Settlement Filing: Buckeye Pipe Line Company, LP; Laurel Pipe Line Company, LP

Take notice that on July 31, 2019 and August 2, 2019, Buckeye Pipe Line Company, L.P. (Buckeye) and Laurel Pipe Line Company, L.P (Laurel) with the support of Giant Eagle, Inc., Guttman Energy, Inc., Lucknow-Highspire Terminals, LLC, Monroe Energy, LLC, Philadelphia Energy Solutions Refining and Marketing, LLC, and Sheetz, Inc. (collectively, with Buckeye/Laurel, Parties) filed a joint Offer of Settlement. The Settlement seeks to resolve all issues in the above referenced proceedings regarding the services by Buckeye and Laurel.

In accordance with Rule 602(f) of the Commission's Rules of Practice and Procedure, 18 CFR 385.602(f), any person desiring to comment on this Offer of Settlement should file its comments with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, on or before September 5, 2019. Reply comments will be due on or before September 12, 2019. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website under the ''e-Filing'' link.

Dated: August 22, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18712 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2674–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: New Mexico PPA Corporation

August 23, 2019.

This is a supplemental notice in the above-referenced New Mexico PPA Corporation's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 12, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–18669 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–124–000.

Applicants: Wessington Wind Energy Center, LLC, Wessington Springs Wind, LLC, Wilton Wind II, LLC, Wilton Wind Energy II, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Wessington Wind Energy Center, LLC, et al.

Filed Date: 8/22/19.

Accession Number: 20190822–5151.

Comments Due: 5 p.m. ET 9/12/19.

Docket Numbers: EC19–125–000.

Applicants: Brea Generation LLC, Brea Power II, LLC, Rhode Island Engine Genco, LLC, Rhode Island LFG Genco, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Brea Generation LLC, et al.

Filed Date: 8/23/19.

Accession Number: 20190823–5062.

Comments Due: 5 p.m. ET 9/13/19.

Docket Numbers: EC19–126–000.

Applicants: Carville Energy LLC, Oneta Power, LLC, AMF Florence LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Carville Energy LLC, et al.

Filed Date: 8/23/19.

Accession Number: 20190823–5076.

Comments Due: 5 p.m. ET 9/13/19.

Docket Numbers: EC19–127–000.

Applicants: Birchwood Power Partners, L.P., Virginia Electric and Power Company.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Birchwood Power Partners, L.P., et al.

Filed Date: 8/23/19.

Accession Number: 20190823–5136.

Comments Due: 5 p.m. ET 9/13/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–169–000.

Applicants: SR Arlington II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of SR Arlington II, LLC.

Filed Date: 8/16/19.

Accession Number: 20190816–5192.

Comments Due: 5 p.m. ET 9/6/19.

Docket Numbers: EG19–170–000.

Applicants: South Peak Wind LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of South Peak Wind LLC.

Filed Date: 8/22/19.

Accession Number: 20190822–5183.

Comments Due: 5 p.m. ET 9/12/19.

Docket Numbers: EG19–171–000.

Applicants: PGR Lessee L, LLC.

Description: Self-Certification of Exempt Wholesale Generator Status of PGR Lessee L, LLC.

Filed Date: 8/23/19.

Accession Number: 20190823–5152.

Comments Due: 5 p.m. ET 9/13/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–554–004.

Applicants: Carville Energy LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control to be effective N/A.

Filed Date: 8/23/19.

Accession Number: 20190823–5065.

Comments Due: 5 p.m. ET 9/13/19.

Docket Numbers: ER19–455–003.

Applicants: Stoneray Power Partners, LLC.

Description: Compliance filing: Stoneray Revised Rate Schedule Compliance Filing Effective February 1 2019 to be effective 2/1/2019.

Filed Date: 8/22/19.

Accession Number: 20190822–5079.

Comments Due: 5 p.m. ET 9/12/19.

Docket Numbers: ER19–2677–000.

Applicants: Hampshire Council of Governments.

Description: Notice of Cancellation of Market-Based Rate Tariff of New Hampshire Council of Governments.

Filed Date: 8/22/19.

Accession Number: 20190823–0001.

Comments Due: 5 p.m. ET 9/12/19.

Docket Numbers: ER19–2678–000.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ATSI submits 6 ECSAs, Service Agreement Nos. 5165, 5338, 5340, 5391, et al to be effective 10/22/2019.

Filed Date: 8/23/19.

Accession Number: 20190823–5030.

Comments Due: 5 p.m. ET 9/13/19.

Docket Numbers: ER19–2679–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2019–08–23 2018 Interconnection Process Enhancements Tariff Amendment to be effective 10/23/2019.

Filed Date: 8/23/19.

Accession Number: 20190823–5055.

Comments Due: 5 p.m. ET 9/13/19.

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: August 23, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18674 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1980–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 3555SO Haystack Wind Project GIA-Amended Filing/Deficiency to be effective 5/10/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5061.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2399–000.
Applicants: Caden Energix Hickory LLC.
Description: Supplement to July 15, 2019 Caden Energix Hickory LLC tariff filing.
Filed Date: 8/21/19.
Accession Number: 20190821–5092.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2640–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1910R15 Southwestern Public Service Company NITSA NOA Notice of Cancellation to be effective 6/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5172.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2652–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp Rate Schedule T1158 Northern Grid Funding Agreement to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5153.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2653–000.
Applicants: MATL LLP.
Description: § 205(d) Rate Filing: NorthernGrid Funding Agreement Concurrence to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5156.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2654–000.
Applicants: Puget Sound Energy, Inc.
Description: § 205(d) Rate Filing: Certificate of Concurrence to NorthernGrid Funding Agreement to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5163.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2655–000.
Applicants: Portland General Electric Company.
Description: § 205(d) Rate Filing: NorthernGrid Funding Agreement Concurrence to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5167.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2656–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Ministerial Revisions to Original Service Agreement No. 293 to be effective 8/21/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5170.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2657–000.
Applicants: Puget Sound Energy, Inc.
Description: § 205(d) Rate Filing: Equilon 449 Filing to be effective 5/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5171.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2658–000.
Applicants: Idaho Power Company.
Description: Initial rate filing: RS 167—NorthernGrid Funding Agreement—2020–2021 to be effective 10/31/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5000.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2659–000.
Applicants: Entergy Mississippi, LLC.
Description: § 205(d) Rate Filing: EML–GWG LBA Agreement to be effective 8/21/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5173.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2660–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–08–21_Termination of SA 3280 DEI-Roaming Bison Renewables E&P (J754) to be effective 8/22/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5007.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2661–000.
Applicants: Dynegy Midwest Generation, LLC.
Description: § 205(d) Rate Filing: Rate Schedule 2019 to be effective 11/1/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5020.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2662–000.
Applicants: Illinois Power Generating Company.
Description: § 205(d) Rate Filing: Rate Schedule 2019 to be effective 11/1/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5021.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2663–000.
Applicants: Illinois Power Resources Generating, LLC.
Description: § 205(d) Rate Filing: Rate Schedule 2019 to be effective 11/1/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5022.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2664–000.
Applicants: Tampa Electric Company.
Description: § 205(d) Rate Filing: TEC OATT Revisions–Dissolution of FRCC as a NERC Regional Entity to be effective 9/1/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5053.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2665–000.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
Description: § 205(d) Rate Filing: LGIA (SA 2473) among NYISO, National Grid and Ball Hill Wind Energy to be effective 7/31/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5056.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2666–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2019–08–21_SA 3343 Allete-NPUC Maintenance Agrmt to be effective 8/22/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5062.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2667–000.
Applicants: Atlantic Power Energy Services (US) LLC.
Description: Tariff Cancellation: Market-Based Rates Tariff cancellation to be effective 8/22/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5087.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2668–000.
Applicants: APDC, Inc.
Description: Tariff Cancellation: Market-Based Rates Tariff Cancellation to be effective 8/22/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5088.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2669–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions Regarding Financial Security for System Upgrades to be effective 10/20/2019.
Filed Date: 8/21/19.
Accession Number: 20190821–5094.
Comments Due: 5 p.m. ET 9/11/19.

Docket Numbers: ER19–2670–000.

Applicants: SR Meridian III, LLC.

Description: Baseline eTariff Filing: MBR Application to be effective 10/21/2019.

Filed Date: 8/21/19.

Accession Number: 20190821–5101.

Comments Due: 5 p.m. ET 9/11/19.

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: August 21, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18709 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–93–000]

Western Farmers Electric Cooperative v. Southwest Power Pool, Inc.; Notice of Complaint

August 23, 2019.

Take notice that on August 22, 2019, pursuant to sections 206, 306, and 309 of the Federal Power Act (FPA), 16 U.S.C. 824e, 825e, and 825h and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Western Farmers Electric Cooperative (Complainant), filed a formal complaint against Southwest Power Pool, Inc. (Respondent) alleging that SPP violated its tariff and contractual obligations by failing to properly implement Attachment Z2 of its tariff, all as more fully explained in the complaint.

Complainants certifies that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 23, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18676 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–94–000]

TerraForm Power, Inc.; Notice of Petition for Declaratory Order

August 23, 2019.

Take notice that on August 22, 2019, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 and sections 366.3(b)(1), 366.3(d), and 366.4(b)(3) of the Commission's regulations,[1] TerraForm Power, Inc. (Petitioner), on behalf of itself and its current and future subsidiaries that are holding companies (collectively, the TerraForm HoldCos), filed a petition requesting that the Commission, among other things, issue a declaratory order granting the TerraForm HoldCos an exemption from the requirements of sections 366.2, 366.21, 366.22, and 366.23 of the Commission's regulations under the Public Utility Holding Company Act of 2005,[2] all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 23, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18670 Filed 8–28–19; 8:45 am]

BILLING CODE P

[1] 18 CFR 366.3(b)(1), 366.3(d), and 366.4(b)(3) (2019).

[2] 18 CFR 366.2, 366.21, 366.22, & 366.23 (2019).

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: ER16–2365–004.
Applicants: All Dams Generation, LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT & Request for Waiver to be effective N/A.
Filed Date: 7/24/19.
Accession Number: 20190724–5121.
Comments Due: 5 p.m. ET 8/27/19.

Docket Numbers: ER16–2366–002.
Applicants: Mahoning Creek Hydroelectric Company, LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT & Request for Waiver to be effective N/A.
Filed Date: 7/24/19.
Accession Number: 20190724–5122.
Comments Due: 5 p.m. ET 8/27/19.

Docket Numbers: ER19–2476–000.
Applicants: Techren Solar II LLC.
Description: Report Filing: Amendment to Application for Market Based Rate Filing to be effective N/A.
Filed Date: 8/19/19.
Accession Number: 20190819–5113.
Comments Due: 5 p.m. ET 9/9/19.

Docket Numbers: ER19–2504–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Correction Filing to SCE Revised WDAT Attachment J to be effective 7/26/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5001.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2638–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–08–19_SA 3294 Cooperative Energy—Cooperative Energy 1st Rev GIA (J888) to be effective 8/5/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5144.
Comments Due: 5 p.m. ET 9/9/19.

Docket Numbers: ER19–2639–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-CenterPoint Energy Houston Electric IA to be effective 8/6/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5146.
Comments Due: 5 p.m. ET 9/9/19.

Docket Numbers: ER19–2642–000.
Applicants: Tampa Electric Company.
Description: § 205(d) Rate Filing: OATT Revisions _Dissolution of FRCC as a NERC Regional Entity to be effective 9/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5060.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2643–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF OATT Revisions (FRCC Dissolution) to be effective 9/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5063.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2644–000.
Applicants: Whitney Hill Wind Power, LLC.
Description: Baseline eTariff Filing: Whitney Hill MBR Application to be effective 9/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5102.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2645–000.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
Description: § 205(d) Rate Filing: Joint IA among NYISO, NMPC and HQ US for Cedar Rapids Intertie to be effective 7/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5114.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2646–000.
Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.
Description: § 205(d) Rate Filing: 2019–08–20_SA 3342 OTP–GRE T–T (Schuster Lake) to be effective 10/20/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5123.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2647–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Revised OATT to Reflect the Dissolution of the FRCC as NERC Regional Entity to be effective 9/1/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5120.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2648–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 139 JDA Amended & Restated to be effective 10/19/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5128.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2649–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 63—Concurrence in NPC RS No. 139 Joint Dispatch Agmt to be effective 10/19/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5129.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2650–000.
Applicants: NorthWestern Corporation, Avista Corporation, Idaho Power Company, MATL LLP, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc.
Description: Initial rate filing: NorthernGrid Funding Agreement to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5130.
Comments Due: 5 p.m. ET 9/10/19.

Docket Numbers: ER19–2651–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: NorthernGrid Funding Agreement—NorthWestern Corporation to be effective 10/31/2019.
Filed Date: 8/20/19.
Accession Number: 20190820–5147.
Comments Due: 5 p.m. ET 9/10/19.

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: August 20, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18711 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–1002–001.

Applicants: Crossroads Pipeline Company.
Description: Compliance filing NAESB 3.1 Compliance to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5078.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1015–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing NAESB 3.1 Compliance to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5077.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1071–001.
Applicants: Portland General Electric Company.
Description: Compliance filing NAESB V3.1 Standards Compliance Refile to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5153.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1081–001.
Applicants: Bluewater Gas Storage, LLC.
Description: Compliance filing Order No. 587–Y Compliance Filing to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5037.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1090–002.
Applicants: American Midstream (AlaTenn), LLC.
Description: Compliance filing Compliance to 724 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5012.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1091–003.
Applicants: American Midstream (Midla), LLC.
Description: Compliance filing Compliance to 10008 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5013.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1092–002.
Applicants: Destin Pipeline Company, L.L.C.
Description: Compliance filing Compliance to 113026 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5014.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1093–002.
Applicants: High Point Gas Transmission, LLC.
Description: Compliance filing Compliance to 110521 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5189.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1094–002.
Applicants: Trans-Union Interstate Pipeline, L.P.
Description: Compliance filing Compliance to 713 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5018.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–1477–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Cleanup to Remove NC Agreement K870271 to be effective 9/16/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5002.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–898–001.
Applicants: Greylock Pipeline, LLC.
Description: Compliance filing Compliance to 207 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5015.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–908–001.
Applicants: High Island Offshore System, L.L.C.
Description: Compliance filing Order No. 587–Y Compliance Filing Part 2 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5020.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–927–001.
Applicants: Bison Pipeline LLC.
Description: Compliance filing NAESB 3.1 Compliance Filing to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5070.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–932–001.
Applicants: Northern Border Pipeline Company.
Description: Compliance filing NAESB 3.1 Compliance to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5074.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP19–941–001.
Applicants: Gas Transmission Northwest LLC.
Description: Compliance filing Compliance to Docket No. RP19–941–000 to be effective 8/1/2019.
Filed Date: 8/16/19.
Accession Number: 20190816–5071.
Comments Due: 5 p.m. ET 8/28/19.
Docket Numbers: RP15–1158–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Report Filing: FTS–A Activity Report in compliance.
Filed Date: 8/19/19.
Accession Number: 20190819–5045.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1041–001.
Applicants: B–R Pipeline Company.
Description: Compliance filing Order No. 587–Y Second Compliance Filing to be effective 8/1/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5047.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1042–001.
Applicants: USG Pipeline Company, LLC.
Description: Compliance filing Order No. 587–Y Second Complaince Filing to be effective 8/1/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5046.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1044–002.
Applicants: Cheniere Corpus Christi Pipeline, LP.
Description: Compliance filing NAESB 3.1 Compliance—Extension of Time to be effective 8/1/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5001.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1045–002.
Applicants: Cheniere Creole Trail Pipeline, L.P.
Description: Compliance filing NAESB 3.1—Extension of Time to be effective 8/1/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5000.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1213–001.
Applicants: Total Peaking Services, L.L.C.
Description: Compliance filing TPS Order No. 587–Y Compliance Filing Changes Update to be effective 8/1/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5042.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–1478–000.
Applicants: Stingray Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Stingray Gas Quality Filing to be effective 9/18/2019.
Filed Date: 8/19/19.
Accession Number: 20190819–5027.
Comments Due: 5 p.m. ET 9/3/19.
Docket Numbers: RP19–926–002.
Applicants: Rendezvous Pipeline Company, LLC.
Description: Compliance filing Revised NAESB Compliance Filing—Order No. 587–Y to be effective 8/1/2019.
Filed Date: 8/19/19.

Accession Number: 20190819–5120.
Comments Due: 5 p.m. ET 9/3/19.

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: August 20, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18710 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC19–39–000]

Commission Information Collection Activities (FERC–511); Consolidated Comment Request; Extension

August 23, 2019.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of the information collections described below.

DATES: Comments on the collections of information are due October 28, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–39–000) by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note the three collections are distinct.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Title: FERC–511, Transfer of Electric License.

OMB Control No.: 1902–0069.

Abstract: The Commission uses the information collected under the requirements of FERC–511 to implement the statutory provisions of Sections 4(e) and 8 of the Federal Power Act (FPA).[1] Section 4(e) authorizes the Commission to issue licenses for the construction, operation and maintenance of reservoirs, powerhouses, and transmission lines or other facilities necessary for the development and improvement of navigation and for the development, transmission, and utilization of power.[2] Section 8 of the FPA provides that the voluntary transfer of any license is made only with the written approval of the Commission. Any successor to the licensee may assign the rights of the original licensee but is subject to all of the conditions of the license. The information filed with the Commission is a mandatory requirement contained in the format of a written application for transfer of license, executed jointly by the parties of the proposed transfer. The sale or merger of a licensed hydroelectric project may occasion the transfer of a license. The Commission's staff uses the information collection to determine the qualifications of the proposed transferee to hold the license and to prepare the transfer of the license order. Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, and evidence that such transfer is in the public interest. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 9.

Type of Respondent: Hydropower Project Licensees.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden and cost[3] for the information collection as:

[1] 16 U.S.C. 797(e) and 801.

[2] Refers to facilities across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of public lands and reservations of the United States, or for the purpose of utilizing the surplus water or water power from any Government dam.

[3] The FERC 2019 average salary plus benefits for one FERC full-time equivalent (FTE) is $167,091/year (or $80.00/hour). Commission staff estimates that the industry's skill set (wages and benefits) for completing and filing FERC–511 is comparable to the Commission's skill set.

FERC–511—TRANSFER OF ELECTRIC LICENSE

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hrs. & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Hydropower Project Licensees	46	1	46	40 hrs.; $3,200	1,840 hrs.; $147,000	$3,200

Kimberly D. Bose,
Secretary.

[FR Doc. 2019–18672 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–11–000]

Sabine Pass LNG, L.P.; Notice of Availability of the Environmental Assessment for the Proposed Third Berth Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Third Berth Expansion Project (Project), proposed by Sabine Pass LNG, L.P. in the above-referenced docket. Sabine Pass LNG, L.P. requests authorization to construct and operate a third marine berth at the existing Sabine Pass LNG Terminal in Cameron Parish, Louisiana. The Project would also include the addition of piping, pipe racks, utilities, and other infrastructure necessary to transport liquefied natural gas (LNG) to the third berth.

The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers, U.S. Department of Energy, U.S. Department of Transportation, U.S. Coast Guard, U.S. Fish and Wildlife Service, and Louisiana Department of Wildlife and Fisheries participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The Project would consist of the following facilities in Cameron Parish, Louisiana:

- A new marine berth to be dredged adjacent and southeast of the two existing marine berths along the Sabine Pass Channel;
- additional two tugs to the existing dedicated tug fleet;
- an LNG loading system consisting of a new platform, LNG loading and cooldown lines, and LNG loading arms (two liquid, one vapor, and one hybrid liquid/vapor);
- two new 30-inch-diameter loading lines to transfer LNG to the Third Berth loading platform;
- an LNG spill collection system to provide spill protection for the new LNG piping and equipment; and
- appurtenant facilities including, the customs/security building, analyzer shelters, telecommunications systems, digital control systems upgrades, security fencing, cathodic protection systems, elevated fire monitor towers, and gangway with associated gangway hydraulic power unit and local control panel.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP19–11). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on September 23, 2019.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–11–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: August 23, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18677 Filed 8–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–2585–000]

Florida Power & Light Company; Notice of Extension of Time

August 23, 2019.

On August 15, 2019, Seminole Electric Cooperative, Inc. (Seminole), Lee County Electric Cooperative, Inc. (LCEC), and Florida Keys Electric Cooperative Association, Inc. (FKEC) filed a joint motion to intervene and a request for an extension, from September 3, 2019 to September 13, 2019, of the date for filing interventions and comments in response to Florida Power & Light Company's (FPL) rate filing, filed pursuant to Section 205 of the Federal Power Act, in this proceeding.[1] Seminole, LCEC, and FKEC state that an extension of time is necessary to aid intervenors in developing a greater understanding of this complex filing and the issues it presents without unduly constraining the time available to the Commission for its deliberations. Seminole, LCEC and FKEC are authorized to represent that the Florida Municipal Power Agency (FMPA)[2] supports, and that FPL does not oppose, the requested extension of the date for interventions and comments.

Upon consideration, notice is hereby given that Seminole, LCEC, and FKEC's motion is granted, and the interventions and comment date for the above-captioned proceeding is hereby extended to and including September 13, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–18675 Filed 8–28–19; 8:45 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
4382	Citytrust Bank	Bridgeport	CT	08/09/1991
10097	First Bankamericano	Elizabeth	NJ	07/31/2009

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this time frame.

(Authority: 12 U.S.C. 1819)

Dated at Washington, DC, on August 23, 2019.

Federal Deposit Insurance Corporation,

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2019–18552 Filed 8–28–19; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System (''Board'') and

[1] 16 U.S.C. 824d (2000).

[2] FMPA has filed a motion to intervene in this proceeding.

Federal Deposit Insurance Corporation (FDIC), (collectively, the ''Agencies'').

ACTION: Joint notice, request for comment.

SUMMARY: The Agencies invite comment on a proposal to extend for three years, with revision, the Notice by Financial Institutions of Government Securities Broker or Government Securities Dealer Activities and the Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer (Form G–FIN and Form G–FINW; OMB Nos. 7100–0224 (Board), 3064–0093 (FDIC)).

DATES: Comments must be submitted on or before October 28, 2019.

ADDRESSES: Interested parties are invited to submit written comments to either or both of the Agencies. All comments, which should refer to the Office of Management and Budget (OMB) control numbers, will be shared between the Agencies. Direct all written comments as follows:

Board: You may submit comments, identified by OMB control no. *7100–0224* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FDIC: You may submit comments, which should refer to ''3064–0093'' by any of the following methods:

- *Agency website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's website.
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''3064–0093'' in the subject line of the message.
- *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act of 1995 (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Federal Reserve Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below. Requests for additional information or a copy of the collection may be obtained by contacting:

Board: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Agencies invite public comment on the following information collection. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Agencies' functions, including whether the information has practical utility;

b. The accuracy of the estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared between the Agencies. All comments received, including attachments and other supporting materials, are part of the public record and will be included in the submission to OMB. At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Agencies should modify the proposal.

Title: Notice by Financial Institutions of Government Securities Broker or Government Securities Dealer Activities; Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer (Form G–FIN).

OMB Control Numbers: Board: 7100–0224. FDIC: 3064–0093.

General Description of Report: The Securities Exchange Act of 1934, as amended (the Act),[1] requires financial institutions to notify their appropriate regulatory agency (ARA) prior to using

[1] 15 U.S.C 78o–5.

the mails or any means or instrumentality of interstate commerce to engage in government securities broker or dealer activities. The Board is the ARA for state member banks, foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations (collectively, ''Board-regulated financial institutions''). The FDIC is the ARA for state nonmember banks and insured branches of foreign banks (collectively, ''FDIC-regulated financial institutions''). A Board- or FDIC-regulated financial institution must use Form G–FIN to register as a government securities broker or dealer or to amend a previously submitted G–FIN.

Form G–FIN report collects such information as the company name, all business addresses, names and titles of managers of government securities activities, and the names of any persons involved in disciplinary proceedings related to the sale of securities. The Board uses the information collected by Form G–FIN to measure compliance with the Act. For the FDIC, the Form G–FIN is used by insured State nonmember banks that are government securities brokers or dealers to notify the FDIC of their status.

An important function of the Form G–FIN is to help financial institutions determine whether they must file notices pursuant to the Act. The definitions of government securities broker and government securities dealer in the Act are very broad and, if read literally, would encompass most banks and many thrift institutions. The Treasury has the authority to exempt institutions from this requirement if it is consistent with the intent of the Act. When the Treasury regulations were first drafted to implement the reporting requirements of the Act, the appropriate regulatory agencies (ARAs) worked closely to narrow the class of financial institution required to file the Form G–FIN report (reflected in Part B of the instructions, Who Must File).

In addition to incorporating the Treasury's exemptions from the notice requirement in the reporting instructions, these exemptions are prominently summarized on the cover sheet of the Form G–FIN report in order to provide a simpler and easier means for financial institutions to determine if they are exempt.

Respondents: State member banks, insured state nonmember banks, foreign banks, insured branches of foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations.

Respondent burden:

Board:

Estimated number of respondents: Reporting, 34; Recordkeeping, 2.
Estimated average hours per response: Reporting, 1; Recordkeeping, 0.25.
Estimated frequency: 1.
Estimated total annual burden hours: 35.

FDIC:

Estimated number of respondents: 1.
Estimated average hours per response: 1.
Estimated frequency: 1.
Estimated total annual burden hours: 1.

Title: Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer (Form G–FINW).

OMB Control Numbers: Board: 7100–0224. FDIC: 3064–0093.

General Description of Report: The Act requires financial institution to notify their ARA upon terminating government securities broker or dealer activities. A Board- or FDIC-regulated financial institution must use Form G–FINW to notify the Board or FDIC, respectively, of its termination of such activities. Form G–FINW collects information such as the company name, address, and contact person responsible for the records associated with the government securities broker or dealer activities. The Board and FDIC use the information collected by Form G–FINW to measure compliance with the Act. The information collected by Forms G–FINW is not available from other sources.

The instructions for Form G–FINW state that a notificant should retain one exact copy of the each completed Form G–FINW for the notificant's records. These records must be kept until at least three years after the financial institution has notified the Board or FDIC, as appropriate, that it has ceased to function as a government securities broker or dealer.

Respondent: State member banks, insured state nonmember banks, foreign banks, insured branches of foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations.

Respondent burden:

Board:

Estimated number of respondents: Reporting, 2; Recordkeeping, 1.
Estimated average hours per response: Reporting, 0.25; Recordkeeping, 0.25.
Estimated frequency: 1.
Estimated total annual burden hours: 1.

FDIC:

Estimated number of respondents: 1.
Estimated average hours per response: 0.25.
Estimated frequency: 1.
Estimated total annual burden hours: 0.25.

Proposed Revisions: The Agencies propose to revise Form G–FIN and Form GINW to (1) require respondents to submit PDF versions of the forms and any attachments to a designated email address, and (2) to correct cross-references on the following forms: G–FIN–4, Form MSD–4, and Form U–4, which are incorporated by reference in Item 7 of the Form G–FIN.

In addition, the Board proposes to revise the Form G–FIN and Form G–FINW collections to account for a requirement in the Form G–FIN forms' instructions that respondents retain a signed copy of the form and data submitted. Currently, only respondents that are state member banks or uninsured state branches or state agencies of a foreign bank must comply with this recordkeeping requirement, which is imposed on such respondents by regulations promulgated by the U.S. Department of the Treasury (''Treasury'').[2] Pursuant to those regulations, such respondents must retain Forms G–FIN and G–FINW until at least three years after the financial institution has notified the Board that it has ceased to function as a government securities broker or dealer. The Board proposes to revise the Form G–FIN and Form G–FINW information collections to impose identical recordkeeping requirements on respondents that are foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations. The retention period with respect to forms filed by those respondents would be identical to the period imposed by the Treasury Department regulations in order to maintain parity among respondent institutions. The proposal also would revise the instructions to Forms G–FIN and G–FINW so that they state the required retention period for these forms.

For the FDIC, the Form G–FIN4 and Form G–FIN5 are also information collections cleared under the OMB control number 3064–0093. Form G–FIN–4 is used by associated persons of insured state nonmember banks that are government securities brokers or dealers to provide certain information to the bank and to the FDIC concerning employment, residence, and statutory disqualification. Form G–FIN–5 is used

[2] See 17 CFR 404.4.

by insured state nonmember banks that are government securities brokers or dealers to notify the FDIC that an associated person is no longer associated with the government securities broker or dealer function of the bank. These revisions incur no change in the method or substance of any information collections under OMB control number 3064–0093 and there is no subsequent change in burden.

Legal authorization and confidentiality: Forms G–FIN and G–FINW are authorized under 15 U.S.C. 78o–5(a)(l)(B)(i), which requires a financial institution that is a broker or dealer of government securities to submit a written notice advising its appropriate regulatory agency (ARA) that it is a government securities broker or a government securities dealer or that it has ceased to act as such. The Act also directs the Board, in consultation with the other ARAs (the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency),[3] as well as the Securities and Exchange Commission (SEC), to prescribe the form of and the information collected in these notices (15 U.S.C. 78o–5(a)(l)(B)(ii)). Further support for the creation and collection of these notices by the Board is found in the Treasury regulations, authorized by 15 U.S.C. 78o–5(b)(l), which instruct that the Form G–FIN and Form G–FINW are promulgated by the Board and that such forms are to be used by non-exempt[4] financial institutions to notify the ARA of their status as government securities brokers or dealers or the termination of such status.[5]

Section 15C of the Act, 15 U.S.C. 78o–5(b)(1)(C), also instructs the Secretary of the Treasury to promulgate recordkeeping requirements regarding the forms and records to be retained by government securities brokers and dealers and to specify the time period for which such records shall be preserved. Accordingly, the recordkeeping requirement associated with these forms is contained in 17 CFR 404.4, which requires state member banks and uninsured state branches or state agencies of foreign banks, as well as other institutions, to retain these forms for three years after the financial institution notifies its ARA that it has ceased to function as a government securities broker or dealer. Although Treasury's recordkeeping requirement does not explicitly apply to foreign banks, to Edge corporations, or to commercial lending companies that are owned or controlled by foreign banks, the Board has the authority to ''issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.'' 15 U.S.C. 78o–5(b)(3)(A). Imposing a recordkeeping requirement on foreign banks, Edge corporations, and commercial lending companies owned or controlled by foreign banks is necessary for the public interest and protection of investors in order to ensure that the proper notification has been provided when these institutions are transacting in government securities (15 U.S.C. 78o–5(a)(1)(B)). In addition, the Board is authorized to impose a recordkeeping requirement on foreign banking organizations[6] (12 U.S.C. 3108), on Edge corporations (12 U.S.C. 625), and on commercial lending companies that are owned or controlled by foreign banks (12 U.S.C. 3106, as applied through 12 U.S.C. 1844(c)).

The obligation to file the Form G–FIN and Form G–FINW with the Board, and the obligation for the government securities broker or dealer to retain a copy of the Form G–FIN and Form G–FINW, is mandatory for those financial institutions for which the Board serves as the ARA, unless the financial institution is exempt from the reporting requirement under Treasury's regulations. The filing of these forms and the records retention period is event-generated.

Under the Act, each ARA is instructed to make these forms available to the SEC, and the SEC is instructed to make the notices available to the public (15 U.S.C. 78o–5(a)(l)(B)(iii)). Thus, the information collected on Form G–FIN and Form G–FINW is ordinarily not treated as confidential.[7] However, given that Item 6 of Form G–FIN instructs the filer to attach copies of the confidential Form G–FIN–4, or if applicable, to attach copies of any previously filed confidential Form MSD–4 or confidential Form U–4, these attachments will be treated as confidential under exemptions 4 and/or 6 of the FOIA.

Consultation outside the agency: The Board consulted with the Federal Deposit Insurance Corporation, the Office of the Comptroller of Currency, and the Securities Exchange Commission in reviewing the form and instructions for this submission.

Board of Governors of the Federal Reserve System on August 15, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 14, 2019.

Valerie J. Best

Assistant Executive Secretary.

[FR Doc. 2019–18606 Filed 8–28–19; 8:45 am]

BILLING CODE 6210–01–P 6714–01–P

[3] A copy of the form filed with each ARA is also made available by the ARA to the SEC under the Act (15 U.S.C. 78o–5(a)(1)(B)(iii)).

[4] The Act permits the Secretary of the Treasury to exempt certain government securities brokers or dealers, 15 U.S.C. 78o–5(a)(5), and the Secretary of the Treasury has promulgated regulations exempting certain types of firms. See 17 CFR part 401.

[5] See 17 CFR 400.1(d), 449.1, and 449.2; see also 17 CFR 400.5(b); requiring that any amendments or corrections to the notice of status of government securities broker or dealer be filed by the financial institution on Form G–FIN within 30 days).

[6] A foreign banking organization is a foreign bank that operates a branch, agency, or commercial lending company subsidiary in the United States; controls a bank in the United States; or controls an Edge corporation acquired after March 5, 1987; and any company of which the foreign bank is a subsidiary.

[7] The Board's Regulation H provides that any person filing any statement, report, or document under the Act may submit written objection to the public disclosure of the information when such information is filed in accordance with the procedures provided in 12 CFR 208.36(d). In addition, if a respondent believes that disclosing the information on these forms is reasonably likely to result in substantial harm to its competitive position, then consistent with exemption 4 of the Freedom of Information Act (''FOIA''), the respondent may request confidential treatment for such information pursuant to the Board's Rules Regarding the Availability of Information, 12 CFR 261.15.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 11, 2019.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President), 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Ross M. Tessendorf, Blair, Nebraska; Todd J. Tessendorf, Lincoln,*

Nebraska; and Travis J. Tessendorf, Columbus, Nebraska; as a group acting in concert, to acquire voting shares of Bellwood Community Holding Company, and indirectly acquire shares of Bank of the Valley, both in Bellwood, Nebraska.

B. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034 or electronically to *Comments.applications@stls.frb.org:*

1. *The 2019 Mark Waldrip Beneficiary GST Trust, Mark Waldrip as trustee, Little Rock, Arkansas, and the 2019 Angela Waldrip Beneficiary GST Trust, Angela Waldrip and Nathan Waldrip as co-trustees, both of Moro, Arkansas;* individually and as a group, to join the control group of Waldrip Bank Trust, Mark and Angela Waldrip as co-trustees, Nathan and Maegan Waldrip JTWRS, Allison and Aaron Bragg JTWRS, Katie and Ethan Branscum JTWRS, Lauren W. Ward, the 2017 Allison Waldrip Bragg Trust, Allison Bragg and Nathan Waldrip as co-trustees, the 2017 Nathan M. Waldrip Trust, Nathan Waldrip and Allison Bragg as co-trustees, the 2017 Katie Waldrip Branscum Trust, Katie Branscum and Allison Bragg as co-trustees and the 2017 Lauren Waldrip Ward Trust, Lauren Ward and Nathan Waldrip as co-trustees, all of Little Rock, Arkansas, to retain more than 25 percent of the voting shares of Big Creek Bancshares, Inc., Mariana, Arkansas.

Board of Governors of the Federal Reserve System, August 23, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–18640 Filed 8–28–19; 8:45 am]

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FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 16, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034 or electronically to *Comments.applications@stls.frb.org:*

1. *John M. Huetsch and Mary Ellen L. Huetsch, both of Waterloo, Illinois; John C. Huetsch and Christina T. Lai, both of Baltimore, Maryland; Mark A. Huetsch and Liang Wang, both of Beijing, China; Steve C. Huetsch, Columbia, Illinois; Randall L. Huetsch and Julie Huetsch, both of Chesterfield, Missouri; and Lynne M. Duren, Winchester, Illinois;* as a group acting in concert, to retain voting shares of SBW Bancshares, Inc., Waterloo, Illinois, and thereby indirectly retain shares of State Bank of Waterloo, Waterloo, Illinois.

Board of Governors of the Federal Reserve System, August 26, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–18720 Filed 8–28–19; 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 September 27, 2019.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *Blue Ridge Bankshares, Inc., Luray, Virginia;* to acquire 100 percent of the voting shares of Virginia Community Bankshares, Inc., and thereby indirectly acquire Virginia Community Bank, both of Louisa, Virginia.

Board of Governors of the Federal Reserve System, August 23, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–18641 Filed 8–28–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2019–0069]

Proposed Update of the CDC's 2006 Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings

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) in the Department of Health and Human Services (HHS) is seeking public comment for updating the following guideline: Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings (2006). The purpose of this notice is to solicit feedback on best approaches on HIV screening in clinical settings and prompt linkage to treatment and care. CDC will update this guideline to ensure that HIV testing providers, public health agencies, and other stakeholders have access to up-to-date and consistent information about new evidence, current approaches, and resources for HIV testing in clinical settings.

DATES: Written comments must be received on or before October 28, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2019–0069 by any of the following methods:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* DHAP Guideline Team, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS D21, Atlanta, Georgia 30329.

Instructions: All submissions must include the agency name and Docket Number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Priya Jakhmola, Health Scientist, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D21, Atlanta, Georgia 30329. Telephone: 404–639–2495, Email: *dhapguideline@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. In addition, CDC invites comments specifically on opt-out routine HIV testing, including, but not limited to:

- Suggestions for revisions, edits, and new additions
- Contemporary issues and new evidence
- Implementation barriers, challenges, and lessons learned
- Examples of innovative models, partnerships, and collaborations

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information, inappropriate language, or examples of a mass-mail campaign. CDC will carefully consider all comments submitted in preparation of the final document and may revise the final document as appropriate.

Background

The CDC guideline ''Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings'' was published on September 22, 2006 in CDC's *Morbidity and Mortality Weekly Report* (MMWR). Since then, there have been changes in evidence related to HIV testing technologies and interventions, disease epidemiology, outcomes, implementation resources, and related guidelines. This evidence will be identified, assessed, and analyzed to inform the update.

CDC will update the 2006 Guidelines based on input from subject matter experts, public health agencies, the public, and other stakeholders. The guideline development process will draw on up-to-date nationally and internationally accepted guideline development criteria, tools, and resources, including CDC guideline development standards. The process will include a rigorous systematic review of key questions formulated through the PICO (Patient-Intervention-Comparator-Outcome) method. PICO is the foundation of an evidence-based process and facilitates the search for relevant evidence by identifying key concepts and formulating a search strategy. Graded recommendations will be developed using quality and strength of underlying evidence.

Throughout the process of updating the guideline, there will be multiple opportunities for the public to comment on the drafts. We welcome input from a diverse range of perspectives, which will inform the development of the guideline, improve its credibility, and increase the transparency of the process.

Dated: August 26, 2019.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2019–18659 Filed 8–28–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3092]

Placebos and Blinding in Randomized Controlled Cancer Clinical Trials for Drug and Biological Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Placebos and Blinding in Randomized Controlled Cancer Clinical Trials for Drug and Biological Products.'' This guidance provides recommendations to industry about using placebos and blinding in randomized controlled clinical trials in development programs for drug or biological products to treat hematologic malignancies and oncologic diseases regulated by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER). This guidance finalizes the draft guidance entitled ''Hematologic Malignancy and Oncologic Disease: Considerations for Use of Placebos and Blinding in Randomized Controlled Clinical Trials for Drug Product Development'' issued August 24, 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on August 29, 2019.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets

Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–3092 for ''Placebos and Blinding in Randomized Controlled Cancer Clinical Trials for Drug and Biological Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Julia Beaver, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–0489; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Placebos and Blinding in Randomized Controlled Cancer Clinical Trials for Drug and Biological Products.'' This guidance provides recommendations to industry about using placebos and blinding in randomized controlled clinical trials in development programs for drug or biological products to treat hematologic malignancies and oncologic diseases regulated by CDER and CBER.

This guidance finalizes the draft guidance entitled ''Hematologic Malignancy and Oncologic Disease: Considerations for Use of Placebos and Blinding in Randomized Controlled Clinical Trials for Drug Product Development'' (August 24, 2018, 83 FR 42902). Changes made to the guidance took into consideration comments received on the draft guidance and include the following: (1) Clarifying that unblinding should be limited to only the patient and the investigator, (2) clarifying that the guidance does not address statistical approaches to consider when unblinding data, (3) making minor wording changes throughout the document for clarity, and (4) simplifying the guidance title.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Placebos and Blinding in Randomized Controlled Cancer Clinical Trials for Drug and Biological Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in 21 CFR part 312 (Investigational New Drug Application) has been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 (Protection of Human Subjects: Informed Consent; Institutional Review Boards) have been approved under OMB control number 0910–0755.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics,* or *https://www.regulations.gov.*

Dated: August 26, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–18715 Filed 8–28–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2381]

Horizontal Approaches to Food Standards of Identity Modernization; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is

announcing a public meeting entitled ''Horizontal Approaches to Food Standards of Identity Modernization.'' The purpose of the public meeting is to give interested persons an opportunity to discuss FDA's effort to modernize food standards of identity (SOI) and provide information about changes we could make to existing SOI, particularly changes that could be made across categories of standardized foods (*i.e.,* horizontal changes), to provide flexibility for the development of healthier foods. We are also interested in discussing horizontal changes that would better facilitate innovation. This effort is part of the FDA's comprehensive, multiyear Nutrition Innovation Strategy (NIS) designed to improve healthy dietary behavior and help reduce preventable death and disease related to poor nutrition by, among other things, providing incentives for food manufacturers to produce products that have more healthful attributes.

DATES: The public meeting will be held on September 27, 2019, from 8:30 a.m. to 5 p.m. Submit either electronic or written comments on this public meeting notice and request for comments by November 12, 2019. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the Hilton Washington DC/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852. For more information on the hotel see *http://www3.hilton.com/en/hotels/maryland/hilton-washington-dc-rockville-hotel-and-executive-meeting-ctr-IADMRHF/index.html.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 12, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 12, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–2381 for ''Horizontal Approaches to Food Standards of Identity Modernization.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

For questions about registering for the meeting or to register by phone: Mark Gifford, SIDEM, 1775 Eye St. NW, Suite 1150, Washington, DC 20006, telephone: 240–393–4496, Fax: 202–495–2901, email: *EventSupport@sidemgroup.com.*

For general questions about the meeting or for special accommodations due to a disability: Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1731, email: *Juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

On January 11, 2018, FDA released its 2018 Strategic Policy Roadmap (*https://www.fda.gov/AboutFDA/Reports ManualsForms/Reports/ucm591993.htm*), which focuses, in part, on efforts to empower consumers to make better and more informed decisions about their diets and health, foster the development of healthier food options, and expand the opportunities to use nutrition to reduce morbidity and mortality due to chronic disease. The roadmap highlights FDA's commitment to finding approaches to advance policies that better achieve these goals.

On March 29, 2018, the Commissioner of Food and Drugs announced a comprehensive, multiyear FDA Nutrition Innovation Strategy

(hereinafter the ''NIS'') (to access the speech, visit *https://www.fda.gov/NewsEvents/Speeches/ucm603057.htm*). The NIS focuses, among other things, on providing incentives for food manufacturers to produce products that have more healthful attributes. Under the NIS, FDA is seeking to modernize food SOI in a manner that will achieve three primary goals: (1) Protect consumers against economic adulteration; (2) maintain the basic nature, essential characteristics, and nutritional integrity of food; and (3) promote industry innovation and provide flexibility to encourage manufacturers to produce more healthful foods. To inform this effort, we seek information from interested stakeholders to learn what changes have occurred in food production and manufacturing that impact industry's ability to comply with current SOI regulations and what we should be aware of when reviewing and exploring how to modernize our SOI regulations. We are also interested in learning whether we can achieve our SOI modernization goals in ways that produce cost savings.

Many foods have definitions and SOI established by law. FDA began establishing SOI to promote honesty and fair dealing in the interest of consumers shortly after the Federal Food, Drug, and Cosmetic Act (FD&C Act) was enacted in 1938. Since then, we have established more than 280 SOI for a wide variety of food products. SOI typically set forth permitted ingredients, both mandatory and optional, and sometimes specify the amount or proportion of each ingredient. Many SOI also designate the method of production. A food is misbranded if it purports to be or is represented as a food for which a SOI has been established but fails to conform to the standard. See 21 U.S.C. 343(g). Because we issued many SOI decades ago, various stakeholders have expressed concerns that many SOI are out of date and may impede innovation, including the ability to produce healthier foods.

SOI protect consumers against economic adulteration and reflect consumers' expectations about food. They may also describe the basic nature and essential characteristics, including nutritional characteristics, of the food (see FDA's May 20, 2005, proposed rule entitled, ''Food Standards; General Principles and Food Standards Modernization'' (70 FR 29214) for a discussion of the ''basic nature'' and ''essential characteristics'' of food). As consumers continue to seek more nutritious and healthful food options, we seek to ensure that SOI meet these expectations. Modernizing SOI can give manufacturers the flexibility to improve the nutrition and healthfulness of standardized foods, promote honesty and fair dealing in the interest of consumers, and help achieve the goals of the NIS.

On July 26, 2018, FDA held a public meeting to discuss the NIS (including SOI modernization) and give interested parties an opportunity to provide input. During the public meeting, many participants expressed general support for FDA exploring modernization options that could promote changes across all, or broad categories of, SOI to facilitate innovation and flexibility to reformulate products to produce more nutritious foods. Several participants highlighted that rapid advances in technology and science necessitated revisions to certain SOI. The participants, however, also stated that updating individual standards (some stakeholders have referred to this as a ''vertical'' approach) would be time-consuming and may not be feasible given FDA's limited resources. They proposed that a horizontal approach that permits additional flexibility across all or broad categories of standardized foods could help resolve this issue by allowing FDA to efficiently make comprehensive changes that could impact many standardized foods. For example, several participants cited FDA's regulation entitled, ''Requirements for foods named by use of a nutrient content claim and a standardized term'' (21 CFR 130.10) as a potential model. This regulation provides for modified versions of certain standardized foods that bear descriptive names that are meaningful to consumers (*e.g.,* ''fat free'' and ''low calorie''). Some participants also said we should consider consumer demand for healthful and nutritious foods as we explore how to modernize in ways that will allow food manufacturers to produce more nutritious food options. The NIS public meeting docket closed on October 11, 2018, and resulted in more than 5,000 comments. We have reviewed the comments and are using information provided to inform our strategy moving forward.

There has been broad interest from stakeholders regarding horizontal approaches to SOI modernization. Some offered concrete proposals about the design and content of a regulation that creates a horizontal standard to advance SOI modernization. For example, in October 2006, the Grocery Manufacturers Association (GMA) submitted a Citizen Petition asking FDA to amend 21 CFR part 130 to modernize food standards (see Docket ID: FDA–2007–P–0463–0367). The Citizen Petition identified six categories of variations from food standards that GMA believed should be permitted to provide flexibility. Several comments submitted to the NIS docket cited variations outlined in the GMA Citizen Petition as examples of horizontal standard options we should consider as part of SOI modernization.

To maximize our limited resources, we must consider efficient modernization approaches that will have the greatest potential impacts. As such, we are interested in learning more about horizontal approaches to SOI modernization that will encourage production of healthier foods and/or facilitate innovation, specifically allowing for use of new technologies and new or novel ingredients. We believe this focus supports the NIS goals of reducing the burden of chronic disease through improved nutrition. Furthermore, this will allow FDA to provide manufacturers with additional flexibility without adversely impacting the basic nature and essential characteristics of standardized foods.

FDA is issuing this request for comment and will hold a public meeting on September 27, 2019, to gather data and information from stakeholders regarding horizontal approaches to SOI modernization.

B. Legal Authority

Our authority to establish food standards is set forth in section 401 of the FD&C Act (21 U.S.C. 341). Section 401 of the FD&C Act authorizes us to issue regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, or reasonable standards of fill of container when such action promotes honesty and fair dealing in the interest of consumers. The standards of identity, quality, and fill of container for foods regulated by FDA are codified in 21 CFR parts 130 to 169. FDA food standards are established under the common or usual name of a food.

II. Topics for Discussion at the Public Meeting

The public meeting will explore horizontal approaches to SOI modernization that will support the goals of the NIS. We are interested in learning more about horizontal changes that would improve the nutrition or healthfulness of standardized foods and/or provide for flexibility and innovation in their production. We are considering all horizontal approaches that will ensure the basic nature and

essential characteristics of food are maintained. We also invite comment on how these changes could be efficiently accomplished. For example, we would like to know whether horizontal SOI might be a means for implementing the changes and how such standards could be structured.

The public meeting will begin with a plenary session, followed by breakout sessions that will discuss key topics relating to horizontal approaches to SOI modernization. Approximately 2 weeks before the meeting, we will post the public meeting agenda and additional background materials on the internet at: *https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements.* In addition to the opportunity to comment at the public meeting, there will be an opportunity for interested stakeholders to submit written comments following the meeting (see **DATES**).

The first breakout session will explore nutrition topics. We are interested in learning what changes to existing SOI would encourage production of more nutritious foods. We are interested in hearing stakeholder perspectives regarding the role of nutrition in SOI modernization and how a horizontal approach to modernization could encourage production of more nutritious foods. We want to learn if current SOI pose barriers to production of more nutritious foods and, if so, understand how horizontal changes to standardized foods could help overcome these barriers. We also invite comments regarding how we could design a horizontal standard to provide manufacturers of standardized foods with the flexibility to reflect future advances in science and technology as they relate to improved nutrition.

The second breakout session will discuss issues related to innovation and what horizontal approaches to modernization could better accommodate advances in science and technology. We are interested in learning how horizontal changes could provide the flexibility necessary to accommodate future industry innovation while ensuring standardized foods continue to meet consumer expectations and maintain the basic nature and essential characteristics of food. We are particularly interested in learning about horizontal changes to manufacturing processes and permitted ingredients that could promote innovation. We request that comments indicate the foods to which a proposed horizontal change would apply, the current requirement(s) in the SOI to which the change would apply, and the specific change requested (*e.g.,* additional manufacturing processes permitted or ingredients permitted).

The third breakout session will discuss issues related to consumer expectations and standardized foods. We are interested in learning what flexibility we can provide in a horizontal approach to modernization, while ensuring standardized foods continue to meet consumer expectations. We want to learn about consumers' shifting expectations and how horizontal changes could allow innovation and product reformulation to meet such demands. For example, comments to the NIS public meeting docket highlighted that consumers now demand healthier foods and products that meet specific dietary needs (*e.g.,* ''gluten free'' products). As SOI are issued to ''promote honesty and fair dealing in the interest of consumers,'' we believe the consumer perspective is critical to understanding what flexibility we should consider when exploring horizontal changes to current SOI and invite comments on what, if any, limitations are appropriate to ensure standardized foods continue to meet consumer expectations.

We will consider all comments made at this public meeting or received through the docket (see **ADDRESSES**) as we consider how horizontal changes could support our SOI modernization goals. Information concerning the FDA's NIS and more information on our work to modernize SOI can be found at *https://www.fda.gov/food/food-labeling-nutrition/fda-nutrition-innovation-strategy.*

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website: *https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability. Persons interested in attending this public meeting must register by 11:59 p.m. on September 20, 2019. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Juanita Yates (see **FOR FURTHER INFORMATION CONTACT**) no later than September 12, 2019.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during a public comment session or participate in a specific session, and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. We urge individuals and organizations with common interests to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. All requests to make oral presentations must be received by September 12, 2019. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants. Speakers will be limited to making oral remarks; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

Persons attending FDA's public meetings are advised that FDA is not responsible for providing access to electrical outlets.

Streaming Webcast of the public meeting: This public meeting will also be webcast. Webcast participants are asked to preregister at *https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements.*

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements.*

Dated: August 23, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–18713 Filed 8–28–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0767]

International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization; Scheduling Recommendations; Dronabinol (delta-9 tetrahydrocannabinol) and Its Stereoisomers; Cannabis, Cannabis Resin, Extracts and Tinctures; Cannabidiol Preparations; and Pharmaceutical Preparations of Cannabis; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is reopening the comment period for the notice entitled ''International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization; Scheduling Recommendations; Dronabinol (*delta*-9 tetrahydrocannabinol) and its Stereoisomers; Cannabis, Cannabis Resin, Extracts and Tinctures; Cannabidiol Preparations; and Pharmaceutical Preparations of Cannabis'' that appeared in the **Federal Register** of March 1, 2019. The Agency is taking this action to allow interested persons additional time to submit comments.

DATES: FDA is reopening the comment period for the notice published on March 1, 2019 (84 FR 7064). Submit either electronic or written comments by September 30, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 30, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 30, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–0767 for ''International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization; Scheduling Recommendations; Dronabinol (*delta*-9 tetrahydrocannabinol) and its Stereoisomers; Cannabis, Cannabis Resin, Extracts and Tinctures; Cannabidiol Preparations; and Pharmaceutical Preparations of Cannabis.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: James Hunter, Center for Drug Evaluation and Research, Controlled Substance Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5150, Silver Spring, MD 20993–0002, 301–796–3156, *james.hunter@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 1, 2019 (84 FR 7064), FDA published a notice with a 14-day comment period to request comments on the notice entitled ''International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; World Health Organization; Scheduling Recommendations; Dronabinol (*delta*-9 tetrahydrocannabinol) and its Stereoisomers; Cannabis, Cannabis Resin, Extracts and Tinctures; Cannabidiol Preparations; and Pharmaceutical Preparations of

Cannabis.'' FDA is reopening the comment period until September 30, 2019. The Agency believes that an additional 30 days will allow adequate time for interested persons to submit comments.

When the notice was initially published, FDA noted the need for a shortened time period for the submission of comments to ensure that the U.S. Department of Health and Human Services may in timely fashion carry out the required action and be responsive to the United Nations. FDA also noted that if voting on the cannabis-related recommendations was deferred to a later date, the comment period would reopen. The Bureau of the 62nd Commission on Narcotic Drugs decided to postpone the voting on the cannabis-related recommendations by adopting decision 62/14 (available at: *https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2010-2019/2019/Decisions/CND_Decision_62_14.pdf*). Therefore, FDA is reopening the comment period to allow interested persons an additional 30 days to comment.

Dated: August 26, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–18714 Filed 8–28–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Information Collection Request Title: Forms for Use With Applications to the Maternal and Child Health Bureau Research and Training Grants, New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR must be received no later than September 30, 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: Forms for Use with Applications for the Maternal and Child Health Bureau Research and Training Grants, OMB No. 0906–xxxx—New.

Abstract: HRSA proposes to collect information in conjunction with applications for Maternal and Child Health Bureau (MCHB) grants that describes the qualifications of proposed researchers and the description of expected research participants. This is in compliance with the Social Security Act, Title V, § 501(a)(2) (42 U.S.C. 701(a)(2)), as amended, and the Public Health Service Act, § 399BB(f), (42 U.S.C. 280i–1(f)) as amended by the Autism CARES Act of 2014 (Pub. L. 113–157).

Need and Proposed Use of the Information: In MCHB's research and training grant programs, the applicants will complete the Biographical Sketch form to summarize the qualifications of each key personnel on their proposed research team. The grant reviewers will utilize this information to assess the capabilities of the research team to carry out the planned research project. Applicants will also complete the Inclusion Enrollment form to summarize their expected population of research study participants at the time of submission of their proposal. This information supports decision-making as part of the annual Noncompeting Continuation Award process. Monitoring inclusion enrollment is an important component of ensuring demographic diversity (race, ethnicity, and gender) among research study participants in MCHB's research grant portfolio. This allows MCHB to determine to what extent individuals of different backgrounds are participating in MCHB research and training programs.

A 60-day notice was published in the **Federal Register** on September 13, 2018, vol. 83, No. 178; pp. 46504–05. There were no public comments.

Likely Respondents: Potential applicants to HRSA's MCHB research and training programs.

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
Biographical Sketch for MCHB research and training grant applicants	200	5	1,000	2.0	2,000
PHS Inclusion Enrollment form for MCHB research and training grant applications	200	1	200	0.5	100
Total	400		1,200		2,100

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. 2019–18646 Filed 8–28–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the President's Council on Sports, Fitness, and Nutrition

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 of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the President's Council on Sports, Fitness, and Nutrition (PCSFN) will hold its annual meeting. The meeting will be open to the public.

DATES: The meeting will be held on September 19, 2019, from 1:00 p.m. to 4:30 p.m.

ADDRESSES: The Hubert H. Humphrey Building, the Great Hall, 200 Independence Ave. SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Jennifer Anne Bishop, Designated Federal Officer for the PCSFN, 1101 Wootton Parkway, Suite 420, Rockville, MD 20852, (240) 453–8826. Information about PCSFN, including details about the upcoming meeting, can be obtained at *www.fitness.gov.*

SUPPLEMENTARY INFORMATION: The primary functions of the PCSFN include: (1) Advising the President, through the Secretary, concerning progress made in carrying out the provisions of Executive Order 13265, as amended by Executive Order 13824, and recommending to the President, through the Secretary, actions to accelerate such progress; and (2) recommending to the Secretary actions to expand opportunities at the national, state, and local levels for participation in sports and engagement in physical fitness and activity, taking into account the Department of Health and Human Services' Physical Activity Guidelines for Americans, including consideration for youth with disabilities. Recommendations may address, but are not necessarily limited to: Increasing awareness of the benefits of participation in sports and regular physical activity and good nutrition; promoting private and public sector strategies to increase participation in sports; identifying metrics to gauge youth sports participation and physical activity; and discussing a national and local strategy to recruit volunteers who will support youth participation in sports and regular physical activity.

The Council shall meet, at a minimum, once per fiscal year. At the September 2019 meeting, the Council will (1) discuss activities related to a HHS National Youth Sports Strategy; and (2) discuss actions to expand opportunities at the national, state, and local levels for participation in sports and engagement in physical fitness. The meeting agenda is in development and will be posted at *www.fitness.gov* when it is finalized. The meeting on September 19, 2019, is open to the public and the media. HHS will also stream the meeting online via *HHS.gov/live.* Every effort will be made to provide reasonable accommodations for individuals with disabilities and/or special needs who wish to attend the meeting. Individuals who require accommodations should call (240) 276–9567 to submit a request, no later than 5:00 p.m. (Eastern Time) on Monday, September 9, 2019. Members of the public who wish to attend the meeting in-person must pre-register by emailing *rsvp.fitness@hhs.gov* or by calling (240) 276–9567. Registration for in-person public attendance must be completed before 5:00 p.m. (Eastern Time) on Wednesday, September 11, 2019. Foreign nationals who wish to attend in-person should register no later than Tuesday, September 3, 2019 to ensure sufficient time for federal building security approval.

Dated: August 16, 2019.

Don Wright,

Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion.

[FR Doc. 2019–18726 Filed 8–28–19; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the NIDCR Special Grants Review Committee, which was published in the **Federal Register** on February 15, 2019, 84 FR 4495, page 02428.

The meeting is being amended to change location from Westgate Hotel to Embassy Suites DC Convention Center. The meeting is closed to the public.

Dated: August 23, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–18644 Filed 8–28–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Genetically-Modified Lymphocytes for Cancer Therapy

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Intima Bioscience, Inc. (''Intima''), headquartered in New York, NY.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before September 13, 2019 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530, MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702; Telephone: (240) 276–5484; Facsimile: (240) 276–5504; Email: *andy.burke@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

Group A

Intracellular Genomic Transplant and Methods of Therapy

1. International Patent Application PCT/US2016/044856, filed July 29, 2016 (E–171–2018–6–PCT–01).

Group B

Modified Cells and Methods of Therapy

1. International Patent Application PCT/US2016/044858, filed July 29, 2016 (E–171–2018–7–PCT–01);
2. Canadian Patent Application 2993431, priority to July 31, 2015 (E–171–2018–7–CA–02);
3. European Patent Application 16833645.1, priority to July 31, 2015 (E–171–2018–7–EP–03);
4. Israeli Patent Application 257105, priority to July 31, 2015 (E–171–2018–7–IL–04);
5. Chinese Patent Application 201680059180.8, priority to July 31, 2015 (E–171–2018–7–CN–05);
6. United Kingdom Patent Application 1803280.5, priority to July 31, 2015 (E–171–2018–7–GB–06);
7. Japanese Patent Application 2018–525531, priority to July 31, 2015 (E–171–2018–7–JP–07);
8. Hong Kong Patent Application 18115478.9, priority to July 31, 2015 (E–171–2018–7–HK–08);
9. United States Patent 10,166,255, issued January 1, 2019 (E–171–2018–8–US–01);
10. United States Patent Application 16/180,867, filed July 29, 2016 (E–171–2018–8–US–02);
11. United States Patent Application 16/182,146, filed November 3, 2018 (E–171–2018–8–US–03);
12. United States Patent Application 16/182,189, filed November 6, 2018 (E–171–2018–8–US–04);
13. United States Patent Application 15/224,159, filed July 29, 2016 (E–171–2018–9–US–01);
14. United States Patent Application 15/250,514, filed August 29, 2016 (E–171–2018–9–US–02);
15. United States Patent Application 15/256,086, filed September 2, 2016 (E–171–2018–9–US–03); and
16. United States Patent Application 16/513,933, filed July 17, 2019 (E–171–2018–9–US–04).

Group C

Viral Methods of T Cell Therapy

1. International Patent Application PCT/US2017/058615, filed October 26, 2017 (E–173–2018–2–PCT–01);
2. United States Patent Application 16/389,586, filed April 19, 2019 (E–173–2018–2–US–02);
3. Australian Patent Application 2017347854, priority to October 26, 2016 (E–173–2018–2–AU–03);
4. Canadian Patent Application 3,041,835, priority to October 26, 2016 (E–173–2018–2–CA–04);
5. European Patent Application 17865054.5, priority to October 26, 2016 (E–173–2018–2–EP–05);
6. Japanese Patent Application 2019–522944, priority to October 26, 2016 (E–173–2018–2–JP–06);
7. Chinese Patent Application [awaiting application number], priority to October 26, 2016 (E–173–2018–2–CN–07); and
8. United Kingdom Patent Application 1906850.1, priority to October 26, 2016 (E–173–2018–2–GB–08).

Group D

CAS9 Modified TIL for Treatment of Gastrointestinal Cancer

1. International Patent Application PCT/US2017/057228, filed October 18, 2017 (E–174–2018–2–PCT–01);
2. United States Patent Application 15/947,688, filed April 6, 2018 (E–174–2018–2–US–02);
3. United Kingdom Patent Application 1906855.0, priority to October 18, 2016 (E–174–2018–2–GB–03).
4. Australian Patent Application 2017346885, priority to October 18, 2016 (E–174–2018–2–AU–04);
5. Canadian Patent Application 3,041,068, priority to October 18, 2016 (E–174–2018–2–CA–05);
6. Chinese Patent Application, 2017800784716, priority to October 18, 2016 (E–174–2018–2–CN–06);
7. Japanese Patent Application, 2019–520738, priority to October 18, 2016 (E–174–2018–2–JP–08); and
8. European Patent Application, 17861792.4, priority to October 18, 2016 (E–174–2018–2–EP–09).

The patent rights in these inventions are co-owned by (a) the United States of America, as represented by the Secretary, Department of Health and Human Services, (b) Regents of the University of Minnesota, and (c) Intima Bioscience, Inc.

The prospective exclusive license territory may be worldwide, and the fields of use may be limited to the following:

''Autologous T cell therapy products genetically engineered by CRISPR to specifically reduce expression or activity of a checkpoint gene (*e.g.* CISH, PD–1 or CTLA–4) for the treatment of gastrointestinal (GI) epithelial cancer, lung cancer, breast cancer and/or B cell lymphoma (BCL) in humans.

Autologous T cell therapy products (excluding tumor infiltrating lymphocytes) genetically engineered by CRISPR or adeno-associated viral vectors to express exogenous, tumor-reactive T cell receptors for the treatment of gastrointestinal (GI) epithelial cancer, lung cancer, breast cancer and/or B cell lymphoma (BCL) in humans.

Allogeneic T cell therapy products genetically engineered by CRISPR/CAS9 to specifically reduce expression or activity of a checkpoint gene for the treatment of gastrointestinal (GI) epithelial cancer, lung cancer, breast cancer and/or B cell lymphoma (BCL) in humans.

Allogeneic T cell therapy products genetically engineered by CRISPR/CAS9 or adeno-associated viral vectors to express exogenous, tumor-reactive T cell receptors for the treatment of gastrointestinal (GI) epithelial cancer, lung cancer, breast cancer and/or B cell lymphoma (BCL) in humans.''

Intellectual Property Group A is primarily directed to methods and compositions relating to the generation of T cells engineered to contain multiple genomic disruptions and methods of treating cancer using the same.

Intellectual Property Group B is primarily directed to methods and compositions relating to the generation of T cells genetically engineered to express an exogenous T cell receptor and a genomic disruption in a checkpoint gene and methods of treating cancer using the same.

Intellectual Property Group C is primarily directed to methods and compositions relating to the generation of T cells genetically engineered by CRISPR and adeno-associated viral vectors to coordinately introduce a genomic disruption in a checkpoint gene and an exogenous T cell receptor, and methods of treating cancer using the same.

Intellectual Property Group D is primarily directed to methods and compositions relating to the generation of tumor infiltrating lymphocytes comprising a genomic disruption in the checkpoint gene *CISH* and methods of treating cancer using the same.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument which

establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: August 22, 2019.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2019–18648 Filed 8–28–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Member Conflict: Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: October 29, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, Democracy One, 6701 Democracy Blvd., Suite 800, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kathy Salaita, SCD, Chief, Scientific Review Branch, DHHS/NIH/NIAMS, One Democracy Plaza, Suite 800, 6701 Democracy Blvd., MSC 4872, Bethesda, MD 20892, 301–594–5033, *Kathy.Salaita@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: August 23, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–18642 Filed 8–28–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Research to Improve Native American Health.

Date: September 25, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Lauren Fordyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, Bethesda, MD 20892, 301–827–8269, *fordycelm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improving Animal Models of Influenza Infection that are Predictive of Human Immunity and Vaccination.

Date: September 25, 2019.

Time: 11:00 a.m. to 6:30 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: Kenneth M Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301–496–6980, *izumikm@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: August 23, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–18643 Filed 8–28–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0704]

Cooperative Research and Development Agreement: Cell Phone Geolocation for USCG Search and Rescue

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for public comments.

SUMMARY: The Coast Guard announces its Cooperative Research and Development Agreement (CRADA) with Callyo 2009 Corporation, to investigate the potential operational use of leveraging smart phone technology, specifically the phone's location services, to help locate mariners in distress more efficiently. The CRADA with Callyo 2009 Corporation is based on market research and visits to vendors with advertised expertise in this unique application of technology in the maritime environment for Search and Rescue. While the Coast Guard is currently partnering with Callyo 2009 Corporation, the agency is soliciting public comment on the possible nature of and participation of other parties in the proposed CRADA. In addition, the Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov* on or before *September 9, 2019.*

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION**

CONTACT) on or before September 9, 2019.

ADDRESSES: Submit comments online at *http://www.regulations.gov* in accordance with website instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Sekaran Jambukesan, Project Official, C5I Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2884, email *Sekaran.jambukesan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2019–0704 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008). We also accept anonymous comments.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice, and all public comments, are in our online docket at *http://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.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under this CRADA, the R&D Center will collaborate with a non-Federal participant. Together, the R&D Center and the non-Federal participant will collect information/data for performance, reliability, maintenance requirements, human systems integration and other data on using smart phone's location services for geolocation.

We anticipate the Coast Guard's contributions under this CRADA will include the following:

(1) Research by the parties under this CRADA will be performed offsite at Callyo 2009 Corporation's facilities and the RDC.

(2) Provide web based support at the following locations:

CG Sector New York: Staten Island, NY
CG Sector Long Island Sound: New Haven, CT
CG Sector Boston: Boston, MA
CG Sector Southeastern New England: Woods Hole, MA
CG Sector Northern New England: South Portland, ME

We anticipate that the non-Federal participant's contributions under this CRADA will include the following:

(1) Provide technical support, training and maintenance throughout the period of performance to ensure maximum availability and utility of Callyo 2009 Corporation i911 web based solution.

(2) Deployment of the Callyo 2009 Corporation i911 capability, including the interface to the RapidSOS NG911 Clearinghouse, at each CG Sector.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages.

The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard entered a CRADA with Callyo 2009 Corporation for participation in this CRADA. This consideration is based on the fact that Callyo 2009 Corporation has demonstrated its technical ability as the developer, manufacturer, and integrator of cellular direction finding equipment. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

The CRADA with Callyo 2009 Corporation is based on market research and visits to vendors with advertised expertise in this operational use of cellular phone geolocation technology.

This is a technology assessment effort. The goal for the Coast Guard of this CRADA is to better understand the advantages, disadvantages, required technology enhancements, performance, costs, and other issues associated with cellular direction finding technologies. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S. This document is issued under the authority of 5 U.S.C. 552(a).

Dated: August 15, 2019.

Bert N. Macesker,

Executive Director, U.S. Coast Guard Research and Development Center.

[FR Doc. 2019–18698 Filed 8–28–19; 8:45 am]

BILLING CODE 9110–04–P

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0076]

Agency Information Collection Activities: Customs and Border Protection Recordkeeping Requirements

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 30, 2019) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via email to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (84 FR 26127) on June 5, 2019, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: CBP Recordkeeping Requirements.

OMB Number: 1651–0076.

Abstract: The North American Free Trade Agreement Implementation Act, Title VI, known as the Customs Modernization Act (Mod Act) amended title 19 U.S.C. 1508, 1509 and 1510 by revising customs laws related to recordkeeping, examination of books and witnesses, regulatory audit procedures and judicial enforcement. Specifically, the Mod Act amended § 1508 by expanding the list of parties subject to recordkeeping requirements; distinguishing between records which pertain to the entry of merchandise and financial records needed to substantiate the correctness of information contained in entry documentation; and identifying a list of records which must be maintained and produced upon request by CBP. The information and records are used by CBP to verify the accuracy of the claims made on the entry documents regarding the tariff status of imported merchandise, admissibility, classification/nomenclature, value and rate of duty applicable to the entered goods. The CBP recordkeeping requirements are provided for by 19 CFR 163 and instructions are available at: *http://www.cbp.gov/document/publications/recordkeeping.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the recordkeeping requirements.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 5,459.

Estimated Number of Annual Responses per Recordkeeper: 1.

Estimated Number of Total Annual Responses: 5,459.

Estimated Annual Time per Recordkeeper: 1,040 hours.

Estimated Annual Burden Hours: 5,677,360.

Dated: August 26, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–18654 Filed 8–28–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0014]

Agency Information Collection Activities: Declaration for Free Entry of Unaccompanied Articles

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 30, 2019) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs,

Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via email to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor,

Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (84 FR 26131) on June 5, 2019, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration for Free Entry of Unaccompanied Articles.

OMB Number: 1651–0014.

Form Number: Form 3299.

Abstract: 19 U.S.C. 1498 provides authority to prescribe rule and regulations for the declaration and entry of certain merchandise. Under this statutory authority, U.S. Customs and Border Protection requires that, when personal and household effects enter the United States but do not accompany the owner or importer on his/her arrival in the country, a declaration is made on CBP Form 3299, Declaration for Free Entry of Unaccompanied Articles. The information on this form is needed to support a claim for duty-free entry for these effects. This form is provided for by 19 CFR 148.6, 148.52, 148.53 and 148.77. CBP Form 3299 is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=3299.*

Current Actions: This submission is being made to extend the expiration date with no changes to the burden hours or to CBP Form 3299.

Type of Review: Extension (without change).

Affected Public: Businesses and Individuals.

Estimated Number of Respondents: 150,000.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 150,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 112,500.

Dated: August 26, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–18653 Filed 8–28–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1955]

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 November 27, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1955, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or

pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Frederick County, Virginia and Incorporated Areas Project: 12–03–0413S Preliminary Date: May 14, 2019	
Unincorporated Areas of Frederick County	Frederick County Administration Building, 107 North Kent Street, Suite 202, Winchester, VA 22601.
Independent City of Winchester, Virginia Project: 12–03–0413S Preliminary Date: May 14, 2019	
City of Winchester	Rouss City Hall, 15 North Cameron Street, Winchester, VA 22601.

[FR Doc. 2019–18692 Filed 8–28–19; 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–1951]

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 November 27, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1951, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the

floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Los Angeles County, California and Incorporated Areas Project: 11–09–0925S Preliminary Date: April 12, 2019	
City of Santa Clarita	Public Works Department, 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355.
Unincorporated Areas of Los Angeles County	Public Works Headquarters, Watershed Management Division, 900 South Fremont Avenue, Alhambra, CA 91803.
Bremer County, Iowa and Incorporated Areas Project: 16–07–2134S Preliminary Date: January 10, 2019	
City of Denver	City Hall, 100 Washington Street, Denver, IA 50622.
City of Frederika	City Hall, 111 3rd Street, Frederika, IA 50631.
City of Janesville	City Hall, 227 Main Street, Janesville, IA 50647.
City of Plainfield	City Hall, 604 Main Street, Plainfield, IA 50666.
City of Readlyn	City Hall, 128 Main Street, Readlyn, IA 50668.
City of Sumner	City Hall, 105 East 1st Street, Sumner, IA 50674.
City of Tripoli	Bremer County Building and Zoning Department, 415 East Bremer Avenue, Waverly, IA 50677.
City of Waverly	City Hall, 200 1st Street Northeast, Waverly, IA 50677.
Unincorporated Areas of Bremer County	Bremer County Building and Zoning Department, 415 East Bremer Avenue, Waverly, IA 50677.

[FR Doc. 2019–18695 Filed 8–28–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2019–0013; OMB No. 1660–0054]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Assistance to Firefighters Grant Program and Fire Prevention and Safety Grants-Grant Application Supplemental Information

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before September 30, 2019.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or William Dunham, Fire Program Specialist, Grant Program Directorate, 202–786–9813.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on June 17, 2019 at 84 FR 28067 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Assistance to Firefighters Grant Program and Fire Prevention and Safety Grants-Grant Application Supplemental Information.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0054.

Form Titles and Numbers: FEMA Form 080–2, AFG Application (General Questions and Narrative); FEMA Form 080–0–2a, Activity Specific Questions for AFG

Vehicle Applicants; FEMA Form 080–0–2b, Activity Specific Questions for AFG Operations and Safety Applications; FEMA Form 080–0–3, Activity Specific Questions for Fire Prevention and Safety Applicants; FEMA Form 080–0–3a, Fire Prevention and Safety; FEMA Form 080–0–3b, Research and Development; and FEMA Form 080–0–0–13, Semi-Annual Performance Report; FEMA Form 080–0–0–16 Final Performance Report.

Abstract: The FEMA forms for this collection are used to objectively evaluate each of the anticipated applicants to determine which applicants' submission in each of the AFG & FP&S activities are close to the established program priorities. FEMA also uses the information to determine eligibility and whether the proposed use of funds meets the requirements and intent of AFG legislation.

Affected Public: Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 27,220.

Estimated Number of Responses: 29,830.

Estimated Total Annual Burden Hours: 167,290.34.

Estimated Total Annual Respondent Cost: $ 9,426,559.74.

Estimated Respondents' Operation and Maintenance Costs: N/A.

Estimated Respondents' Capital and Start-Up Costs: N/A.

Estimated Total Annual Cost to the Federal Government: $3,315,334.75.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Maile Arthur,

Deputy Directory, Information Management Division, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2019–18668 Filed 8–28–19; 8:45 am]

BILLING CODE 9111–78–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1956]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400

C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Buckeye, (19–09–0337P).	The Honorable Jackie A. Meck, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2019	040039
Maricopa	Town of Fountain Hills, (18–09–2286P).	The Honorable Ginny Dickey, Mayor, Town of Fountain Hills, 16705 East Avenue of The Fountains, Fountain Hills, AZ 85268.	Town Hall, 16705 East Avenue of The Fountains, Fountain Hills, AZ 85268.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	040135
California:						
Riverside	Agua Caliente Band of Cahuilla Indian Reservation, (18–09–1802P).	The Honorable Jeff L. Grubbe, Chairman, Agua Caliente Band of Cahuilla Indians, 5401 Dinah Shore Drive, Palm Springs, CA 92264.	Tribal Administrative Office, Planning and Natural Resources, 5401 Dinah Shore Drive, Palm Springs, CA 92264.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	060763
Riverside	City of Cathedral City, (18–09–1802P).	The Honorable Mark Carnevale, Mayor, City of Cathedral City, 68700 Avenida Lalo Guerrero, Cathedral City, CA 92234.	Engineering Department, 68–700 Avenida Lalo Guerrero, Cathedral City, CA 92234.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	060704
Riverside	City of Lake Elsinore, (19–09–0548P).	The Honorable Steve Manos, Mayor, City of Lake Elsinore, 130 South Main Street, Lake Elsinore, CA 92530.	Engineering Division, 130 South Main Street, Lake Elsinore, CA 92530.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	060636
Riverside	City of Palm Springs, (18–09–1802P).	The Honorable Robert Moon, Mayor, City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, CA 92262.	Public Works and Engineering Department, 3200 East Tahquitz Canyon Way, Palm Springs, CA 92262.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	060257
Riverside	City of Rancho Mirage, (18–09–1802P).	The Honorable Iris Smotrich, Mayor, City of Rancho Mirage, 69825 Highway 111, Rancho Mirage, CA 92270.	City Hall, 69–825 Highway 111, Rancho Mirage, CA 92270.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	060259
Riverside	City of Wildomar, (19–09–0548P).	The Honorable Marsha Swanson, Mayor, City of Wildomar, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2019	060221

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
San Bernardino.	City of San Bernardino, (18–09–1543P).	The Honorable John Valdivia, Mayor, City of San Bernardino, 290 North D Street, San Bernardino, CA 92401.	City Hall, 290 North D Street, San Bernardino, CA 92401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2019	060281
San Luis Obispo.	City of San Luis Obispo, (19–09–0399P).	The Honorable Heidi Harmon, Mayor, City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.	City Hall, 990 Palm Street, San Luis Obispo, CA 93401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 14, 2019	060310
Santa Clara	City of San Jose, (19–09–1253P).	The Honorable Sam Liccardo, Mayor, City of San Jose, 200 East Santa Clara Street, 18th Floor, San Jose, CA 95113.	Department of Public Works, 200 East Santa Clara Street Tower, 5th Floor, San Jose, CA 95113.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2019	060349
Hawaii: Honolulu ...	City and County of Honolulu, (18–09–2230P).	The Honorable Kirk Caldwell, Mayor, City and County of Honolulu, 530 South King Street, Room 306, Honolulu, HI 96813.	Honolulu City and County Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2019	150001
Idaho:						
Ada	City of Meridian, (19–10–0285P).	The Honorable Tammy De Weerd, Mayor, City of Meridian, Meridian City Hall, 33 East Broadway Avenue, Suite 300, Meridian, ID 83642.	Public Works Department, 660 East Water Tower Lane, Meridian, ID 83642.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2019	160180
Latah	Unincorporated Areas of Latah County, (19–10–0327P).	Mr. Tom Lamar, Chairperson, Latah County Board of Commissioners, P.O. Box 8068, Moscow, ID 83843.	Latah County Courthouse, 522 South Adams Street, Moscow, ID 83843.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2019	160086
Minnesota: Dakota	Unincorporated Areas of Dakota County, (18–05–5246P).	Mr. Thomas Egan, Chair, Physical Development Committee, Dakota County Board of Commissioners, Dakota County Administration Center, 1590 Highway 55, Hastings, MN 55033.	Dakota County Administration Center, 1590 Highway 55, Hastings, MN 55033.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2019	270101
Nevada: Clark	City of North Las Vegas, (19–09–0818P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2200 Civic Center Drive, North Las Vegas, NV 89030.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2019	320007
New Mexico: San Juan.	City of Farmington, (18–06–3856P).	The Honorable Nate Duckett, Mayor, City of Farmington, 800 Municipal Drive, Farmington, NM 87401.	Public Works Department, 805 Municipal Drive, Farmington, NM 87401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 26, 2019	350067
Ohio:						
Tuscarawas	City of New Philadelphia, (19–05–1610P).	The Honorable Joel Day, Mayor, City of New Philadelphia, 150 East High Avenue, New Philadelphia, OH 44663.	City Hall, 150 East High Avenue, New Philadelphia, OH 44663.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	390545
Tuscarawas	Unincorporated Areas of Tuscarawas County, (19–05–1610P).	The Honorable Chris Abbuhl, County Commissioner Tuscarawas County County Administration Offices, 125 East High Avenue, New Philadelphia, OH 44663.	Tuscarawas County Administration Offices, 125 East High Avenue, New Philadelphia, OH 44663.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2019	390782
Wisconsin: Ozaukee.	City of Port Washington, (18–05–6323P).	The Honorable Martin Becker, Mayor, City of Port Washington, P.O. Box 307, Port Washington, WI 53074.	City Hall, 100 West Grand Avenue, Port Washington, WI 53074.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 6, 2019	550316

[FR Doc. 2019–18691 Filed 8–28–19; 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–1742]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On August 8, 2019, FEMA published in the **Federal Register** a final flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table. The table provided here represents the final flood hazard determinations and communities affected for San Diego County, California and Incorporated Areas.

DATES: The date of December 20, 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.

Correction

In the final flood hazard determination notice published at 84 FR 39008 in the August 8, 2019, issue of the **Federal Register**, FEMA published a table titled San Diego County, California and Incorporated Areas Docket No.: FEMA–B–1742. This table contained inaccurate information as to the community map repository for the City of Del Mar, City of San Diego and Unincorporated Areas of San Diego County featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(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
San Diego County, California and Incorporated Areas Docket No.: FEMA–B–1742	
City of Carlsbad	Building and Development Department, 1635 Faraday Avenue, Carlsbad, CA 92008.
City of Chula Vista	City Hall, 276 4th Avenue, Chula Vista, CA 91910.
City of Coronado	City Hall, 1825 Strand Way, Coronado, CA 92118.
City of Del Mar	City Hall, 1050 Camino Del Mar, Del Mar, CA 92014.
City of Encinitas	City Hall, 505 South Vulcan Avenue, Encinitas, CA 92024.
City of Imperial Beach	City Hall, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932.
City of National City	City Hall, 1243 National City Boulevard, National City, CA 91950.
City of Oceanside	City Hall, 300 North Coast Highway, Oceanside, CA 92054.
City of San Diego	Development Services Department, 1222 First Avenue, MS 301, San Diego, CA 92101.
City of Solana Beach	City Hall, 635 South Highway 101, Solana Beach, CA 92075.
Unincorporated Areas of San Diego County	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, MS 0326, San Diego, CA 92123.

[FR Doc. 2019–18693 Filed 8–28–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2018–N076; FXES11140100000–189–FF01E00000]

US Fish and Wildlife Service (Service) Adoption of the National Oceanic and Atmospheric Administration Restoration Center (NOAA RC) Programmatic Environmental Impact Statement for Coastal Habitat Restoration (PEIS)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability, Record of Decision (ROD).

SUMMARY: The Service, in accordance with the National Environmental Policy Act (NEPA), is adopting the NOAA RC PEIS. NOAA RC developed the PEIS in 2015 to evaluate impacts to natural and human environments of coastal habitat restoration activities funded or implemented through existing NOAA programs. Activities evaluated in the NOAA RC PEIS are similar to and often co-implemented or co-funded through analogous Service programs. The Service published its Notice of Intent to Adopt the NOAA RC PEIS on November 26, 2016 and invited agency and public comment for this adoption action. The 30-day comment period for this action ended December 27, 2016; the Service received no comments on the proposed adoption. The Service has prepared a ROD to formalize the adoption of the NOAA RC PEIS and implement its provisions. We provide this notice to make the ROD available to the public.

DATES: Service adoption and implementation of the provisions of the NOAA RC PEIS will take effect on September 30, 2019.

ADDRESSES: To request a copy of the ROD or supporting documentation, please use one of the following methods:

- *Internet:* You may view or download the ROD and obtain additional information on the internet at *https://www.fws.gov/pacific/fedaid/PEIS.html*
- *Email: r1fa_grants@fws.gov.* Include ''Service ROD—NOAA RC PEIS'' in the subject line of the message.
- *U.S. Mail:* Attn: FWS–R1–WSFR; U.S. Fish and Wildlife Service; Pacific Regional Office; 911 NE 11th Avenue, Portland, Oregon 97232.
- *In-Person Viewing:* Call 503–231–2096 to make an appointment for viewing documents during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kathy Hollar, Chief, Pacific Region Wildlife and Sport Fish Restoration Program, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232, telephone: 503–231–6257. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Coastal restoration activities commonly implemented by the NOAA RC and the Service are described in eleven sections of the NOAA RC PEIS. NOAA RC and the Service have many years of experience with each of these activities and the two agencies often work together on coastal restoration projects of shared interest and jurisdiction. Full descriptions of the evaluated activities are included in Section 2 of the NOAA RC PEIS. The full NOAA RC PEIS is available for download at the internet address listed in the **ADDRESSES** section. The Service requested comment on the PEIS on November 26, 2016, at 81 FR 85221, EIS No. 20160280.

Authority

The Service provides this notice in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR parts 1500 through 1508), and Department of the Interior NEPA regulations (43 CFR part 46).

Dated: August 20, 2019.

Margaret E. Everson

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director for the U.S. Fish and Wildlife Service.

[FR Doc. 2019–18620 Filed 8–28–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0174]

Agency Information Collection Activities; Energy Resource Development Program Grants

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before September 30, 2019.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Winter Jojola-Talburt, U.S. Department of the Interior, Office of Indian Energy and Economic Development, Division of Energy and Mineral Development, 13922 Denver West Pkwy Ste 200, Lakewood, Colorado 80401; or by email at *ieedgrants@bia.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Winter Jojola-Talburt by email at *ieedgrants@bia.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 4, 2019 (84 FR 25819). There were no comments received in response to this **Federal Register** notice.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal

identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Office of Indian Energy and Economic Development (IEED) administers and manages the energy resource development grant program under the Energy and Minerals Development Program (EMDP). Congress may appropriate funds to EMDP on a year-to-year basis. When funding is available, IEED may solicit proposals for energy resource development projects from Indian Tribes and Tribal energy resource development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use or develop those energy resources on Indian land. The projects may be in the areas of exploration, assessment, development, feasibility, or market studies. Indian Tribes that would like to apply for an EMDP grant must submit an application that includes certain information, and must assist IEED by providing information in support of any National Environmental Policy Act (NEPA) analyses. Upon acceptance of an application, a Tribe must then submit one—to two—page quarterly progress reports summarizing events, accomplishments, problems and/or results in executing the project. Quarterly reports assist IEED staff with project monitoring of the EMDP program and ensure that projects are making adequate progress in achieving the project's objectives.

Title of Collection: Energy and Mineral Development Program Grants.

OMB Control Number: 1076–0174.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Federally recognized Indian Tribes with Indian land.

Total Estimated Number of Annual Respondents: 83 applicants per year; 25 project participants each year.

Total Estimated Number of Annual Responses: 83 per year for applications; 100 per year for progress reports.

Estimated Completion Time per Response: 100 hours per application; 1.5 hours per progress report.

Total Estimated Number of Annual Burden Hours: 8,450 hours (8,300 for applications and 150 for progress reports).

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: Once per year for applications; 4 times per year for progress reports.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2019–18656 Filed 8–28–19; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductor Devices, Products Containing the Same, and Components Thereof (II), DN 3408;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Globalfoundries U.S., Inc. on August 26, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, products containing the same, and components thereof (II). The complaint names as respondents: Taiwan Semiconductor Manufacturing Co., Ltd. of Taiwan; TSMC North America of San Jose, CA; TSMC Technology, Inc. of San Jose, CA; Broadcom Inc. of San Jose, CA; Broadcom Corporation of San Jose, CA; NVIDIA Corporation of Santa Clara, CA; Apple Inc. of Cupertino, CA; Arista Networks, Inc. of Santa Clara, CA; ASUSTeK Computer Inc. of Taiwan; Cisco Systems, Inc. of San Jose, CA; and Lenovo Group Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3408'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel[2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS[3].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 26, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–18667 Filed 8–28–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductor Devices, Products Containing the Same, and Components Thereof (I), DN 3407;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Globalfoundries U.S., Inc. on August 26, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, products containing the same, and components thereof (I). The complaint names as respondents: Taiwan Semiconductor Manufacturing Co., Ltd. of Taiwan; TSMC North America of San Jose, CA; MediaTek Inc. of Taiwan; MediaTek USA Inc. of San Jose, CA; Qualcomm Inc. of San Diego, CA; Xilinix, Inc. of San Jose, CA; Avnet, Inc. of Phoenix, AZ; Digi-Key Corporation of Thief River Falls, MN; Mouser Electronics, Inc. of Mansfield, TX; TCL Corporation of China; TCL Multimedia Technology Holdings of China; Hisense Co., Ltd of China; Hisense USA Corp. of Suwanee, GA; Hisense Import & Export Co. Ltd. of China; Hisense Electric Co., Ltd. of China; Hisense International Co., Ltd. of China; Hisense Group Co., Ltd. of China; Qingdao Hisense Communication Co., Ltd. of China; Google LLC of Mountain View, CA; Motorola Mobility LLC of Chicago, IL; BLU Products of Doral, FL; and OnePlus Technology Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing.

Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3407'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 26, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–18663 Filed 8–28–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION:

The companies listed below applied to be registered as an importers of various basic classes of schedule I and II controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Companies	FR docket	Published
Mylan Pharmaceuticals Inc	84 FR 18321	April 30, 2019.
Rhodes Technologies	84 FR 21807	May 15, 2019.
S & B Pharma, Inc	84 FR 21813	May 15, 2019.
Wildlife Laboratories, Inc	84 FR 21809	May 15, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable various basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

granted a registration as an importer for schedule II controlled substances to the above listed companies.

Dated: August 16, 2019.

Neil D. Doherty,

Acting Assistant Administrator.

[FR Doc. 2019–18686 Filed 8–28–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as an importers of various basic classes of schedule I and II controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Companies	FR docket	Published
Unither Manufacturing, LLC	84 FR 13961	April 8, 2019.
Shertech Laboratories, LLC	84 FR 26446	June 6, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable various basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule II controlled substances to the above listed companies.

Dated: August 16, 2019.

Neil D. Doherty,

Acting Assistant Administrator.

[FR Doc. 2019–18688 Filed 8–28–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as an importers of various basic classes of schedule I and II controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Companies	FR docket	Published
United States Pharmacopeial Convention	84 FR 23582	May 22, 2019.
Bellwyck Clinical Services	84 FR 31622	July 2, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable various basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I and II controlled substances to the above listed companies.

Dated: August 16, 2019.

Neil D. Doherty,

Acting Assistant Administrator.

[FR Doc. 2019–18685 Filed 8–28–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 28, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 15, 2019, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB- FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate).	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-MEAP (4-Methyl-alpha-ethylaminopentiophenone)	7245	I
N-Ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I

Controlled substance	Drug code	Schedule
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4'-Chloro-alpha-pyrrolidinovalerophenone	7443	I
MPHP, 4'-Methyl-alpha-pyrrolidinohexiophenone	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alphapyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
PV8, alpha-Pyrrolidinoheptaphenone	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Dipipanone	9622	I
Hydroxypethidine	9627	I

Controlled substance	Drug code	Schedule
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Trimeperidine	9646	I
Phenomorphan	9647	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II

Controlled substance	Drug code	Schedule
Thiafentanil	9729	II
Racemethorphan	9732	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to its customers.

Dated: August 9, 2019.

Neil D. Doherty,

Acting Assistant Administrator.

[FR Doc. 2019–18681 Filed 8–28–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for ad been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as an importers of various basic classes of schedule I and II controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Companies	FR docket	Published
Mylan Pharmaceuticals Inc	84 FR 18321	April 30, 2019.
Rhodes Technologies	84 FR 21807	May 15, 2019.
S & B Pharma, Inc	84 FR 21813	May 15, 2019.
Wildlife Laboratories, Inc	84 FR 21809	May 15, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable various basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule II controlled substances to the above listed companies.

Dated: August 16, 2019.

Neil D. Doherty,

Acting Assistant Administrator.

[FR Doc. 2019–18687 Filed 8–28–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Post-Initial Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents Notice of Affirmative Determinations Regarding Application for Reconsideration, summaries of Negative Determinations Regarding Applications for Reconsideration, summaries of Revised Certifications of Eligibility, summaries of Revised Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Negative Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Revised Determinations (on remand from the Court of International Trade), and summaries of Negative Determinations (on remand from the Court of International Trade) regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *July 1st 2019 through July 31st 2019.* Post-initial determinations are issued after a petition has been certified or denied. A post-initial determination may revise a certification, or modify or affirm a negative determination.

Notice of Revised Certifications of Eligibility

Revised certifications of eligibility have been issued with respect to cases where affirmative determinations and certificates of eligibility were issued initially, but a minor error was discovered after the certification was issued. The revised certifications are issued pursuant to the Secretary's authority under section 223 of the Act and 29 CFR 90.16. Revised Certifications of Eligibility are final determinations for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a).

Summary of Statutory Requirement

(This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) the sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e))must be met, by following criteria (1), (2), and (3) as follows:

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Revised Certifications of Eligibility

The following revised certifications of eligibility to apply for TAA have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination, and the reason(s) for the determination.

The following revisions have been issued.

TA–W No.	Subject firm	Location	Impact date	Reason(s)
93,723	Steelcase Inc	Grand Rapids, MI	4/11/2017	Wages Reported Under Different FEIN Number.
93,723A	Steelcase Inc	Kentwood, MI	4/11/2017	Wages Reported Under Different FEIN Number.
94,655	Lowe's Home Centers, LLC	Kirkland, WA	3/22/2018	Worker Group Clarification.

Revised Determinations (on Remand From the Court of International Trade)

The following revised determinations on remand, certifying eligibility to apply for TAA, have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination and the reason(s) for the determination.

The following revised determinations on remand, certifying eligibility to apply for TAA, have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
92,826	Honeywell International, Inc	Melville, NY	4/14/2016
92,826A	Honeywell International, Inc	Melville, NY	4/14/2016
92,826B	Honeywell International, Inc	Melville, NY	4/14/2016

I hereby certify that the aforementioned determinations were issued during the period of *July 1st through July 31st 2019.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 6th day of August 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2019–18623 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than September 9, 2019.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than September 9, 2019.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 6th day of August, 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

76 TAA Petitions Instituted Between 7/1/19 and 7/31/19

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
94955	Citibank (State/One-Stop)	Sioux Falls, SD	07/01/19	06/28/19
94956	Elcam Inc. (State/One-Stop)	Saint Marys, PA	07/01/19	06/28/19
94957	Product Assurance Services (State/One-Stop)	Saint Marys, PA	07/01/19	06/28/19
94958	ATOS IT Solutions and Services (State/One-Stop)	Clovis, NM	07/02/19	07/01/19
94959	Semco Instruments, Inc. (Company)	Valencia, CA	07/02/19	07/01/19
94960	Sumitomo Electric (State/One-Stop)	Hillsboro, OR	07/02/19	07/01/19
94961	Treehouse Foods (Workers)	Battle Creek, MI	07/02/19	07/01/19
94962	X-Cel Optical Company (State/One-Stop)	Sauk Rapids, MN	07/02/19	07/01/19
94963	Altice USA (State/One-Stop)	Bethpage, NY	07/03/19	07/02/19

76 TAA PETITIONS INSTITUTED BETWEEN 7/1/19 AND 7/31/19—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
94964	Appalachian Regional Manufacturing (A.R.M.) (Workers).	Jackson, KY	07/03/19	07/02/19
94965	AT&T Business-Global Operations & Services (State/One-Stop).	Grand Rapids, MI	07/03/19	07/02/19
94966	IBM (Workers)	Waukesha, WI	07/03/19	06/28/19
94967	Providence Medford Medical Center (State/One-Stop).	Medford, OR	07/03/19	07/02/19
94968	Reflection Foods (State/One-Stop)	Tucson, AZ	07/03/19	07/02/19
94969	Volt Workforce Solutions (State/One-Stop)	Las Cruces, NM	07/03/19	07/02/19
94970	Hamon Deltak, Inc. (State/One-Stop)	Plymouth, MN	07/05/19	07/03/19
94971	TE Connectivity Limited (State/One-Stop)	Menlo Park, CA	07/05/19	07/03/19
94972	TMG Health, A Cognizant Company (Workers)	Amarillo, TX	07/05/19	07/03/19
94973	DXC Technology (State/One-Stop)	Plano, TX	07/08/19	07/05/19
94974	Leased Workers from Apex Systems, Eliassen Group, and TEKsystems (State/One-Stop).	Kirkland, WA	07/08/19	07/03/19
94975	Vesta Corporation (State/One-Stop)	Lake Oswego, OR	07/09/19	07/08/19
94976	Novo Nordisk (State/One-Stop)	Plainsboro Township, NJ	07/10/19	07/09/19
94977	Schwebels Baking Company (Workers)	Youngstown, OH	07/10/19	07/09/19
94978	Tramontina US Cookware, Inc. (Company)	Manitowoc, WI	07/10/19	07/09/19
94979	Carl Zeiss Vision (State/One-Stop)	Independence, MO	07/11/19	07/10/19
94980	Erie Coke (Union)	Erie, PA	07/11/19	07/10/19
94981	Masonite Corporation (Company)	Stockton, CA	07/11/19	07/10/19
94982	Eaton Corporation (State/One-Stop)	Belmond, IA	07/12/19	07/11/19
94982A	Midwest Janitorial Service, Inc., Houghton International Inc., etc. (State/One-Stop).	Belmond, IA	07/12/19	07/11/19
94983	HP Inc. (State/One-Stop)	Vancouver, WA	07/12/19	06/27/19
94984	Salter Labs (State/One-Stop)	Vista, CA	07/12/19	07/11/19
94985	Sphera Solutions, Inc. (State/One-Stop)	Chicago, IL	07/12/19	07/08/19
94986	Assa Abloy Inc. (State/One-Stop)	New Haven, CT	07/15/19	07/12/19
94987	Blossom Clothing Inc. (Company)	Los Angeles, CA	07/15/19	07/12/19
94988	Ocwen Loan Servicing (State/One-Stop)	Fort Washington, PA	07/15/19	07/12/19
94989	Providence St. Joseph Health—Multiple Subsidiary Companies (State/One-Stop).	Irvine, CA	07/15/19	07/12/19
94990	Blackjewel/Revelation Energy (State/One-Stop)	Milton, WV	07/16/19	07/15/19
94991	Charter Communications (State/One-Stop)	Mililani, HI	07/16/19	07/12/19
94992	CoreLogic Solutions, LLC (State/One-Stop)	Bloomington, MN	07/16/19	07/15/19
94993	ET Publishing International LLC (Company)	Miami, FL	07/16/19	07/15/19
94994	Fargo Assembly of PA (Division of ECI) (State/One-Stop).	David City, NE	07/16/19	07/15/19
94995	John Hassell LLC (State/One-Stop)	Westbury, NY	07/16/19	07/15/19
94996	Navico (State/One-Stop)	Minneapolis, MN	07/16/19	07/15/19
94997	TMK IPSCO (State/One-Stop)	Camanche, IA	07/16/19	07/15/19
94998	State Street Corporation (State/One-Stop)	Kansas City, MO	07/17/19	07/16/19
94999	Synopsys, Inc. (State/One-Stop)	Hillsboro, OR	07/17/19	07/16/19
95000	Cleveland Hardware and Forging Company (State/One-Stop).	Cleveland, OH	07/18/19	07/17/19
95001	Shop-Vac dba Felchar Manufacturing Corporation (State/One-Stop).	Binghamton, NY	07/18/19	07/17/19
95002	P–D Valmiera Glass USA Corp. (Workers)	Dublin, GA	07/18/19	07/10/19
95003	API Supply Inc. (State/One-Stop)	Windber, PA	07/19/19	07/19/19
95004	Providence St. Joseph Health (State/One-Stop)	Renton, WA	07/19/19	07/18/19
95005	Commscope Technologies (State/One-Stop)	Forest, VA	07/22/19	07/19/19
95006	Pro-Mark, LLC (Company)	North Salt Lake, UT	07/22/19	07/19/19
95007	Union Pacific Railroad Company (State/One-Stop)	Hermiston, OR	07/22/19	07/19/19
95008	Vie de France Yemazaki, Inc. (State/One-Stop)	Vienna, VA	07/22/19	07/19/19
95009	The Worth Collection Limited (Workers)	New York, NY	07/23/19	06/20/19
95010	Sitel (State/One-Stop)	Caribou, ME	07/23/19	07/22/19
95011	Black Diamond Equipment Limited (State/One-Stop).	Salt Lake City, UT	07/24/19	07/23/19
95012	Frontier Communications (State/One-Stop)	Norwich, NY	07/24/19	07/23/19
95013	Medtronic Plc. (Company)	Goleta, CA	07/24/19	07/23/19
95014	Delphi Powertrain Technologies (Workers)	West Henrietta, NY	07/25/19	07/21/19
95015	MediaKind (State/One-Stop)	Santa Clara, CA	07/25/19	07/24/19
95016	Burke Industries (Delaware), LLC (State/One-Stop)	San Jose, CA	07/25/19	07/24/19
95017	AT&T Business-Global Operations & Services (State/One-Stop).	Grand Rapids, MI	07/26/19	07/24/19
95018	Flexsteel Industries (State/One-Stop)	Harrison, AR	07/26/19	07/25/19
95019	REC Solar Grade Silicon LLC (State/One-Stop)	Moses Lake, WA	07/26/19	07/24/19
95020	Kimball Hospitality Inc. (State/One-Stop)	Martinsville, VA	07/29/19	07/26/19
95021	Aon Affinity (Company)	Fort Washington, PA	07/30/19	07/29/19
95022	Glen-Gery (State/One-Stop)	Manassas, VA	07/30/19	07/30/19

76 TAA PETITIONS INSTITUTED BETWEEN 7/1/19 AND 7/31/19—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95023	AJ Oster (State/One-Stop)	Warwick, RI	07/31/19	07/30/19
95024	AT&T Services, Inc. (State/One-Stop)	Brecksville, OH	07/31/19	07/30/19
95025	FutureWei Technologies, Inc. (State/One-Stop)	Framingham, MA	07/31/19	07/30/19
95026	Hexagon Manufacturing Intelligence (State/One-Stop).	North Kingstown, RI	07/31/19	07/30/19
95027	KCI USA, Inc. (Company)	San Antonio, TX	07/31/19	07/30/19
95028	State Street Corporation (State/One-Stop)	Boston, MA	07/31/19	07/30/19
95029	Vesuvius USA Corp (State/One-Stop)	Dillon, SC	07/31/19	07/30/19

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *July 1, 2019 through July 31, 2019.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) The sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i) (I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding

eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e))must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C)of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,587	Ford Motor Company, Flat Rock Assembly Plant, Vehicle Operations.	Flat Rock, MI	March 4, 2018.
94,685	Alorica Inc	Fredericksburg, VA	April 2, 2018.
94,787	HBD/Thermoid, Inc., HBD Industries, Inc., Jerman Personnel Services, Inc.	Elgin, SC	May 7, 2018.
94,791	ABB, Inc., Power Grids Transformers, ABB Cary, Pontoon Solutions, Securitas USA, etc.	South Boston, VA	May 8, 2018.
94,817	Arconic Inc., Arconic Technology Center, Apex Life Sciences, Inc., MBO Partners, etc.	New Kensington, PA	May 16, 2018.
94,844	Unilin North America, LLC, Mohawk Industries, Inc	Danville, VA	May 23, 2018.
94,887	Gear Design and Manufacturing, Driveline Business Unit, American Axle & Manufacturing Holdings (AAM), etc.	North Charleston, SC	June 10, 2018.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,449	Stoneridge, American Contractors Group, Microtech Staffing, Kelly Services, etc.	Canton, MA	January 9, 2018.
94,594	New Holland Lingerie, LLC, Tegra LLC	New Holland, PA	March 5, 2018.
94,620	Cotiviti USA, LLC, Information Technology Operations, Cotiviti Domestic Holdings, etc.	Wilton, CT	March 13, 2018.
94,621	Lumina Datamatic, Inc., Datamatics Global Services LTD	Plymouth, MA	March 13, 2018.
94,637	BET Information Systems Inc. D/B/A *Survey.com*	Portland, OR	March 15, 2018.
94,638	The TJX Companies, Inc., Corporate Technology Center, Bridge Room.	New Albany, OH	March 15, 2018.
94,659	TTEC Healthcare Solutions, Inc., TTEC Holdings, Inc	Morrilton, AR	March 25, 2018.
94,669	Gannett Satellite Information Network, LLC, Gannett Technology, Gannett Co., Insight Global, Teksystems, Modis, etc.	McLean, VA	March 27, 2018.
94,675	Wells Fargo Equipment Finance (WFEF)—Early Stage Collections, Wells Fargo Commercial Capital (WFCC), Wells Fargo Bank N.A.	Macon, GA	March 28, 2018.
94,700	Payless ShoeSource Worldwide, Inc., Human Resources Team, Payless, Inc.	Topeka, KS	April 4, 2018.
94,709	Cardone Industries, Inc., Support Services Staff, 5501 Whitaker Avenue.	Philadelphia, PA	July 22, 2018.
94,709A	Cardone Industries, Inc., Support Services Staff, 5660 Rising Sun Avenue.	Philadelphia, PA	April 8, 2018.
94,727	HSN, Inc., IT Service Center/Helpdesk, QVC, Inc	St. Petersburg, FL	April 11, 2018
94,731	State Street Corporation, USIS Client Operations Reporting Group, 1 Heritage Drive.	North Quincy, MA	March 29, 2018.
94,731A	State Street Corporation, USIS Client Operations Reporting Group, 200 Newport Avenue.	North Quincy, MA	March 29, 2018.

TA–W No.	Subject firm	Location	Impact date
94,731B	State Street Corporation, USIS Client Operations Reporting Group, 1776 Heritage Drive.	North Quincy, MA	March 29, 2018.
94,731C	State Street Corporation, USIS Client Operations Reporting Group, 1200 Crown Colony Drive.	North Quincy, MA	March 29, 2018.
94,750	K&K Clothing, Inc	Los Angeles, CA	April 23, 2018.
94,751	AMETEK Instrumentation Systems, Instrumentation and Specialty Controls Division.	Warrenville, IL	April 19, 2018.
94,761	Isringhausen, Manpower, Employment Group (EG Workforce Solutions).	Galesburg, MI	April 26, 2018.
94,768	Renovate America, Inc., Thrivepoint Financial Holdings, Eastridge, Robert Half, Aspyre Staffing.	San Diego, CA	April 29, 2018.
94,779	State Street Corporation, Investment Management Services Division.	North Quincy, MA	May 2, 2018.
94,800	Ocwen Loan Servicing LLC, Ocwen Financial Corporation, CSSvSource.	Fort Washington, PA	May 10, 2018.
94,801	Ocwen Loan Servicing LLC, Ocwen Financial Corporation, CSSvSource.	Orlando, FL	May 10, 2018.
94,802	Ocwen Loan Servicing LLC, Ocwen Financial Corporation, CSSvSource.	West Palm Beach, FL	May 10, 2018.
94,803	Oracle America, Inc., Product Development, Oracle Corporation, Vanderhouwen Staffing Agency.	Portland, OR	May 10, 2018.
94,808	Lester, Inc.	East Haven, CT	May 13, 2018.
94,814	American Technical Ceramics Corp., JAX, AVX Corporation, Remedy Staffing Agency, Randstad US.	Jacksonville, FL	February 13, 2018.
94,818	Interplex Daystar, Inc., Labor Solutions, Labor Temps, Search America, Collabera.	Franklin Park, IL	May 16, 2018.
94,819	KVI, LLC D/B/A Mectra Labs, Inc., Key Surgical, LLC	Bloomfield, IN	May 17, 2018.
94,829	Standard Insurance Company (SIC), The Standard Life Insurance Company of New York (SNY), Volt, Robert Half.	Portland, OR	May 20, 2018.
94,835	Citizens Telecom Services Co LLC, Frontier Communications Technical Support Organization, etc.	Rochester, NY	May 21, 2018.
94,848	David's Bridal, Inc., West 40th Street Design Studio, DB Midco, Inc.	New York, NY	May 26, 2018.
94,852	ZPower LLC, Aerotek, Select Staffing, Express Staffing, Volt	Camarillo, CA	May 24, 2018.
94,856	Finastra USA Corporation, Finastra Technology, Customer Support, Beacon Hill Staffing Group, etc.	Plano, TX	May 29, 2018.
94,857	EMD Millipore, MilliporeSigma, Merck KGaA, Randstadt Sourceright.	Burlington, MA	May 30, 2018.
94,862	Breg, Inc., Aerotek, Stride Staffing Solutions	Grand Prairie, TX	May 23, 2018.
94,865	Klockner Pentaplast of America Inc., KP International Holding GmbH, Accounting Unit, Robert-Half.	Gordonville, VA	May 31, 2018.
94,866	Swimways Corporation, Spin Master Corp, Aerotek, Randstad, Allied Forces.	Virginia Beach, VA	May 31, 2018.
94,867	Qualcomm Technologies, Inc., Qualcomm, Inc., IPS Hardware Group.	San Diego, CA	June 3, 2018.
94,869	State Street Corporation, Retiree Service Division	Jacksonville, FL	June 3, 2018.
94,872	Kern-Liebers Texas, Inc., Kern-Liebers USA, Inc	Pharr, TX	June 4, 2018.
94,873	Ossur Americas, Adecco NA, Kelly Services	Albion, MI	June 4, 2018.
94,875	Celestica LLC, Adecco	San Jose, CA	June 5, 2018.
94,878	Kimberly-Clark Corporation, Fullerton-Tissue, Guidant Global, CR Meyer, Circle Controls, etc.	Fullerton, CA	June 5, 2018.
94,885	Ricoh USA, Inc., Order Management, Ricoh Americas Holdings, Inc.	Richmond, VA	June 7, 2018.
94,885A	Ricoh USA, Inc., Order Management, Ricoh Americas Holdings, Inc.	Sterling, VA	June 7, 2018.
94,888	Gunderson LLC, The Greenbrier Companies, Aerotek, Tradesmen International, etc.	Portland, OR	January 24, 2019.
94,891	International Automotive Components (IAC), Aerotek	Iowa City, IA	July 13, 2019.
94,894	Transaction Applications Group, Inc., Insurance Vertical LifeSys Development and Support, NTT Data, etc.	Lincoln, NE	June 12, 2018.
94,900	Nuance Communications, Inc., Chat Customer Support Team, Nuance Enterprise Solutions & Services.	Agoura Hills, CA	June 13, 2018.
94,907	Liberty Mutual Group Inc., Professional Collaboration Team, LMHC Massachusetts Holdings Inc.	Springfield, MA	June 14, 2018.
94,908	Smartfocus US Inc., PivotLink	Bellevue, WA	June 12, 2018.
94,910	American Electric Power Service Corporation, Accounting and Tax Transaction Processing, American Electric Power Company.	Tulsa, OK	June 17, 2018.
94,914	BrassCraft Manufacturing Co., Masco Manufacturing Company, Aerotek, Accu Staffing, Integrity.	Swedesboro, NJ	June 18, 2018.
94,932	DunAn Precision Manufacturing Inc., DunAn Precision, LL Roberts Company DBA Key Business Solutions, etc.	Memphis, TN	June 24, 2018.
94,934	Kimberly-Clark Corporation, Personal Care, SEC, Holman Distribution, First Staff.	Conway, AR	June 24, 2018.

TA–W No.	Subject firm	Location	Impact date
94,935	Providence Health & Services-Washington, Supply Chain Management, Accountemps (Robert Half).	Portland, OR	June 24, 2018.
94,935A	Providence Health & Services-Washington, Supply Chain Management, Accountemps (Robert Half).	Medford, OR	June 24, 2018.
94,938	Philips Healthcare, Invivo Manufacturing Division, Randstad Sourceright.	Gainesville, FL	June 25, 2018.
94,954	Union Underwear Co., Inc. dba Fruit of the Loom, Information Technology, Corporate Headquarters, Berkshire Hathaway, etc.	Bowling Green, KY	June 27, 2018.
94,959	Semco Instruments, Inc., Quantum Staffing, Express Employment, Triad Technical Staffing, Aerotek.	Valencia, CA	July 1, 2018.
94,965	AT&T Business-Global Operations & Services, Delivery Excellence-Global Product Ordering, Business VOIP Team, AT&T, etc.	Grand Rapids, MI	July 2, 2018.
94,970	Hamon Deltak, Inc., Hamon Corporation, Hamon Holdings Corporation, Account Temps.	Plymouth, MN	July 3, 2018.
94,982	Eaton Corporation, Vehicle Group North America, Bartech	Belmond, IA	February 2, 2019.
94,982A	Midwest Janitorial Service, Inc., Houghton International Inc., etc., Securitas, Fastenal Company, Advanced Technology Services (ATS), Eaton.	Belmond, IA	July 11, 2018.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,567	GM Technical Center, General Motors, RCO Engineering, Populous, Tech Talenta, Aerotek, etc.	Warren, MI	February 26, 2018.
94,697	Integrated Manufacturing and Assembly, Detroit Davison Plant, Seating Division, Lear Corporation.	Detroit, MI	April 4, 2018.
94,790	FTE Automotive, USA, Inc., Valeo USA, Inc	Auburn Hills, MI	May 7, 2018.
94,880	Nitto Automotive Inc., NITTO Inc., Hunter Hamilton, Aerotek, Kelly Services, Prostaff, Robert Half.	Kansas City, MO	June 5, 2018.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,770	Falcon Transport Company, GD Leasing of Indiana	Youngstown, OH	May 1, 2018.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,407	Core Pipe Products, Inc., Gerlin, Inc., Aerotek, SureStaff, Inc., Crown Services.	Carol Stream, IL	June 4, 2017.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,593	Customer Care & After Care (CCA) West Chester Processing Center, General Motors Company.	West Chester, OH.	
94,603	Planar Systems, Inc., Elwood, Express, and Volt	Hillsboro, OR.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,516	Burke Industries (Delaware), LLC, Mannington Mills, Inc., Randstad.	San Jose, CA.	
94,578	Michigan Bell Telephone Company, AT&T Teleholdings, Digital, Retail, & Care, etc.	Kalamazoo, MI.	
94,578A	Wisconsin Bell, Inc., AT&T Teleholdings, Digital, Retail, & Care, etc.	Appleton, WI.	
94,578B	Indiana Bell Telephone Company Incorporated, AT&T Teleholdings, Digital, Retail, & Care, etc.	Indianapolis, IN.	
94,578C	AT&T Services, Inc., AT&T Inc. & Teleholdings, Inc., AT&T Global Billing Resolution Team, etc.	Syracuse, NY.	
94,578D	AT&T Services, Inc., AT&T, Inc. AT&T Teleholdings, Inc., 911 Network Operations Center, etc.	Meridian, CT.	
94,660	WSM Manufacturing, LLC, Warne Scope Mounts, Randstad Staffing, Northwest Staffing, etc.	Tualatin, OR.	
94,699	The Mosaic Company, BCforward, CLA, Deloitte, Ernst & Young, iMPact Business Group, etc.	Plymouth, MN.	
94,707	Flint CPS Inks North America LLC, Qualified Staffing	Weyers Cave, VA.	
94,752	Cypress Creek Renewables, LLC	Santa Monica, CA.	
94,754	iPacesetters, LLC., Teleservices Solution Holding, LLC	Weston, WV.	
94,759	Conduent Education Services, LLC, ACS Education Services, Conduent Business Services, LLC.	Long Beach, CA.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
94,926	Beyondsoft Corporation	Vancouver, WA.	
94,949	Fuller Packaging, Inc	Central Falls, RI.	

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA–W No.	Subject firm	Location	Impact date
94,860	AT&T Services, IT Voice Call Center Operations and Application Development.	Hoffman Estates, IL.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
94,676	Wells Fargo Equipment Finance (WFEF)—Early Stage Collections, Wells Fargo Commercial Capital (WFCC), Wells Fargo Bank N.A.	Macon, GA.	
94,678	Wells Fargo Equipment Finance (WFEF)—Early Stage Collections, Wells Fargo Commercial Capital (WFCC), Wells Fargo Bank N.A.	Macon, GA.	
94,683	Steelcase Inc., Administrative Services Group, Design Tex	Grand Rapids, MI.	
94,798	Fargo Assembly Company, Electrical Components International Inc	Bethany, MO.	
94,925	American Electric Power Service Corporation, Accounting and Tax Transaction Processing, American Electric Power Company.	Tulsa, OK.	
94,974	Leased Workers from Apex Systems, Eliassen Group, and TEKsystems, Lowes Home Centers, LLC, Lowes Companies, Inc.	Kirkland, WA.	
94,988	Ocwen Loan Servicing	Fort Washington, PA.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
94,944	AIG, Corporate and Investments IT Department	New York, NY.	

I hereby certify that the aforementioned determinations were issued during the period of *July 1, 2019 through July 31, 2019.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington DC, this 6th day of August 2019.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2019–18621 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reemployment Services and Eligibility Assessment (RESEA) Program

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Reemployment Services and Eligibility Assessment (RESEA) Program,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 30, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201906-1205-009* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Reemployment Services and Eligibility Assessment (RESEA) Program. The DOL uses information collected on Forms ETA 9128, ETA–9128X, ETA–9129 and ETA 9129X to evaluate State performance in terms of service delivery and to report on the RESEAs, including the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments (*e.g.,* benefits termination), results of assessments (*e.g.,* referral to employment services, found in compliance with program requirements), estimated savings resulting form cessation of benefits, and estimated savings as a result of accelerated reemployment. This information collection has been classified as a revision, because of the removal of separate reporting for program participants receiving Unemployment Compensation for Ex-Servicemember that was previously conducted under the ETA 9128X and 9129X reports and the varying levels of integration across states' reporting and case management systems. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0456. The current approval is scheduled to expire on August 31, 2019; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 13, 2019 (84 FR 9140).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0456. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Reemployment Services and Eligibility Assessment (RESEA) Program.

OMB Control Number: 1205–0456.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 424.

Total Estimated Annual Time Burden: 1,060 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 23, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–18630 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Benefit Accuracy Measurement (BAM) Program

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Benefit Accuracy Measurement (BAM) Program,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 30, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201907-1205-007* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Benefit Accuracy Measurement (BAM) Program information collection. The Benefit Accuracy Measurement (BAM) program provides reliable estimates of the accuracy of benefit payments and denied claims in the Unemployment Insurance program, and identifies the sources of mispayments and improper denials so that their causes can be eliminated. The Improper Payments Elimination and Recovery Act of 2010 authorizes this information collection. *See* 31 U.S.C. 3321.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0245.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 22, 2019 (84 FR 5723).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0245. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility:
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Benefit Accuracy Measurement (BAM) Program.

OMB Control Number: 1205–0245.

Affected Public: State Workforce Agencies (Primary); Individuals or Households; Private Sector—Business or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 117,962.

Total Estimated Number of Responses: 165,074.

Total Estimated Annual Time Burden: 535,312 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 23, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–18628 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Insurance Data Validation (DV) Program

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Unemployment Insurance Data Validation,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 30, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201907-1205-010* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Unemployment Insurance (UI) Data Validation (DV) Program. The UI DV Program requires a State to operate a system for ascertaining the validity (*i.e.,* adherence to Federal reporting requirements) of specified UI data submitted to the ETA on certain monthly or quarterly reports. Some of these data are used to assess performance, including for the Government Performance and Results Act, or to determine States grants for administration of the UI Program. This information collection is a revision, because updates were made to incorporate guidance from UI Program Letter 22–05 into the Benefits and Tax Handbooks. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503 (a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB, under the PRA, approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0431. The current approval is scheduled to expire on August 31, 2019; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 13, 2019 (84 FR 9141).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0431. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Unemployment Insurance Data Validation.

OMB Control Number: 1205–0431.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 53.

Total Estimated Annual Time Burden: 23,644 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 22, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–18629 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on Process Safety Management of Highly Hazardous Chemicals

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Standard on Process Safety Management of Highly Hazardous Chemicals,'' to the Office of Management and Budget (OMB) for

review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 30, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201908-1218-001* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Standard on Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119, 29 CFR 1926.64) information collection. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The Standard contains information collection requirements that require employers to ensure that processes using highly hazardous chemicals with the potential of a catastrophic release are operated as safely as possible. The employer must thoroughly consider all facets of a process, as well as the involvement of employees in that process. Employers analyze processes so that they can identify, evaluate, and control problems that could lead to a major release, fire, or explosion. The major information collection requirements in this standard include: Consulting with workers and their representatives on and providing them access to process hazard analyses and the development of other elements of the standard; developing a written action plan for implementation of employee participation in process hazard analyses and other elements of the standard; completing a compilation of written process safety information; performing a process hazard analysis; documenting actions taken to resolve process hazard analysis team findings and recommendations; updating, revalidating, and retaining the process hazard analysis; developing and implementing written operating procedures accessible to workers; reviewing operating procedures as often as necessary and certifying the procedures annually; developing and implementing safe work practices; preparing training records; informing contract employers of known hazards and applicable provisions of the emergency action plan; maintaining a contract worker injury and illness log; establishing written procedures to maintain the integrity of and documenting inspections and tests of process equipment; providing information on permits issued for hot work operations; establishing and implementing written procedures to manage changes; preparing reports at the conclusion of incident investigations, documenting resolutions and corrective measures, and reviewing the reports with affected personnel; establishing and implementing an emergency action plan; developing a compliance audit report and certifying compliance; and disclosing information necessary to comply with the standard to persons responsible for compiling process safety information. The Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912) authorizes this information collection. *See* Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0200.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 28, 2019 (84 FR 31119).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0200. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Standard on Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119, 29 CFR 1926.64).

OMB Control Number: 1218–0200.

Affected Public: Private Sector—Business or other for-profits.

Total Estimated Number of Respondents: 9,786.

Total Estimated Number of Responses: 1,209,597.

Total Estimated Annual Time Burden: 5,610,808 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August, 23, 2019.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2019–18631 Filed 8–28–19; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Corporate Credit Union Monthly Call Report and Report of Officers

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before October 28, 2019 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 6018, Alexandria, Virginia 22314; Fax No. 703–519–8579; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0067.

Title: Corporate Credit Union Monthly Call Report and Report of Officers.

Form: NCUA Form 5310.

Type of Review: Extension of a currently approved collection.

Abstract: Section 202(a)(1) of the Federal Credit Union Act (Act) requires federally insured credit unions to make reports of condition to the NCUA Board upon dates selected by it. Corporate credit unions report this information monthly on NCUA Form 5310 also known as the corporate credit union call report. The financial and statistical information is essential to NCUA in carrying out its responsibility for supervising corporate credit unions. The Federal Credit Union Act, 12 U.S.C. 1762, specifically requires federal credit unions to report the identity of credit union officials. Section 741.6(a) requires federally-insured credit unions to submit a Report of Officials annually to NCUA containing the annual certification of compliance with security requirements. The branch information is requested under the authority of § 741.6 of the NCUA Rules and Regulations.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: 11.

Estimated No. of Responses per Respondent: 13.

Estimated Total Annual Responses: 143.

Estimated Burden Hours per Response: 3.77.

Estimated Total Annual Burden Hours: 539.

Reason for Change: The number of Corporate Credit Unions have decreased from 12 to 11 since the previous PRA submission. An adjustment has been made to reflect this change.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on August 26, 2019.

Dated: August 26, 2019.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2019–18652 Filed 8–28–19; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 30, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 6018, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0061.

Type of Review: Extension of a currently approved collection.

Title: Central Liquidity Facility, 12 CFR part 725.

Forms: NCUA Forms 8702, 8703, 7001, 7002, 7003, 7004, and 8700C.

Abstract: Part 725 contains the regulations implementing the National Credit Union Central Liquidity Facility Act, subchapter III of the Federal Credit Union Act. The NCUA Central Liquidity Facility is a mixed-ownership Government corporation within NCUA. It is managed by the NCUA Board and is owned by its member credit unions. The purpose of the Facility is to improve the general financial stability of credit unions by meeting their liquidity needs and thereby encourage savings, support consumer and mortgage lending and provide basic financial resources to all segments of the economy. The

Central Liquidity Facility achieves this purpose through operation of a Central Liquidity Fund (CLF). The collection of information under this part is necessary for the CLF to determine credit worthiness, as required by 12 U.S.C 1795e(2).

Estimated Total Annual Burden Hours: 14.

OMB Number: 3133–0133.

Type of Review: Extension of a currently approved collection.

Title: Investments and Deposit Activities, 12 CFR part 703.

Abstract: The National Credit Union Administration (NCUA) Federal Credit Union Act, 12 U.S.C. 1757(7), 1757(8), 1757(15), lists securities, deposits, and other obligations in which a Federal Credit Union (FCU) may invest. The regulations related to these areas are contained in Part 703 and Section 721.3 of the NCUA Rules and Regulations which set forth requirements related to maintaining an adequate investment program. The information collected is used by the NCUA to determine compliance with the appropriate sections of the NCUA Rules and Regulations and Federal Credit Union Act, which governs investment and deposit activities on the basis of safety and soundness concerns. It is used to determine the level of risk that exists within a credit union, the actions taken by the credit union to mitigate such risk, and helps prevent losses to federal credit unions and the National Credit Union Share Insurance Fund (NCUSIF).

Estimated Total Annual Burden Hours: 53,959.

OMB Number: 3133–0182.

Type of Review: Extension of a currently approved collection.

Title: Bank Conversions and Mergers, 12 CFR part 708a.

Abstract: Part 708a of NCUA's Rules and Regulations covers the conversion of federally insured credit unions (credit unions) to mutual savings banks (MSBs) and mergers of credit unions into both mutual and stock banks (banks). Part 708a requires credit unions that intend to convert to MSBs or merge into banks to provide notice and disclosure of their intent to convert or merge to their members and NCUA, and to conduct a membership vote. In addition, Subpart C requires credit unions that intend to merge into banks to determine the merger value of the credit union. The information collection allows NCUA to ensure compliance with statutory and regulatory requirements for conversions and mergers and ensures that members of credit unions have sufficient and accurate information to exercise an informed vote concerning a proposed conversion or merger.

Estimated Total Annual Burden Hours: 391.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on August 26, 2019.

Dated: August 26, 2019.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2019–18651 Filed 8–28–19; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0168]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from July 30, 2019 to August 12, 2019. The last biweekly notice was published on August 13, 2019.

DATES: Comments must be filed by September 30, 2019. A request for a hearing must be filed by October 28, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0168. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0168, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2019–0168.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0168, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov/* as well as enter

the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the

Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''Cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment application(s), see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: June 25, 2019. A publicly-available version is in ADAMS under Accession No. ML19176A498.

Description of amendment request: The amendments would revise instrument testing and calibration definitions in the technical specifications (TS) for each facility to incorporate the surveillance frequency control program. The proposed amendments are based on Technical Specification Task Force (TSTF) traveler TSTF–563, Revision 0, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program'' (ADAMS Accession No. ML17130A819).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the TS definitions of Channel Calibration, Channel Functional Test, Channel Operational Test, and Trip Actuating Device Operational Test to allow the frequency for testing the components or devices in each step to be determined in accordance with the TS Surveillance Frequency Control Program, as applicable. All components in the channel continue to be calibrated. The frequency at which a channel calibration is performed is not an initiator of any accident previously evaluated, so the probability of an accident is not affected by the proposed change. The channels surveilled in accordance with the affected definitions continue to be required to be operable and the acceptance criteria of the surveillances are unchanged. As a result, any mitigating functions assumed in the accident analysis will continue to be performed.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change revises the TS definitions of Channel Calibration, Channel Functional Test, Channel Operational Test, and Trip Actuating Device Operational Test to allow the frequency for testing the components or devices in each step to be determined in accordance with the TS Surveillance Frequency Control Program, as applicable. The design function or operation of the components involved are not affected and there is no physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). No credible new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases are introduced. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the TS definitions of Channel Calibration, Channel Functional Test, Channel Operational Test, and Trip Actuating Device Operational Test to allow the frequency for testing the components or devices in each step to be determined in accordance with the TS Surveillance Frequency Control Program, as applicable. The Surveillance Frequency Control Program assures sufficient safety margins are maintained, and that design, operation, surveillance methods, and acceptance criteria specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plants' licensing basis. The proposed change does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by method of determining surveillance test intervals under an NRC-approved licensee-controlled program.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Lisa M. Regner.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: June 27, 2019. A publicly-available version is in ADAMS under Accession No. ML19178A291.

Description of amendment request: The amendments would revise the requirements in the technical specifications for each facility related to the unavailability of barriers. The proposed amendments are based on Technical Specification Task Force (TSTF) traveler TSTF–427, Revision 2, ''Allowance for Non Technical Specification Barrier Degradation on Supported System OPERABILITY'' (ADAMS Accession No. ML061240055).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided (via incorporation by reference) its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability of Consequences of an Accident Previously Evaluated

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable hazard barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed [Limiting Condition for Operation] LCO 3.0.9 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.9. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to an unavailable hazard barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable hazard barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in [Regulatory Guide] RG 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.9 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Lisa M. Regner.

Exelon Generation Company, LLC (EGC), Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant (Calvert Cliffs), Unit Nos. 1 and 2, Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: June 26, 2019. A publicly-available version is in ADAMS under Accession No. ML19178A304.

Description of amendment request: Except for Calvert Cliffs, the proposed amendments would revise the technical specifications (TS) for high radiation area administrative controls. The proposed amendments for Calvert Cliffs would add TS requirements for high radiation area administrative controls.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes are administrative in nature and only related to the control of access to high radiation areas for controlling dose to plant personnel. The proposed changes do not impact any accident initiators and do not require any plant modifications which affect the performance capability of the structures, systems and components relied upon to mitigate the consequences of postulated accidents; therefore, there is no impact to the probability or consequences of an accident previously evaluated.

Based on the above, EGC concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendments involve changes to radiological program controls for access to high radiation areas, which are administrative in nature and do not impact physical plant systems. These proposed changes do not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed changes do not require any plant modifications which affect the performance capability of the structures, systems and components relied upon to mitigate the consequences of postulated accidents.

Based on the above discussion, EGC concludes that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are administrative in nature and only related to the control of access to high radiation areas to minimize dose to plant personnel. The proposed changes are intended to provide clarity and/or flexibility with respect to the administration and programmatic controls while retaining adequate margin of safety for minimizing dose to site personnel consistent with the requirements of 10 CFR 20, ''Standards for Protection Against Radiation,'' and the guidance of [Regulatory Guide] RG 8.38, ''Control of Access to High and Very High Radiation Areas in Nuclear Power Plants,'' published in May 2006. Since there are no associated physical plant changes, the ability of the plant to respond to and mitigate accidents is unchanged by the proposed changes.

Based on the above, EGC concludes that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Lisa M. Regner.

Exelon Generation Company (EGC), LLC, Docket No. 50–461, Clinton Power Station (CPS), Unit No. 1, DeWitt County, Illinois and Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station (DNPS), Units 2 and 3, Grundy County, Illinois

Date of amendment request: June 18, 2019. A publicly-available version is in ADAMS under Accession No. ML19169A146.

Description of amendment request: The proposed amendments would revise the CPS, Unit No. 1, and DNPS, Units 2 and 3, technical specifications (TSs) associated with TS 3.5.2, ''Reactor Pressure Vessel (RPV) Water Inventory Control (WIC),'' and TS 3.8.2, ''AC Sources—Shutdown,'' surveillance requirements considered no longer necessary following NRC-approved licensing activity at these sites. For each site, a change to TS 3.3.5.2, ''Reactor Pressure Vessel (RPV) Water Inventory Control Instrumentation,'' is proposed to support instrumentation functions. Additionally, edits are proposed to RPVWIC-related TSs to add consistency and clarity. For DNPS, Units 2 and 3 only, a change to TS 3.6.1.3, ''Primary Containment Isolation Valves,'' is proposed to support Mode 4 and 5 operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies existing TS requirements related to the maintenance of RPV inventory in Modes 4 and 5. Draining of RPV water inventory in Modes 4 and 5 is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a modified set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing and the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed changes do not affect the probability of an unexpected draining event (which is not a previously evaluated accident) or the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the TAF [top of active fuel]. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed changes do not affect the consequences of an unexpected draining event (which is not a previously evaluated accident) or the current requirement to maintain an operable ECCS [emergency core cooling system] subsystem at all times in Modes 4 and 5. The proposed changes do not significantly affect the consequences of an unexpected draining event because the proposed Actions continue to ensure equipment is available within the limiting DRAIN TIME, and are equivalent to the current requirements.

The proposed changes reduce or eliminate some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as the automatic starting of EDGs [emergency diesel generators] on ECCS initiation signals. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements proposed for elimination are not needed to adequately respond to a draining event.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed changes replace existing TS requirements related to RPV WIC with modified requirements that will continue to protect Safety Limit 2.1.1.3. The proposed changes will not alter the design function of the equipment involved.

The event of concern under the current requirements and the proposed changes is an unexpected draining event. The proposed changes do not create new failure mechanisms, malfunctions, or accident initiators that would cause an RPV or refueling cavity draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes modify certain existing TS requirements related to RPV WIC. The safety basis for the current RPV WIC requirements is to protect Safety Limit 2.1.1.3. The new TS requirements continue to meet this safety basis in all respects.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Lisa M. Regner.

Exelon Generation Company, LLC (EGC), Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: March 5, 2019, as supplemented by letters dated May 23 and July 22, 2019. Publicly-available versions are in ADAMS under Accession Nos. ML19064B368, ML19143A347, and ML19203A176, respectively.

Description of amendment request: The proposed amendment would: revise the combined main steam isolation valve (MSIV) leakage rate limit for all four steam lines in Technical Specification (TS) TS 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs),'' Surveillance Requirement (SR) 3.6.1.3; revise the leakage rate through each MSIV leakage path; add a new TS 3.6.2.6, ''Residual Heat Removal (RHR) Drywell Spray''; and revise TS 3.6.4.1, ''Secondary Containment,'' to address short-duration conditions during which the secondary containment pressure may not meet the SR pressure requirement, in accordance with Technical Specifications Task Force Traveler (TSTF) 551, ''Revise Secondary Containment Surveillance Requirements,'' Revision 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The increase in the total MSIV leakage rate limit has been evaluated in a revision to the radiological consequence analysis of the Loss of Coolant Accident (LOCA). Based on the results of the analysis, it has been demonstrated that, with the requested change, the dose consequences of this limiting Design Basis Accident (DBA) are within the acceptance criteria provided by the NRC for use with the Alternative Source Term (AST) methodology in 10 CFR 50.67 and 10 CFR 50, appendix A, GDC [General Design Criteria] 19. Additional guidance is provided in Regulatory Guide 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors'' and Standard Review Plan (SRP) Section 15.0.1.

The proposed change to the MSIV leakage limit does not involve physical change to any plant structure, system, or component. As a result, no new failure modes of the MSIVs have been introduced.

The proposed change does not affect the normal design or operation of the facility before the accident; rather, it affects leakage limit assumptions that constitute inputs to the evaluation of the consequences. The radiological consequences of the analyzed LOCA have been evaluated using the plant licensing basis for this accident. The resulting doses are slightly higher than the previously approved AST doses; with exception of the Control Room dose that is slightly lower. However, adequate margin to the regulatory limits specified in 10 CFR 50.67 for offsite doses and 10 CFR 50, Appendix A, GDC 19 for control room operator doses is still available. Thus, the results conclude that the control room and offsite doses remain within applicable regulatory limits. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

In addition, the proposed change to SR 3.6.4.1.1 addresses short-duration conditions during which the secondary containment vacuum requirement is not met. The secondary containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. The consequences of an accident previously evaluated while utilizing the proposed changes are no different than the consequences of an accident while utilizing the existing four-hour Completion Time (*i.e.,* allowed outage time) for an inoperable secondary containment. In addition, the proposed change provides an alternative means to ensure the secondary containment safety function is met. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The change in the MSIV leakage rate limits does not affect the design, functional performance, or normal operation of the facility. Similarly, it does not affect the design or operation of any component in the facility such that new equipment failure modes are created. This is supported by operating experience at other EGC sites that have increased their MSIV leakage limits. As such the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

In addition, the proposed change to SR 3.6.4.1.1 does not alter the protection system design, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant; and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This proposed license amendment involves changes in the MSIV leakage rate limits. The revised leakage rate limits are used in the reanalysis of the LOCA radiological consequences.

The analysis has been performed using conservative methodologies. Safety margins and analytical conservatisms have been evaluated and have been found acceptable. The analyzed LOCA event has been carefully selected and margin has been retained to ensure that the analysis adequately bounds postulated event scenario. The dose consequences of this limiting event are within the acceptance criteria presented in 10 CFR 50.67 for offsite doses and 10 CFR 50, appendix A, GDC 19 for control room operator doses. The margin of safety is that provided by meeting the applicable regulatory limits.

In addition, the proposed change to SR 3.6.4.1.1 addresses short-duration conditions during which the secondary containment vacuum requirement is not met. Conditions in which the secondary containment vacuum is less than the required vacuum are acceptable provided the conditions do not affect the ability of the SGT [standby gas treatment] System to establish the required secondary containment vacuum under post-accident conditions within the time assumed in the accident analysis. This condition is incorporated in the proposed change by requiring an analysis of actual environmental and secondary containment pressure conditions to confirm the capability of the SGT System is maintained within the assumptions of the accident analysis. Therefore, the safety function of the secondary containment is not affected.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Lisa M. Regner.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request: April 9, 2019. A publicly-available version is in ADAMS under Accession No. ML19101A280.

Description of amendment request: The amendment would revise the DAEC Emergency Plan on-shift and augmented Emergency Response Organization (ERO) staffing to support the planned permanent cessation of operations and permanent defueling of the DAEC reactor. Specifically, the proposed changes would eliminate the on-shift positions not needed for the safe storage of spent fuel in the spent fuel pool during the initial decommissioning period and eliminate the ERO positions not necessary to effectively respond to credible accidents. The proposed changes in staffing are commensurate with the reduced spectrum of credible accidents for a permanently shut down and defueled power reactor facility.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the DAEC Emergency Plan do not impact the function of plant Structures, Systems, or Components (SSCs). The proposed changes do not involve the modification of any plant equipment or affect plant operation. The proposed changes do not affect accident initiators or precursors, nor do the proposed changes alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and ERO to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition. The proposed changes only remove positions that will no longer be needed or credited in the Emergency Plan in the permanently defueled condition.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the number of on-shift and ERO positions commensurate with the hazards associated with a permanently shut down and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Additionally, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new accident initiators are created.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analyses. There are no changes being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. The proposed changes are associated with the Emergency Plan and staffing and do not impact operation of the plant or its response to transients or accidents. The proposed changes do not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes and margins of safety are maintained. The revised Emergency Plan will continue to provide the necessary response staff with the proposed changes.

Therefore, the proposed changes have no impact to the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Steven Hamrick, Managing Attorney—Nuclear, Florida Power Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Acting Branch Chief: Lisa M. Regner.

NextEra Energy Duane Arnold (NEDA), LLC, Docket No. 50–331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request: June 20, 2019. A publicly-available version is in ADAMS under Accession No. ML19176A356.

Description of amendment request: NEDA requests an amendment to the DAEC operating license (OL) and technical specifications (TSs). The proposed changes will revise the OL and TSs consistent with the permanent cessation of reactor operation and permanent defueling of the reactor. The revised OL and TSs will be identified as the DAEC post defueled technical specifications (PDTSs). By letter dated January 18, 2019 (ADAMS Accession No. ML19023A196), NEDA provided formal notification to the NRC pursuant

to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.4(b)(8) of the intention to permanently cease power operations at the DAEC in the fourth quarter of 2020. After the certifications of permanent cessation of power operation and of permanent removal of fuel from the DAEC reactor vessel are docketed, in accordance with 10 CFR 50.82(a)(1)(i) and (ii) respectively, and pursuant to 10 CFR 50.82(a)(2), the 10 CFR 50 license will no longer authorize reactor operation or emplacement or retention of fuel in the reactor vessel. As a result, certain license conditions and TSs may be revised or removed to reflect the permanently defueled condition. In general, the changes propose the elimination of items applicable in operating conditions where fuel is placed in the reactor vessel.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes would not take effect until DAEC has certified to the NRC that it has permanently ceased operation and entered a permanently defueled condition. Because the 10 CFR part 50 license for DAEC will no longer authorize operation of the reactor, or emplacement or retention of fuel into the reactor vessel with the certifications required by 10 CFR part 50.82(a)(1) submitted, as specified in 10 CFR part 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. DAEC's accident analyses are contained in Chapter 15 of the Updated Final Safety Analysis Report (UFSAR). In a permanently defueled condition, the only credible UFSAR described accident that remains is the Fuel Handling Accident (FHA). Other Chapter 15 accidents will no longer be applicable to a permanently defueled reactor.

The UFSAR-described FHA analyses for DAEC shows that, following the required decay time after reactor shutdown and provided the SFP [spent fuel pool] water level requirement of TS LCO [limiting condition for operation] 3.7.8 is met, the dose consequences are acceptable without relying on secondary containment or the Standby Gas Treatment System. The control building envelop is credited for reduction of operator dose. Consequently, the TS requirements for the Standby Filter Unit and Control Building Chillers are retained.

The probability of occurrence of previously evaluated accidents is not increased, since safe storage and handling of fuel will be the only operations performed, and therefore, bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation will no longer be credible in the permanently defueled condition. This significantly reduces the scope of applicable accidents. The deletion of TS definitions and rules of usage and application requirements that will not be applicable in a defueled condition has no impact on facility SSCs [structures, system, and components] or the methods of operation of such SSCs. The deletion of design features and safety limits not applicable to the permanently shut down and defueled DAEC has no impact on the remaining applicable DBA [design-basis accident].

The removal of LCOs or SRs [surveillance requirements] that are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents do not affect the applicable DBAs previously evaluated since these DBAs are no longer applicable in the permanently defueled condition.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to delete or modify certain DAEC Operating License, TS, and current licensing bases (CLB) have no impact on facility SSCs affecting the safe storage of spent irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of the spent irradiated fuel itself. The removal of TS that are related only to the operation of the nuclear reactor, or only to the prevention, diagnosis, or mitigation of reactor related transients or accidents, cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor will be permanently shut down and defueled.

The proposed modification or deletion of requirements of the DAEC Operating License, TS, and CLB do not affect systems credited in the accident analysis for the remaining credible DBA at DAEC. The proposed Operating License and PDTS will continue to require proper control and monitoring of safety significant parameters and activities. The TS regarding SFP water level and spent fuel storage is retained to preserve the current requirements for safe storage of irradiated fuel. The proposed amendment does not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers for defueled plants (fuel cladding, spent fuel racks, SFP integrity, and SFP water level). Since extended operation in a defueled condition and safe fuel handling will be the only operation allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are to delete or modify certain Operating License, TS and CLB once the DAEC facility has been permanently shut down and defueled. As specified in 10 CFR 50.82(a)(2), the 10 CFR 50 license for DAEC will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel following submittal of the certifications required by 10 CFR 50.82(a)(1). As a result, the occurrence of certain design basis postulated accidents are no longer considered credible when the reactor is permanently defueled.

The only remaining credible UFSAR described accident is a FHA. The proposed changes do not adversely affect the inputs or assumptions of any of the design basis analyses that impact the FHA.

The proposed changes are limited to those portions of the Operating License, TS, and CLB that are not related to the safe storage of irradiated fuel. The requirements proposed to be revised or deleted from the Operating License, TS, and CLB are not credited in the existing accident analysis for the remaining postulated accident (*i.e.,* FHA); and, as such, do not contribute to the margin of safety associated with the accident analysis. Certain postulated DBAs involving the reactor are no longer possible because the reactor will be permanently shut down and defueled and DAEC will no longer be authorized to operate the reactor.

Therefore, the proposed changes have no impact to the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Steven Hamrick, Managing Attorney—Nuclear, Florida Power Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Acting Branch Chief: Lisa M. Regner.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1 (Seabrook), Rockingham County, New Hampshire

Date of amendment request: June 4, 2019. A publicly-available version is in ADAMS under Accession No. ML19157A057.

Description of amendment request: The amendment would revise the Seabrook Technical Specifications (TSs) associated with the emergency core cooling system (ECCS) accumulators. Specifically, the proposed amendment would modify the TS actions for an inoperable accumulator, relocate the actions for inoperable accumulator instrumentation, and delete an unnecessary surveillance requirement. The proposed change would also delete

a duplicate surveillance requirement associated with the accumulator isolation valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Operability of the ECCS accumulators ensure that a sufficient volume of borated water will be immediately forced into the reactor core through each of the cold legs in the event the reactor coolant system (RCS) pressure falls below the pressure of the accumulators. This initial surge of water into the core provides the initial cooling mechanism during large RCS pipe ruptures. The proposed change does not change the limiting condition for operation (LCO) for the accumulators.

The proposed change deletes a surveillance requirement that verifies the accumulator isolation valves automatically open on an actuation signal because the technical specifications require maintaining the motor-operated valves open and de-energized. In addition, the completion times for an inoperable accumulator are revised to 24 hours for inoperability due to reasons other than boron concentration outside limits and to 72 hours for boron not within limits. The consequences of an accident that might occur during the revised completion times are no different from those that might occur during the current completion times. The change to eliminate a duplicate surveillance requirement makes no technical changes and is administrative in nature.

The proposed change does not alter the design, function, or operation of any plant structure, system, or component (SSC). The capability of any operable TS-required SSC to perform its specified safety function is not impacted by the proposed change. As a result, the outcomes of accidents previously evaluated are unaffected. Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not challenge the integrity or performance of any safety-related systems. No plant equipment is installed or removed, and the changes do not alter the design, physical configuration, or method of operation of any plant system or component. No physical changes are made to the plant, so no new causal mechanisms are introduced. Therefore, the proposed changes to the TS do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The ability of any operable ECCS equipment to perform its designated safety function is unaffected by the proposed changes. The proposed changes do not alter any safety analyses assumptions, safety limits, limiting safety system settings, or method of operating the plant. The changes do not adversely affect plant operating margins or the reliability of equipment credited in the safety analyses. With the proposed change, the ECCS remains capable of performing its safety function. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: James G. Danna.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station (VCSNS), Unit No. 1, Fairfield County, South Carolina

Date of amendment request: July 30, 2019. A publicly-available version is in ADAMS under Accession No. ML19214A046.

Description of amendment request: The proposed amendment would replace ''South Carolina Electric & Gas Company'' with ''Dominion Energy South Carolina, Inc.'' or ''DESC'' where appropriate in the Renewed Facility Operating License NPF–12.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment is administrative in nature. SCE&G, which has been renamed Dominion Energy South Carolina, Inc., will remain the licensee authorized to operate and possess VCSNS Unit 1, and its functions, powers, resources and management as described in the license will not change. The proposed changes do not adversely affect accident initiators or precursors, and do not alter the design assumptions, conditions, or configuration of the plant or the manner in which the plant is operated and maintained. The ability of structures, systems, and components to perform their intended safety functions is not altered or prevented by the proposed changes, and the assumptions used in determining the radiological consequences of previously evaluated accidents are not affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment is purely administrative in nature. The functions of the licensee will not change. These changes do not involve any physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed), and installed equipment is not being operated in a new or different manner. Thus, no new failure modes are introduced. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment is administrative in nature. SCE&G, which has been renamed Dominion Energy South Carolina, Inc., will remain the licensee authorized to operate and possess the units, and its functions as described in the license will not change. The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. There are no changes to setpoints at which protective actions are initiated, and the operability requirements for equipment assumed to operate for accident mitigation are not affected. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn M. Sutton, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, Houston County, Alabama;

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant (HNP), Unit Nos. 1 and 2, Appling County, Georgia; and

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (VEGP), Units 1 and 2, Burke County, Georgia

Date of amendment request: July 15, 2019. A publicly-available version is in ADAMS under Accession No. ML19196A222.

Description of amendment request: The amendments would adopt Technical Specification Task Force (TSTF)-563, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program.'' TSTF–563 revises the Technical Specification (TS) definitions of Channel Calibration and Channel Functional Test in the HNP TS, and the definitions of Channel Calibration, Channel Operational Test (COT), and Trip Actuating Device Operational Test (TADOT) in the FNP and VEGP TS. The HNP, FNP, and VEGP Channel Calibration definition and the HNP Channel Functional Test definition currently permit performance by means of any series of sequential, overlapping, or total channel steps. The FNP and VEGP definitions of COT and TADOT are revised to explicitly permit performance by means of any series of sequential, overlapping, or total channel steps. The Channel Calibration, Channel Functional Test, COT, and TADOT definitions are revised to allow the required frequency for testing the components or devices in each step to be determined in accordance with the Surveillance Frequency Control Program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the TS definitions of Channel Calibration and Channel Functional Test in the HNP TS, and the definitions of Channel Calibration, COT, and TADOT in the FNP and VEGP TS to allow the frequency for testing the components or devices in each step to be determined in accordance with the Surveillance Frequency Control Program. The proposed change also explicitly permits the FNP and VEGP COT and TADOT to be performed by any series of sequential, overlapping, or total channel steps. All components in the channel continue to be tested. The frequency at which a channel test is performed is not an initiator of any accident previously evaluated, so the probability of an accident is not affected by the proposed change. The channels surveilled in accordance with the affected definitions continue to be required to be operable and the acceptance criteria of the surveillances are unchanged. As a result, any mitigating functions assumed in the accident analysis will continue to be performed.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the TS definitions of Channel Calibration and Channel Functional Test in the HNP TS, and the definitions of Channel Calibration, COT, and TADOT in the FNP and VEGP TS to allow the frequency for testing the components or devices in each step to be determined in accordance with the Surveillance Frequency Control Program. The proposed change also explicitly permits the FNP and VEGP COT and TADOT to be performed by any series of sequential, overlapping, or total channel steps. The design function or operation of the components involved are not affected and there is no physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). No credible new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases are introduced. The change does not alter assumptions made in the safety analysis. The proposed change is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the TS definitions of Channel Calibration and Channel Functional Test in the HNP TS, and the definitions of Channel Calibration, COT, and TADOT in the FNP and VEGP TS to allow the frequency for testing the components or devices in each step to be determined in accordance with the Surveillance Frequency Control Program. The proposed change also explicitly permits the FNP and VEGP COT and TADOT to be performed by any series of sequential, overlapping, or total channel steps. The Surveillance Frequency Control Program assures sufficient safety margins are maintained, and that design, operation, surveillance methods, and acceptance criteria specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plants' licensing basis. The proposed change does not adversely affect existing plant safety margins, or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by method of determining surveillance test intervals under an NRC-approved licensee-controlled program.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P. O. Box 1295, Birmingham, AL 35201–1295.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: July 9, 2019. A publicly-available version is in ADAMS under Accession No. ML19190A309.

Description of amendment request: The amendments would revise the actions of Technical Specification (TS) 3.7.7, ''Component Cooling Water (CCW) System,'' TS 3.7.8, ''Nuclear Service Cooling Water (NSCW) System,'' TS 3.8.1, ''AC Sources—Operating,'' TS 3.8.4, ''DC Sources—Operating,'' TS 3.8.7, ''Inverters—Operating,'' and TS 3.8.9, ''Distribution Systems—Operating.'' The proposed license amendments modify action end states for the subject TS in conditions where more than one safety-related train is inoperable or the electrical power system is significantly degraded. Specifically, if the related required action statements are not met, instead of requiring the plant to achieve hot shutdown (*i.e.,* Mode 4), the end state of cold shutdown (*i.e.,* Mode 5) is required.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the

licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change requires the plant to be placed in cold shutdown instead of hot shutdown when more than one safety-related train of the cooling water or electrical distribution systems are inoperable or when the electrical power system is significantly degraded (*e.g.,* three or more required AC [alternating current] sources inoperable). Transitioning the plant from hot shutdown to cold shutdown is not an initiator of any accident previously evaluated but is assumed in the mitigation of accidents previously evaluated. Therefore, the probability of an accident previously evaluated is not adversely impacted by the proposed change.

Component cooling water (CCW) and nuclear service cooling water (NSCW) systems and the safety-related electrical power and distribution systems are assumed in accident mitigation. SNC concludes the proposed change to require the plant be placed in cold shutdown instead of hot shutdown is acceptable because placing the unit in cold shutdown is considered a safe condition, since most design basis accidents and transients either cannot physically occur during cold shutdown, or would have significantly reduced plant impact and occur much less frequently due to the reduced temperatures and pressures in the plant. Therefore, the consequences of any accident that assumes the cooling water systems or electrical power and distribution systems are not significantly affected by this change.

Consequently, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design function or operation of the cooling water systems or the electrical power and distribution systems. No plant modifications or changes to the plant configuration or method of operation are involved. The proposed change will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not affect any of the controlling values of parameters used to avoid exceeding regulatory or licensing limits. The proposed change does not exceed or alter the design basis or safety limits, or any limiting safety system settings. The requirement for the CCW and NSCW systems to perform their designated support functions is unaffected. The requirement for the safety-related electrical power and distribution systems to perform their designated support functions is unaffected. The proposed change to require the plant be placed in cold shutdown instead of hot shutdown is acceptable because placing the unit in cold shutdown is considered a safe condition, since most design basis accidents and transients either cannot physically occur during cold shutdown, or would have significantly reduced plant impact and occur much less frequently due to the reduced temperatures and pressures in the plant.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: June 28, 2019. A publicly-available version is in ADAMS under Accession No. ML19179A209.

Description of amendment request: The amendment proposes changes to credit previously completed first plant only startup testing described in the Updated Final Safety Analysis Report (UFSAR), and related changes to the Combined License (COL) Nos. NPF–91 and NPF–92 for VEGP Units 3 and 4. Specifically, the proposed changes would revise the COL to delete conditions requiring the following tests: Natural Circulation (Steam Generator) Test, Rod Cluster Control Assembly (RCCA) Out of Bank Measurements, Load follow Demonstration, and the Passive Residual Heat Exchanger Test.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that initiates an analyzed accident or alter any structures, systems, or components (SSC) accident initiator or initiating sequence of events. The proposed change involves removing the requirement to perform first plant only startup tests including the Natural Circulation (Steam Generator) Test, the RCCA Out of Bank Measurements, the Load Follow Demonstration, and the Passive Residual Heat Exchanger Test. The request is based on the successful completion of these tests at the lead AP1000 unit. The change does not adversely affect any methodology which would increase the probability or consequences of a previously evaluated accident.

The change does not impact the support, design, or operation of mechanical or fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of a previously evaluated accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created.

The proposed change credits previously completed first plant only startup tests including the Natural Circulation (Steam Generator) Test, the RCCA Out of Bank Measurements, the Load Follow Demonstration, and the Passive Residual Heat Exchanger Test. The request is based on the successful completion of the tests at the lead AP1000 unit. The proposed changes do not adversely affect any design function of any SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or non-safety-related equipment. This activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change maintains existing safety margin and provides adequate protection through continued application of

the existing requirements in the UFSAR. The proposed change satisfies the same design functions in accordance with the same codes and standards as stated in the UFSAR. This change does not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change. Since no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by this change, no significant margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: July 8, 2019. A publicly-available version is in ADAMS under Accession No. ML19189A180.

Description of amendment request: The amendment request proposes changes to the Combined License (COL) Numbers NPF–91 and NPF–92 for VEGP Units 3 and 4. The requested amendment proposes changes to Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) in COL Appendix C, with corresponding changes to the associated plant-specific Tier 1 information. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule is also requested for the plant-specific Design Control Document (DCD) Tier 1 material departures. Specifically, the requested amendment proposes changes to COL Appendix C (and plant-specific Tier 1) to remove a number of functional arrangement ITAAC, whose design commitments may be completed via other ITAAC or otherwise verified by other means.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed non-technical change to COL Appendix C will remove a number of functional arrangement ITAAC to improve efficiency of the ITAAC completion and closure process. No structure, system, or component (SSC) design or function is affected. No design or safety analysis is affected. The proposed changes do not affect any accident initiating event or component failure, thus the probabilities of the accidents previously evaluated are not affected. No function used to mitigate a radioactive material release and no radioactive material release source term is involved, thus the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to COL Appendix C do not affect the design or function of any SSC but will remove a number of functional arrangement ITAAC to improve efficiency of the ITAAC completion and closure process. The proposed changes would not introduce a new failure mode, fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to COL Appendix C will remove a number of functional arrangement ITAAC to improve efficiency of the ITAAC completion and closure process, and would not affect any design parameter, function or analysis. There would be no change to an existing design basis, design function, regulatory criterion, or analysis. No safety analysis or design basis acceptance limit or criterion is involved.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied.

Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

4. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: February 5, 2019.

Brief description of amendments: The amendments correct an editorial error in Section 3.0, ''SR [Surveillance Requirement] APPLICABILITY,'' specifically, SR 3.0.5. The amendments also modified Technical Specifications (TS) 3.5.2, ''ECCS [Emergency Core Cooling System]—Operating,'' TS 3.6.6,

''Containment Spray System,'' TS 3.7.5, ''Auxiliary Feedwater (AFW) System,'' TS 3.7.6, ''Component Cooling Water (CCW) System,'' TS 3.7.7, ''Nuclear Service Water System (NSWS),'' TS 3.7.9, ''Control Room Area Ventilation System (CRAVS),'' TS 3.7.11, ''Auxiliary Building Filtered Ventilation Exhaust System (ABFVES),'' TS 3.8.1, ''AC [Alternating Current] Sources—Operating,'' and TS 3.8.4, ''DC [Direct Current] Sources—Operating'' to remove expired TS footnotes.

Date of issuance: August 8, 2019.

Effective date: These amendments are effective as of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 316 (Unit 1) and 295 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML19184A585; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: The amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** April 23, 2019 (84 FR 16893).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 8, 2019.

No significant hazards consideration comments received: Yes. One comment from a member of the public was received, however it was not related to the no significant hazards consideration determination or the license amendment request.

Exelon Generation Company, LLC, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, Oswego County, New York

Date of amendment request: June 26, 2018, as supplemented by letters dated February 25, 2019, May 17, 2019, and July 30, 2019. Publicly-available versions are in ADAMS under Accession Nos. ML18177A044, ML19056A387, ML19137A070, and ML19211C702, respectively.

Brief description of amendment: The amendment revised Technical Specification 3.3.1, ''Oxygen Concentration,'' to require inerting the primary containment to less than four percent by volume oxygen concentration within 72 hours of entering power operating condition. Also, the amendment added a new requirement to identify required actions, if the primary containment oxygen concentration increases to greater than or equal to four volume percent while in the power operating condition.

Date of issuance: July 30, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 237. A publicly-available version is in ADAMS under Accession No. ML19176A086; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–63: Amendment revised the Renewed Facility Operating License and Technical Specifications.

On December 18, 2018, the Nuclear Regulatory Commission (NRC or the Commission) staff published a proposed no significant hazards consideration (NSHC) determination in the **Federal Register** (83 FR 64894) for the proposed amendment. Subsequently, by letters dated February 28, 2019, and May 17, 2019, the licensee provided additional information that expanded the scope of the amendment request as originally noticed in the **Federal Register**. Accordingly, the NRC published a second proposed NSHC determination in the **Federal Register** on June 18, 2019 (84 FR 28346), which superseded the original notice in its entirety. The supplemental letter dated July 30, 2019, provided additional information that clarified the application, did not expand the scope of the application as noticed, and did not change the staff's second proposed no significant hazards consideration determination as published in the **Federal Register**.

Date of initial notice in ***Federal Register:*** December 18, 2018 (83 FR 64894).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2019.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook Nuclear Plant (CNP), Unit 1, Berrien County, Michigan

Date of amendment request: March 7, 2018.

Brief description of amendment: The amendment approves the use of a leak-before-break methodology on designated reactor coolant system (RCS) piping segments associated with the CNP, Unit 1, accumulator, residual heat removal (RHR), and safety injection (SI) systems. The approved methodology provides the CNP, Unit 1, with additional design margin for future RCS piping analysis on these systems. The amendment also modifies technical specification 3.4.13, ''RCS Operational LEAKAGE,'' including adding requirements to meet the RCS operational leakage limits as specified in the technical specifications limiting conditions for operations 3.4.13.

Date of issuance: August 1, 2019.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 346. A publicly-available version is in ADAMS under Accession No. ML19170A362; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–58: The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** May 18, 2018 (83 FR 20862).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 1, 2019.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1 (Seabrook), Rockingham County, New Hampshire

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2 (St. Lucie), St. Lucie County, Florida

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4 (Turkey Point), Miami-Dade County, Florida

Date of amendment request: May 29, 2018, as supplemented by letter dated March 26, 2019.

Brief description of amendments: The amendments revised the Technical Specifications to include the provisions of Limited Condition for Operation (LCO) 3.0.6 in the Standard Technical Specifications. In support of this change, the licensee also added a new Safety Function Determination Program to the administrative section of the Technical Specification; added new notes and actions that direct entering the actions for the appropriate supported systems; made changes to LCO 3.0.2 for Seabrook, St. Lucie, and Turkey Point; and made changes to LCO 3.0.1 for Seabrook and Turkey Point.

Date of issuance: July 31, 2019.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos: 161 (Seabrook, Unit No. 1); 249 and 200 (St. Lucie, Unit Nos. 1 and 2); and 287 and 281 (Turkey Point, Unit Nos. 3 and 4). A publicly-available version is in ADAMS under Accession No. ML19148A744; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–86, DPR–67, NPF–16, DPR–31, and DPR–41: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register:*** September 11, 2018 (83 FR 45985). The supplement dated March 26, 2019, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 31, 2019.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: November 12, 2018, as supplemented by letter dated April 18, 2019.

Brief description of amendment: The amendment revised the technical specifications to delete the note associated with limiting condition for operation 3.5.1. The deleted note permitted low pressure coolant injection subsystems to be consider operable in certain plant conditions.

Date of issuance: July 30, 2019.

Effective date: As of the date of issuance and shall be implemented 90 days of issuance.

Amendment No.: 202. A publicly-available version is in ADAMS under Accession No. ML19162A093; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22: Amendment revised the Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** January 2, 2019 (84 FR 24). The supplemental letter dated April 18, 2019 provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2019.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: May 18, 2018, as supplemented by letters dated July 10, 2018, December 8, 2018, and April 8, 2019.

Brief description of amendment: The amendments revised the approved fire protection program (FPP). Specifically, the amendments deleted several modifications which are required as part of PINGP's implementation of its risk-informed, performance-based FPP in accordance with 10 CFR paragraph 50.48(c), National Fire Protection Association Standard 805.

Date of issuance: July 30, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 228–Unit 1; 216–Unit 2. A publicly-available version is in ADAMS under Accession No. ML19140A447; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–42 and DPR–60: The amendments revised the Renewed Facility Operating Licenses.

*Date of initial notice in **Federal Register:*** August 14, 2018 (83 FR 40350). The supplemental letters dated July 10, 2018, December 8, 2018, and April 8, 2019, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2019.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station (Hope Creek), Salem County, New Jersey

Date of amendment request: October 30, 2018.

Brief description of amendment: The amendment revised Hope Creek Technical Specification 3.3.7.4, ''Remote Shutdown System Instrumentation and Controls,'' to make the requirements consistent with Standard Technical Specification 3.3.3.2, ''Remote Shutdown System,'' in NUREG–1433, Volume 1, Revision 4. The amendment increases the allowed outage time for inoperable remote shutdown system components from 7 days to 30 days. The amendment also deletes Tables 3.3.7.4–1, 3.3.7.4–2, and 4.3.7.4–1, and relocates these tables to the Technical Requirements Manual, where they will be directly controlled by the licensee.

Date of issuance: August 6, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days of the date of issuance.

Amendment No.: 217. A publicly-available version is in ADAMS under Accession No. ML19186A205; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–57: The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** December 18, 2018 (83 FR 64897).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 6, 2019.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: December 14, 2018.

Brief description of amendments: The amendments revise a license condition associated with its approved fire protection program under 10 CFR 50.48(c), ''National Fire Protection Association Standard (NFPA) 805.'' Specifically, the plant operating licenses have been revised to allow, as a performance-based method, use of thermal insulation materials in limited applications subject to appropriate engineering reviews and controls, as a deviation from NFPA 805 Chapter 3, Section 3.3, ''Prevention''.

Date of issuance: July 30, 2019.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 224 (Unit 1) and 221 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML19156A262; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–2 and NPF–8: The amendments revised the Renewed Facility Operating Licenses.

*Date of initial notice in **Federal Register:*** February 12, 2019 (84 FR 3510).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 30, 2019.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit No. 1, Callaway County, Missouri

Date of amendment request: September 4, 2018, as supplemented by letter dated February 20, 2019.

Brief description of amendment: The amendment revised Emergency Action Levels CA6.1, ''Cold Shutdown/Refueling System Malfunction—Hazardous event affecting a SAFETY SYSTEM needed for the current operating MODE: Alert,'' and SA9.1, ''System Malfunction—Hazardous event affecting a SAFETY SYSTEM needed for the current operating MODE: Alert.'' In addition, the amendment added a new definition for the term ''Loss of Safety Function (LOSF)'' and re-definition of the term ''Visible Damage'' and deleted Initiating Condition HG1 and associated EAL HG1.1, ''Hazard—HOSTILE ACTION resulting in loss of physical control of the facility: General Emergency,'' within the Callaway Plant, Unit No. 1 Radiological Emergency Response Plan.

Date of issuance: July 30, 2019.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 220. A publicly-available version is in ADAMS under Accession No. ML19158A290; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–30: The amendment revised the Renewed Facility Operating License.

*Date of initial notice in **Federal Register:*** December 4, 2018 (83 FR 62621). The supplement dated February 20, 2019, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2019.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 23rd day of August, 2019.

For the Nuclear Regulatory Commission.

Gregory F. Suber,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–18617 Filed 8–28–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–1031, 72–44, 50–528, 50–529, and 50–530; NRC–2019–0161]

Arizona Public Service Company, Palo Verde Nuclear Generating Station, Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a request submitted by Arizona Public Service Company on July 5, 2019, for its general license to operate an independent spent fuel storage installation at the Palo Verde Nuclear Generating Station. This exemption would permit the Arizona Public Service Company to load spent fuel with a larger pellet diameter than is authorized in the MAGNASTOR® storage cask system in Certificate of Compliance No. 1031, Amendment No. 7.

DATES: The exemption was issued on August 23, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0161 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0161. Address questions about NRC docket IDs to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Bernard White, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6577; email: *Bernard.White@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Palo Verde Nuclear Generating Station began operation in 1986 and has been storing pressurized-water reactor spent fuel in its independent spent fuel storage installation since March 2003 utilizing Certificate of Compliance No. 1015 for the NAC–UMS storage system. For the loading campaign commencing in August 2019, Arizona Public Service Company is transitioning to the MAGNASTOR® storage system, Certificate of Compliance No. 1031, Amendment No. 7 (ADAMS Package Accession No. ML17013A466). The majority of the spent fuel assemblies to be loaded in the upcoming loading campaign have pellets with a maximum diameter of 0.3255 inches (0.8268 centimeters). While the NAC–UMS system was approved for this pellet diameter in Amendment No. 2 to CoC No. 1015 (ADAMS Package Accession No. ML020250546), the MAGNASTOR® storage system is approved for the nominal pellet diameter of 0.325 inches (0.8255 centimeters), thereby precluding some of the spent fuel at the Palo Verde Nuclear Generating Station from being loaded in the upcoming loading campaign.

II. Request/Action

By application dated July 5, 2019 (ADAMS Accession No. ML19186A449), Arizona Public Service Company submitted a request for an exemption from those provisions of title 10 of the *Code of Federal Regulations* (10 CFR) 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require compliance with the terms, conditions, and specifications of Certificate of Compliance No. 1031, Amendment No. 7, for the Palo Verde Nuclear Generating Station to load spent fuel with a maximum pellet diameter of 0.3255 inches (0.8268 centimeters), utilizing Amendment No. 7 for the NAC

International MAGNASTOR® storage system.

III. Discussion

Pursuant to 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations of 10 CFR part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

The NRC staff prepared a safety evaluation report (ADAMS Accession No. ML19213A033) to document the safety evaluation of the proposed action (*i.e.,* exemption to authorize loading spent fuel with a maximum pellet diameter of 0.3255 inches (0.8268 centimeters)), to assure that the exemption is authorized by law, will protect life or property or the common defense and security and are otherwise in the public interest. As summarized in this document, the NRC's safety review concludes that the requested exemption meets the requirements for issuance in 10 CFR 72.7.

A. The Exemption is Authorized by Law

This exemption would permit the Palo Verde Nuclear Generating Station to load spent fuel with a larger pellet diameter than authorized in Certificate of Compliance No. 1031, Amendment No. 7.

Section 72.7 allows the Commission to grant exemptions from the requirements of 10 CFR part 72 if the exemption is authorized by law and will not endanger life or property nor the common defense and security. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC's regulations or other applicable laws. Therefore, issuance of the exemption is authorized by law.

B. Will Not Endanger Life or Property or the Common Defense and Security

As discussed in the safety evaluation report and summarized in the following sections, the NRC staff has found that Arizona Public Service Company's proposed action is acceptable and will not endanger life or property or the common defense and security.

Safety Review of the Requested Exemption

The staff reviewed the exemption request for Palo Verde Nuclear Generating Station and concludes, as discussed in this document, that the proposed exemption from certain requirements of 10 CFR part 72 will not cause the MAGNASTOR® storage cask to encounter conditions beyond those for which it has been evaluated and demonstrated to meet the applicable safety requirements in 10 CFR part 72. As explained in this document, the staff's evaluation includes only the criticality safety area of review, since it is the only technical area revised by this exemption.

The licensee submitted an exemption request to deviate from the maximum pellet diameter for Combustion Engineering 16×16 fuel, stored in the NAC MAGNASTOR® dry storage system. The licensee stated that NAC International evaluated a pellet diameter of 0.3255 inches (0.8268 centimeters) in the MAGNASTOR® final safety analysis report (ADAMS Accession No. ML091030364), to determine the effect of an upper manufacturing tolerance of 0.0005 inches (0.0013 centimeters) applied to the nominal value of 0.3250 inches (0.8255 centimeters). In that final safety analysis report, NAC International determined that the system k-effective with this larger diameter pellet is statistically the same as the system k-effective with the nominal pellet diameter. Therefore, Arizona Public Service Company stated that its proposed exemption has no effect on the criticality safety of the MAGNASTOR® storage system.

The staff reviewed the final safety analysis report and agrees that the proposed change to the pellet diameter will not result in changes to system k-effective that are statistically significant. The staff also agrees that the results of the NAC International criticality analysis, and with the licensee's conclusion that this proposed exemption does not affect the ability of the MAGNASTOR® system to meet the criticality safety requirements of 10 CFR part 72.

Based on these evaluations, the staff has concluded that granting this exemption will be consistent with the requirements of 10 CFR part 72 and will not endanger life or property.

Review of Common Defense and Security: Modification of the pellet diameter does not affect the independent spent fuel storage installation security plans. Accordingly, the Palo Verde Nuclear Generating Station independent spent fuel storage installation will continue to be physically protected under Arizona Public Service Company's independent spent fuel storage installation Physical Security Plan to the same level of security.

Based on its review, the NRC staff has determined that under the requested exemption, the storage system will continue to meet the safety requirements of 10 CFR part 72 and the offsite dose limits of 10 CFR part 20 and, therefore, will not endanger life or property. The NRC staff also found that the exemption would not endanger common defense and security.

D. Otherwise in the Public Interest

In determining whether the exemption is in the public interest, the staff considered the no-action alternative of denying the exemption request. Denial of the exemption request would cause Arizona Public Service Company to postpone loading of spent fuel that contains the larger pellet diameter until it is approved in an amendment for CoC No. 1031 or alternative loading arrangements are implemented.

The licensee stated that the proposed exemption is in the public interest because it would allow Arizona Public Service Company to load spent fuel on schedule, maintain full-core offload capability and would not affect power plant operations or refueling outages for the three units at the Palo Verde Nuclear Generating Station.

E. Environmental Considerations

The NRC staff also considered whether there would be any significant environmental impacts associated with the exemption. For this proposed action, the NRC staff performed an environmental assessment pursuant to 10 CFR 51.30. The environmental assessment concluded that the proposed action would not significantly impact the quality of the human environment. The NRC staff concluded that the proposed action would not result in any changes in the types or amounts of any radiological or non-radiological effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure because of the proposed action. The environmental assessment and the finding of no significant impact was published on August 23, 2019 (84 FR 44339).

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 72.7, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Arizona Public Service Company an exemption from those provisions of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11) that require compliance

with terms, conditions, and specifications of the Certificate of Compliance No. 1031, Amendment No. 7, for the Palo Verde Nuclear Generating Station to load spent fuel with a maximum pellet diameter of 0.3255 inches (0.8268 centimeters) in the MAGNASTOR® storage system using Certificate of Compliance No. 1031, Amendment No. 7.

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 23rd day of August, 2019.

For the Nuclear Regulatory Commission.

John B. McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–18616 Filed 8–28–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 03039133; NRC–2019–0166]

Order Suspending License; APINDE Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order suspending the license of APINDE Inc. (APINDE) located in Huntington, West Virginia. The NRC has determined that this action is necessary based on an ongoing review of the circumstances through which APINDE obtained and subsequently used its NRC license for industrial radiography. Specifically, the NRC has determined that APINDE submitted inaccurate information in its initial license application pertaining to the qualifications for an individual proposed to be the Radiation Safety Officer (RSO). This resulted in the NRC issuing a license to the company that was, in part, based on the inaccurate information and in APINDE maintaining an industrial radiography license without a qualified RSO. Further, after the initial RSO resigned, and APINDE submitted an application to amend the license and name a new RSO, the company submitted inaccurate information pertaining to that individual. Moreover, the NRC has information indicating that APINDE used its NRC license to procure a sealed radiography source, and may have allowed unauthorized access to the source.

As a result, the NRC has lost assurance that APINDE can conduct the activities authorized under its license in compliance with NRC regulations and will protect the health and safety of the public. In accordance with the Order, APINDE must immediately cease all radiographic operations and return any byproduct material possessed under the license to locked, safe storage. APINDE shall not receive any NRC-licensed material while the Order is in effect. APINDE must respond to the Order within 20 days and specifically admit or deny each allegation or charge.

DATES: This Order takes effect immediately.

ADDRESSES: Please refer to Docket ID NRC–2019–0166 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2019–0166. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The Order is available in ADAMS under Accession No. ML19234A068.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anne DeFrancisco, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 2100 Renaissance Blvd., Suite 100, King of Prussia, PA 19406; telephone: 610–337–5078, email: *Anne.DeFrancsico@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 26th day of August, 2019.

For the Nuclear Regulatory Commission.

George A. Wilson,

Director, Office of Enforcement.

Attachment—Order Suspending License

United States of America Nuclear Regulatory Commission

In the Matter of

Docket No. 03039133
APINDE Inc.
License No. 47–35507–01
Huntington, West Virginia
EA–19–090

Order Suspending License (Effective Immediately)

I

APINDE Inc. (Licensee or APINDE) is the holder of Byproduct Material License No. 47–35507–01 issued on January 9, 2019, by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of *Title 10 of the Code of Federal Regulations* (10 CFR). The license authorizes possession and use of iridium-192 in sealed sources for use in industrial radiography operations and depleted uranium for use as shielding. The Licensee is located in Huntington, West Virginia, but the license also authorizes the company to perform work at temporary jobsites in all areas within NRC jurisdiction. The license, originally issued on January 9, 2019, is due to expire on January 31, 2034.

II

As a result of a current and ongoing review of APINDE's licensed activities, the NRC identified that information submitted by APINDE in the license application and in a subsequent license amendment request, was not complete and accurate in all material respects, which is an apparent violation of regulatory requirements. Specifically, in an initial license application dated October 10, 2018 (ML18297A261; nonpublic because it contains security-related information), [1] and in a related correspondence dated November 26, 2018 (ML18347A473; nonpublic because it contains security-related information), APINDE submitted inaccurate information about the qualifications for an individual proposed to be named on the license as the radiation safety officer (RSO). This resulted in the NRC issuing a license to APINDE that was based on inaccurate

[1] Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.

information and in APINDE maintaining an industrial radiography license without a qualified RSO. In a subsequent license amendment request dated June 12, 2019 (ML19178A216; nonpublic because it contains security-related information), APINDE requested to name a new RSO on the license, but again submitted inaccurate information. The NRC has also determined that APINDE used its NRC license to procure a sealed radiography source and may have allowed unauthorized access to the source in apparent violation of NRC regulations.

Regarding the inaccurate information, NRC regulations (10 CFR 34.13(g)) require applicants for a specific license to use licensed material in industrial radiography to identify and list the qualifications of the individual(s) designated as the RSO. As set forth in 10 CFR 34.42, the minimum qualifications, training, and experience for the RSO for an industrial radiography license are (1) completion of the training and testing requirements of 10 CFR 34.43(a); (2) 2000 hours of hands-on experience as a qualified radiographer in industrial radiographic operations; and (3) formal training in the establishment and maintenance of a radiation protection program. The NRC can consider alternatives when the RSO has appropriate training and/or experience in the field of ionizing radiation, and in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program. Information provided to the Commission by licensees or applicants for a license must be complete and accurate in all material respects (10 CFR 30.9(a)).

In its initial license application dated October 10, 2018, and in a subsequent response to an NRC reviewer's questions dated November 26, 2018, APINDE management attested that the proposed RSO had completed all required training. However, the NRC determined that the individual did not complete the required training. On June 12, 2019, following the resignation of the RSO named on APINDE's license, the Licensee submitted a license amendment application to the NRC to name a new RSO on the license. In the license amendment application, APINDE submitted inaccurate information pertaining to the new proposed RSO.

Regarding the unauthorized possession of and access to a radiography source, NRC regulations (10 CFR 37.21) require that licensees shall subject any individual, whose assigned duties require unescorted access to such material, to an access authorization program to ensure that the individuals are trustworthy and reliable. The NRC identified that, in early February 2019, APINDE procured a sealed radiography source from QSA Global Inc. and that APINDE may have allowed unauthorized access to the source, in violation of 10 CFR 37.21.

III

Based on the above, the NRC has determined that the Licensee provided inaccurate information concerning the proposed RSO that resulted in the NRC issuing a license based, in part, on inaccurate information. Submission of incomplete and inaccurate information in an NRC license application that is material to the NRC's decision to grant a license is grounds for revocation, suspension, or modification of the license (10 CFR 30.61). Additionally, the NRC has information that the Licensee used its license to obtain a source containing a significant quantity of radioactive material and that the Licensee may have permitted unauthorized access to the source in violation of NRC regulations. The Commission must be able to rely on its licensees to provide complete and accurate information and to conduct licensed operations in a manner that protects public health, safety, and security.

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License No. 47–35507–01 in compliance with the Commission's requirements and that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health, safety, and interest require that License No. 47–35507–01 be suspended. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violations and conduct described above is such that the public health, safety, and interest require that this Order be immediately effective, and remain in place until the NRC obtains sufficient information to restore reasonable assurance that the Licensee is capable of safely conducting licensed activities.

IV

Accordingly, pursuant to Sections 81, 161b., 161i., 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30, it is hereby ordered, effective immediately, that:

A. The authority to perform radiographic operations under License No. 47–35507–01 is hereby suspended pending further notice by the NRC.

B. The Licensee shall not receive any NRC-licensed material while this Order is in effect. If the Licensee currently possesses any NRC-licensed material, the Licensee shall return it to locked, safe storage at the Licensee's facilities. All other requirements of the license and applicable Commission requirements, including those in 10 CFR part 20 remain in effect.

C. All records related to licensed activities shall be maintained in their current form and must not be altered in any way.

The Director, Office of Enforcement, or designee, may, in writing, relax or rescind this order upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must submit an answer within 20 days of the date of this Order under written oath or affirmation. The answer shall specifically admit or deny each allegation or charge made within the Order, and shall set forth matters of fact and law on which the Licensee relies, and, if the Order is not consented to, the reasons as to why the Order should not have been issued. The response should be clearly marked as a ''Reply to Order, (EA–19–090),'' and sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555–0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406.

In addition, the Licensee may demand, and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007, as amended by 77 FR 46562, August 3, 2012), codified in pertinent part at 10 CFR part 2, subpart C. The E-Filing process requires participants to submit and serve all adjudicatory documents

over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public website at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the website, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, web-based submission form. In order to serve documents through EIE, users will be required to install a web browser plug-in from the NRC website. Further information on the web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the

provisions specified in Section IV above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

/RA/

George A. Wilson,
Director, Office of Enforcement.

Dated this 22 day of August 2019.

[FR Doc. 2019–18645 Filed 8–28–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86752; File No. SR–NYSEArca–2019–60]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the KFA Global Carbon ETF Under NYSE Arca Rule 8.600–E

August 23, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 14, 2019, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the KFA Global Carbon ETF under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the KFA Global Carbon ETF (''Fund'') under NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares [4] on the Exchange. The Fund will be an actively managed exchange-traded fund.

The Shares will be offered by KraneShares Trust (the ''Trust''), which was established as a Delaware statutory trust on February 3, 2012. The Trust is registered with the Securities and Exchange Commission (''SEC'' or ''Commission'') as an open-end management investment company.[5]

Krane Funds Advisors, LLC (''Krane'' or ''Adviser'') will serve as the investment adviser to the Fund. Climate Finance Partners LLC (''Sub-Adviser'') will serve as the non-discretionary investment sub-adviser to the Fund. SEI Investments Global Funds Services (''Administrator'') will serve as administrator for the Fund. SEI Investments Distribution Co. (''Distributor''), an affiliate of the Administrator, will serve as the Fund's distributor. Brown Brothers Harriman & Co. (''BBH'') will serve as custodian and transfer agent for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[6] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser and Sub-Adviser are not registered as broker-dealers, but the Adviser is affiliated with broker-dealers, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliates regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Trust is registered under the 1940 Act. On June 11, 2019, the Trust filed with the Commission its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–180870 and 811–22698) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 32455 (January 27, 2017) (File No. 812–14675).

[6] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

KFA Global Carbon ETF

According to the Registration Statement, the Fund will seek to provide a total return that, before fees and expenses, exceeds that of the IHS Markit Global Carbon Index (the ''Index'') over a complete market cycle. The Index is designed to track the performance of liquid carbon credit futures contracts (''Carbon Credit Futures'') maturing within the next one to two calendar years.

More specifically, the Index is designed to track, and the Fund intends to invest in, Carbon Credit Futures issued under the European Union Allowance (EUA), California Carbon Allowance (CCA), and Regional Greenhouse Gas Initiative (RGGI) regimes. As of the last annual rebalancing date, November 30, 2018, the weighting of Carbon Credit Futures in the Index was, and the weighting of Carbon Credit Futures in the Fund (including the Subsidiary (as defined below)) would have been, as follows: [7]

- European Union Allowance (EUA)—65%
- California Carbon Allowance (CCA)—25%
- Regional Greenhouse Gas Initiative (RGGI)—10%

Although, as described in more detail below, the Carbon Credit Futures in the Index are physically settled futures contracts, the Adviser does not anticipate that the Fund will hold the Carbon Credit Futures until expiry or take or make delivery of any physical commodities. Instead, the Adviser expects to roll each Carbon Credit Future in the Fund's (or Subsidiary's (as defined below)) portfolio approximately two weeks prior to expiry. Thus, the Adviser expects to sell near to expiry Carbon Credit Futures and reinvest the proceeds in new Carbon Credit Futures to achieve the Fund's investment objective.

The Fund may hold cash and cash equivalents.[8]

The Fund will seek to exceed the performance of the Index through the active management of a portfolio of debt instruments (other than cash equivalents). The debt instruments in which the Fund intends to invest include government securities and corporate or other non-government fixed-income securities with maturities of up to 12 months.

The Fund may invest in exchange-traded funds (''ETFs'') [9] and exchange-traded notes (''ETNs'').[10]

The Fund may invest up to 25% of its assets in a wholly-owned subsidiary (the ''Subsidiary''). The Fund will utilize the Subsidiary for purposes of investing in the Carbon Credit Futures. The Subsidiary is a corporation operating under Cayman Islands law that is wholly-owned and controlled by the Fund. The Subsidiary is advised by the Adviser and sub-advised by the Sub-Adviser. The Subsidiary has the same investment objective as the Fund and will follow the same investment policies and restrictions as the Fund. Accordingly, the Subsidiary will only invest in the same instruments as the Fund may invest in, as discussed herein, including Carbon Credit Futures and cash and cash equivalents as margin or collateral with respect to its Carbon Credit Futures investments.

The Fund will conduct foreign currency exchange transactions to the extent necessary to purchase Carbon Credit Futures and convert proceeds of sales of Carbon Credit Futures into U.S. Dollars. The Fund will conduct such foreign currency transactions either on a spot (*i.e.,* cash) basis at the spot rate prevailing in the foreign currency exchange market, or through forwards and U.S. exchange-traded futures on foreign currencies.

The Exchange submits this proposal in order to allow the Fund to hold listed derivatives, in particular Carbon Credit Futures, in a manner that does not comply with Commentary .01(d)(2) to Rule 8.600–E, as described below. Otherwise, the Fund will comply with all other listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E on an initial and continued listing basis.

Description of the Index

According to the Registration Statement, the Index utilizes a rules-based methodology and is designed to track a portfolio of liquid, accessible carbon credit futures contracts with ''physical delivery'' of emission allowances issued under ''cap and trade'' regimes.[11]

The Index is provided by Markit Indices GmbH, a wholly-owned subsidiary of IHS Markit Ltd. (the ''Index Provider''). The Index Provider is not affiliated with the Fund or Krane.[12] The Index Provider determines the components and the relative weightings of the components in the Index. The Index Provider may consult with the IHS Markit Global Carbon Index Advisory Committee to review potential changes to the Index rules and methodology. Any decision as to the eligibility or ineligibility of a Carbon Credit Future will be published and the Index rules will be updated accordingly. Additional information about the Index is available on the Index Provider's website, *www.ihsmarkit.com.*

As of July 31, 2019, eligible components of the Index include emission allowances issued under the European Union Emissions Trading System (EUA),[13] California Carbon

[7] According to the Registration Statement, although the Fund seeks to maintain exposure to Carbon Credit Futures that are the same as or similar to those included in the Index, the Fund and the Subsidiary will be actively managed and will not be required to replicate the performance of the Index or to invest in the specific instruments in the Index. For example, the Fund may hold Carbon Credit Futures with the same maturity and weightings as the Index, or may select Carbon Credit Futures with a different month of maturity, weight such Carbon Credit Futures differently than the Index or invest in other futures contracts or options on futures contracts in seeking to achieve its investment objective.

[8] For purposes of this filing, cash equivalents include the securities included in Commentary .01(c) to NYSE Arca Rule 8.600–E.

[9] For purposes of this filing, ''ETFs'' are Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged (*e.g.,* 2X, −2X, 3X or −3X) ETFs.

[10] ETNs are securities as described in NYSE Arca Rule 5.2–E(j)(6) (Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Index-Linked Securities).

[11] According to the Registration Statement, in a typical ''cap and trade'' regime, a limit (or ''cap'') is set by a regulator, such as a government entity or supranational organization, on the total amount of specific greenhouse gases (''GHG''), such as CO2, that can be emitted by regulated entities, such as manufacturers or energy producers. The regulator then may issue or sell individual ''emission allowances'' to regulated entities. These emission allowances are issued by the regulator to regulated entities, which may then buy or sell (''trade'') the emission allowances on the open market. The regulator may gradually reduce the market cap on emission allowances, thereby increasing the value of such allowances and forcing regulated entities to reduce their GHG emissions. A cap on emission allowances available to the market supports the value of those allowances and is intended to incentivize regulated entities to reduce their GHG emissions, because they are permitted to sell unneeded emission allowances for profit. Commodity futures contracts linked to the value of emission allowances are known as carbon credit futures.

[12] The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, nonpublic information regarding the Index.

[13] The EUA allowance is based on the ICE Futures ECX CFI Carbon Financial Instrument Futures

Allowance (CCA) [14] and Regional Greenhouse Gas Initiative (RGGI) [15] ''cap and trade'' regimes. As the global carbon credit market grows, additional liquid contracts may enter the Index, and the Fund may invest in any additional Carbon Credit Futures that are the same as or similar to those included in the Index.

The Fund's holdings in Carbon Credit Futures will comply with the requirements of Commentary .01(d)(1) to Rule 8.600–E.[16] EUA futures are currently traded principally on ICE Futures Europe, and CCA futures and RGGI futures are currently traded principally on ICE Futures US. ICE Futures Europe, ICE Futures US and CME are members of the ISG.

The Adviser represents that, as of November 30, 2018, the initial universe and weighting of Carbon Credit Futures in the Index was as follows:

Regional Component—Europe, Middle East and Africa

- European Union Allowance (EUA)—65%

Regional Component—Americas

- California Carbon Allowance (CCA)—25%
- Regional Greenhouse Gas Initiative (RGGI)—10%

The Adviser further represents that the Index allocated each of the EUA and CCA allowances to two Carbon Credit Futures with different expiration dates. Accordingly, according to the Adviser, the Fund's allocations to EUA and CCA Carbon Credit Futures would similarly be to at least four different contracts (*e.g.,* two different contracts each with two different expiry dates).

The Commodities Futures Trading Commission (the ''CFTC'') has adopted certain requirements that subject registered investment companies and their advisers to regulation by the CFTC if a registered investment company invests more than a prescribed level of its net assets in CFTC-regulated futures, options and swaps, or if a registered investment company markets itself as providing investment exposure to such instruments. Due to the Fund's intended use of CFTC-regulated futures above the prescribed levels, it will be a ''commodity pool'' under the Commodity Exchange Act.

The Index is calculated on each full Securities Industry and Financial Markets Association (SIFMA) recommended U.S. trading day and the last calendar day of November. To convert the value of foreign carbon credit futures contracts to U.S. dollars, the Index utilizes foreign exchange spot rates from WM Reuters, using foreign exchange rates as of 4:00 p.m. London time for any day the Index is calculated. The Index was launched on July 25, 2019 with a base date of July 31, 2014 and a base value of 100. As of the most recent rebalancing date of November 30, 2018, the Index included five futures contracts with market capitalizations ranging from a minimum of $506 million for the RGGI program to a maximum of $29.463 billion for the EUA program. The average market capitalization of the futures of these programs was $10.916 billion. The largest Regional Components in the Index were Europe and the Americas (EUA (65%), CCA (25%) and RGGI (10%)).

Other Restrictions

The Fund's and the Subsidiary's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of the Index.

Use of Derivatives by the Fund

Investments in derivative instruments will be made in accordance with the Fund's investment objective and policies.

To limit the potential risk associated with such transactions, the Fund will enter into offsetting transactions or segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board''). In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the Fund's use of derivatives. The Adviser understands that market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares of the Fund trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares of the Fund at their net asset value (''NAV''), which should ensure that Shares of the Fund will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and redeem Shares of the Fund only in ''Creation Units'' on a continuous basis through the Distributor at the NAV next determined after receipt, on any Business Day (as defined below), of an order in proper form. A ''Business Day'', as used herein, is any day on which the New York Stock Exchange (''NYSE'') is open for business. A Creation Unit is 50,000 Shares. The size of a Creation Unit is subject to change. Creation Units may be purchased and redeemed only by or through a Depository Trust Company (''DTC'') Participant that has entered into an Authorized Participant Agreement with the Distributor (an ''Authorized Participant'').

Purchases of Creation Units

The consideration for the purchase of Creation Units of the Fund will consist of an in-kind deposit of a designated portfolio of securities (or cash for all or any portion of such securities (''Deposit Cash'') (collectively, the ''Deposit

Contract (''ECX CFI Futures''). ECX CFI Futures are standardized contracts developed by the European Climate Exchange (''ECX''). They are standardized contractual instruments for futures on deliverable carbon equivalent emissions allowances issued under the European Union Emissions Trading Scheme (''EU ETS''), which are listed and admitted to trading on ICE Futures Europe and the European Energy Exchange (EEX).

[14] CCA–CBL California Carbon Allowance Futures Contracts (''California Contracts'') are listed and traded on ICE Futures U.S and CME Globex (operated by CME Group, Inc. (''CME'')). The California Contracts allow for trading of physically delivered greenhouse gas emissions allowances. Each California Contract is an allowance issued by the California Air Resources Board (or a linked program) to emit one metric ton of CO2 equivalent under California Assembly Bill 32 ''California Global Warming Solutions Act of 2006'' and its associated regulations, rules and amendments (collectively the ''California Cap and Trade Program'').

[15] RGGI-Regional Greenhouse Gas Initiative Futures are traded on ICE Futures U.S. They are monthly physically delivered contracts on RGGI CO2 allowances.

[16] Commentary .01(d)(1) to Rule 8.600–E provides that, with respect to a fund's holdings in listed derivatives, in the aggregate, at least 90% of the weight of such holdings invested in futures, exchange-traded options, and listed swaps shall, on both an initial and continuing basis, consist of futures, options, and swaps for which the Exchange may obtain information via the Intermarket Surveillance Group (''ISG'') from other members or affiliates of the ISG or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement. (For purposes of calculating this limitation, a portfolio's investment in listed derivatives will be calculated as the aggregate gross notional value of the listed derivatives).

Securities'')) and the Cash Component, which is an amount equal to the difference between the aggregate NAV of a Creation Unit and the Deposit Securities. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit.''

The Custodian or the Administrator makes available through the National Securities Clearing Corporation (''NSCC'') on each Business Day, prior to the opening of the Exchange's Core Trading Session (normally 9:30 a.m., Eastern time (''E.T.''), the list of names and the required number of shares of each Deposit Security and Deposit Cash, as applicable, and the estimated amount of the Cash Component to be included in the current Fund Deposit. Such Fund Deposit is applicable, subject to any adjustments as described below, in order to effect purchases of Creation Units of the Fund until such time as the next-announced Fund Deposit is made available.

The Trust reserves the right to permit or require the substitution of an amount of cash to replace any Deposit Security under specified circumstances.

Cash purchases of Creation Units will be effected in essentially the same manner as in-kind purchases. The Authorized Participant will pay the cash equivalent of the Deposit Securities as Deposit Cash plus or minus the same Cash Component.

Placement of Purchase Orders

To initiate an order for a Creation Unit, an Authorized Participant must submit to the Distributor an irrevocable order in proper form to purchase Shares of the Fund on a Business Day generally before the time as of which that day's NAV is calculated. For a purchase order to be processed based on the NAV calculated on a particular Business Day, the purchase order must be received in proper form and accepted by the Trust prior to the time as of which the NAV is calculated (''Cutoff Time'').

Redemptions of Creation Units

The consideration paid by the Fund for the redemption of Creation Units consists of an in-kind basket of a designated portfolio of securities (or cash for all or any portion of such securities (''Redemption Cash'')) (collectively, the ''Fund Securities'') and the Cash Component, which is an amount equal to the difference between the aggregate NAV of a Creation Unit and the Fund Securities. Together, the Fund Securities and the Cash Component constitute the ''Fund Redemption.''

The Custodian or the Administrator will make available through NSCC on each Business Day, prior to the opening of the Exchange's Core Trading Session, the list of names and the number of shares of each Fund Security and Redemption Cash, as applicable, and the estimated amount of the Cash Component to be included in the current Fund Redemption. Such Fund Redemption will be applicable, subject to any adjustments as described below, for redemptions of Creation Units of the Fund until such time as the next-announced Fund Redemption is made available. The delivery of Fund Shares will be settled through the DTC system.

The identity and number of shares of the Fund Securities change pursuant to, among other matters, changes in the composition of the Fund's portfolio and as rebalancing adjustments and corporate action events are reflected from time to time. The composition of the Fund Securities may not be the same as the Deposit Securities.

The Trust reserves the right to permit or require the substitution of an amount of cash to replace any Redemption Security under circumstances specified in the Registration Statement.

Cash redemptions of Creation Units will be effected in essentially the same manner as in-kind redemptions. The Authorized Participant will receive the cash equivalent of the Fund Securities as Redemption Cash plus or minus the same Cash Component.[17]

Placement of Redemption Orders

To initiate a redemption order for a Creation Unit, an Authorized Participant must submit to the Distributor an irrevocable order in proper form to redeem Shares of the Fund on a Business Day generally before the time as of which that day's NAV is calculated. For a redemption order to be processed based on the NAV calculated on a particular Business Day, the order must be received in proper form and accepted by the Trust prior to the time as of which the NAV is calculated (''Cutoff Time''). A redemption request, if accepted by the Trust, will be processed based on the NAV as of the next Cutoff Time.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. Specifically, the Fund's portfolio will meet all such requirements except for those set forth in Commentary .01(d)(2) with respect to the Fund's and the Subsidiary's investments in listed derivatives.[18]

In order to achieve its investment objective, under normal market conditions,[19] the aggregate gross notional value of Carbon Credit Futures may, in certain circumstances, approach 100% of the Fund (including gross notional values). As noted above, Commentary .01(d)(2) to Rule 8.600–E prohibits the Fund from holding listed derivatives based on any five or fewer underlying reference assets in excess of 65% of the weight of the portfolio (including gross notional exposures). The Exchange is proposing to allow the Fund to hold up to 100% of the weight of its portfolio (including gross notional exposures) in listed derivatives based on three underlying reference assets ((EUA, CCA and RGGI) through its investment in Carbon Credit Futures.

As discussed below, although the Fund will hold a more limited number of listed derivatives than allowed under Commentary .01(d)(2), the Exchange believes that sufficient protections are in place to protect against market manipulation of the Shares and Carbon Credit Futures and otherwise satisfy the purposes of Rule 8.600–E. The Exchange believes that Carbon Credit Futures are not subject to the concentration risk that the rule is intended to address because of the liquidity of such futures.[20] The

[17] The Adviser represents that, to the extent the Trust effects the creation or redemption of Shares wholly or partially in cash, such transactions will be effected in the same manner for all Authorized Participants.

[18] Commentary .01(d)(2) to Rule 8.600–E provides that, with respect to a fund's portfolio, the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[19] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[20] The Adviser represents that these are currently the largest and most liquid futures markets on carbon offset credits: (1) Carbon Credit Futures on EUA: 1,269,401,000 contracts with open interest at a price of $23.21 as of November 30, 2018 translating to a $29.463 billion market capitalization. In addition, the average annual trading volume as of that date was $98.856 billion (with approximately $89 billion consisting of Carbon Credit Futures with December expirations). (2) Carbon Credit Futures on CCA: 178,800,000 contracts with open interest at a price of $15.55 as of November 30, 2018 translates to a $2.780 billion market capitalization. In addition, the average annual trading volume as of that date was $2.39 billion (with approximately $1.25 billion consisting of Carbon Credit Futures with December expirations). 3) Carbon Credit Futures on RGGIs: 94,000,000 contracts with open interest at a price of $5.38 as of November 30, 2018 translates to a $506 million market capitalization. In addition, the average annual trading volume as of that date was $250 million (with approximately $182.9 million

Exchange notes that the exchange markets for Carbon Credit Futures are highly liquid, and therefore believes that trading in such futures is not readily susceptible to manipulation. In addition, at least 90% of the weight of listed derivatives utilized by the Fund would be traded on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement, and Carbon Credit Credit Futures are currently traded on ISG markets.[21]

The Exchange notes that the Commission has previously approved listing and trading on the Exchange under NYSE Arca Rule 8.204–E (Commodity Futures Trust Shares) of a trust with the investment objective of providing investment results that correspond generally to the performance of a basket of exchange-traded futures contracts for carbon equivalent emissions allowances issued under the European Union Emissions Trading Scheme (''EU ETS'').[22]

Other than Commentary .01(d)(2) to Rule 8.600–E, as described above, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

Availability of Information

The Fund's website (*www.kraneshares.com*) will include the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis including, for the Fund, (1) daily trading volume, the prior business day's reported closing price, NAV and midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[23] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its website the Disclosed Portfolio as defined in NYSE Arca Rule 8.600–E(c)(2) that forms the basis for the Fund's calculation of NAV at the end of the business day.[24]

On a daily basis, the Fund will disclose the information required under NYSE Arca Rule 8.600–E(c)(2) to the extent applicable. The website information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the NSCC. The basket represents one Creation Unit of the Fund. Authorized Participants may refer to the basket composition file for information regarding financial instruments that may comprise the Fund's basket on a given day.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Fund's Forms N–CSR and Forms N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR, Form N–PX, Form N–CEN and Form N–PORT (formerly Forms N–Q and N–SAR) may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

Intra-day and the closing settlement price information regarding Carbon Credit Futures and U.S. exchange-traded futures on currencies will be available from the exchange on which such instruments are traded and from major market data vendors. Spot currency prices and price information regarding currency forwards, debt instruments (other than cash equivalents) and cash equivalents also will be available from major market data vendors. Additionally, the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'') will be a source of price information for certain fixed income securities to the extent transactions in such securities are reported to TRACE.[25] Price information regarding U.S. government securities and other cash equivalents generally may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements. The Index price is available via Bloomberg and Reuters. The Index methodology and constituent list of the Reference Benchmark is available via IHS Markit's website (*https://indices.ihsmarkit.com*).

Quote and last-sale information for ECX CFI Futures, California Futures and RGGI-Regional Greenhouse Gas Initiative Futures, other futures contracts and options on futures are widely disseminated through major market data vendors. ICE Futures US,

consisting of Carbon Credit Futures with December expirations). Source: *https://www.theice.com/microsite/usenvironmentalmonthlymarketreport.*

[21] The Exchange notes that the Commission has approved proposed rule changes by a national securities exchange to list and trade series of Managed Fund Shares that may hold listed derivatives on underlying reference assets that may not comply with provisions similar to those in Commentary .01(d)(2) to Rule 8.600–E. *See, e.g.,* Securities Exchange Act Release Nos. 80529 (April 26, 2017), 82 FR 20506 (May 2, 2017) (SR–BatsBZX–2017–14) (Order Granting Approval of a Proposed Rule Change to List and Trade Shares of the Amplify YieldShares Oil Hedged MLP Fund under BZX Rule 14.11(i)); 82906 (March 20, 2018), 83 FR 12992 (March 26, 2018) (SR–CboeBZX–2017–012) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the LHA Market State® Tactical U.S. Equity ETF under Rule 14.11(i)); 83014 (April 9, 2018), 83 FR 16150 (April 13, 2018) (SR–CboeBZX–2017–023) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the iShares Gold Strategy ETF Under Exchange Rule 14.11(i)); 83146 (May 1, 2018), 83 FR 20103 (May 7, 2018) (SR–CboeBZX–2018–029) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Allow the Horizons Cadence Hedged US Dividend Yield ETF, a Series of the Horizons ETF Trust I, to Hold Listed Options Contracts in a Manner that Does Not Comply with Rule 14.11(i), Managed Fund Shares). See also, Securities Exchange Act Release No. 85701 (April 22, 2019), 84 FR 17902 (April 26, 2019) (SR–CboeBZX–2019–016) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Allow the JPMorgan Core Plus Bond ETF of the J.P. Morgan Exchange-Traded Fund Trust to Hold Certain Instruments in a Manner that May Not Comply with Rule 14.11(i), Managed Fund Shares).

[22] *See* Securities Exchange Act Release No. 57838, (May 20, 2008), 73 FR 30649 (May 28, 2008) (SR–NYSEArca–2008–09) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to the Listing and Trading of Shares of the AirShares EU Carbon Allowances Fund). The EU ETS is a ''cap and trade'' emissions trading program instituted by the European Union, in furtherance of the joint commitment of its member states under the Kyoto Protocol to achieve certain reductions in their emissions of greenhouse gases. The net assets of the AirShares EU Carbon Allowances Fund were to consist of long positions in ICE Futures ECX Carbon Financial Instrument Futures Contracts consisting of standardized contractual instruments for futures on deliverable EUAs issued under the EU ETS and developed by the European Climate Exchange.

[23] The Bid/Ask Price of the Fund's Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[24] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[25] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from feeds from market data vendors, published or other public sources, or online information services, as described above.

ICE Futures Europe and CME also provide delayed futures information on current and past trading sessions and market news on their respective websites.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares, ETFs and ETNs will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[26] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Fund's Shares also will be subject to Rule 8.600–E(d)(2)(D) (''Trading Halts'').

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m., E.T. in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

With the exception of the requirements of Commentary .01(d)(2) (with respect to listed derivatives) to Rule 8.600–E as described above in ''Application of Generic Listing Requirements,'' the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. Consistent with NYSE Arca Rule 8.600–E(d)(2)(B)(ii), the Adviser will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and continued listing, the Fund will be in compliance with Rule 10A–3 [27] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. The Fund's investments will be consistent with its investment goal and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[28]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, ETFs, ETNs, U.S. exchange-traded futures on foreign currency and Carbon Credit Futures with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities.[29] In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Fund on the Exchange.

The issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E (m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3)

[26] *See* NYSE Arca Rule 7.12–E.

[27] 17 CFR 240.10A–3.

[28] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[29] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that certain Index components and holdings of the Fund may not be listed or traded on ISG exchanges.

the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [30] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.600–E notwithstanding that the Fund will not comply with the requirement in Commentary .01(d)(2) to Rule 8.600–E, as described herein.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Shares and Carbon Credit Futures due to, among other matters (a) the liquidity and market capitalization of the Carbon Credit Futures, EUAs, CCAs and RGGIs,[31] (b) the competitive quoting process for Carbon Credit Futures, EUAs, CCAs and RGGIs, (c) the significant liquidity in the market for Carbon Credit Futures, EUAs, CCAs and RGGIs that results in a well-established price discovery process that provides meaningful guideposts for their pricing, and (d) surveillance by the Exchange and FINRA designed to detect violations of the federal securities laws and self-regulatory organization rules. The Carbon Credit Futures, EUAs, CCAs and RGGIs trade in competitive auction markets with price, quote transparency and arbitrage opportunities. Further, the Exchange believes that because the assets in the Fund's portfolio will be acquired in extremely liquid and highly regulated markets, the Shares are less readily susceptible to manipulation.

The Exchange believes that these factors, coupled with the highly regulated Carbon Credit Futures, EUA, CCA and RGGI markets, are sufficiently great to deter fraudulent and market manipulation. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism.

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, ETFs, ETNs, U.S. exchange-traded futures on foreign currency and Carbon Credit Futures with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. The Adviser and Sub-Adviser are not registered as broker-dealers, but the Adviser is affiliated with broker-dealers, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliates regarding access to information concerning the composition and/or changes to the portfolio.

The Exchange notes that the Commission has previously approved listing and trading on the Exchange under NYSE Arca Rule 8.204–E (Commodity Futures Trust Shares) of a trust with the investment objective of providing investment results that correspond generally to the performance of Carbon Credit Futures on EUAs.[32] Other than cash and cash equivalents, the AirShares Trust sought investment exposure exclusively to Carbon Credit Futures on EUAs. Thus, the Commission has already considered and approved for listing a product with the same types of assets in which the Fund will invest.

The Exchange notes that the Commission has approved proposed rule changes by a national securities exchange to list and trade series of Managed Fund Shares that may hold listed derivatives on underlying reference assets that may not comply with provisions similar to those in Commentary .01(d)(2) to Rule 8.600–E.[33] In addition, the Exchange believes that the listing and trading of Shares of the Fund would further an interest in the U.S. maintaining a competitive position in the global securities markets, which requires that U.S. participants respond to new developments and encourage the development of new products. Innovative financial vehicles such as the Fund will provide investors greater access to U.S. markets. By providing a wide range of investors with a U.S. exchange-traded security that invests in Carbon Credit Futures, the Exchange believes that the listing of the Fund will benefit both investors and the markets.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Intra-day and the closing settlement price information regarding Carbon Credit Futures and U.S. exchange-traded futures on currencies will be available from the exchange on which such instruments are traded and from major market data vendors. Spot currency prices and price information regarding currency forwards, debt instruments (other than cash equivalents) and cash equivalents also will be available from major market data vendors. Additionally, FINRA's TRACE will be a source of price information for certain fixed income securities to the extent transactions in such securities are reported to TRACE. Price information regarding U.S. government securities and other cash equivalents generally may be obtained from brokers and dealers who make

[30] 15 U.S.C. 78f(b)(5).

[31] *See* note 20, *supra*.

[32] *See* note 22, *supra*.

[33] *See* note 21, *supra*.

markets in such securities or through nationally recognized pricing services through subscription agreements. The Index price is available via Bloomberg. The Index methodology and constituent list of the Reference Benchmark is available via IHS Markit's website.

Quote and last-sale information for ECX CFI Futures, California Futures and RGGI-Regional Greenhouse Gas Initiative Futures are widely disseminated through major market data vendors. ICE Futures US, ICE Futures Europe also provide delayed futures information on current and past trading sessions and market news on their respective websites.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares, ETFs and ETNs will be available via the CTA high-speed line. In addition, the PIV, as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to NYSE Arca Rule 8.600–E (d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, NAV, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an actively-managed exchange-traded product that, through permitted use of an increased level of listed derivatives above that currently permitted by the generic listing requirements of Commentary .01(d)(2) to NYSE Arca Rule 8.600–E, will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove the 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–NYSEArca–2019–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2019–60. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2019–60 and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–18635 Filed 8–28–19; 8:45 am]

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[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86744; File No. SR–CBOE–2019–049]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change Relating To Make Permanent Certain Options Market Rules That Are Linked to the Equity Market Plan To Address Extraordinary Market Volatility

August 23, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (''Cboe'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') to make permanent certain options market rules that are linked to the equity market Plan to Address Extraordinary Market Volatility. The text of the proposed rule change is attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to make permanent certain options market rules in connection with the equity market Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or the ''Plan''). This change is being proposed in connection with the recently approved amendment to the Limit Up-Limit Down Plan that allows the Plan to continue to operate on a permanent basis (''Amendment 18'').[3]

In an attempt to address extraordinary market volatility in NMS Stocks, and, in particular, events like the severe volatility on May 6, 2010, U.S. national securities exchanges and the Financial Industry Regulatory Authority, Inc. (collectively, ''Participants'') drafted the Plan pursuant to Rule 608 of Regulation NMS under the Act.[4] On May 31, 2012, the Commission approved the Plan, as amended, on a one-year pilot basis.[5] Though the Plan was primarily designed for equity markets, the Exchange believed it would, indirectly, potentially impact the options markets as well. Thus, the Exchange has previously adopted and amended Rules 6.3A, 6.3B and Interpretation and Policy .01 to Rule 6.25 to ensure the option markets were not harmed as a result of the Plan's implementation and implemented such rules on a pilot basis that has coincided with the pilot period for the Plan (collectively, the ''Options Pilots'').[6] Rule 6.3A essentially serves as a roadmap for the Exchange's universal changes due to the implementation of the Plan, Rule 6.3B provides for trading halts whenever a market-wide trading halt is initiated due to extraordinary market conditions pursuant to the Plan, and Rule 6.25.01 provides that transactions executed during a limit or straddle state are not subject to the obvious and catastrophic error rules. A limit or straddle state occurs when at least one side of the National Best Bid (''NBB'') or Offer (''NBO'') bid/ask is priced at a non-tradable level. Specifically, a straddle state exists when the NBB is below the lower price band while the NBO is inside the prices band or when the NBO is above the upper price band and the NBB is within the band, while a limit state occurs when the NBO equals the lower price band (without crossing the NBB), or the NBB equals the upper price band (without crossing the NBO). The Exchange adopted the Options Pilots to protect investors because when an underlying security is in a limit or straddle state, there will not be a reliable price for the security to serve as a benchmark for the price of the option. Specifically, the Exchange adopted Rule 6.25.01 because the application of the obvious and catastrophic error rules would be impracticable given the potential for lack of a reliable NBBO in the options market during limit and straddle states. When adjusting or busting a trade pursuant to the obvious error rule, the determination of theoretical value of a trade generally references the NBB (for erroneous sell transactions) or NBO (for erroneous buy transactions) just prior to the trade in question, and is therefore not reliable when at least one side of the NBBO is priced at a non-tradeable level, as is the case in limit and straddle states. In such a situation, determining theoretical value may often times be a very subjective rather than an objective determination and could give rise to additional uncertainty and confusion for investors. As a result, application of the obvious and catastrophic error rules would be impracticable given the lack of a reliable NBBO in the options market during limit and straddle states, and may produce undesirable effects or unanticipated consequences. The Exchange adopted additional measures via other Options Pilot rules that are designed to protect investors during limit and straddle states. For example, the Exchange will reject market orders and not elect stop orders[7] during a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (Order Approving Amendment No. 18).

[4] *See* Securities Exchange Act Release No. 64547 (May 25, 2011), 76 FR 31647 (June 1, 2011) (File No. 4–631).

[5] *See* Securities and Exchange Act Release No. 67091 (May 31, 2012) 77 FR 33498 (June 6, 2012).

[6] *See* Securities Exchange Act Release Nos. 69328 (April 5, 2013), 78 FR 21642 (April 11, 2013) (SR–CBOE–2013–030) (amending certain options rules to coincide with the pilot period for the Plan, including Rule 6.3A and Rule 6.25); 65438 (September 28, 2011), 76 FR 61447 (October 4, 2011) (SR–CBOE–2011–087) (amending Rule 6.3B for determining when to halt trading in all stocks and stock options due to extraordinary market volatility); 68770 (January 30, 2013), 78 FR 8211 (February 5, 2013) (SR–CBOE–2013–011) (amending Rule 6.3B to delay the operative date of the pilot to coincide with the initial date of operations of the Plan); and 85616 (April 11, 2019), 84 FR 16093 (April 17, 2019) (SR–CBOE–2019–020) (proposal to extend the pilot for certain options pilots).

[7] This includes rules in connection with special handling for market orders, market-on-close orders, stop orders, and stock-option orders, as well as for certain electronic order handling features in a Limit Up-Limit Down state, the obvious error rules, and providing that the Exchange will not require

Continued

Limit Up-Limit Down state to ensure that only those orders with a limit price will be executed during a limit or straddle state given the uncertainty of market prices during such a state. Additionally, the Exchange will initiate a trading halt whenever a market-wide trading halt is initiated, which ensures that investors have an opportunity to become aware of and respond to significant price movements. Furthermore, the Exchange believes that eliminating the application of obvious error rules during a limit or straddle state eliminates the re-evaluation of a transaction executed during such a state that could potentially create an unreasonable adverse selection opportunity due to lack of a reliable reference price on one side of the market or another and discourage participants from providing liquidity during limit and straddle states, which is contrary to the goal in limiting participants' adverse selection with the application of the obvious error rule during normal trading states. For these reasons, the Exchange believes the Options Pilots are designed to add certainty on the options markets, which encourages more investors to participate in light of the changes associated with the Plan. The Plan was originally implemented on a pilot-basis in order to allow the public, the participating exchanges, and the Commission to assess the operation of the Plan and whether the Plan should be modified prior to approval on a permanent basis. As stated, the Exchange adopted the Option Pilots to coincide with this pilot; to continue the protections therein while the industry gains further experience operating the Plan.

In connection with the order approving the establishment of the obvious error pilot, as well as the extensions of the obvious error pilot, the Exchange committed to submit monthly data regarding the program and to submit an overall analysis of the obvious error pilot in conjunction with the data submitted under the Plan and any other data as requested by the Commission. Pursuant to a rule filing, approved on April 3, 2014, each month, the Exchange committed to provide the Commission, and the public, a dataset containing the data for each straddle and limit state in optionable stocks that had at least one trade on the Exchange.[8] The Exchange has continued to provide the Commission with this data on a monthly basis from October 2015. For each trade on the Exchange, the Exchange provides (a) the stock symbol, option symbol, time at the start of the straddle or limit state, an indicator for whether it is a straddle or limit state, and (b) for the trades on the Exchange, the executed volume, time-weighted quoted bid-ask spread, time-weighted average quoted depth at the bid, time-weighted average quoted depth at the offer, high execution price, low execution price, number of trades for which a request for review for error was received during straddle and limit states, an indicator variable for whether those options outlined above have a price change exceeding 30% during the underlying stock's limit or straddle state compared to the last available option price as reported by OPRA before the start of the limit or straddle state. In addition, to help evaluate the impact of the pilot program, the Exchange has provided to the Commission, and the public, assessments relating to the impact of the operation of the obvious error rules during limit and straddle states including: (1) An evaluation of the statistical and economic impact of limit and straddle states on liquidity and market quality in the options markets, and (2) an assessment of whether the lack of obvious error rules in effect during the straddle and limit states are problematic. The Exchange has concluded that the obvious error pilot does not negatively impact market quality during normal market conditions,[9] and that there has been insufficient data to assess whether a lack of obvious error rules is problematic, however, the Exchange believes the continuation of Rule 6.25.01 functions to protect against any unanticipated consequences in the options markets during a limit or straddle state and add certainty on the options markets.

The Commission recently approved the Plan on a permanent basis (Amendment 18).[10] In connection with this approval, the Exchange now proposes to amend Exchange Rules 6.3A, 6.3B and Interpretation and Policy .01 to Rule 6.25 that currently implement the provisions of the Plan on a pilot basis to eliminate the pilot basis, which effectiveness expires on October 18, 2019, and to make such rules permanent. In its approval order to make the Plan permanent, the Commission recognized that, as a result of the Participants' and industry analysis of the Plan's operation, the Limit Up-Limit Down mechanism effectively addresses extraordinary market volatility. Indeed, the Plan benefits markets and market participants by helping to ensure orderly markets, but also, the Exchange believes, based on the data made available to the public and the Commission during the pilot period, that the obvious error pilot does not negatively impact market quality during normal market conditions.[11] Rather, the Exchange believes the obvious error pilot functions to protect against any unanticipated consequences in the options markets during a limit or straddle state and add certainty on the options markets. The Exchange also believes the other Options Pilots rules provide additional measures designed to protect investors during limit and straddle states. For example, the Exchange will reject market orders and not elect stop orders[12] during a Limit Up-Limit Down state to ensure that only those orders with a limit price will be executed during a limit or straddle state given the uncertainty of market prices during such a state. In addition to this, the Exchange will initiate a trading halt whenever a market-wide trading halt is initiated, which ensures that investors have an opportunity to become aware of and respond to significant price movements. This removes impediments to and perfects the mechanism of a free and open market and national market system by encouraging more investors to participate in light of the changes associated with the Plan. The Exchange believes that if approved on a permanent basis, the Options Pilots would permanently provide investors with the above-described additional certainty of market prices and mitigation of unanticipated consequences and unreasonable adverse selection risk during limit and straddle states.

The Exchange understands that the other national securities exchanges will also file similar proposals to make permanent their respective pilot programs. Since the Commission's approval of Amendment 18 allowing the Plan to operate on a permanent basis, the Exchange and other national

Market-Makers to quote in series of options when the underlying security is in a Limit Up-Limit Down state.

[8] *See* Securities Exchange Act Release No. 71857 (April 3, 2014), 79 FR 19678 (April 9, 2014) (SR–CBOE–2014–033); *see also* Cboe Global Markets, LULD Limit and Straddle Reports, *available at http://markets.cboe.com/us/options/market_statistics/luld_reports/?mkt=opt.*

[9] *See also* Cboe Global Markets, LULD Limit and Straddle Reports, available at *http://markets.cboe.com/us/options/market_statistics/luld_reports/?mkt=opt.* During the most recent Review Period the Exchange did not receive any obvious error review requests for Limit Up-Limit Down trades, and Limit Up-Limit Down trade volume accounted for nominal overall trade volume.

[10] *See supra* note 3.

[11] *See supra* note 9.

[12] *See supra* note 7.

securities exchanges have determined that no further amendments should be made to the Options Pilots;[13] the current Options Pilots effectively address extraordinary market volatility, are reasonably designed to comply with the requirements of the Plan, facilitate compliance with the Plan and should now operate on a permanent basis, consistent with the Plan. The Exchange does not propose any substantive or additional changes to Exchange Rules 6.3A, 6.3B or Interpretation and Policy .01 to Rule 6.25.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] 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)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule supports the objectives of perfecting the mechanism of a free and open market and the national market system because it promotes transparency and uniformity across markets concerning rules for options markets adopted to coincide with the Plan. The Exchange believes that eliminating the pilot basis for the Options Pilots and making such rules permanent facilitates compliance with the Plan by adding certainty to the markets during periods of market volatility, which has been approved and found by the Commission to be reasonably designed to prevent potentially harmful price volatility in NMS Stocks. It has been determined by the Commission that the Plan benefits markets and market participants by helping to ensure orderly markets, and, based on the data made available to the public and the Commission during the pilot period for Rule 6.25.01, the Plan does not negatively impact options market quality during normal market conditions. Rather, the Plan, as it is implemented under the obvious error pilot, functions to protect against any unanticipated consequences in the options markets during a limit or straddle state and add certainty on the options markets. During a limit or straddle state, determining theoretical value of an option may be a subjective rather than an objective determination given the lack of a reliable NBBO, which may create an unreasonable adverse selection opportunity and discourage participants from providing liquidity during limit and straddle states. Therefore, the Exchange believes eliminating obvious error review in such states would, in turn, eliminate uncertainty and confusion for investors and benefit investors by encouraging more participation in light of the changes associated with the Plan. As stated, the Exchange believes the other Options Pilots rules provide additional measures designed to protect investors during limit and straddle states. For example, the Exchange will reject market orders and not elect stop orders[17] during a Limit Up-Limit Down state to ensure that only those orders with a limit price will be executed during a limit or straddle state given the uncertainty of market prices during such a state. Additionally, the Exchange will initiate a trading halt whenever a market-wide trading halt is initiated, which ensures that investors have an opportunity to become aware of and respond to significant price movements. Accordingly, the Exchange believes that making the Options Pilots permanent will further the goals of investor protection and fair and orderly markets as the rules effectively address extraordinary market volatility pursuant to the Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is necessary to reflect that the Plan no longer operates as a pilot and has been approved to operate on a permanent basis by the Commission. As such, Exchange Rules 6.3A, 6.3B or Interpretation and Policy .01 to Rule 6.25, which implement protections in connection with the Plan, should be amended to operate on a permanent basis. The Exchange understands that the other national securities exchanges will also file similar proposals to make permanent their respective pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(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–CBOE–2019–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–049. This file number should be included on the subject line if email is used. To help the Commission process and review your

[13] *See* Securities Exchange Act Release No. 85616 (April 11, 2019), 84 FR 16093 (April 17, 2019) (SR–CBOE–2019–020) (proposal to extend the pilot for certain options market rules linked to the Plan).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] *See supra* note 7.

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–CBOE–2019–049, and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–18626 Filed 8–28–19; 8:45 am]

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[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86753; File No. SR–ICEEU–2019–015]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the ICE Clear Europe Clearing Rules and Procedures

August 23, 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 August 21, 2019, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe Limited proposes to amend its Clearing Rules (the ''Rules'')[5] and Procedures (including the Clearing Procedures, CDS Procedures and Finance Procedures) to update relevant references to, and facilitate compliance with, applicable European Union (''EU''), United Kingdom (''UK'') laws, including the European Market Infrastructure Regulation (''EMIR''), the revised Markets in Financial Instruments package (collectively, ''MiFID II'') as implemented in the UK and elsewhere in the European Union, and certain other laws and regulations as discussed below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe proposes to amend its Rules and Procedures to update relevant references to, and facilitate ongoing compliance with, applicable EU and UK law, including the EMIR, MiFID II and certain other laws, statutes and regulations discussed below.

Specifically, ICE Clear Europe proposes to make amendments to Parts 1, 2, 5, 9, 11, 15 and 16 of the Rules and to the Clearing Procedures, Finance Procedures and CDS Procedures. The text of the proposed Rules and Procedures amendments is attached [sic] in Exhibit 5, with additions underlined and deletions in strikethrough text.[6] The proposed Rules and Procedures amendments are described in detail, by subject matter, as follows:

[5] Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules (the ''Rules'').

1. MiFID II Provisions

The amendments include changes to the Rules and Procedures that would more clearly take into account certain provisions and requirements of MiFID II. The amendments include changes to the definitions to reflect national implementing laws, adjustments to the way in which particular accounts of Non-FCM/BD Clearing Members are described to ensure compliance with MiFID II rules on indirect clearing and amendments to address the final legislative texts concerning ''straight-through-processing'' (''STP'') requirements under MiFID II in relation to the clearing of OTC derivatives.

In Rule 101, changes are proposed to the defined term ''MiFID II'' so that the definition would expressly include ''national implementing measures in any member state.'' As an EU directive, Directive 2014/65/EU must generally be implemented within a Member State's national law to have direct legal effect in that jurisdiction. In practice, it is these ''national implementing measures'' which contain the legal substance of the directive and which would impose legal obligations on ICE Clear Europe and its Clearing Members.

Revisions to the definition of ''Segregated Gross Indirect Account'' are proposed to clarify that this type of indirect clearing account will, in accordance with MiFID II, distinguish the assets and positions of one indirect client recorded in the account from those of another indirect client recorded in the account (in addition to distinguishing assets and positions of indirect clients generally from those of the relevant direct client of the Clearing Member). The amendments are intended to reflect legal obligations on ICE Clear Europe under the regulatory technical standards made under MiFID II, which obliges it to offer accounts that facilitate clearing by indirect clients of a direct client of a Clearing Member.[7] This

[6] The Commission notes that exhibits referenced herein are included in the filing submitted by ICE Clear Europe to the Commission, but are not included in this Notice.

[7] In this regard, Article 3(1) of Commission Delegated Regulation (EU) 2017/2154 (the ''MiFIR Indirect Clearing RTS'') requires CCPs to open

revised definition would be consistent with existing ICE Clear Europe practice, and is intended to more clearly state the obligations on ICE Clear Europe under the Rules.

Rule 108(a) would be amended to add a reference to the record-keeping requirements under MiFID II rules, in addition to the requirements under FCA and PRA rules that are referenced in the current rule. MiFID II sets out a number of record-keeping requirements such as the requirement to keep a record of all services, activities and transactions undertaken by a firm (including recordings of telephone conversations or electronic communications relating to transactions it concludes (either on a proprietary basis or on behalf of clients)), and these requirements will be applicable to EU Clearing Members which are not based in the UK. Compliance with these MiFID II requirements would be regarded as sufficient to satisfy the record-keeping obligation in Rule 108(a). The amendment thus reflects existing obligations on EU Clearing Members under MiFID II, and is not intended to change current practice for EU Clearing Members.

In the CDS Procedures, at paragraph 4.3, additional language has been proposed to specify that CDS Trade Particulars submitted for clearing must ''be provided in an electronic format using the relevant interface designated for such purposes when presenting the trade to the Clearing House or the transaction submission system of the relevant CDS Trade Execution/Processing Platform (or such other format as is used by the Clearing House or a CDS Trade Execution/Processing Platform for such purposes from time to time as is notified to CDS Clearing Members)''. The insertion of this language has been proposed to ensure that ICE Clear Europe is compliant with the MiFID II rules on STP.[8] This amendment is not expected to change current practice for submission of CDS Trade Particulars, but would reference the relevant MiFID II requirements more explicitly.

Proposed amendments to paragraph 4.4(a) of the CDS Procedures would also facilitate compliance with MiFID II STP requirements. Additional language would be added to confirm that, if it decides not to accept CDS Trade Particulars for clearing, ICE Clear Europe is required to ''give notice the sooner of (i) on a real-time basis or (ii) as soon as reasonably practicable (in any report identified for this purpose) specifying that the Clearing House has not accepted such CDS Trade Particulars for Clearing''. In the following sentence, a conforming change would be made to provide that CDS Trade Particulars ''shall not be deemed to be formally submitted, received, accepted or rejected'' until completion of the pre-submission review. The amendment incorporates the requirement of Article 4(5) of the MiFIR STP RTS, which requires a central counterparty (''CCP'') that does not accept a derivative transaction concluded on a bilateral basis for clearing to ''inform the clearing member of the non-acceptance on a real-time basis'', together with the existing ''as soon as reasonably practicable'' standards in the CDS Procedures, which implements other regulatory requirements. This amendment is not expected to materially change existing Clearing House practice, but will more clearly reference the relevant MiFID II requirements in the Procedures.

2. References to Authorized Central Counterparty Status

The amendments would make certain changes, updates and clarifications to the Rules and Procedures that reflect ICE Clear Europe's authorized central counterparty status under EMIR and cater for changes in the application of the Companies Act 1989 and Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges, Clearing Houses and Central Securities Depositories) Regulations 2001 (the ''Recognition Requirements Regulations''). These changes are necessary due to the impact of the re-authorization of ICE Clear Europe in the UK under the EMIR regime (instead of its recognition under the pre-EMIR UK national regime). In addition, certain other amendments are introduced to more accurately reflect certain requirements of EMIR and the scope of its related instrument REMIT,[9] which applies to spot contracts and applies a different regime, as regards the reporting of derivative trades by counterparties thereto to a trade repository. These amendments are designed to reflect, and more explicitly reference in the Rules and Procedures, relevant EU and UK legal requirements and ICE Clear Europe's regulatory status, but are not expected to change Clearing House operations or the rights or obligations of Clearing Members.

Changes to Rule 102(r)(i) have been proposed to refer to ICE Clear Europe being an ''authorized central counterparty under EMIR'' in addition to its status as a recognized clearing house under the Financial Services and Markets Act 2000 (''FSMA''). Various other provisions of the Rules would refer to the status of ICE Clear Europe as reflected in Rule 102(r)(i) as proposed to be amended. In this regard, changes have been proposed to Rule 109(b)(v) to refer to the multiple regulatory statuses held by ICE Clear Europe (by way of a cross-reference to Rule 102(r)) rather than just its status under the FSMA. As modified, Rule 109(b)(v) would permit ICE Clear Europe to make rule changes without following the normal public consultation process under UK laws where this is required to ensure compliance by ICE Clear Europe, Clearing Members or Customers with applicable laws or requirements imposed by regulators, or is necessary or desirable to maintain such regulatory status (and not merely where this is necessary to maintain its status under FSMA). This change is intended to facilitate compliance with applicable laws, and therefore is not expected to be a significant burden to competition for the Clearing House or its Clearing Members and/or adversely affect the protection of investors or the public interest.

Similar changes are proposed to Rule 115(a), namely replacing an existing reference to ICE Clear Europe's recognition as a clearing house with a cross-reference to ''its statuses referred to in Rule 102(r).'' Rule 115(a) provides for certain permitted interactions with regulators and other authorities for the

certain indirect clearing accounts at the request of clearing members (who are also subject to a related requirement to offer certain accounts if they provide indirect clearing services). The ''Segregated Gross Indirect Account'' is intended to be one such account, namely ''a segregated account for the exclusive purpose of holding the assets and positions of indirect clients of each client'' of a Clearing Member (Article 4(4)(b) of the MiFIR Indirect Clearing RTS). This account must in turn allow the Clearing Member providing indirect clearing services to a client to comply with the MiFID II requirement to offer an account in which ''the positions of an indirect client do not offset the positions of another indirect client'' and ''the assets of an indirect client cannot be used to cover the positions of another indirect client'' (Article 4(2)(b) of the MiFIR Indirect Clearing RTS). For this to be the case, the account offered by the CCP must ''distinguish the collateral and positions of different indirect clients'' (Recital 7 of the MiFIR Indirect Clearing RTS).

[8] These requirements are principally contained in Commission Delegated Regulation (EU) 2017/582 (the ''MiFIR STP RTS''). Article 1(2) of the MiFIR STP RTS provides: ''A CCP shall detail in its rules the information it needs from counterparties to a cleared derivative transaction and from trading venues in order to clear that transaction, and the format in which that information shall be provided.''

[9] Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency

purposes of maintaining ICE Clear Europe's status as a recognized clearing house. The proposed amendment ensures that ICE Clear Europe is also able to make arrangements with such authorities with a view to maintaining its other regulatory statuses, rather than merely its status under FSMA. Similarly, these changes are intended to facilitate compliance with applicable laws, and therefore are not expected to be a significant burden to competition for the Clearing House or its Clearing Members and/or adversely affect the protection of investors or the public interest.

Rule 201(a)(vii) would be amended to reflect the fact that reporting to a trade repository is not required for all Contracts. This provision currently provides that a Clearing Member, as a criterion for attaining and maintaining membership, must ''be a user of or otherwise have access to at least one Repository (if any) for the Contracts it proposes to clear.'' Reporting to a trade repository is required for derivative contracts falling within scope of EMIR but potentially not for other contracts falling under REMIT (such as spot contracts). As such, additional language is to be added to clarify that this membership criterion only applies ''where such Contract is required to be reported to a repository under Applicable Law.'' The change is intended to remove an unnecessary burden on certain Clearing Members under the existing Rules, while more precisely taking account of the requirements under applicable law and furthering the public interest embodied in such requirements.

Changes in Rule 207(d) would state explicitly that set-off is not permitted under the Rules in circumstances which would breach section 182A of the Companies Act 1989. This was a new provision introduced into this UK primary legislation as part of the UK's implementation of EMIR and replaced other provisions concerning the set off of accounts at UK recognized clearing houses, for authorized central counterparties under EMIR. The relevant Rules changes reflect the wording of this provision and result in each Clearing Member that clears client positions agreeing with ICE Clear Europe that there would be no setting off of positions and assets recorded in any of the Clearing Member's accounts against positions and assets recorded in other accounts where this would be in contravention of section 182A of the Companies Act 1989. Section 182A of the Companies Act 1989 provides protection to authorized central counterparties from normal insolvency law set-off processes that might otherwise apply to result in a combination across different accounts for assets recorded in the separate customer accounts or proprietary accounts of authorized central counterparties (such as ICE Clear Europe). The amendments also replace references to Section 187 of the Companies Act 1989, which previously addressed such set off issues and is no longer applicable to ICE Clear Europe as a result of it now being an authorized CCP under EMIR. Related changes are proposed to Rule 906(b). A new paragraph is proposed to be added, which would require Clearing Members to confirm via a representation that the determination of net sums under Rule 906 would not involve the setting off of positions and assets in a manner that would contravene section 182A of the Companies Act 1989. This proposed change reflects the fact that Clearing Members are ultimately responsible for recording assets and contracts in the correct accounts and is intended to reduce the risk for ICE Clear Europe that when it determines a post-default ''net sum'' for a particular customer account or proprietary account that it might inadvertently breach section 182A's restrictions on the setting off of positions and assets in Customer Accounts against those in Proprietary Accounts or those in other Customer Accounts, for example as a result of an error caused by the Clearing Member. While these changes involve new representation and agreements by Clearing Members, in ICE Clear Europe's view, the changes are in fact consistent with existing practice and expectations of Clearing Members (who would be expected not to setoff across different accounts in violation of applicable law). To the extent the amendments may affect the rights or obligations of Clearing Members, they would only do so to the extent required under applicable laws. The amendments are therefore not expected to be a significant burden to competition and/or significantly affect the protection of investors or the public interest.

Changes have been proposed to the requirement in Rule 406(b) and (c) for ICE Clear Europe and Clearing Members to reflect aggregation and netting of positions in the records of a trade repository designated by ICE Clear Europe. These changes reflect the fact that ICE Clear Europe and Clearing Members may use different trade repositories for the purposes of complying with reporting obligations under applicable law (in particular EMIR), and the fact that the repository will not necessarily be designated by ICE Clear Europe if the Clearing Member chooses otherwise. This amendment is consistent with existing practice. It is not expected to be a significant burden on Clearing Members or otherwise affect competition, and it is not expected to significantly affect the protection of investors or the public interest.

Changes to the recital to part 9 of the Rules have been proposed to update references to relevant legislation and terminology applicable to ICE Clear Europe as an authorized central counterparty. This includes replacing the term ''default proceedings'' with the term ''default procedures'', which is the term used in Article 48 of EMIR. Additional language is proposed to be added to clarify that the provisions of part 9 are further intended to constitute ''default arrangements'' for the purposes of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (the ''Settlement Finality Regulations''). The Settlement Finality Regulations implement Directive 98/26/EC (the ''Settlement Finality Directive'') and provide settlement finality and insolvency law protections for instructions to transfer cash or securities (referred to in the legislation as ''transfer orders'') that take place within the ''designated system'' operated by ICE Clear Europe, as well as for ''the default arrangements of a designated system.'' Clarifying that the rules contained in part 9 are intended to constitute ''default arrangements'' provides greater clarity and certainty that the operation of these rules would be enforceable in a default scenario, notwithstanding any otherwise applicable national insolvency law. It does not, however, change the substantive rights or obligations of the Clearing House or Clearing Members under the Rules. In addition, amendments would update references to the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges, Clearing Houses and Central Securities Depositories) Regulations 2001, to reflect a change in the name of this legislation. A change is also proposed to refer to compliance with the provisions of the Recognition Requirements Regulations more generally, rather than just those provisions ''relevant to default rules.'' This is to reflect paragraph 29 of the Schedule to the Recognition Requirements Regulations, which requires compliance with EMIR generally (including its requirements with respect to ''default procedures''). The overarching intention of the amendments to the recital is to confirm and give notice that the provisions of

part 9 are intended to be ''default rules'' (or the equivalent concepts under relevant applicable laws) under the package of legislation now applicable to ICE Clear Europe and so to give notice that such rules are intended to benefit from the special insolvency law protections which are afforded to clearing houses and their default rules under such legislation. A related change is proposed at Rule 907(j). This involves adding references to ''similar concepts'' to a ''default rule'' and adds a reference to ''any of the Applicable Laws referred to in the opening paragraph of this part 9'' in addition to merely those under the Companies Act 1989. These amendments would thus provide additional clarity to all Clearing Members, Sponsored Principals and Customers as to the background legal framework, without changing rights or remedies.

It is proposed that Rule 906(a) be amended to update references to the relevant applicable legislation. New language would be added to link the net sum calculation in Rule 906(a) to various requirements applying to the default rules of CCPs under applicable law, such as the Recognition Requirements Regulations and EMIR. Changes are also proposed to clause (i) of the definition of ''*L*'', an element of the net sum calculation in Rule 906, to refer to termination, liquidation or close out generally, instead of using the prescribed wording that was previously (but is no longer) applicable to ICE Clear Europe under the Schedule to the Recognition Requirements Regulations. The Schedule to the Recognition Requirements Regulations has been partially repealed and replaced for EMIR-authorized CCPs, following the coming into force of EMIR. In addition, a reference to part 12 of the Rules has been added to reflect the fact that this Part contains the rules determining when a Transfer Order arises and becomes irrevocable within ICE Clear Europe's designated system for settlement finality purposes. These amendments would not materially change the rights or obligations of the Clearing House or its Clearing Members, Sponsored Principals or Customers, but would more clearly reference the relevant background legal provisions.

Proposed changes to Rule 907(m) aim to provide further legal support for actions taken by ICE Clear Europe following a default of a Customer of a Clearing Member being regarded as actions falling under the protections of part VII of the Companies Act 1989. The amendments are intended to clarify that where a Clearing Member requests ICE Clear Europe to transfer positions and collateral of a defaulting Customer held in a Customer Account to a Proprietary Account of that Clearing Member (or a different Customer Account of the same Clearing Member in which the Customer is interested) in connection with the management of the default; ICE Clear Europe is allowed, as a result of such request, to assume that the Customer is, or is likely to be, in default in respect of its positions (referred to as ''market contracts'' under the Companies Act 1989) and act upon the Clearing Member's request (if permitted under applicable laws and following confirmation of the default by the relevant Clearing Member). Similar provisions have also been proposed to deal with the default of an indirect client (*i.e.,* a client of a Customer of a Clearing Member). The changes proposed are aimed to promote ICE Clear Europe's default management actions being considered within scope of relevant statutory protections under the Companies Act 1989. The new provisions would ''apply equally to a request by a Sponsor following an Event of Default (whether or not declared) in respect of a Sponsored Principal'' to ensure that all customer clearing models are covered by these new provisions. Finally, new proposed language at the end of Rule 907(m) would confirm that nothing in the Rule would limit the right of ICE Clear Europe to declare a Sponsored Principal to be a Defaulter or to exercise any of its other rights under part 9. The amendments generally would provide greater clarity as to the Clearing House's rights and obligations, as well as those of Clearing Members and Sponsored Principals. ICE Clear Europe does not expect that they would significantly change existing default management practices. Accordingly, the amendments are not expected to be a significant burden to competition and/or significantly affect the protection of investors or the public interest.

A new recital is proposed to be added to part 12 of the Rules, which addresses settlement finality, to fulfill a similar purpose to the changes to the recital to part 9 as discussed above. The new recital to part 12 would clarify that this section of the Rules is intended to constitute part of the default rules of ICE Clear Europe. As with the recital to part 9, this helps to identify the sections of ICE Clear Europe's rulebook which should have the benefit of special protections that are available for the default rules of a CCP under applicable carve-outs from insolvency laws. The new recital would clarify that the provisions of part 12 are intended to constitute ''default rules'' for the purposes of the Companies Act 1989, ''default procedures'' for the purposes of Article 48 of EMIR, ''default rules and procedures'' for the purposes of section 5b(c)(2)(G) of the Commodity Exchange Act, ''rules on the moment of entry and irrevocability'' of a system for the purposes of the Settlement Finality Directive, ''default arrangements'' for the purposes of the Settlement Finality Regulations and ''default procedures'' for the purposes of Commission Rule 17Ad–22. Given that Part 12 sets out rules specifically designed to comply with the Settlement Finality Regulations, a confirmation to this effect is also contained in the proposed changes. Moreover, language is proposed at the end of the new recital to provide and give notice that ICE Clear Europe also relies on legal rights under applicable laws (including those referenced above) in addition to its rights under the Rules. These amendments would provide greater clarity as to the application of the settlement finality framework, without changing any substantive rights or obligations of to the Clearing House, Clearing Members, Sponsored Principals and Customers under the Rules.

Changes are proposed to paragraph 7.2 of the Finance Procedures to reflect that non-cash assets provided as Permitted Cover must be held at certain prescribed institutions in accordance with requirements under EMIR and regulatory technical standards under EMIR. The changes would confirm that ''Non-cash Permitted Cover would be held in accounts of the Clearing House at a Custodian, central securities depository (''CSD'') or international central securities depository (''ICSD''), which accounts are in the name of the Clearing House, as permitted under regulatory technical standards under EMIR.'' This reflects the provisions of EMIR and Commission Delegated Regulation (EU) No 153/2013, which require CCPs to deposit financial instruments posted as margin ''with the operator of a securities settlement system that ensures the full protection of those instruments''. This effectively requires such instruments to be deposited in a CSD. Where this is not possible, financial instruments may be deposited with certain other institutions provided that this is on an insolvency-remote basis. The proposed changes would be consistent with ICE Clear Europe's long-standing practice for holding such Permitted Cover, in light of the requirements of EMIR. A related change has been proposed in the Finance Procedures at paragraph

6.1(i)(v) to reflect the fact that income on non-cash assets posted by Clearing Members may be received by a custodian of ICE Clear Europe rather than directly by ICE Clear Europe itself, as a result of the holding of such assets at CSDs. This change also reflects current practice, and is intended to clarify the operation of the Rules in light of existing practices.

Proposed changes at paragraph 7.3(a)(vii)–(viii) of the Clearing Procedures remove references (in parentheses) to complaints processes having been established pursuant to the Schedule to the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges, Clearing Houses and Central Securities Depositories) Regulations 2001 and Part 10 of the Rules, since these provisions are no longer in force for EMIR-authorized CCPs. These amendments are not intended to result in changes in any existing practices.

3. Other Amendments

Various other changes throughout the Rules and Procedures have been proposed to update references to applicable law and otherwise reflect or promote compliance with applicable law. In Rule 101, a change in the definition of ''Applicable Law'' has been proposed to include any memoranda of understanding between ICE Clear Europe and regulators. Memoranda of understanding between ICE Clear Europe and regulators or between regulators may have implications on the relationship between ICE Clear Europe and its Clearing Members, especially if disclosures are required under such documents. Disclosures pursuant to such memoranda of understanding may not currently be in scope of confidentiality carve-outs under the Rules without such an amendment. Including a reference to memoranda of understanding (or equivalent) between ICE Clear Europe and ''one or more Governmental Authorities or between Governmental Authorities'' facilitates disclosure of confidential information to regulators as necessary in accordance with such documents under the provisions of Rule 106. These amendments are consistent with existing Clearing House practice in dealing with regulatory authorities, in compliance with applicable law, and are intended to refer to such arrangements more explicitly in the Rules and Procedures.

Proposed changes to the defined term ''Regulatory Authority'' reflect additional regulatory and self-regulatory authorities which may be of relevance to ICE Clear Europe and its Clearing Members, namely the European Central Bank and the Financial Industry Regulatory Authority (FINRA). This defined term is currently used throughout the Rules in the context of obligations imposed by a regulator or governmental authority on ICE Clear Europe, Clearing Members or Customers.

The definition of ''Resolution Step'' (which is relevant to ICE Clear Europe's ability to exercise default remedies under the Rules in the event of a resolution proceeding involving a Clearing Member) is proposed to be amended to expressly cover similar EEA measures to resolution powers and resolution tools under the EU Bank Recovery and Resolution Directive (Directive 2014/59/EU, ''BRRD''), but which do not derive from the BRRD. The need to refer to similar EEA measures to the BRRD resolution powers and resolution tools within the ''Resolution Step'' definition reflects the fact that in some EEA jurisdictions (for example, in Germany) non-BRRD national law measures exist that often predate BRRD and which can also be applied to failing banks, but which would not be captured by the current defined term. Specific references to (non-EEA) Swiss and Australian resolution laws have also been added because ICE Clear Europe has Swiss and Australian Clearing Members who may be affected by such measures. This amendment would clarify the impact of relevant resolution regimes on default remedies under the Rules, and to the extent they would change any rights or obligations of the Clearing House or particular Clearing Members or Sponsored Principals, would reflect the requirements of those regimes and further the public interest embodied in those regimes.

A new ''Settlement Finality Directive'' defined term in Rule 101 would be added because this term is currently used in the recital to Part 9 and in the proposed new recital to Part 12 mentioned above.

The clearing membership criterion at Rule 201(a)(xxii) is proposed to be deleted because the EU Savings Directive (Council Directive 2003/48/EC on the taxation of savings income in the form of interest payments) is no longer in force.

Changes to Rule 205(b) are proposed to clarify that ICE Clear Europe would only be able to obtain copies of financial filings, returns and reports in relation to a Clearing Member directly from such Clearing Member's regulator (FCA or PRA) with the consent of the relevant Regulatory Authority. The amendment reflects the fact that a regulator's consent may be required before ICE Clear Europe may obtain a Clearing Member's financial reports from a particular regulator and the fact that these and other regulators may not in practice be willing or able to share such reports with ICE Clear Europe. This amendment would appropriately reflect regulatory limitations on ICE Clear Europe's ability to obtain certain reports, and accordingly should not burden Clearing Members.

It is proposed that Rule 501(a) be amended to remove an erroneous reference to Approved Financial Institutions being permitted to issue and confirm letters of credit for Clearing Members. ICE Clear Europe no longer accepts uncollateralized letters of credit as collateral, due to restrictions under EMIR and technical standards thereunder.[10] Although the Finance Procedures and ICE Clear Europe's permitted cover circulars were updated to remove references to letters of credit as collateral some time ago, there remains a legacy reference to such instruments in this Rules provision which requires deletion.

A new Rule 1203(m) has been proposed to clarify that the time at which Transfer Orders become irrevocable (and binding) under the terms of the ''system'' operated by ICE Clear Europe in accordance with the Rules (*i.e.,* the clearing and settlement procedures operated by ICE Clear Europe for cleared contracts) is governed by part 12 thereof. As noted above, special protections are provided by the Settlement Finality Directive (as implemented in UK law by the Settlement Finality Regulations) for transfer orders of money or securities in a ''designated system'' (such as the settlement system operated by ICE Clear Europe), but only from the point that such transfer orders become irrevocable under the rules of the relevant system. Moreover, paragraph 5 of the Schedule to the Settlement Finality Regulations requires the rules of a designated system to ''specify the point after which a transfer order may not be revoked by a participant or any other party''. Part 12 sets out when different Transfer Orders prescribed under the Rules are deemed to become irrevocable under the ICE Clear Europe designated system. This amendment would add clarity to the Rules, but is not expected to substantively change the rights or obligations of the Clearing House, Clearing Members or others under the Rules.

[10] See Exchange Act Release No. 34–73344, SR–ICEEU–2014–016 (October 14, 2014), 79 FR 62694 (Oct. 20, 2014).

In Rule 1501(a), the definition of ''2010 PD Amending Directive'' is proposed to be updated to include a reference to national laws implementing Directive 2010/73/EU, which amends the EU Prospectus Directive (Directive 2003/71/EC). This change has been made to clarify that the reference to Directive 2010/73/EU in the Rules also includes national Member State laws implementing the directive. This amendment would clarify the reference in the Rules, but is not expected to change substantively the rights or obligations of the Clearing House or Clearing Members.

Rule 1603(i) currently clarifies that nothing in the Rules prevents an FCM/BD Clearing Member from providing FCM/BD Customer-provided collateral to ICE Clear Europe in respect of which the FCM/BD Clearing Member benefits from a security interest (to secure the FCM/BD Customer's obligations), subject to the rights of the Clearing House. A change is proposed to also clarify that nothing in the Rules prevents an FCM/BD Clearing Member from having a security interest in the FCM/BD Customer's rights in respect of any contracts cleared through the FCM/BD Clearing Member, subject to the rights of the Clearing House. This change has been proposed in response to feedback from Clearing Members that such a security interest is provided as a matter of typical practice, and that this should be expressly permitted under the Rules. This amendment would update the Rules to reflect existing (and expected) market practice by FCM/BD Clearing Members. It is not expected to be a significant burden to competition and/or significantly affect the protection of investors or the public interest.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act [11] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[12] In particular, Section 17A(b)(3)(F) of the Act [13] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest.

The proposed amendments are intended principally to update and clarify certain references in the ICE Clear Europe Rules and Procedures to relevant UK and EU legislation, including MiFID II, EMIR, REMIT and the Settlement Finality Directive, and thereby enhance the enforceability of relevant provisions of the Rules and Procedures and facilitate compliance by ICE Clear Europe and its Clearing Members and their Customers with such laws. The amendments would in particular clarify the application of certain indirect clearing accounts, providing greater certainty for indirect clients as to the segregation as to their positions and assets. The amendments would also provide greater certainty and clarity as to the treatment of certain ICE Clear Europe default rules and procedures in light of relevant insolvency protections under applicable law, which in turn would enhance the functioning of the clearing system in the case of default. The amendments would clarify and enhance certain procedures relating to trade submission and STP, in light of the final texts of relevant requirements under MiFID II. In ICE Clear Europe's view, these changes will generally promote the prompt and accurate clearance and settlement of cleared transactions. Certain of the amendments will also ensure that the Rules and Procedures are aligned with operational procedures and legal requirements concerning the holding of securities, enhancing the safeguarding of securities and funds in the custody or control of the Clearing House or which it is responsible. Such amendments include those related to indirect clearing, as discussed above, as well as the general enhancements to default rules, which will reduce the risk of situations that may interfere with the ability of the Clearing House to access such securities and funds in the event of a default. Similarly, the amendments more accurately describe the manner in which non-cash assets provided by Clearing Members must generally be held with CSDs, which will eliminate differences between legal documentation and operational processes and thus enhance the safeguarding of such assets. Overall, in ICE Clear Europe's view, the amendments are for the foregoing reasons also consistent with the protection of investors and the public interest.

The proposed Rule changes are also consistent with the relevant requirements of Rule 17Ad–22. In particular, Rule 17Ad–22(e)(1) [14] requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As discussed herein, the amendments are designed to accurately reflect, and facilitate continued compliance with, applicable EU and UK law, including EMIR, REMIT, the Companies Act 1989, the Settlement Finality Directive and MiFID II. In this regard, the amendments would make various changes to the definitions and terminology used throughout the Rules and Procedures to ensure consistency with applicable UK and EU laws (including, as applicable, national implementing legislation in the EU). In particular, various amendments to the Rules and Procedures would more accurately reflect ICE Clear Europe's authorized CCP status under EMIR, as well as other regulated statuses of the Clearing House. The amendments would also clarify application of set-off restrictions that are now applicable to it under the UK Companies Act 1989. Other changes more clearly reflect the requirements of MiFID II, including as to indirect clearing and STP. Taken together, these amendments will enhance the enforceability and clarity of the legal framework provided by the Rules and Procedures under which the Clearing House operates, and are therefore consistent with Rule 17Ad–22(e)(1).[15]

Rule 17Ad–22(e)(13) [16] requires a clearing agency to ensure that it ''has the authority and operational capacity to take timely action to contain losses and liquidity demands'' in the case of default. The amendments would make a range of clarifications and updates designed to enhance the Clearing House's default Rules and Procedures. As discussed herein, the proposed amendments to update terminology in Part 9 of the Rules, and to clarify that the provisions of Part 9 are intended to constitute ''default arrangements'' under the Settlement Finality Directive, would provide greater certainty that the Part 9 Rules would be enforceable in a default scenario notwithstanding otherwise applicable national insolvency law in the EU. Other amendments will similarly clarify that the provisions of Part 9 and Part 12 are intended to be ''default rules'' or the equivalent concepts under relevant applicable laws

[11] 15 U.S.C. 78q–1.

[12] 17 CFR 240.17Ad–22.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 17 CFR 240.17Ad–22(e)(1).

[15] 17 CFR 240.17Ad–22(e)(1).

[16] 17 CFR 240.17Ad–22(e)(13).

and therefore should benefit from any special protections applicable to a CCP's default rules from applicable insolvency regimes. Additional amendments to Part 12 would clarify the irrevocability and finality of Transfer Orders under the terms of the ''system'' operated by ICE Clear Europe in accordance with the Rules, which would better ensure that these Rules receive protections under the Settlement Finality Directive. The amendments will also facilitate the ability of Clearing Members to transfer positions and collateral of a defaulting Customer held in a Customer Account to a Proprietary Account of that Clearing Member (or a different Customer Account) to facilitate management of the Customer default. Taken together, these amendments strengthen the enforceability of ICE Clear Europe's default rules and procedures and better enable it to take timely actions to contain losses, in a manner consistent with Rule 17Ad–22(e)(13).

Rule 17Ad–22(e)(14) [17] requires that a registered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to enable the segregation and portability of positions of a participant's customers and the collateral provided to the covered clearing agency with respect to those positions and effectively protect such positions and related collateral from the default or insolvency of that participant. The amendments will, as discussed above, adjust the account descriptions for the Segregated Gross Indirect Account to clarify that such account will separately account for the positions and assets of each indirect client carried through the account. The amendments will also clarify the rights of the Clearing House and Clearing Members in the case of a default or a customer or indirect customer, which will facilitate management of such a default and may enhance protection of positions and collateral of non-defaulting customers and indirect customers. As a result, the amendments are consistent with Rule 17Ad–22(e)(14).[18] The changes related to set-off and the Companies Act 1989 also promote porting by ensuring that relevant accounts do not require combination after a default, an outcome which would potentially conflict with the porting process.

(B) Clearing Agency's Statement on Burden on Competition

IICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The amendments are principally being adopted to update various references to relevant EU and UK legislation, and generally to facilitate ongoing compliance with such laws. ICE Clear Europe does not believe such amendments will result in material changes in its current operations or practices (and any changes that arise will reflect the requirements of relevant EU and UK legislation). Such amendments will apply to all Clearing Members. ICE Clear Europe does not believe such amendments would in themselves materially affect the cost of, or access to, clearing as they are generally consistent with EU and UK requirements with which entities based in the UK and EU must already comply. As a result, ICE Clear Europe does not believe such amendments would adversely affect competition among Clearing Members or the market for clearing services generally.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

ICE Clear Europe has conducted a public consultation on amendments to its Rules that included the proposed Rule changes set forth herein. It should be noted that this consultation included the changes discussed herein, but also a number of other changes which ICE Clear Europe intends to address in future filings. ICE Clear Europe received three detailed and written responses to the overall consultation. It has discussed aspects of the proposed Rule changes, as were presented in such consultation, with those interested Clearing Members who responded. Based on feedback received by ICE Clear Europe, those Clearing Members who responded supported all the changes proposed herein. Clearing Members' comments were generally concentrated on other matters arising in the consultation which will be addressed in future rule filings (it being important to stress that all Clearing Member comments on the set as a whole have been addressed to consultation respondents' satisfaction). Among other matters and addressed in the amendments that are subject to this filing, one Clearing Member in each case asked certain questions concerning the rationale and basis for, and contain suggestions as to the drafting of, proposed amendments to the definition of ''Resolution Step'', Rule 907(m) and Rule 1203, the rationale for each of which is presented above. This was clarified in a call with the relevant Clearing Member. Certain minor drafting clarifications were made in response to other comments that were received prior to the annexed rules and procedures set being finalized. ICE Clear Europe determined that the questions and suggestions were adequately addressed by oral explanations and discussions with Clearing Members, together with minor drafting changes to some of the proposed Rule changes, and that no material changes to the proposed Rules were required. ICE Clear Europe will notify the Commission of any further written comments with respect to the proposed rules received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–ICEEU–2019–015 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–ICEEU–2019–015. This file number should be included on the subject line if email is used. To help the

[17] 17 CFR 240.17Ad–22(e)(14).

[18] 17 CFR 240.17Ad–22(e)(14).

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 such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at: *// www.theice.com/notices/Notices.shtml?regulatoryFilings.*

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–ICEEU–2019–015 and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–18625 Filed 8–28–19; 8:45 am]

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86742; File No. SR–CboeBYX–2019–014]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Make Permanent Rule 11.24, Which Sets Forth the Exchange's Pilot Retail Price Improvement Program

August 23, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 22, 2019, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'' or ''SEC'') 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to make permanent Rule 11.24, which sets forth the Exchange's pilot Retail Price Improvement Program. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 11.24 to make permanent the Retail Price Improvement Program (the ''Program''), which is currently offered on a pilot basis. The Exchange has operated the pilot for a six year period and believes that it has been successful in its stated goal of providing price improvement opportunities to retail investors. The analysis conducted by the Exchange shows that retail investors have been provided a total of $4.5 million of price improvement during the 2.5 year period reviewed from January 2016 through June 2018. In addition, the Exchange's analysis shows that the Program has provided these benefits to retail investors without having an adverse impact on the broader market. The proposal provides an analysis of the economic benefits to retail investors and the marketplace flowing from operation of the Program, which the Exchange believes supports making the Program permanent.

Background

In November 2012, the Commission approved the Program on a pilot basis.[3] The Program is designed to attract retail order flow to the Exchange, and allow such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share.[4] Under the Program, a class of market participant called a Retail Member Organization (''RMO'') is eligible to submit certain retail order flow (''Retail Orders'') to the Exchange. Users[5] are permitted to provide potential price improvement for Retail Orders[6] in the form of non-displayed interest that is better than the national best bid that is a Protected Quotation (''Protected NBB'') or the national best offer that is a Protected Quotation (''Protected NBO'', and together with the Protected NBB, the ''Protected NBBO'').[7] The Program was approved by the Commission on a pilot basis running

[3] *See* Securities Exchange Act Release No. 68303 (November 27, 2012), 77 FR 71652 (December 3, 2012) (''RPI Approval Order'') (SR–BYX–2012–019).

[4] The Exchange will periodically notify the membership regarding the securities included in the Program through an information circular.

[5] A ''User'' is defined in Rule 1.5(cc) as any member or sponsored participant of the Exchange who is authorized to obtain access to the System.

[6] A ''Retail Order'' is defined in Rule 11.24(a)(2) as an agency order that originates from a natural person and is submitted to the Exchange by a RMO, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any computerized methodology. *See* Rule 11.24(a)(2).

[7] The term Protected Quotation is defined in BYX Rule 1.5(t) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58). The terms Protected NBB and Protected NBO are defined in BYX Rule 1.5(s). The Protected NBB is the best-priced protected bid and the Protected NBO is the best-priced protected offer. Generally, the Protected NBB and Protected NBO and the national best bid (''NBB'') and national best offer (''NBO'', together with the NBB, the ''NBBO'') will be the same. However, a market center is not required to route to the NBB or NBO if that market center is subject to an exception under Regulation NMS Rule 611(b)(1) or if such NBB or NBO is otherwise not available for an automatic execution. In such case, the Protected NBB or Protected NBO would be the best-priced protected bid or offer to which a market center must route interest pursuant to Regulation NMS Rule 611.

one-year from the date of implementation.[8] The Commission approved the Program on November 27, 2012.[9] The Exchange implemented the Program on January 11, 2013, and has extended the pilot period seven times.[10] The pilot period for the Program is scheduled to expire on September 30, 2019. The Exchange believes that the Program has been successful in its goal of providing price improvement to Retail Orders, and is therefore proposing to amend Rule 11.24 to make this pilot permanent so that retail investors can continue to reap the benefits of the Program.[11]

The SEC approved the Program on a pilot basis, in part, because it concluded, ''the Program is reasonably designed to benefit retail investors by providing price improvement to retail order flow.'' [12] The Commission also found that ''while the Program would treat retail order flow differently from order flow submitted by other market participants, such segmentation would not be inconsistent with Section 6(b)(5) of the Act, which requires that the rules of an exchange are not designed to permit unfair discrimination.'' [13] As the SEC acknowledged, the retail order segmentation was designed to create greater retail order flow competition and thereby increase the amount of this flow to transparent and well-regulated exchanges. This would help to ensure that retail investors benefit from competitive price improvement that exchange-based liquidity providers provide. As discussed below, the Exchange believes that the Program data supports the conclusion that it provides valuable price improvement to retail investors that they may not otherwise have received, and that it is therefore appropriate to make the Program permanent.

Definitions

The Exchange adopted the following definitions under Rule 11.24(a):

First, the term ''Retail Member Organization'' is defined as a Member (or a division thereof) that has been approved by the Exchange to submit Retail Orders.

Second, the term ''Retail Order'' is defined as an agency order or riskless principal that meets the criteria of FINRA Rule 5320.03 [14] that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. A Retail Order is an Immediate or Cancel (''IOC'') Order and shall operate in accordance with Rule 11.24(f). A Retail Order may be an odd lot, round lot, or mixed lot.

Finally, the term ''Retail Price Improvement Order'' or ''RPI Order'' consists of non-displayed interest on the Exchange that is priced better than the Protected NBB or Protected NBO by at least $0.001 and that is identified as such (''RPI interest'').[15] The System [16] will monitor whether RPI buy or sell interest, adjusted by any offset and subject to the ceiling or floor price, is eligible to interact with incoming Retail Orders. An RPI Order remains non-displayed in its entirety (the buy or sell interest, the offset, and the ceiling or floor). An RPI Order may also be entered in a sub-penny increment with an explicit limit price. Any User is permitted, but not required, to submit RPI Orders. An RPI Order may be an odd lot, round lot or mixed lot.

The price of an RPI Order is determined by a User's entry of the following into the Exchange: (1) RPI buy or sell interest; (2) an offset, if any; and (3) a ceiling or floor price. RPI Orders submitted with an offset are similar to other peg orders available to Users in that the order is tied or ''pegged'' to a certain price, and would have its price automatically set and adjusted upon changes in the Protected NBBO, both upon entry and any time thereafter. RPI buy or sell interest is typically entered to track the Protected NBBO, that is, RPI Orders are typically submitted with an offset. The offset is a predetermined amount by which the User is willing to improve the Protected NBBO, subject to a ceiling or floor price. The ceiling or floor price is the amount above or below which the User does not wish to trade. RPI Orders in their entirety (the buy or sell interest, the offset, and the ceiling or floor) will remain non-displayed. The Exchange also allows Users to enter RPI Orders that establish the exact limit price, which is similar to a non-displayed limit order currently accepted by the Exchange except the Exchange accepts sub-penny limit prices on RPI Orders in increments of $0.001. The Exchange monitors whether RPI buy or sell interest, adjusted by any offset and subject to the ceiling or floor price, is eligible to interact with incoming Retail Orders.

Users and RMOs may enter odd lots, round lots or mixed lots as RPI Orders and as Retail Orders respectively. As discussed below, RPI Orders are ranked and allocated according to price and time of entry into the System consistent with Rule 11.12 and therefore without regard to whether the size entered is an odd lot, round lot or mixed lot amount. Similarly, Retail Orders interact with RPI Orders according to the Priority and Allocation rules of the Program and without regard to whether they are odd lots, round lots or mixed lots. Finally, Retail Orders are designated as Type 1 or Type 2 without regard to the size of the order.

RPI Orders interact with Retail Orders as follows. Assume a User enters RPI sell interest with an offset of $0.001 and a floor of $10.10 while the Protected NBO is $10.11. The RPI Order could interact with an incoming buy Retail Order at $10.109. If, however, the Protected NBO was $10.10, the RPI Order could not interact with the Retail Order because the price required to deliver the minimum $0.001 price improvement ($10.099) would violate the User's floor of $10.10. If a User otherwise enters an offset greater than the minimum required price improvement and the offset would produce a price that would violate the User's floor, the offset would be applied

[8] *See* RPI Approval Order, *supra* note 3 at 71652.

[9] *Id.*

[10] *See* Securities Exchange Act Release Nos. 71249 (January 7, 2014), 79 FR 2229 (January 13, 2014) (SR–BYX–2014–001); 74111 (January 22, 2015), 80 FR 4598 (January 28, 2015) (SR–BYX–2015–05); 76965 (January 22, 2016), 81 FR 4682 (January 27, 2016) (SR–BYX–2016–01); 78180 (June 28, 2016), 81 FR 43306 (July 1, 2016) (SR–BatsBYX–2016–15); 81368 (August 10, 2017), 82 FR 38960 (August 16, 2017) (SR–BatsBYX–2017–18); 84830 (December 17, 2018), 83 FR 65769 (December 21, 2018) (SR–CboeBYX–2018–025); 86206 (June 26, 2019), 84 FR 31650 (July 2, 2019) (SR–CboeBYX–2019–010).

[11] The Program will continue to only apply to trades occurring at prices equal to or greater than $1.00 per share.

[12] *See* RPI Approval Order, *supra* note 3 at 71655.

[13] *Id.*

[14] FINRA Rule 5320.03 clarifies that an RMO may enter Retail Orders on a riskless principal basis, provided that (i) the entry of such riskless principal orders meet the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO submits a report, contemporaneously with the execution of the facilitated order, that identifies the trade as riskless principal.

[15] Exchange systems prevent Retail Orders from interacting with RPI Orders if the RPI Order is not priced at least $0.001 better than the Protected NBBO. The Exchange notes, however, that price improvement of $0.001 would be a minimum requirement and Users could enter RPI Orders that better the Protected NBBO by more than $0.001. Exchange systems will accept RPI Orders without a minimum price improvement value; however, such interest will execute at its floor or ceiling price only if such floor or ceiling price is better than the Protected NBBO by $0.001 or more.

[16] The ''System'' is defined in BYX Rule 1.5(aa) as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

only to the extent that it respects the User's floor. By way of illustration, assume RPI buy interest is entered with an offset of $0.005 and a ceiling of $10.112 while the Protected NBB is at $10.11. The RPI Order could interact with an incoming sell Retail Order at $10.112, because it would produce the required price improvement without violating the User's ceiling, but it could not interact above the $10.112 ceiling. Finally, if a User enters an RPI Order without an offset (*i.e.,* an explicitly priced limit order), the RPI Order will interact with Retail Orders at the level of the User's limit price as long as the minimum required price improvement is produced. Accordingly, if RPI sell interest is entered with a limit price of $10.098 and no offset while the Protected NBO is $10.11, the RPI Order could interact with the Retail Order at $10.098, producing $0.012 of price improvement. The System will not cancel RPI interest when it is not eligible to interact with incoming Retail Orders; such RPI interest will remain in the System and may become eligible again to interact with Retail Orders depending on the Protected NBBO.

RMO Qualifications and Application Process

Under Rule 11.24(b), any Member may qualify as an RMO if it conducts a retail business or routes retail orders on behalf of another broker-dealer. For purposes of Rule 11.24(b), conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis. Any Member that wishes to obtain RMO status is required to submit: (1) An application form; (2) supporting documentation sufficient to demonstrate the retail nature and characteristics of the applicant's order flow; and (3) an attestation, in a form prescribed by the Exchange, that substantially all orders submitted as Retail Orders will qualify as such under Rule 11.24.[17] The Exchange shall notify the applicant of its decision in writing.

An RMO is 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 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 the RMO represents Retail Orders from another broker-dealer customer, the RMO's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates 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 broker-dealer customer that sends it 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 its broker-dealer customers' Retail Order flow continues to meet the applicable requirements.[18]

If the Exchange disapproves the application, the Exchange provides a written notice to the Member. The disapproved applicant could appeal the disapproval by the Exchange as provided in Rule 11.24(d), and/or reapply for RMO status 90 days after the disapproval notice is issued by the Exchange. An RMO also could voluntarily withdraw from such status at any time by giving written notice to the Exchange.

Failure of RMO To Abide by Retail Order Requirements

Rule 11.24(c) addresses an RMO's failure to abide by Retail Order requirements. If an RMO designates orders submitted to the Exchange as Retail Orders and the Exchange determines, in its sole discretion, that those orders fail to meet any of the requirements of Retail Orders, the Exchange may disqualify a Member from its status as an RMO. When disqualification determinations are made, the Exchange provides a written disqualification notice to the Member. A disqualified RMO may appeal the disqualification as provided in Rule 11.24(d) and/or reapply for RMO status 90 days after the disqualification notice is issued by the Exchange.

Appeal of Disapproval or Disqualification

Rule 11.24(d) provides appeal rights to Members. If a Member disputes the Exchange's decision to disapprove it as an RMO under Rule 11.24(b) or disqualify it under Rule 11.24(c), such Member (''appellant'') may request, within five business days after notice of the decision is issued by the Exchange, that the Retail Price Improvement Program Panel (''RPI Panel'') review the decision to determine if it was correct.

The RPI Panel consists of the Exchange's Chief Regulatory Officer (''CRO''), or a designee of the CRO, and two officers of the Exchange designated by the Chief Operating Officer (''COO''). The RPI Panel reviews the facts and render a decision within the time frame prescribed by the Exchange. The RPI Panel may overturn or modify an action taken by the Exchange and all determinations by the RPI Panel constitute final action by the Exchange on the matter at issue.

Retail Liquidity Identifier

Under Rule 11.24(e), the Exchange disseminates an identifier when RPI interest priced at least $0.001 better than the Exchange's Protected Bid or Protected Offer for a particular security is available in the System (''Retail Liquidity Identifier''). The Retail Liquidity Identifier is disseminated through consolidated data streams (*i.e.,* pursuant to the Consolidated Tape Association Plan/Consolidated Quotation Plan, or CTA/CQ, for Tape A and Tape B securities, and the Nasdaq UTP Plan for Tape C securities) as well as through proprietary Exchange data feeds.[19] The Retail Liquidity Identifier reflects the symbol and the side (buy or sell) of the RPI interest, but does not include the price or size of the RPI interest. In particular, CQ and UTP quoting outputs include a field for codes related to the Retail Liquidity Identifier. The codes indicate RPI interest that is priced better than the Exchange's Protected Bid or Protected Offer by at least the minimum level of price improvement as required by the Program.

Retail Order Designations

Under Rule 11.24(f), an RMO can designate how a Retail Order would interact with available contra-side interest as follows:

A Type 1-designated Retail Order will interact with available contra-side RPI Orders and other price improving contra-side interest but will not interact with other available contra-side interest

[17] For example, a prospective RMO could be required to provide sample marketing literature, website screenshots, other publicly disclosed materials describing the retail nature of their order flow, and such other documentation and information as the Exchange may require to obtain reasonable assurance that the applicant's order flow would meet the requirements of the Retail Order definition.

[18] The Exchange or another self-regulatory organization 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.

[19] The Exchange notes that the Retail Liquidity Identifier for Tape A and Tape B securities are disseminated pursuant to the CTA/CQ Plan. The identifier is also available through the consolidated public market data stream for Tape C securities. The processor for the Nasdaq UTP quotation stream disseminates the Retail Liquidity Identifier and analogous identifiers from other market centers that operate programs similar to the RPI Program.

in the System that is not offering price improvement or route to other markets. The portion of a Type 1-designated Retail Order that does not execute against contra-side RPI Orders or other price improving liquidity will be immediately and automatically cancelled.

A Type 2-designated Retail Order will interact first with available contra-side RPI Orders and other price improving liquidity and then any remaining portion of the Retail Order will be executed as an Immediate-or-Cancel (''IOC'') Order pursuant to Rule 11.9(b)(1). A Type 2-designated Retail Order can either be submitted as a BYX Only Order [20] or as an order eligible for routing pursuant to Rule 11.13(a)(2).

Priority and Order Allocation

Under Rule 11.24(g), competing RPI Orders in the same security are ranked and allocated according to price then time of entry into the System. Executions occur in price/time priority in accordance with Rule 11.12. Any remaining unexecuted RPI interest remains available to interact with other incoming Retail Orders if such interest is at an eligible price. Any remaining unexecuted portion of the Retail Order will cancel or execute in accordance with Rule 11.24(f). The following example illustrates this method:

- Protected NBBO for security ABC is $10.00–$10.05
- User 1 enters an RPI Order to buy ABC at $10.015 for 500
- User 2 then enters an RPI Order to buy ABC at $10.02 for 500
- User 3 then enters an RPI Order to buy ABC at $10.035 for 500

An incoming Retail Order to sell ABC for 1,000 executes first against User 3's bid for 500 at $10.035, because it is the best priced bid, then against User 2's bid for 500 at $10.02, because it is the next best priced bid. User 1 is not filled because the entire size of the Retail Order to sell 1,000 is depleted. The Retail Order executes against RPI Orders in price/time priority.

However, assume the same facts above, except that User 2's RPI Order to buy ABC at $10.02 is for 100. The incoming Retail Order to sell 1,000 executes first against User 3's bid for 500 at $10.035, because it is the best priced bid, then against User 2's bid for 100 at $10.02, because it is the next best priced bid. User 1 then receives an execution for 400 of its bid for 500 at $10.015, at which point the entire size of the Retail Order to sell 1,000 is depleted.

As a final example, assume the same facts as above, except that User 3's order was not an RPI Order to buy ABC at $10.035, but rather, a non-displayed order to buy ABC at $10.03. The result would be similar to the result immediately above, in that the incoming Retail Order to sell 1,000 executes first against User 3's bid for 500 at $10.03, because it is the best priced bid, then against User 2's bid for 100 at $10.02, because it is the next best priced bid. User 1 then receives an execution for 400 of its bid for 500 at $10.015, at which point the entire size of the Retail Order to sell 1,000 is depleted.

Eligible Securities

All Regulation NMS securities traded on the Exchange are eligible for inclusion in the RPI Program. The Exchange limits the Program to trades occurring at prices equal to or greater than $1.00 per share. Toward that end, Exchange trade validation systems prevent the interaction of RPI buy or sell interest (adjusted by any offset) and Retail Orders at a price below $1.00 per share.[21] For example, if there is RPI buy interest tracking the Protected NBB at $0.99 with an offset of $0.001 and a ceiling of $1.02, Exchange trade validation systems would prevent the execution of the RPI Order at $0.991 with a sell Retail Order with a limit of $0.99. However, if the Retail Order was Type 2 as defined the Program,[22] it would be able to interact at $0.99 with liquidity outside the Program in the Exchange's order book. In addition to facilitating an orderly [23] and operationally intuitive program, the Exchange believes that limiting the Program to trades equal to or greater than $1.00 per share enabled it better to focus its efforts to monitor price competition and to assess any indications that data disseminated under the Program is potentially disadvantaging retail orders. As part of that review, the Exchange produced data throughout the pilot, which included statistics about participation, the frequency and level of price improvement provided by the Program, and any effects on the broader market structure.

Rationale for Making the Program Pilot Permanent

The Exchange established the Program in an attempt to attract retail order flow to the Exchange by providing an opportunity for price improvement to such order flow. The Exchange believes that the Program promotes transparent competition for retail order flow by allowing Exchange members to submit RPI Orders to interact with Retail Orders. As the Commission stated in the RPI Approval Order, such competition ''promote[s] efficiency by facilitating the price discovery process'' and ''may generate additional investor interest in trading securities, thereby promoting capital formation.'' The Program will continue to be limited to trades occurring at prices equal to or greater than $1.00 per share.

In accordance with its filing establishing the pilot, the Exchange did ''produce data throughout the pilot, which will include statistics about participation, the frequency and level of price improvement provided by the Program, and any effects on the broader market structure.'' [24] The Exchange has fulfilled this obligation through the reports and assessments it has submitted to the Commission since the implementation of the pilot Program. The Exchange believes that its analysis of data provided to the Commission to date, as well as the data being provided in this proposed rule change, support the continued operation of the Program on a permanent basis.

The SEC stated in the RPI Approval Order that the Program could promote competition for retail order flow among execution venues, and that this could benefit retail investors by creating additional well-regulated and transparent price improvement opportunities for marketable retail order flow, most of which is currently executed in the Over-the-Counter

[20] A BYX Only Order is defined in BYX Rule 11.9(c)(4) and includes orders that are not eligible for routing to other trading centers.

[21] As discussed above, the price of an RPI is determined by a User's entry of buy or sell interest, an offset (if any) and a ceiling or floor price. RPI sell or buy interest typically tracks the Protected NBBO.

[22] Type 2 Retail Orders are treated as IOC orders that execute against displayed and non-displayed liquidity in the Exchange's order book where there is no available liquidity in the Program. Type 2 Retail Orders can either be designated as eligible for routing or as BYX Only Orders, and thus non-routable, as described above.

[23] Given the limitation, the Program would have no impact on the minimum pricing increment for orders priced less than $1.00 and therefore no effect on the potential of markets executing those orders to lock or cross. In addition, the non-displayed nature of the liquidity in the Program simply has no potential to disrupt displayed, protected quotes. In any event, the Program would do nothing to change the obligation of exchanges to avoid and reconcile locked and crossed markets under NMS Rule 610(d).

[24] RPI Approval Order, 77 FR at 71655.

[25] *Id. See also* Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3593, 3600 (January 21, 2010) (File No. S7–02–10) (''A review of the order routing disclosures required by Rule 606 of Regulation NMS of eight broker-dealers with significant retail customer accounts reveals that nearly 100% of their customer market orders are routed to OTC market makers.'').

(''OTC'') markets without ever reaching a public exchange.[25] The Exchange believes that it has achieved its goal of attracting retail order flow to the Exchange. As the Exchange's analysis of the Program data below demonstrates, there has been consistent retail investor interest in the Program, which has provided tangible price improvement to those retail investors through a competitive pricing process over the course of the pilot. The data also demonstrates that the Program had an overall negligible impact on broader market quality outside of the Program. The Exchange has not received any complaints or negative feedback concerning the Program.

I. Overall Analysis of the Program

Brokers route retail orders to a wide range of different trading systems. The Program offers a transparent and well-regulated option, providing meaningful competition and price improvement. As explained above, the purpose of the Program is to attract retail order flow to the Exchange by providing an opportunity for retail investors to receive price improvement. The Exchange believes that the Program has satisfied this goal, having provided a total of $4.5 million of price improvement, or approximately $153,000 per month, in the 2.5 year period analyzed. Furthermore, to ensure that the price improvement opportunities for Retail Orders under the Program are meaningful, the Exchange compared the volume weighted average price improvement in basis points received in the Program to the same metric for marketable orders executed on the BYX Book. As Shown in Table A, retail investors have benefited from significantly higher price improvement by participating in the Program, including when assessed across different liquidity groupings.[26]

TABLE A—RETAIL PRICE IMPROVEMENT COMPARED TO BYX BOOK

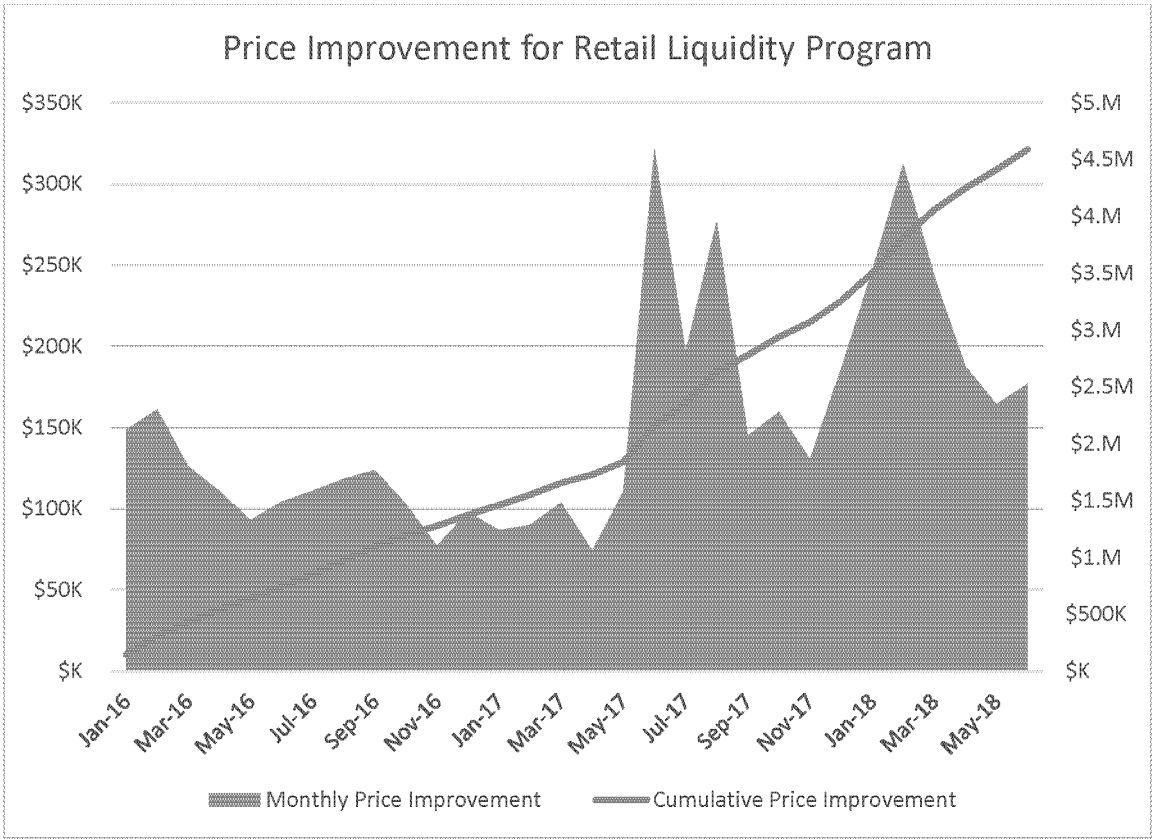
[May 2018—Oct. 2018]

	CADV 500,000 or more		CADV between 50,000 and 500,000	
Volume Weighted Avg. Price Improvement (bps)	Retail	2.947	Retail	4.502
	BYX Book	0.649	BYX Book	3.574

Furthermore, while the amount of price improvement provided in the Program varies month to month, the amount of price improvement provided in recent months has generally increased relative to prior months due to additional participation in the Program by market participants with retail order flow. The Exchange believes that this supports permanent approval of the pilot as retail investors continue to reap the benefits afforded by the Program. The amount of monthly and cumulative price improvement provided in the Program is illustrated in Chart 1 below.

[26] The two liquidity categories used for this analysis correspond to the liquidity profiles described in the Exchange's analysis of the market structure impact of the Program.

Chart 1: Price Improvement Summary



Furthermore, Retail Order volume executed in the Program accounted for between 0.86% and 2.32% of total BYX volume from January 2017 to June 2018, as shown in Chart 2 below, and between 0.05% and 0.11% of total consolidated volume, as shown in Chart 3 below. Despite its size relative to total volume executed on the Exchange or the broader market, the Program has continued to provide considerable price improvement each month to retail investors that participated in the Program. In addition, the Exchange believes that the relatively modest volume executed in the Program relative to total BYX volume and total consolidated volume limits the potential impact of the Program on broader market quality on the Exchange.[27] The Exchange therefore believes that the Program has demonstrated the effectiveness of a transparent, on-exchange retail order price improvement functionality, notwithstanding that the majority of retail volume is still traded off-exchange.[28]

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[27] The Exchange has also performed an analysis of the impact of the Program on other market quality indicators, which found that the Program did not have a significant impact on market quality in the broader market. *See* Section III below.

[28] *See* supra note 25.

Chart 2: RPI Volume as a Percentage of Total BYX Volume

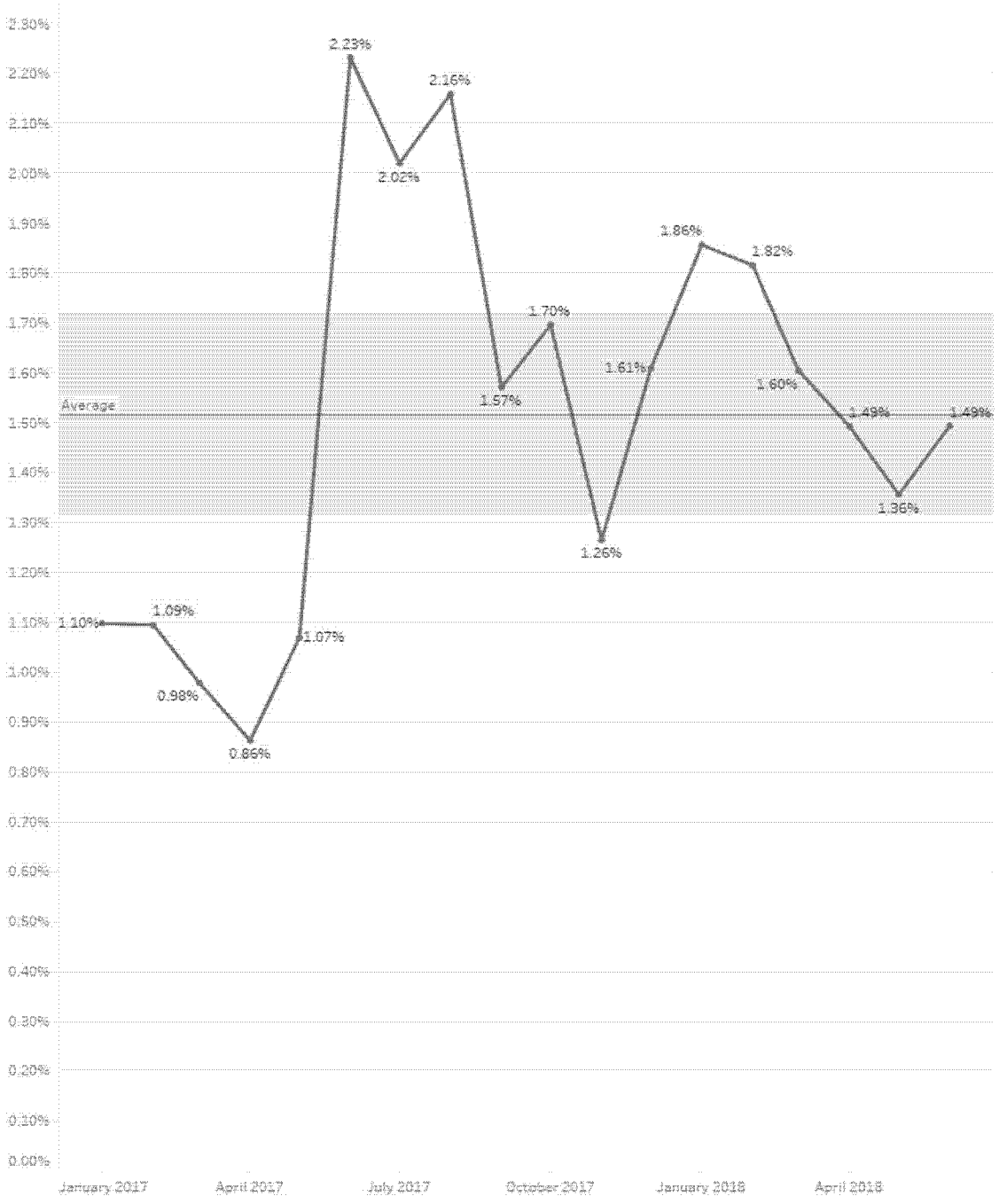
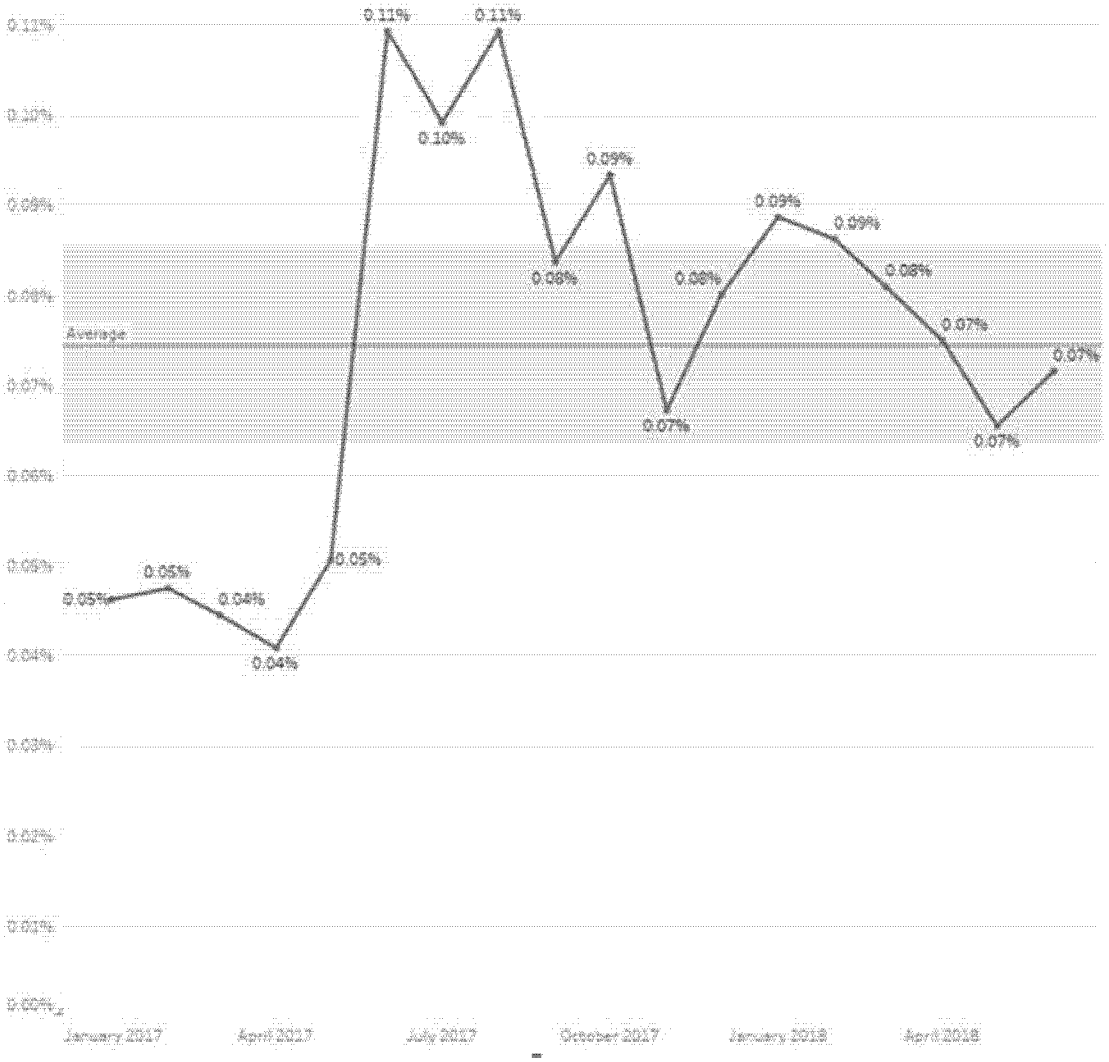


Chart 3: RPI Volume as a Percentage of Total Consolidated Volume



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Retail Orders are routed by sophisticated brokers using systems that seek the highest fill rates and amounts of price improvement. These brokers have many choices of execution venues for this order flow. When they choose to route to the Program, they have determined that it is the best opportunity for fill rate and price improvement at that time. As shown in Table 1 below, Retail Order average daily volume (''ADV'') executed in the Program averaged between 2 and 7 million shares from January 2016 to June 2018. Increased volatility in February 2018 likely contributed to the increased Retail Order shares executed in the Program that month. Fill rates for the majority of the period studied ranged from 11%–19% with fill rates declining below 10% starting in December 2017, likely due to additional participation in the Program that resulted in a significant increase in the Retail Order volume entered on the Exchange. Retail Orders also continue to receive more than the minimum $0.001 price improvement required of a liquidity providing RPI Order, with the monthly average price improvement provided to Retail Orders ranging from $0.0011–$0.0014 per share, and the monthly effective/quoted spread ratio ranging from 0.77–0.90. The Exchange believes that this data supports permanent approval of the Program as this would allow retail investors to continue to execute their orders with price improvement in the Program.

TABLE 1—SUMMARY STATISTICS ON THE PROGRAM

Date	Retail shares executed ADV	Retail orders placed ADV	Effective spread BPS	Quoted spread BPS	Effective/ quoted spread ratio	Price improvement	Fill rate (percent)
Jan-16	4,666,052	20,560	19	22	0.89	$0.0011	16.09
Feb-16	4,083,670	18,025	19	22	0.87	0.0011	16.10
Mar-16	3,474,997	15,103	21	24	0.90	0.0011	17.50
Apr-16	3,216,923	14,126	18	21	0.88	0.0011	19.23

TABLE 1—SUMMARY STATISTICS ON THE PROGRAM—Continued

Date	Retail shares executed ADV	Retail orders placed ADV	Effective spread BPS	Quoted spread BPS	Effective/ quoted spread ratio	Price improvement	Fill rate (percent)
May-16	2,912,160	12,980	18	21	0.87	0.0011	19.73
Jun-16	3,144,024	13,924	16	18	0.89	0.0011	19.65
Jul-16	4,009,916	17,257	18	20	0.90	0.0011	19.97
Aug-16	3,906,624	17,135	19	21	0.90	0.0011	17.66
Sep-16	4,887,221	20,708	17	19	0.88	0.0011	17.28
Oct-16	3,595,900	15,922	24	27	0.90	0.0012	17.19
Nov-16	2,273,885	8,972	29	33	0.88	0.0013	12.71
Dec-16	3,192,065	12,768	36	41	0.88	0.0013	14.82
Jan-17	3,122,721	16,951	31	36	0.88	0.0013	16.09
Feb-17	3,262,046	21,151	31	35	0.88	0.0013	14.71
Mar-17	3,068,930	20,921	33	38	0.88	0.0014	13.85
Apr-17	2,680,646	18,518	34	38	0.88	0.0013	13.97
May-17	3,407,603	23,437	29	33	0.87	0.0013	16.88
Jun-17	7,896,833	46,398	28	32	0.88	0.0013	17.07
Jul-17	5,966,961	36,717	27	31	0.88	0.0012	16.43
Aug-17	6,467,615	38,608	23	26	0.88	0.0013	16.24
Sep-17	5,237,243	33,314	27	31	0.87	0.0013	15.76
Oct-17	5,702,759	33,578	34	40	0.84	0.0012	16.77
Nov-17	4,427,779	62,352	33	40	0.83	0.0012	11.61
Dec-17	5,131,502	142,810	34	41	0.84	0.0012	8.30
Jan-18	6,359,122	167,730	29	36	0.82	0.0013	7.98
Feb-18	7,230,230	227,980	21	27	0.79	0.0012	8.29
Mar-18	5,967,844	202,050	23	31	0.73	0.0011	7.69
Apr-18	4,976,642	178,009	20	27	0.75	0.0011	7.90
May-18	4,367,743	169,085	23	28	0.83	0.0011	7.02
Jun-18	5,211,044	202,601	23	31	0.77	0.0011	7.19

II. Analysis of Retail Orders by Order Size

Tables 2, 3, and 4 show the distribution of Retail Orders entered and executed in the Program for the period from January 2017 to June 2018. As shown in Table 2, a majority of all Retail Orders entered to participate in the Program from January 2016 to June 2018 were for a round lot or fewer shares. Specifically, Retail Orders of one round lot or fewer shares accounted for an average of approximately 56% of the total number of Retail Orders entered. More than 73% of Retail Orders entered were for 300 shares or less. Very large orders of more than 7,500 shares accounted for only 1.9% of Retail Orders submitted to the Program but accounted for a significant portion (approximately 40%) of the shares entered, as shown in Table 3. In addition, despite lower fill rates, large orders account for a reasonable portion (approximately 9%) of the shares executed in the Program, as shown in Table 4. The Program also receives a significantly large number of odd lot and single lot sized shares, which could be representative of retail marketable orders from retail customers. By providing price improvement to these orders, retail customers would continue to benefit from the Program.

TABLE 2—DISTRIBUTION OF RETAIL ORDERS ENTERED BY ORDER SIZE

Date	≤ 100 (percent)	101–300 (percent)	301–500 (percent)	501–1,000 (percent)	1,001–2,000 (percent)	2,001–4,000 (percent)	4,001–7,500 (percent)	7,500–15,000 (percent)	>15000 (percent)
Jan-17	44.90	18.45	8.60	10.12	6.84	4.90	3.10	1.93	1.16
Feb-17	47.80	18.04	8.21	9.61	6.27	4.41	2.82	1.75	1.09
Mar-17	47.60	17.76	8.16	9.67	6.36	4.60	3.01	1.78	1.05
Apr-17	48.82	17.30	7.88	9.48	6.19	4.61	2.88	1.82	1.02
May-17	52.39	18.69	7.13	8.13	5.21	3.81	2.40	1.41	0.83
Jun-17	55.32	13.89	6.67	8.08	5.35	4.47	3.24	2.03	0.95
Jul-17	53.18	15.12	7.32	8.85	5.86	4.12	2.71	1.79	1.05
Aug-17	49.41	16.53	8.00	9.65	6.33	4.49	2.75	1.76	1.08
Sep-17	49.88	16.51	7.94	9.50	6.27	4.49	2.71	1.71	1.00
Oct-17	49.92	16.17	7.73	9.45	6.49	4.67	2.76	1.79	1.02
Nov-17	61.01	17.66	5.65	6.33	3.86	2.54	1.39	0.98	0.59
Dec-17	61.48	18.49	6.31	6.65	3.40	1.97	0.93	0.49	0.28
Jan-18	61.20	17.06	6.54	7.14	3.84	2.25	1.06	0.58	0.33
Feb-18	66.63	15.79	5.61	5.80	2.98	1.70	0.80	0.43	0.25
Mar-18	66.11	15.39	5.82	6.22	3.25	1.76	0.78	0.41	0.24
Apr-18	67.41	15.45	5.40	6.06	3.10	1.43	0.59	0.34	0.22
May-18	66.09	16.12	5.43	6.30	3.41	1.47	0.59	0.35	0.24
Jun-18	66.29	16.17	5.59	6.14	3.20	1.46	0.59	0.35	0.22

TABLE 3—DISTRIBUTION OF SHARES ENTERED BY ORDER SIZE

Date	≤ 100 (percent)	101–300 (percent)	301–500 (percent)	501–1,000 (percent)	1,001–2,000 (percent)	2,001–4,000 (percent)	4,001–7,500 (percent)	7,500–15,000 (percent)	>15000 (percent)
Jan-17 ...	2.15	3.45	3.27	7.03	9.15	12.48	14.61	17.00	30.87
Feb-17 ...	2.36	3.64	3.40	7.30	9.16	12.29	14.52	16.80	30.53
Mar-17 ...	2.25	3.55	3.36	7.32	9.21	12.68	15.38	16.92	29.33
Apr-17	2.36	3.54	3.32	7.32	9.17	13.00	14.92	17.45	28.91
May-17 ..	3.44	4.59	3.60	7.51	9.25	12.92	15.02	16.32	27.35
Jun-17 ...	1.89	2.89	2.92	6.64	8.44	13.27	17.56	20.05	26.34
Jul-17	1.98	3.18	3.22	7.24	9.17	12.23	14.73	18.29	29.96
Aug-17 ...	1.92	3.36	3.39	7.59	9.57	12.76	14.33	17.21	29.87
Sep-17 ...	2.15	3.49	3.43	7.55	9.70	13.15	14.55	17.27	28.70
Oct-17	1.97	3.34	3.30	7.41	9.91	13.48	14.54	17.90	28.16
Nov-17 ...	6.28	5.19	3.86	7.92	9.53	12.10	12.18	16.22	26.72
Dec-17 ...	9.96	7.34	5.96	11.51	11.24	12.70	11.15	11.31	18.83
Jan-18 ...	8.56	6.29	5.64	11.27	11.49	13.17	11.61	12.18	19.79
Feb-18 ...	11.33	7.16	6.01	11.31	11.12	12.42	10.99	11.30	18.37
Mar-18 ...	11.06	6.96	6.10	12.00	11.88	12.69	10.62	10.82	17.88
Apr-18	12.30	7.46	5.95	12.51	12.19	11.17	8.89	9.73	19.80
May-18 ..	12.14	7.50	5.74	12.40	12.76	11.08	8.53	9.67	20.17
Jun-18 ...	12.39	7.77	6.12	12.60	12.60	11.42	8.76	9.89	18.45

TABLE 4—DISTRIBUTION OF SHARES EXECUTED BY ORDER SIZE

Date	≤ 100 (percent)	101—300 (percent)	301—500 (percent)	501—1,000 (percent)	1,001—2,000 (percent)	2,001—4,000 (percent)	4,001—7,500 (percent)	7,500—15,000 (percent)	>15000 (percent)
Jan-17 ...	11.39	14.06	10.40	18.41	15.88	12.34	8.41	5.26	3.86
Feb-17 ...	13.96	15.27	10.48	17.77	14.54	11.44	7.82	5.15	3.60
Mar-17 ...	14.14	14.99	10.15	17.53	14.74	11.80	8.15	5.02	3.48
Apr-17	14.69	14.83	10.01	17.80	14.84	11.55	7.85	5.00	3.42
May-17 ..	17.86	18.10	9.98	16.46	13.17	10.48	6.94	4.23	2.78
Jun-17 ...	9.74	11.25	8.91	16.71	14.58	14.86	12.03	7.97	3.95
Jul-17	10.37	12.33	9.91	18.84	16.17	12.75	8.96	6.56	4.11
Aug-17 ...	9.39	12.34	10.01	18.97	16.70	13.36	8.77	6.15	4.31
Sep-17 ...	10.60	12.93	10.22	18.87	16.28	13.00	8.56	5.74	3.79
Oct-17	9.40	12.40	10.16	19.36	17.12	13.45	8.58	5.86	3.66
Nov-17 ...	12.42	13.48	9.27	16.56	15.84	13.24	7.98	6.63	4.56
Dec-17 ...	14.98	15.80	10.29	16.77	14.92	11.67	6.98	5.04	3.55
Jan-18 ...	14.27	14.96	10.28	17.53	15.27	11.90	7.12	5.16	3.50
Feb-18 ...	16.74	15.75	10.78	17.05	14.27	11.08	6.48	4.57	3.30
Mar-18 ...	17.27	15.97	10.58	16.87	13.81	10.51	6.66	4.63	3.70
Apr-18	17.12	15.58	10.24	16.30	13.60	10.04	6.71	5.37	5.03
May-18 ..	18.24	16.29	10.18	15.89	12.80	9.80	6.25	5.25	5.31
Jun-18 ...	18.93	17.28	10.59	16.16	12.96	9.64	5.66	4.95	3.84

The Exchange also analyzed fill rates across the different order size buckets and found that while fill rates are higher for smaller orders as expected, large size orders are still able to access liquidity and therefore receive price improvement in the Program. Moreover, overall fill rates indicate that market participants that provide liquidity are responding with quote depth when the contra side order is looking for a fill. While fill rates decreased starting in November 2017, the Exchange believes that this is due to new Retail Order flow being routed to the Program, rather than a decrease in the available liquidity. Monthly volume executed in the Program, as shown in Table 1, has therefore remained constant or increased since November 2017 despite the lower overall fill rates for those months. The Exchange therefore believes that the Program is an attractive option for market participants looking to fill Retail Orders with price improvement.

TABLE 5—FILL RATES

Date	≤ 100 (percent)	101—300 (percent)	301—500 (percent)	501—1,000 (percent)	1,001—2,000 (percent)	2,001—4,000 (percent)	4,001—7,500 (percent)	7,500—15,000 (percent)	>15000 (percent)
Jan-17 ...	85.19	65.62	51.13	42.16	27.93	15.91	9.26	4.98	2.01
Feb-17 ...	87.21	61.69	45.31	35.83	23.36	13.69	7.92	4.51	1.73
Mar-17 ...	87.04	58.53	41.87	33.20	22.18	12.89	7.34	4.11	1.65
Apr-17	86.90	58.46	42.12	33.97	22.59	12.40	7.35	4.00	1.65
May-17 ..	87.53	66.54	46.75	36.99	24.03	13.69	7.80	4.38	1.71
Jun-17 ...	87.78	66.50	52.07	42.98	29.48	19.12	11.70	6.78	2.56
Jul-17	85.99	63.63	50.52	42.77	28.96	17.12	9.99	5.89	2.25
Aug-17 ...	79.61	59.74	48.02	40.59	28.33	17.00	9.94	5.81	2.34
Sep-17 ...	77.55	58.32	46.98	39.39	26.44	15.58	9.27	5.24	2.08
Oct-17	80.19	62.29	51.71	43.82	28.97	16.73	9.90	5.49	2.18
Nov-17 ...	22.78	29.93	27.66	24.11	19.16	12.61	7.55	4.71	1.97
Dec-17 ...	12.14	17.37	13.96	11.77	10.72	7.42	5.05	3.60	1.52
Jan-18 ...	12.84	18.31	14.06	11.98	10.24	6.96	4.72	3.26	1.36
Feb-18 ...	11.79	17.56	14.32	12.03	10.24	7.12	4.70	3.23	1.43

TABLE 5—FILL RATES—Continued

Date	≤ 100 (percent)	101—300 (percent)	301—500 (percent)	501—1,000 (percent)	1,001—2,000 (percent)	2,001—4,000 (percent)	4,001—7,500 (percent)	7,500—15,000 (percent)	>15000 (percent)
Mar-18 ...	11.56	17.00	12.85	10.42	8.60	6.13	4.64	3.17	1.53
Apr-18	10.61	15.91	13.11	9.93	8.50	6.85	5.76	4.21	1.94
May-18 ..	10.11	14.61	11.93	8.62	6.75	5.95	4.93	3.65	1.77
Jun-18 ...	10.57	15.39	11.98	8.88	7.12	5.84	4.47	3.46	1.44

III. Impact of the Program on Broader Market Quality

As shown in Charts 2 and 3 above, Retail Order volume executed in the Program is a small percentage of both total volume executed on the Exchange and total consolidated volume. While the Program has better depth available for Retail Orders, it does not significantly affect the market volume of BYX. The average volume within the 95th percentile is between 1.3% and 1.7%. With the Program volume mostly below 2.5% of BYX volume, the Exchange does not believe that it is able to significantly impact BYX market quality. Nevertheless, to test the impact of the Program on broader market quality, the Exchange: (1) Reviewed the correlation between metrics that are tied to overall market quality with relevant Program metrics over both 2017 and 2018, and (2) performed a difference-in-difference analysis to analyze the potential impact of the Program on a number of important market quality indicators. Based on the results of this analysis, the Exchange does not believe that the Program has had any significant impact on broader market quality. The Exchange therefore believes that the Program can continue on a permanent basis—and thereby provide increased price improvement opportunities to retail investors on a transparent well-regulated exchange—without degrading market quality outside of the Program.

Correlation Analysis

As shown in Table 6 below, the Exchange's correlation analysis shows that: (1) Inside size in the broader market is not correlated with either RPI effective spreads or the percentage of volume executed in the Program, which suggests that market participants are not moving volume from the regular market to the Program as effective spreads narrow or volume executed in the Program increases; (2) effective spreads in the broader market are not correlated with the percentage of volume executed in the Program, which suggests that spreads are not widening as a result of more Retail Order flow being executed in the Program; (3) midpoint volume executed is not correlated with effective spreads in the Program, which suggests that market participants are not moving midpoint liquidity from the regular market to instead receive price improvement in the Program; and (4) displayed volume executed is not correlated with quoted spreads in the Program, which suggest that market participants are not entering non-displayed retail price improving interest in the Program as an alternative to displaying interest on an order book.

TABLE 6—BYX MARKET QUALITY CORRELATION ANALYSIS

	Date	
	2017	2018
Correlation of RPI Effective Spread to Average Inside Size across all Equities Exchanges [29]	−0.0145	−0.0096
Correlation of RPI Volume as a Percent of Total Volume to Average Inside Size across all Equities Exchanges	−0.0217	−0.0056
Correlation of RPI Volume as a Percent of Total Volume to Average Effective Spread across all Venues	0.1175	0.0134
Correlation of RPI Effective Spread to Total Midpoint Volume across all Venues	−0.1438	−0.1366
Correlation of RPI Quoted Spread to Total Protected Lit Volume across all Equities Exchanges	−0.1221	−0.0999

Difference in DifferenceAnalysis

The aim of this analysis was to compare the values of a set of general market metrics prior to the introduction of the Program to those prevailing after. The Exchange follows what is commonly termed the 'difference-in-difference' approach (''DnD''). A DnD analysis involves identifying a group of subjects (stocks in this case) that receive a given 'treatment.' In this case, the 'treatment' is the introduction of the Program. The Exchange would then observe the change (difference) in a set of empirical indicia of market quality, before and after Program introduction. The analysis is enhanced by observing the intertemporal change in the same indicia for a set of stocks that did not receive the treatment. The non-treated stocks would serve as 'controls.' The impact of the Program could therefore be assessed by comparing the pre/post changes in the treated stocks with those from the control stocks, hence the difference in differences. Observed changes in the control stocks would account for environmental effects, such as changes in general market volatility, that are unrelated to the introduction of the Program.

The introduction of the Program applied to all stocks traded on the Exchange. Thus, control stocks in the strict sense are not available. The Exchange applies therefore a fallback approach, in which it identifies stocks with relatively high levels of participation in the Program and use these as the 'treatment' stocks. Those for which Program participation was light serve as the 'control' stocks. The approach suffers from the limitation that Program participation is a determined by endogenous choice. It is possible that stocks with high levels of participation are systematically different from those with low participation. That is, the controls may be different from the treated stocks in important ways. With this caveat in mind, it is nevertheless of interest to see differences in outcomes between the two groups of stocks.

While the treatment and control stocks differ substantially in terms of participation in the Program, the validity of the DnD analysis is enhanced to the extent that the two groups are otherwise as similar to each other as possible. To achieve this objective, the Exchange first breaks its analysis into two parts: One dealing with active securities, the other with less active

[29] Inside size is the average bid or ask size when the venue is at the NBB or NBO.

securities. The Exchange's set of active securities are those with consolidated average daily volume (''CADV'') of 500,000 shares or more after Program introduction. The less active group have CADV between 50,000 and 500,000 shares after Program introduction. Then, within each volume grouping, the Exchange conducts a 'matched pairs' process to identify a smaller set of treatment and control groups that are as close to each other as possible across three dimensions: Consolidated average daily share volume, average price, and average BBO spread across exchanges. The values of these variables prior to Program introduction were used.

Data from the pre-treatment period was obtained from trading during the three months of October through December 2012. The Exchange looks at two post-treatment periods. The first is based on trading from January through December 2013. The second is based on trading from the two years from January 2017 through December 2018.

The overall set of four DnD analyses can be represented and hereafter labeled as follows:

CADV	Post-period dates	
	2013	2017–2018
500,000 or more	I 2012 pair 2013 pair	III 2012 pair 2017–18 pair
Between 50,000 and 500,000	II 2012 pair 2013 pair	IV 2012 pair 2017–18 pair

For each of the four DnD analyses, the specific matched-pairs process employed the following steps:

1. Daily averages for a set of variables are computed for each stock for the appropriate pre/post time frames.

2. The initial universe of stocks are identified as having, in the post period, the appropriate CADV, an average share price greater than $2, and positive average daily BYX share volume.

3. These stocks are ranked on the percentage of consolidated volume that was done in the Program (in the post period). Selection of the treatment stocks starts with the top 100 stocks in terms of post-introduction RPI Program volume for analysis I, II and III, and top 200 stocks are selected for analysis IV in order to generate sufficient number of pairs in the sample set.

4. Pre-period data for the provisional treatment stocks is obtained. During the pre-period, the treatment stocks must also have the appropriate CADV level, an average price greater than $2, positive BYX share volume, and listed during the entire pre-period. This process will generally result in fewer than 1000 remaining treatment candidates.

5. The candidate control stocks are selected from those with low RPI Program volume, where the control stocks were selected from stocks whose RPI volume was less than one-tenth that of the lowest RPI volume from the treatment stocks.

6. The control stocks must also have similar restrictions to the treatment stocks in both pre- and post-periods: CADV in the appropriate range, price greater than $2, and positive BYX volume.

7. Each treatment stock was compared with each candidate control stock. Using pre-period data, a discrepancy score was computed as:

$$score = \left|\log\left(\frac{CADV_{Training}}{CADV_{Control}}\right)\right| + \left|\log\left(\frac{Price_{Training}}{Price_{Control}}\right)\right| + \left|\log\left(\frac{Spread_{Training}}{Spread_{Control}}\right)\right|$$

In words, the score is the sum of the absolute value of the percentage differences in the indicated values. The lower the score, the closer the match.

8. Each treatment stock was paired with the best possible match, subject to the constraint that a given control stock could be used only once (often termed 'sampling without replacement').

9. Finally, only stock pairs with reasonable discrepancy scores, which were 2.0 and lower, were retained.

Once a set of matched pairs was determined for a given analysis, the Exchange computed the DnD result using a standard linear regression framework. A DnD regression model can be expressed as:

$$y_{i,t} = a + b\ Group + c\ Period + d\ Group \times Period + \varepsilon_{i,t}$$

$$where, Group = \begin{cases} 1, & if\ stock\ i\ is\ in\ treatment\ group \\ 0, & if\ stock\ i\ is\ in\ control\ group \end{cases},$$

$$Period = \begin{cases} 1, & if\ t = post - pilot \\ 0, & if\ t = pre - pilot \end{cases}$$

The Exchange considered ten metrics of interest, all of which were computed during standard 9:30 a.m.–4:00 p.m. (Eastern time) trading hours: (1) Average BBO spread across exchanges in dollars; (2) average BBO spread across exchanges in basis points; (3) average BYX spread in dollars; (4) average BYX spread in basis points; (5) average inside ask size across exchanges in round lots; (6) average inside bid size across exchanges in round lots; (7) average inside ask size on BYX in round lots; (8) average inside bid size on BYX in round lots; (9) BYX volume compared to total consolidated volume (''TCV'') in basis points; (10) trade reporting facility (''TRF'') volume as a percentage of Symbol Total Volume.

In assessing the results of the DnD analysis, certain caveats are worth bearing in mind. As shown above, BYX RPI volume represents a very small fraction of consolidated volume. Further, the Program was introduced at a time when similar exchange-based retail price improvement programs were introduced by other exchanges. It is also important to recognize that much, if not most, marketable retail order flow is routed to off-exchange market makers. For example, the Exchange examined Rule 606 disclosures for the second quarter of 2019 from four prominent retail brokerages: E-Trade, TD Ameritrade, Charles Schwab, and Fidelity. Only Fidelity reported routing any market orders to national securities exchanges, and its total exchange percentage was less than 2.5% for each of Tape A, B, and C securities. This practice of routing retail marketable orders to off-exchange venues has been in place for a long time, both before and after the introduction of the Program. Considering the smallness of the Program, the existence of similar programs on other national securities exchanges, and the continuing prevalence of off-exchange trading of retail orders, the incremental impact of the Program on market quality generally would not be expected to be large.

Furthermore, BYX RPI activity is itself somewhat anomalous in the first place since the majority of retail market orders are routed off-exchange for execution. Why some retail flow reaches exchanges via the Program (or that of similar exchange programs), and why it varies across stocks is not clear. Since treatment and control stocks are determined on the basis of observed RPI usage—resulting from participant choice—they may be different in important ways. The DnD study attempts to take into account differences in average share volume, price, and spread in the pre-period. If, however, the two groups of stocks are nevertheless still not properly fully matched, it is possible that results drawn from the DnD may be spurious. 'Spurious' in this context means a result that is robust statistically, but nevertheless does not indicate the impact of the intended factor. In other words, a spurious result is caused by some extraneous factor.

Matching Summary

The full set of matched pairs data for each of the four analyses will be provided below, but the following table provides summary information. Shown are the number of matched pairs, and sample averages for the three matching variables. Also shown is the average of the discrepancy score used in the matching process.

				Treatment			Control			
Analysis	Score	Number of pairs	Price	Post Period RPI Pct	CADV	Spread	Price	Post Period RPI Pct	CADV	Spread
I	1.01	58	$ 44.93	0.034	8,216,026	38	$ 37.76	0.004	3,608,540	40
II	0.5	78	17.70	0.184	186,708	262	17.35	0.011	191,422	233
III	0.87	51	40.29	0.154	4,820,112	50	34.46	0.020	3,048,311	45
IV	0.58	34	12.80	0.328	216,895	530	13.42	0.029	191,580	382

The table again illustrates the low level of Program participation, even for the treatment stocks. The RPI percentages are especially low for the higher volume samples (I and III). As intended, the RPI percentages for the control stocks are much lower still, averaging at least an order of magnitude lower than the treatment stocks.

Other than these differences, the pairs exhibit strong average similarity in terms of the values of the pre-period matching variables.

Regression Results

The following table provides the estimated coefficients for the DnD regressions for the indicated market indicator and sample. In addition to the estimated coefficient, the p-value is provided. This value can be used to gauge the statistical significance of the coefficient—the confidence that the true value of the coefficient is different than zero. The results are accompanied, as appropriate, with a set of asterisks indicating the associated level of significance: * = 10%, ** = 5%, and *** = 1%.

	Spreads			
	Avg. BBO spread for all exchanges (bps)	Avg. BYX spread (bps)	Avg. BBO spread for all exchanges (dollars)	Avg. BYX spread (dollars)
I				
coef	−2.77	−9.63	−0.01	0.03
p value	0.823	0.722	0.887	0.819
II				
coef	−50.87	−54.69	−0.10	−0.04
p value	0.287	0.531	0.212	0.835
III				
coef	40.95	−11.06	−0.03	* −0.27
p value	0.148	0.781	0.797	0.098
IV				

	Spreads			
	Avg. BBO spread for all exchanges (bps)	Avg. BYX spread (bps)	Avg. BBO spread for all exchanges (dollars)	Avg. BYX spread (dollars)
coef	166.71	211.50	−2.18	** −0.42
p value	0.219	0.316	0.207	0.018

Four measures were analyzed to assess the potential impact that the Program had on spreads: Average BBO spreads across all exchanges and BYX quoted spreads were both measured in both basis points and dollar terms. The table above shows limited impact of the Program on spreads on BYX and the broader market. The only statistically significant changes identified were to BYX spreads measured in dollar terms when using a post-period treatment group from 2017–2018. Specifically, the Exchange observed a relative narrowing of average BYX spreads in treatment securities that is equivalent to: $0.27 for the more liquid symbols in Sample III, and $0.42 for the less liquid symbols contained in Sample IV, indicating an improvement in market quality on BYX in securities with more volume traded in the Program. While the Exchange's analysis does not prove that the observed improvements in BYX spreads could necessarily be attributed to the Program rather than other factors, this result supports the overall conclusion that the Program did not result in spreads widening.

	Depth in Round Lots			
	Avg. inside bid size for all exchanges	Avg. BYX bid size	Avg. inside ask size for all exchanges	Avg. BYX ask size
I				
coef	1.30	−4.85	4.66	1.03
p value	0.926	0.538	0.840	0.948
II				
coef	−2.79	−2.10	0.11	−1.40
p value	0.505	0.170	0.984	0.331
III				
coef	4.75	−3.76	3.23	−7.03
p value	0.699	0.556	0.813	0.406
IV				
coef	−15.18	* −16.54	−6.19	* −13.22
p value	0.105	0.052	0.277	0.065

Similar to the analysis of spreads, four size measures are analyzed, including inside bid and ask sizes both on BYX and across all exchanges. Here, the Exchange found only two statistically significant changes in the available size. Specifically, the Exchange found a relative decrease in the average bid and ask size on BYX in treatment securities when looking at the results for Sample IV, which includes less liquid securities with a post-period treatment group of 2017–2018. For the bid side of the market, the Exchange found that the average size on BYX for treatment securities decreased by 16.54 round lots (*i.e.,* 1654 shares) relative to the control group. Similarly, for the offer side of the market, the Exchange found that the average size on BYX for treatment securities decreased by 13.22 round lots (*i.e.,* 1322 shares) relative to the control group. While available bid and offer sizes on BYX in the treatment group decreased relative to the control group, the Exchange believes that this change may have been caused by factors unrelated to the Program. In fact, the average BYX bid and ask sizes materially increased during the duration of the Program for securities included in both the treatment and control groups. For example, the average BYX bid size for Sample IV increased from 3.49 round lots in the pre-period to 4.91 round lots in the post-period, an approximately 40% improvement. Similarly, the average BYX ask size for Sample IV increased from 3.74 round lots in the pre-period to 5.16 round lots in the post-period, an approximately 38% improvement. The Program results simply indicate a larger increase in size for the control groups was observed. The same statistics for the control group indicate 791% increase in BYX bid size and a 1014% increase in BYX ask size. The Exchange therefore believes the results are largely due to outlier stocks in the control group that experienced a significant increase in depth that was most likely related to outside factors rather than the lack of Program participation. Given the significant increase in depth across stocks in both the control and treatment groups, the Exchange believes that the results are consistent with a finding that the Program did not materially harm depth on BYX.

	Volume	
	BYX volume as % of TCV (bps)	TRF volume as % of symbol total volume
I		
coef	* 0.43	1.10%
p value	0.051	0.522
II		
coef	0.38	1.09%
p value	0.112	0.641
III		
coef	* −1.11	*** 7.43%
p value	0.051	0.002
IV		
coef	* −1.72	** 7.95%
p value	0.068	0.033

Market Share

To assess the impact of the Program on market share the Exchange explored measures related to both BYX volume as a percentage of TCV and TRF volume as a percentage of Symbol Total Volume. The BYX market share coefficients shown in the table are expressed in

market share basis point. For example, a value of 100 means that market share increased by one point (*e.g.,* 30% to 31%). Many of the results related to market share are statically significant, suggesting shifts in both BYX and TRF market share in the years following the introduction of the Program. Sample I, for example, suggests a statistically significant relative increase in BYX volume in more liquid treatment securities immediately following the introduction of the Program, but Samples III and IV suggest that any such increases were temporary with BYX volume as a percentage of TCV decreasing relative to the control group in both of the later samples. In addition, Samples III and IV also reflect a large and statistically significant relative increase in TRF share for securities with more volume executed in the Program. Collectively, it can be safely stated that the introduction of the Program did not work towards decreasing TRF share. More likely what the results tell us is that the treatment stocks with relatively high volume executed in the Program also had high levels of retail interest generally. Such retail interest is executed largely off-exchange, hence the increase in TRF share.

I. Active Stocks (CADV >500,000) and Post-Period = 2013

For this sample, there were 58 matched pairs that emerged from this process. The pairs, along with values of selected variables, pre- and post-Program introduction, are shown as follows:

BILLING CODE 8011–01–P

Table 1A: Retail Program Matched Sample CADV > 500,000 (Oct-Nov 2012)									
Treatment Stocks					Control Stocks				
Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
AA	15,460,924	$ 8.65	$ 0.01	12.61	DELL	20,372,498	$ 9.77	$ 0.01	11.56
ABX	7,031,473	$ 36.66	$ 0.03	7.33	XLY	5,528,936	$ 46.78	$ 0.03	5.52
AGNC	7,114,187	$ 31.42	$ 0.03	8.00	STI	5,411,184	$ 28.00	$ 0.02	9.00
AIG	22,573,053	$ 34.21	$ 0.02	6.42	NWSA	14,348,224	$ 24.47	$ 0.02	6.95
AMZN	3,084,678	$ 241.90	$ 0.69	28.28	IVV	3,677,223	$ 142.73	$ 0.31	21.73
ARIA	2,393,958	$ 21.94	$ 0.05	24.69	FNF	2,265,083	$ 22.80	$ 0.05	23.27
BA	4,242,510	$ 72.68	$ 0.09	12.80	DIIR	3,498,381	$ 53.73	$ 0.11	20.06
BIDU	4,759,554	$ 102.77	$ 0.33	31.94	EWW	2,221,452	$ 67.25	$ 0.34	51.45
BKLN	968,969	$ 24.86	$ 0.08	32.20	DEI	939,939	$ 23.28	$ 0.08	33.81
BRCM	6,694,285	$ 32.69	$ 0.03	8.36	XHB	6,260,362	$ 25.77	$ 0.02	8.34
C	36,577,562	$ 36.62	$ 0.02	4.68	XLI	10,044,466	$ 36.88	$ 0.02	4.63
CLF	7,716,672	$ 36.79	$ 0.13	34.96	VRSN	4,299,024	$ 39.74	$ 0.11	27.69
CREE	1,474,853	$ 30.08	$ 0.08	27.52	RDC	1,474,746	$ 32.31	$ 0.09	26.55
CRM	1,629,197	$ 153.58	$ 0.78	50.20	SHW	987,435	$ 149.98	$ 0.64	42.03
CSCO	35,875,238	$ 18.59	$ 0.01	6.02	XLK	9,377,430	$ 29.20	$ 0.01	4.60
CVX	5,402,199	$ 110.19	$ 0.15	13.78	XRT	3,667,753	$ 62.34	$ 0.15	24.06
DAL	10,344,011	$ 10.34	$ 0.02	16.70	AES	4,729,487	$ 10.53	$ 0.01	13.99
DDD	1,590,675	$ 42.75	$ 0.47	108.10	EWY	1,703,520	$ 59.20	$ 0.52	88.29
DUST	947,887	$ 29.39	$ 0.25	81.70	FRAN	1,050,577	$ 26.74	$ 0.25	94.03
EBAY	9,256,736	$ 49.53	$ 0.06	11.51	XOP	3,989,057	$ 54.16	$ 0.06	11.74
EMC	17,419,699	$ 25.06	$ 0.01	5.34	AMX	7,078,514	$ 24.48	$ 0.02	7.97
FCX	17,727,453	$ 36.43	$ 0.02	6.53	XLP	5,944,396	$ 35.46	$ 0.02	4.29
FSLR	4,629,287	$ 25.44	$ 0.12	45.05	IICA	3,903,420	$ 31.67	$ 0.08	24.21
GDX	11,107,693	$ 49.24	$ 0.06	12.86	LYB	4,161,826	$ 52.08	$ 0.07	13.34
GILD	6,289,115	$ 70.85	$ 0.10	14.44	ASML	2,912,489	$ 55.72	$ 0.11	19.94
GLW	13,591,377	$ 12.35	$ 0.01	9.27	BSBR	4,807,311	$ 7.05	$ 0.01	17.65
GRPN	17,090,991	$ 4.07	$ 0.02	43.92	KCG	3,710,317	$ 3.17	$ 0.02	54.59
GS	3,806,548	$ 120.85	$ 0.23	19.08	ORLY	1,395,072	$ 86.43	$ 0.22	24.83
HIMX	259,352	$ 2.19	$ 0.04	193.54	CMLS	196,177	$ 2.48	$ 0.07	279.21
IAU	5,785,889	$ 16.77	$ 0.01	7.65	AMTD	3,326,056	$ 16.05	$ 0.02	9.67
IBM	3,597,646	$ 195.97	$ 0.29	14.85	ALXN	1,246,135	$ 97.69	$ 0.26	26.97
JCP	8,798,098	$ 20.68	$ 0.06	26.15	NRG	4,330,499	$ 22.01	$ 0.06	26.70
LINE	1,186,502	$ 38.91	$ 0.23	59.67	PENN	956,439	$ 46.23	$ 0.22	49.50
LNKD	1,904,735	$ 108.08	$ 0.53	48.68	LMCA	1,001,163	$ 109.44	$ 0.52	47.27
MCP	6,716,181	$ 9.31	$ 0.05	54.76	MDRX	3,888,106	$ 11.65	$ 0.04	31.40
MS	18,081,192	$ 17.43	$ 0.01	7.93	UBS	2,949,981	$ 14.89	$ 0.01	9.55
MU	22,809,534	$ 5.93	$ 0.01	21.89	DCT	3,656,749	$ 6.36	$ 0.01	19.92
NEM	4,966,157	$ 49.25	$ 0.09	17.44	STT	3,676,928	$ 44.18	$ 0.06	14.37
NFLX	4,891,890	$ 73.77	$ 0.29	37.38	IWD	1,912,933	$ 72.07	$ 0.40	55.25
NQ	305,712	$ 6.33	$ 0.12	185.14	SGYP	322,816	$ 4.79	$ 0.12	262.18
NUGT	5,504,781	$ 12.97	$ 0.03	23.43	PBI	4,042,584	$ 11.91	$ 0.03	24.32
OPK	1,216,778	$ 4.46	$ 0.02	48.15	MTOR	1,083,068	$ 4.44	$ 0.02	51.16
P	4,606,434	$ 8.65	$ 0.03	38.24	CPWR	3,269,062	$ 9.20	$ 0.02	23.89
POT	3,745,760	$ 40.29	$ 0.03	6.85	XME	3,208,814	$ 44.08	$ 0.05	12.02
QCOM	10,959,813	$ 61.35	$ 0.05	7.52	DISH	3,010,583	$ 35.35	$ 0.05	13.85
SBUX	7,945,336	$ 49.93	$ 0.05	9.61	STJ	3,929,838	$ 36.32	$ 0.07	17.51
SCTY	218,067	$ 11.12	$ 0.45	387.20	RPRX	187,841	$ 14.53	$ 0.38	219.77
SDS	10,084,954	$ 49.47	$ 0.04	7.51	UN	1,872,458	$ 37.07	$ 0.04	10.38
SPXU	5,029,770	$ 39.39	$ 0.06	15.37	ABC	2,220,388	$ 41.18	$ 0.06	14.05
TNA	8,931,585	$ 57.25	$ 0.07	11.55	PCAR	2,300,080	$ 42.77	$ 0.07	17.36
TSLA	967,259	$ 31.22	$ 0.20	64.91	GNRC	886,092	$ 32.28	$ 0.18	57.29
TZA	17,391,045	$ 15.46	$ 0.02	15.57	SEE	2,732,827	$ 16.50	$ 0.02	14.46
UVXY	7,906,931	$ 25.64	$ 0.10	37.72	USG	1,989,789	$ 25.00	$ 0.10	40.02
WLT	3,562,092	$ 34.34	$ 0.10	30.42	DLPH	2,594,898	$ 34.09	$ 0.11	34.01
X	8,340,519	$ 21.59	$ 0.03	14.26	NWL	2,815,829	$ 20.89	$ 0.04	18.57
XIV	11,815,441	$ 17.51	$ 0.03	19.11	GCI	2,788,370	$ 17.73	$ 0.03	19.37
XOM	11,270,051	$ 89.48	$ 0.12	13.80	ITW	2,284,000	$ 60.53	$ 0.12	20.23
YELP	929,218	$ 21.33	$ 0.24	110.44	WWAV	854,677	$ 16.52	$ 0.24	154.83
Avg	8,216,026	$ 44.93	$ 0.13	38.29	Avg	3,608,540	$ 37.76	$ 0.12	39.51

Table 1B: Retail Program Matched Sample CADV > 500,000 (2013)													
Treatment Stocks							Control Stocks						
Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
AA	5,089	19,327,285	0.026%	$ 8.61	$ 0.01	14.40	DELL	116	19,152,126	0.001%	$ 13.38	$ 0.01	8.61
ABX	1,557	15,953,498	0.010%	$ 20.06	$ 0.02	9.46	XLY	107	5,154,772	0.002%	$ 57.53	$ 0.05	8.55
AGNC	1,385	7,041,473	0.020%	$ 25.97	$ 0.03	13.93	STI	120	4,006,496	0.003%	$ 31.01	$ 0.03	8.60
AIG	1,369	12,833,957	0.011%	$ 42.64	$ 0.04	8.05	NWSA	95	10,512,361	0.001%	$ 27.19	$ 0.02	10.85
AMZN	2,114	2,723,141	0.078%	$ 295.67	$ 0.73	24.11	IVV	113	3,929,837	0.003%	$ 166.41	$ 0.19	12.07
ARIA	2,629	8,386,567	0.031%	$ 8.97	$ 0.06	43.16	FNF	52	2,495,225	0.002%	$ 26.17	$ 0.06	22.51
BA	1,617	4,814,559	0.034%	$ 98.12	$ 0.15	14.43	DHR	101	2,430,560	0.004%	$ 64.45	$ 0.12	18.42
BIDU	1,525	3,882,586	0.039%	$ 118.43	$ 0.41	32.32	EWW	97	3,015,333	0.003%	$ 67.58	$ 0.49	71.11
BKLN	1,406	2,646,507	0.053%	$ 24.91	$ 0.01	5.78	DEI	11	829,626	0.001%	$ 24.36	$ 0.06	22.10
BRCM	1,376	7,939,915	0.017%	$ 30.47	$ 0.04	12.37	XHB	90	5,568,958	0.002%	$ 29.77	$ 0.03	9.58
C	5,212	25,337,493	0.021%	$ 47.55	$ 0.03	5.42	XLI	109	9,303,679	0.001%	$ 44.29	$ 0.02	4.05
CLF	1,630	9,016,378	0.018%	$ 23.99	$ 0.05	22.86	VRSN	57	1,553,443	0.004%	$ 46.18	$ 0.09	18.76
CREE	1,237	2,201,209	0.056%	$ 56.62	$ 0.18	31.50	RDC	69	1,065,938	0.006%	$ 34.97	$ 0.07	21.42
CRM	1,504	4,086,334	0.037%	$ 63.48	$ 0.28	26.71	SHW	79	689,924	0.011%	$ 174.90	$ 0.99	56.39
CSCO	4,176	35,628,973	0.012%	$ 22.46	$ 0.01	6.05	XLK	121	7,022,095	0.002%	$ 31.51	$ 0.01	4.34
CVX	1,275	4,874,429	0.026%	$ 119.26	$ 0.14	11.88	XRT	50	3,708,101	0.001%	$ 74.92	$ 0.17	22.93
DAL	1,598	12,649,874	0.013%	$ 19.20	$ 0.03	15.51	AES	80	4,919,917	0.002%	$ 12.66	$ 0.02	13.20
DDD	2,108	4,087,704	0.052%	$ 55.88	$ 0.31	63.22	EWY	100	2,154,060	0.005%	$ 59.81	$ 0.43	73.77
DUST	1,288	2,033,045	0.063%	$ 39.23	$ 0.64	95.66	FRAN	108	1,132,272	0.009%	$ 24.15	$ 0.20	77.58
EBAY	2,159	9,990,357	0.022%	$ 53.07	$ 0.08	15.11	XOP	52	4,168,354	0.001%	$ 62.89	$ 0.12	17.96
EMC	1,510	20,094,594	0.008%	$ 24.38	$ 0.02	6.16	AMX	69	7,803,820	0.001%	$ 21.41	$ 0.02	9.78
FCX	1,315	12,770,837	0.010%	$ 32.42	$ 0.03	7.68	XLP	62	8,074,577	0.001%	$ 40.50	$ 0.02	4.15
FSLR	1,569	5,399,123	0.029%	$ 43.90	$ 0.16	36.28	HCA	104	3,440,450	0.003%	$ 39.28	$ 0.08	20.38
GDX	2,902	24,062,085	0.012%	$ 27.60	$ 0.03	9.14	LYB	121	3,467,854	0.003%	$ 65.32	$ 0.15	22.90
GILD	2,234	8,738,215	0.026%	$ 59.18	$ 0.15	21.61	ASML	33	1,223,661	0.003%	$ 77.06	$ 0.24	28.88
GLW	1,603	11,891,093	0.013%	$ 14.46	$ 0.01	9.90	BSBR	85	4,735,874	0.002%	$ 6.83	$ 0.01	18.79
GRPN	2,182	17,468,620	0.012%	$ 8.17	$ 0.03	33.84	KCG	3	904,126	0.000%	$ 4.19	$ 0.10	76.25
GS	1,752	3,263,149	0.054%	$ 156.61	$ 0.26	16.47	ORLY	39	702,515	0.006%	$ 112.00	$ 0.35	30.75
HIMX	2,788	6,274,131	0.044%	$ 7.94	$ 0.04	68.82	CMLS	106	769,675	0.014%	$ 5.31	$ 0.03	83.10
IAU	2,450	6,211,410	0.039%	$ 14.40	$ 0.01	8.43	AMTD	66	2,911,901	0.002%	$ 22.50	$ 0.04	14.80
IBM	1,804	3,759,508	0.048%	$ 192.21	$ 0.25	13.01	ALXN	104	1,327,646	0.008%	$ 101.58	$ 0.50	46.65
JCP	5,901	21,590,936	0.027%	$ 12.37	$ 0.03	20.25	NRG	10	3,194,624	0.000%	$ 26.25	$ 0.05	20.16
LINE	1,437	2,520,248	0.057%	$ 31.13	$ 0.24	74.83	PENN	84	1,013,611	0.008%	$ 39.73	$ 0.21	43.01
LNKD	1,410	2,050,887	0.069%	$ 197.34	$ 0.95	46.49	LMCA	32	559,391	0.006%	$ 131.63	$ 1.21	92.15
MCP	1,707	7,381,103	0.023%	$ 6.51	$ 0.02	35.30	MDRX	100	2,165,684	0.005%	$ 12.94	$ 0.03	23.26
MS	1,542	15,789,813	0.010%	$ 24.78	$ 0.02	6.66	UBS	24	2,304,735	0.001%	$ 17.80	$ 0.02	9.39
MU	7,688	36,337,447	0.021%	$ 12.91	$ 0.02	13.97	DCT	41	4,284,970	0.001%	$ 7.29	$ 0.01	17.97
NEM	1,277	8,076,015	0.016%	$ 32.17	$ 0.04	13.96	STT	86	2,600,981	0.003%	$ 61.70	$ 0.10	16.11
NFLX	2,741	3,755,666	0.073%	$ 248.87	$ 0.85	33.10	IWD	53	1,469,139	0.004%	$ 82.04	$ 0.48	56.58
NQ	1,979	2,701,609	0.073%	$ 13.71	$ 0.19	171.57	SGYP	46	585,711	0.008%	$ 5.03	$ 0.07	128.16
NUGT	3,955	10,874,913	0.036%	$ 13.53	$ 0.09	35.64	PBI	114	3,876,529	0.003%	$ 16.62	$ 0.03	16.88
OPK	1,345	2,948,125	0.046%	$ 8.38	$ 0.03	35.91	MTOR	111	1,359,251	0.008%	$ 6.58	$ 0.03	43.48
P	2,279	7,375,842	0.031%	$ 19.68	$ 0.05	26.90	CPWR	29	1,666,679	0.002%	$ 11.13	$ 0.04	40.21
POT	1,339	7,014,303	0.019%	$ 35.47	$ 0.02	6.98	XME	47	2,939,668	0.002%	$ 38.51	$ 0.04	11.04
QCOM	1,660	10,562,162	0.016%	$ 65.91	$ 0.06	9.60	DISH	93	2,437,809	0.004%	$ 42.20	$ 0.13	29.63
SBUX	1,674	4,272,242	0.039%	$ 65.36	$ 0.08	10.74	STJ	56	2,095,989	0.003%	$ 45.53	$ 0.08	15.70
SCTY	1,407	2,573,357	0.055%	$ 44.99	$ 0.48	159.00	RPRX	51	605,702	0.008%	$ 17.59	$ 0.27	153.41
SDS	3,036	9,854,917	0.031%	$ 38.97	$ 0.02	5.32	UN	70	1,580,186	0.004%	$ 39.57	$ 0.05	11.77
SPXU	1,480	5,426,773	0.027%	$ 23.25	$ 0.02	9.63	ABC	123	1,838,151	0.007%	$ 54.52	$ 0.11	20.08
TNA	4,341	8,453,861	0.051%	$ 57.66	$ 0.06	8.95	PCAR	59	1,407,077	0.004%	$ 51.62	$ 0.11	20.31
TSLA	6,713	8,081,710	0.083%	$ 129.90	$ 0.59	56.68	GNRC	77	783,683	0.010%	$ 41.73	$ 0.19	47.36
TZA	7,311	12,648,252	0.058%	$ 23.26	$ 0.02	10.23	SEE	103	1,942,673	0.005%	$ 24.81	$ 0.04	16.74
UVXY	1,836	14,172,673	0.013%	$ 17.58	$ 0.08	28.95	USG	111	1,705,248	0.007%	$ 27.01	$ 0.08	31.39
WLT	3,012	6,675,126	0.045%	$ 17.78	$ 0.07	35.25	DLPH	50	1,890,092	0.003%	$ 47.89	$ 0.14	28.05
X	1,289	7,221,072	0.018%	$ 21.41	$ 0.03	15.73	NWL	29	2,179,887	0.001%	$ 25.99	$ 0.05	18.27
XIV	1,630	13,271,663	0.012%	$ 25.25	$ 0.05	22.36	GCI	105	2,536,184	0.004%	$ 23.49	$ 0.11	17.79
XOM	2,026	11,009,725	0.018%	$ 90.32	$ 0.10	10.65	ITW	119	1,790,165	0.007%	$ 68.25	$ 0.14	20.42
YELP	1,344	2,222,779	0.060%	$ 48.92	$ 0.30	72.17	WWAV	104	1,247,342	0.008%	$ 18.81	$ 0.18	102.67
Avg	2,374	9,659,505	0.034%	$ 53.16	$ 0.15	28.97	Avg	77	3,107,523	0.004%	$ 44.08	$ 0.15	32.95

Table 2A: Retail Program Matched Sample CADV Between 50,000 and 500,000 (Oct-Nov 2012)

Treatment Stocks					Control Stocks				
Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
ADEP	28,679	$ 3.21	$ 0.29	899.25	NCTY	28,661	$ 3.52	$ 0.28	797.70
AFOP	27,526	$ 11.06	$ 0.54	498.32	LBAI	25,475	$ 9.84	$ 0.53	535.93
AGEN	71,459	$ 4.21	$ 0.21	521.71	PBTH	68,052	$ 4.81	$ 0.21	443.55
AMPE	172,321	$ 3.70	$ 0.10	258.42	LPHI	211,463	$ 2.51	$ 0.10	373.60
ANFI	229,063	$ 8.58	$ 0.40	506.60	CARB	104,257	$ 8.28	$ 0.37	437.19
ANIK	68,860	$ 11.77	$ 0.37	329.27	RLOC	69,380	$ 11.76	$ 0.41	344.67
ARWR	70,645	$ 2.33	$ 0.28	1029.30	LCAV	63,221	$ 3.45	$ 0.39	990.97
AXU	230,586	$ 3.88	$ 0.04	113.49	CDR	233,355	$ 5.28	$ 0.05	95.19
BALT	80,703	$ 3.04	$ 0.13	396.67	ATNY	107,266	$ 2.76	$ 0.12	433.96
BIOD	26,981	$ 2.68	$ 0.28	1233.26	MCBC	30,629	$ 3.01	$ 0.34	946.30
BITA	46,794	$ 6.50	$ 0.46	771.90	ARX	55,242	$ 6.31	$ 0.33	497.52
BSCE	29,793	$ 21.29	$ 0.09	42.61	IAT	57,855	$ 24.54	$ 0.13	54.06
BSCF	32,166	$ 21.83	$ 0.14	62.66	EEV	97,173	$ 24.30	$ 0.14	58.57
BSCG	31,031	$ 22.25	$ 0.20	91.53	TTT	44,481	$ 17.22	$ 0.29	169.01
BTT	151,527	$ 24.63	$ 1.10	438.77	SXE	153,198	$ 22.86	$ 0.82	350.04
CSQ	432,638	$ 9.97	$ 0.09	95.58	CEL	350,429	$ 9.00	$ 0.08	83.13
CVY	174,542	$ 22.08	$ 0.40	179.26	GXG	217,768	$ 21.16	$ 0.37	174.03
CWB	235,888	$ 39.79	$ 0.30	75.59	BDC	230,320	$ 38.72	$ 0.31	81.05
CYTX	382,146	$ 3.39	$ 0.07	192.88	PLXT	473,016	$ 4.41	$ 0.04	91.50
DGS	153,899	$ 46.91	$ 0.69	145.62	NILE	155,239	$ 38.76	$ 0.76	192.77
DHF	278,036	$ 4.22	$ 0.03	82.55	BIRT	279,488	$ 5.61	$ 0.04	72.50
DHY	378,011	$ 3.22	$ 0.02	53.64	CLS	315,718	$ 7.38	$ 0.03	39.70
DJP	263,902	$ 42.15	$ 0.28	68.05	ITRI	261,108	$ 41.87	$ 0.27	64.94
DNP	601,848	$ 9.57	$ 0.09	94.41	RATE	627,537	$ 11.86	$ 0.12	97.69
DSCO	285,432	$ 2.42	$ 0.05	209.88	MPG	201,992	$ 3.04	$ 0.05	164.12
DWX	204,097	$ 45.73	$ 0.58	125.27	CEB	194,130	$ 46.36	$ 0.50	109.34
EVV	290,037	$ 16.90	$ 0.23	138.83	RXN	265,450	$ 19.83	$ 0.21	110.63
FENG	75,634	$ 3.41	$ 0.15	406.47	NOA	59,429	$ 3.28	$ 0.15	454.69
FONR	140,123	$ 5.29	$ 0.22	438.29	PSP	132,197	$ 9.71	$ 0.24	242.03
GGS	75,042	$ 4.16	$ 0.22	508.22	CPIX	58,545	$ 4.72	$ 0.23	439.45
GIM	287,120	$ 9.45	$ 0.13	133.03	GTIV	221,813	$ 10.39	$ 0.12	113.61
GSVC	199,122	$ 7.97	$ 0.11	141.25	IPHI	222,621	$ 8.58	$ 0.11	128.22
IEP	6,871	$ 39.45	$ 3.40	834.31	GK	11,763	$ 34.38	$ 2.17	543.46
IGR	350,131	$ 8.71	$ 0.11	120.60	OFG	327,395	$ 11.67	$ 0.10	87.36
IPCI	22,568	$ 2.59	$ 0.27	1003.85	UCFC	20,760	$ 3.38	$ 0.27	825.80
JPS	317,131	$ 9.27	$ 0.16	161.08	BAK	314,601	$ 13.43	$ 0.13	97.97
MEMP	225,059	$ 17.65	$ 0.57	293.19	CAF	216,657	$ 20.10	$ 0.46	227.10

MILL	192,485	$	4.35	$	0.12	272.73	WHX	250,302	$	5.92	$	0.14	243.22
MINT	202,353	$	101.53	$	0.13	13.09	SOXX	188,580	$	50.88	$	0.11	21.26
NEA	49,243	$	15.51	$	0.39	255.53	STBZ	51,439	$	15.77	$	0.41	260.73
NIO	183,776	$	15.54	$	0.31	199.61	PID	161,742	$	15.38	$	0.32	204.19
NMM	360,092	$	13.58	$	0.16	115.41	ELGX	398,712	$	13.42	$	0.13	93.82
NOAH	34,634	$	5.12	$	0.32	609.39	IVAC	39,794	$	4.93	$	0.29	563.46
NPP	128,938	$	16.57	$	0.41	246.03	AGX	141,983	$	17.83	$	0.50	281.64
NUV	337,974	$	10.40	$	0.16	157.16	ONE	496,710	$	10.29	$	0.14	120.40
NWBO	59,045	$	3.34	$	0.17	530.24	SPAR	72,062	$	4.91	$	0.15	310.40
ONCY	244,772	$	3.02	$	0.04	183.58	ATSG	155,981	$	3.81	$	0.06	157.94
PBP	149,605	$	20.46	$	0.30	144.28	PATK	152,662	$	17.46	$	0.30	173.98
PHB	776,071	$	19.15	$	0.02	12.37	KT	717,123	$	17.06	$	0.03	16.24
PRAN	105,056	$	2.39	$	0.12	498.26	CXPO	96,231	$	3.30	$	0.09	258.53
PTY	225,663	$	20.17	$	0.36	177.80	VCRA	205,330	$	26.37	$	0.35	131.70
PXLW	39,372	$	2.53	$	0.19	755.04	UPI	32,755	$	3.44	$	0.30	872.99
REE	287,101	$	3.80	$	0.04	111.28	FCF	380,940	$	6.68	$	0.04	58.69
ROYT	84,784	$	17.86	$	0.65	365.66	EMO	87,492	$	20.36	$	0.64	317.65
SA	316,552	$	17.35	$	0.13	78.89	ACXM	284,748	$	17.72	$	0.13	76.12
SCHA	162,128	$	37.08	$	0.33	89.41	HTSI	178,373	$	37.61	$	0.31	82.84
SCHB	376,299	$	34.25	$	0.14	42.54	ATO	335,203	$	35.25	$	0.16	44.49
SCHD	193,913	$	28.39	$	0.13	46.85	NICE	221,804	$	33.01	$	0.13	40.22
SCHE	233,255	$	25.22	$	0.18	71.11	CATM	239,553	$	25.21	$	0.17	66.62
SCHF	252,269	$	26.32	$	0.27	101.37	PLXS	239,438	$	25.10	$	0.24	98.08
SCHG	99,757	$	34.18	$	0.21	63.09	LTC	124,907	$	32.80	$	0.21	65.18
SCHH	117,462	$	30.02	$	0.21	70.78	SNX	126,121	$	32.62	$	0.23	69.41
SCHM	101,314	$	27.28	$	0.24	91.25	CBU	108,415	$	27.21	$	0.25	91.75
SCHO	48,841	$	50.52	$	0.34	66.15	LWC	52,421	$	42.05	$	0.33	79.36
SCHP	59,054	$	58.62	$	0.80	136.73	BOKF	56,926	$	56.90	$	0.85	151.09
SCHV	105,018	$	31.92	$	0.11	34.41	EUM	98,101	$	28.46	$	0.08	28.86
SCHX	263,109	$	33.75	$	0.59	200.28	VPRT	298,211	$	32.19	$	0.45	136.89
SCHZ	87,073	$	52.61	$	0.73	138.97	IEZ	85,177	$	50.01	$	0.87	170.15
SDR	265,167	$	17.72	$	0.34	185.12	GOVT	304,639	$	25.30	$	0.32	126.27
SWIR	33,486	$	7.94	$	0.12	156.77	TPGI	36,310	$	5.47	$	0.23	423.29
TAN	41,956	$	15.23	$	0.48	311.37	CPF	46,500	$	14.59	$	0.49	298.28
TEU	147,033	$	5.07	$	0.09	170.02	AGD	148,836	$	5.58	$	0.09	167.86
TGB	332,524	$	2.92	$	0.02	72.44	STEC	590,413	$	5.10	$	0.04	77.41
TRX	263,757	$	4.70	$	0.04	93.17	TVL	295,806	$	6.31	$	0.09	150.58
UBNT	285,443	$	11.81	$	0.27	217.75	CMRE	335,461	$	13.71	$	0.23	165.20
UVE	92,174	$	4.07	$	0.12	308.00	JRN	93,516	$	5.46	$	0.11	209.58
VMO	177,994	$	15.16	$	0.34	223.54	MANU	120,036	$	13.03	$	0.33	247.68
VNR	369,297	$	27.88	$	0.28	101.52	ETH	372,466	$	27.04	$	0.22	80.77
Avg	186,708	$	17.70	$	0.30	261.73	Avg	191,422	$	17.35	$	0.28	233.39

II. Less Active Stocks (CADV Between 50,000 and 500,000) and Post-Period = 2013

For this sample, there were 78 matched pairs that emerged from this process. The pairs, along with values of selected variables, pre- and post-Program introduction, are shown as follows:

Table 2B: Retail Program Matched Sample CADV Between 50,000 and 500,000 (2013)													
Treatment Stocks							Control Stocks						
Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
ADEP	259	118,689	0.218%	$ 9.36	$ 0.25	619.38	NCTY	23	59,298	0.040%	$ 2.96	$ 0.19	643.60
AFOP	702	361,379	0.194%	$ 21.90	$ 0.47	268.39	LBAI	10	66,322	0.015%	$ 10.57	$ 0.30	278.89
AGEN	347	329,671	0.105%	$ 3.18	$ 0.14	346.84	PBTH	11	180,748	0.006%	$ 6.14	$ 0.19	343.18
AMPE	277	304,243	0.091%	$ 6.51	$ 0.13	236.72	LPHI	18	53,455	0.034%	$ 2.98	$ 0.17	619.43
ANFI	250	159,596	0.157%	$ 10.96	$ 0.37	437.40	CARB	24	107,764	0.022%	$ 12.10	$ 0.50	457.39
ANIK	252	160,054	0.157%	$ 25.56	$ 0.45	280.64	RLOC	12	88,923	0.013%	$ 13.37	$ 0.43	324.00
ARWR	309	304,762	0.101%	$ 6.69	$ 0.19	599.17	LCAV	21	60,222	0.035%	$ 3.35	$ 0.43	817.94
AXU	262	337,096	0.078%	$ 2.03	$ 0.04	212.12	CDR	11	280,520	0.004%	$ 5.67	$ 0.08	65.16
BALT	391	423,102	0.092%	$ 5.03	$ 0.14	348.94	ATNY	22	53,665	0.042%	$ 2.88	$ 0.17	578.25
BIOD	286	390,665	0.073%	$ 3.75	$ 0.15	514.48	MCBC	20	78,638	0.025%	$ 5.21	$ 0.23	462.74
BITA	540	430,309	0.126%	$ 23.25	$ 0.48	408.67	ARX	9	57,610	0.016%	$ 7.57	$ 0.43	533.62
BSCE	347	107,963	0.321%	$ 21.29	$ 0.15	70.08	IAT	7	112,186	0.007%	$ 29.26	$ 0.21	62.05
BSCF	242	128,294	0.189%	$ 21.84	$ 0.16	71.61	EEV	8	222,972	0.003%	$ 23.19	$ 0.48	106.96
BSCG	265	118,991	0.223%	$ 22.23	$ 0.20	89.04	TTT	18	81,312	0.023%	$ 62.53	$ 1.39	209.15
BTT	311	294,021	0.106%	$ 19.02	$ 0.52	249.64	SXE	19	51,716	0.036%	$ 20.88	$ 1.10	519.73
CSQ	301	389,939	0.077%	$ 10.46	$ 0.07	70.62	CEL	21	144,276	0.014%	$ 9.32	$ 0.12	119.65
CVY	390	227,687	0.171%	$ 23.94	$ 0.32	134.99	GXG	4	142,111	0.003%	$ 20.97	$ 0.45	224.96
CWB	359	397,543	0.090%	$ 44.05	$ 0.39	91.20	BDC	5	218,199	0.002%	$ 55.31	$ 0.50	86.83
CYTX	252	389,085	0.065%	$ 2.62	$ 0.05	176.01	PLXT	24	321,600	0.007%	$ 4.99	$ 0.03	57.98
DGS	242	203,722	0.119%	$ 47.74	$ 0.58	117.42	NILE	11	157,435	0.007%	$ 36.31	$ 0.68	180.52
DHF	246	253,663	0.097%	$ 4.24	$ 0.02	49.86	BIRT	14	187,631	0.007%	$ 6.68	$ 0.05	67.92
DHY	269	430,972	0.062%	$ 3.18	$ 0.02	50.70	CLS	9	264,069	0.003%	$ 9.47	$ 0.03	31.36
DJP	346	383,945	0.090%	$ 38.95	$ 0.18	47.37	ITRI	18	280,396	0.006%	$ 42.57	$ 0.30	70.27
DNP	252	381,104	0.066%	$ 9.97	$ 0.07	70.78	RATE	11	483,264	0.002%	$ 16.11	$ 0.17	108.86
DSCO	290	496,619	0.058%	$ 2.06	$ 0.03	166.14	MPG	7	483,833	0.001%	$ 3.07	$ 0.03	105.62
DWX	288	207,589	0.139%	$ 47.29	$ 1.17	129.97	CEB	4	117,449	0.003%	$ 60.44	$ 0.87	135.61
EVV	352	346,524	0.102%	$ 16.24	$ 0.23	146.01	RXN	12	201,093	0.006%	$ 20.06	$ 0.29	142.56
FENG	468	490,075	0.096%	$ 9.66	$ 0.12	240.50	NOA	12	69,570	0.018%	$ 4.62	$ 0.20	409.87
FONR	264	107,948	0.244%	$ 13.91	$ 0.39	564.67	PSP	10	273,290	0.004%	$ 11.41	$ 0.22	186.24
GGS	248	279,537	0.089%	$ 2.73	$ 0.08	259.26	CPIX	19	57,420	0.032%	$ 4.70	$ 0.23	485.24
GIM	450	369,761	0.122%	$ 8.81	$ 0.10	110.12	GTIV	19	212,930	0.009%	$ 10.95	$ 0.19	144.50
GSVC	389	432,081	0.090%	$ 11.83	$ 0.16	152.99	IPHI	19	167,025	0.011%	$ 11.23	$ 0.19	168.23
IEP	285	196,075	0.146%	$ 97.17	$ 2.38	317.29	GK	14	52,978	0.026%	$ 49.87	$ 1.98	398.16
IGR	416	416,278	0.100%	$ 8.89	$ 0.08	86.43	OFG	21	276,658	0.008%	$ 16.33	$ 0.25	146.98
IPCI	383	377,771	0.101%	$ 4.01	$ 0.21	974.14	UCFC	8	55,822	0.014%	$ 4.08	$ 0.17	446.76
JPS	284	367,636	0.077%	$ 8.71	$ 0.13	130.78	BAK	10	289,968	0.003%	$ 15.64	$ 0.13	86.25
MEMP	305	404,684	0.075%	$ 19.46	$ 0.26	131.29	CAF	13	200,701	0.007%	$ 23.39	$ 0.47	206.56
MILL	274	405,037	0.068%	$ 6.55	$ 0.11	238.23	WHX	12	384,622	0.003%	$ 5.64	$ 0.14	268.25
MINT	284	401,362	0.071%	$ 101.48	$ 0.20	19.66	SOXX	7	158,763	0.004%	$ 60.81	$ 0.18	30.18
NEA	250	233,989	0.107%	$ 12.47	$ 0.30	223.28	STBZ	4	75,107	0.005%	$ 16.20	$ 0.43	270.67
NIO	364	275,123	0.132%	$ 13.52	$ 0.25	172.44	PID	17	221,480	0.008%	$ 16.93	$ 0.11	63.81
NMM	282	411,126	0.069%	$ 15.03	$ 0.26	173.94	ELGX	15	392,499	0.004%	$ 15.53	$ 0.14	89.57
NOAH	351	368,566	0.095%	$ 16.83	$ 0.44	393.26	IVAC	10	67,168	0.015%	$ 5.65	$ 0.21	391.97
NPP	290	170,919	0.170%	$ 14.09	$ 0.33	219.66	AGX	23	64,336	0.035%	$ 18.98	$ 0.67	364.96
NUV	327	494,727	0.066%	$ 9.61	$ 0.09	93.02	ONE	17	229,552	0.007%	$ 9.88	$ 0.15	153.67
NWBO	440	335,522	0.131%	$ 4.16	$ 0.16	409.23	SPAR	13	83,083	0.015%	$ 5.83	$ 0.17	286.80
ONCY	279	432,947	0.064%	$ 3.02	$ 0.03	110.29	ATSG	12	145,601	0.008%	$ 6.08	$ 0.10	167.32
PBP	282	94,306	0.299%	$ 20.33	$ 0.28	139.94	PATK	24	73,632	0.033%	$ 20.87	$ 1.00	425.04
PHB	368	435,895	0.085%	$ 19.17	$ 0.05	24.11	KT	1	489,676	0.000%	$ 16.39	$ 0.04	26.49
PRAN	585	413,704	0.141%	$ 4.98	$ 0.14	447.02	CXPO	5	77,465	0.006%	$ 3.07	$ 0.14	439.44
PTY	329	301,847	0.109%	$ 19.31	$ 0.40	206.00	VCRA	13	249,886	0.005%	$ 17.95	$ 0.27	144.66
PXLW	305	267,829	0.114%	$ 4.31	$ 0.14	500.08	UPI	14	56,551	0.025%	$ 2.87	$ 0.20	735.96
REE	604	373,960	0.162%	$ 2.26	$ 0.04	190.13	FCF	16	362,850	0.004%	$ 7.74	$ 0.03	39.61
ROYT	251	197,606	0.127%	$ 15.73	$ 0.48	274.23	EMO	5	78,223	0.006%	$ 23.22	$ 0.86	378.04
SA	279	473,242	0.059%	$ 11.36	$ 0.11	91.52	ACXM	12	369,619	0.003%	$ 25.78	$ 0.22	90.96
SCHA	1,119	251,719	0.445%	$ 47.25	$ 0.65	134.98	HTSI	5	478,320	0.001%	$ 46.92	$ 0.25	56.91
SCHB	813	410,458	0.198%	$ 39.58	$ 0.15	36.51	ATO	17	387,927	0.004%	$ 41.17	$ 0.20	47.68
SCHD	1,218	312,113	0.390%	$ 34.03	$ 0.19	55.20	NICE	22	159,002	0.014%	$ 37.28	$ 0.21	55.93
SCHE	1,953	324,806	0.601%	$ 24.74	$ 0.29	119.45	CATM	21	238,221	0.009%	$ 31.77	$ 0.29	88.39
SCHF	1,777	326,316	0.545%	$ 30.24	$ 0.31	107.28	PLXS	10	170,432	0.006%	$ 30.44	$ 0.36	110.85
SCHG	560	119,371	0.469%	$ 42.38	$ 0.35	86.39	LTC	21	138,686	0.015%	$ 39.77	$ 0.43	110.01
SCHH	725	142,411	0.509%	$ 31.11	$ 0.43	134.72	SNX	4	166,928	0.002%	$ 45.68	$ 0.55	107.93
SCHM	642	179,045	0.358%	$ 34.36	$ 1.05	246.30	CBU	7	122,481	0.006%	$ 31.65	$ 0.34	105.84
SCHO	1,012	92,286	1.096%	$ 50.51	$ 0.29	56.86	LWC	1	53,345	0.001%	$ 39.99	$ 0.62	161.30
SCHP	322	64,319	0.500%	$ 53.71	$ 0.95	173.26	BOKF	21	59,757	0.035%	$ 62.34	$ 1.33	210.52
SCHV	534	111,498	0.479%	$ 37.85	$ 0.20	53.63	EUM	14	246,768	0.006%	$ 28.20	$ 0.14	49.70
SCHX	581	318,590	0.182%	$ 40.11	$ 0.21	53.55	VPRT	11	265,421	0.004%	$ 46.26	$ 0.69	143.71

SCHZ	749	76,184	0.983%	$ 50.75	$ 0.88	171.01	IEZ	4	102,633	0.004%	$ 59.61	$ 0.29	53.00
SDR	297	357,112	0.083%	$ 13.03	$ 0.18	139.17	GOVT	2	66,994	0.003%	$ 24.57	$ 0.26	103.85
SWIR	571	261,320	0.218%	$ 16.05	$ 0.17	136.73	TPGI	4	65,759	0.006%	$ 5.97	$ 0.19	334.24
TAN	336	305,400	0.110%	$ 32.92	$ 0.56	222.44	CPF	7	85,592	0.008%	$ 17.96	$ 0.92	291.45
TEU	277	203,396	0.136%	$ 4.38	$ 0.13	310.91	AGD	17	153,659	0.011%	$ 4.90	$ 0.10	203.71
TGB	366	410,076	0.089%	$ 2.31	$ 0.02	95.11	STEC	15	477,704	0.003%	$ 6.29	$ 0.04	76.58
TRX	264	423,943	0.062%	$ 3.12	$ 0.04	146.71	TVL	5	274,513	0.002%	$ 12.96	$ 0.15	119.80
UBNT	262	492,576	0.053%	$ 30.73	$ 0.31	153.12	CMRE	15	146,718	0.010%	$ 16.70	$ 1.82	205.88
UVE	246	283,395	0.087%	$ 8.61	$ 0.10	155.25	JRN	20	190,455	0.010%	$ 7.27	$ 0.12	163.86
VMO	249	226,333	0.110%	$ 12.51	$ 0.21	159.64	MANU	4	73,396	0.006%	$ 17.17	$ 0.75	441.69
VNR	265	451,327	0.059%	$ 27.80	$ 0.40	141.99	ETH	13	257,439	0.005%	$ 28.75	$ 0.30	101.78
Avg	428	304,497	0.184%	$ 20.52	$ 0.29	204.97	Avg	13	181,735	0.011%	$ 20.63	$ 0.38	227.50

Table 3A: Retail Program Matched Sample CADV > 500,000 (Oct-Nov 2012)

Treatment Stocks					Control Stocks				
Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
AKS	8,695,695	$ 4.51	$ 0.01	28.32	SID	6,406,260	$ 5.36	$ 0.01	22.61
AMAT	11,320,196	$ 10.89	$ 0.01	12.04	EWT	5,835,244	$ 13.14	$ 0.01	9.31
AMLP	2,227,771	$ 16.21	$ 0.03	15.92	HOLX	2,592,724	$ 20.05	$ 0.04	18.31
AMRN	4,813,167	$ 10.78	$ 0.04	40.16	MAS	4,458,288	$ 15.70	$ 0.02	13.96
ATVI	8,718,795	$ 11.09	$ 0.01	11.65	PBCT	3,056,198	$ 12.06	$ 0.01	12.03
AUY	5,377,436	$ 18.64	$ 0.03	13.51	HIG	5,758,691	$ 21.40	$ 0.02	8.70
AVEO	346,635	$ 7.26	$ 0.10	131.02	MTDR	275,470	$ 8.64	$ 0.20	223.92
BMY	8,031,212	$ 32.88	$ 0.02	5.18	SE	3,203,645	$ 28.08	$ 0.03	11.18
CAT	6,042,629	$ 85.44	$ 0.12	13.57	MON	2,350,388	$ 89.50	$ 0.14	15.96
CELG	2,512,679	$ 77.63	$ 0.14	18.10	CTXS	2,660,668	$ 64.53	$ 0.11	17.71
CHK	11,564,069	$ 18.31	$ 0.02	11.07	EWH	3,865,117	$ 18.73	$ 0.02	9.75
CLSN	1,214,021	$ 5.90	$ 0.10	161.64	INVN	981,021	$ 11.12	$ 0.14	125.44
CMCSA	10,790,890	$ 36.66	$ 0.02	6.02	EWG	3,725,160	$ 23.19	$ 0.02	7.79
COP	5,213,886	$ 57.22	$ 0.08	14.24	AET	4,120,054	$ 43.42	$ 0.04	9.11
CTL	4,303,396	$ 38.85	$ 0.03	7.82	SLW	3,740,709	$ 38.10	$ 0.05	13.28
CVS	5,899,108	$ 47.08	$ 0.03	6.54	DD	5,792,275	$ 45.42	$ 0.04	9.06
DGAZ	216,835	$ 16.34	$ 0.42	252.80	FANG	214,720	$ 17.81	$ 1.32	764.44
DIS	7,797,343	$ 49.80	$ 0.03	5.65	BTU	7,674,184	$ 26.26	$ 0.05	19.53
FTR	9,941,706	$ 4.59	$ 0.01	27.33	BRCD	4,956,291	$ 5.57	$ 0.01	22.66
GM	9,209,293	$ 25.32	$ 0.03	10.02	LNC	2,992,968	$ 24.70	$ 0.04	15.00
HAL	10,599,360	$ 33.14	$ 0.02	7.18	EPI	3,415,673	$ 18.67	$ 0.02	8.74
HD	7,695,187	$ 62.03	$ 0.05	7.99	BHI	3,947,283	$ 42.88	$ 0.08	17.92
HTZ	6,114,178	$ 15.06	$ 0.03	17.76	MPEL	4,251,767	$ 14.69	$ 0.02	16.32
KMI	4,807,113	$ 34.35	$ 0.03	9.44	MMC	2,187,478	$ 34.58	$ 0.03	9.83
KR	4,631,297	$ 25.10	$ 0.03	10.14	JBL	3,512,918	$ 18.00	$ 0.02	11.13
M	4,998,931	$ 39.28	$ 0.04	9.21	ITB	3,248,593	$ 20.37	$ 0.03	12.85
MNKD	2,549,541	$ 2.08	$ 0.01	65.68	SNV	7,137,885	$ 2.39	$ 0.01	50.16
MO	9,245,096	$ 32.59	$ 0.02	4.81	EWC	1,705,707	$ 28.23	$ 0.02	8.14
MRO	6,056,290	$ 30.40	$ 0.03	8.62	ARIA	2,393,958	$ 21.94	$ 0.05	21.70
NKE	2,206,389	$ 93.20	$ 0.21	23.06	FFIV	1,676,420	$ 93.31	$ 0.31	32.85
NVDA	9,984,860	$ 12.35	$ 0.02	14.84	RRD	2,894,620	$ 9.71	$ 0.02	18.14
PG	7,740,689	$ 68.92	$ 0.05	7.37	IYR	8,227,543	$ 63.77	$ 0.07	11.06
QID	4,797,906	$ 30.10	$ 0.05	16.53	PAY	2,615,150	$ 30.32	$ 0.06	20.75
QLD	3,096,656	$ 54.86	$ 0.16	29.40	TSO	3,229,689	$ 40.06	$ 0.21	54.91
RIG	2,584,714	$ 46.23	$ 0.09	18.62	KLAC	1,986,996	$ 46.35	$ 0.06	13.39
SLB	5,682,978	$ 70.82	$ 0.15	20.97	HLF	4,183,222	$ 37.99	$ 0.19	42.52
SPXL	689,476	$ 86.93	$ 0.20	22.82	IVW	645,836	$ 75.91	$ 0.07	9.04
SPXS	2,082,157	$ 17.67	$ 0.04	25.26	JEF	2,515,938	$ 16.11	$ 0.04	28.07
SQQQ	1,870,893	$ 41.94	$ 0.13	30.62	BMRN	1,467,136	$ 44.51	$ 0.11	24.86
SVXY	444,604	$ 72.62	$ 0.53	75.15	WLK	504,877	$ 75.42	$ 0.90	119.52
SWN	3,692,718	$ 34.98	$ 0.07	21.28	EWA	2,571,111	$ 24.57	$ 0.05	18.72
TEVA	4,150,411	$ 39.84	$ 0.07	16.62	CRUS	3,046,303	$ 32.48	$ 0.09	27.81
TGT	4,206,552	$ 62.17	$ 0.05	8.72	SYK	1,905,028	$ 53.71	$ 0.08	15.48
TQQQ	2,452,505	$ 50.95	$ 0.27	52.04	ADT	2,633,727	$ 40.80	$ 0.94	222.95
UA	1,518,310	$ 52.54	$ 0.19	35.79	ILMN	1,717,544	$ 50.41	$ 0.15	29.17
UGAZ	289,195	$ 30.72	$ 0.70	214.58	SCHX	263,109	$ 33.75	$ 0.06	16.88
UPRO	1,859,270	$ 86.39	$ 0.17	19.29	TDC	1,822,857	$ 66.32	$ 0.16	24.00
V	2,524,630	$ 143.43	$ 0.19	13.33	IWF	2,061,355	$ 65.45	$ 0.04	6.24
VRX	1,294,018	$ 56.76	$ 0.10	17.00	DRI	1,408,747	$ 50.33	$ 0.10	20.55
VSTM	23,199	$ 7.58	$ 0.71	906.19	BANC	20,248	$ 11.67	$ 0.68	581.08
WLL	1,699,845	$ 44.23	$ 0.12	27.05	EMN	1,605,066	$ 59.75	$ 0.24	40.92
Avg	4,820,112	$ 40.29	$ 0.11	50.00	Avg	3,048,311	$ 34.46	$ 0.14	56.58

III. Active Stocks (CADV >500,000) and Post-Period = 2017–208

For this sample, there were 51 matched pairs that emerged from this process. The pairs, along with values of selected variables, pre- and post-Program introduction, are shown as follows:

Table 3B: Retail Program Matched Sample CADV >500,000 (2017-2018)													
Treatment Stocks							Control Stocks						
Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
AKS	10,927	15,639,776	0.070%	$ 5.44	$ 0.03	53.30	SID	375	2,510,559	0.015%	$ 2.68	$ 0.02	62.72
AMAT	12,020	10,389,776	0.116%	$ 44.85	$ 0.35	72.88	EWT	95	4,513,048	0.002%	$ 35.45	$ 0.02	4.53
AMLP	6,775	13,624,887	0.050%	$ 10.63	$ 0.02	16.62	HOLX	400	2,141,270	0.019%	$ 40.37	$ 0.19	46.07
AMRN	8,703	4,062,849	0.214%	$ 8.20	$ 0.09	106.09	MAS	450	2,752,589	0.016%	$ 37.07	$ 0.19	49.11
ATVI	4,881	6,160,439	0.079%	$ 59.97	$ 0.60	90.82	PBCT	421	2,569,773	0.016%	$ 17.85	$ 0.03	15.83
AUY	4,853	10,659,756	0.046%	$ 2.79	$ 0.02	58.52	HIG	477	2,014,773	0.024%	$ 51.13	$ 0.21	40.56
AVEO	9,607	2,496,205	0.385%	$ 2.55	$ 0.05	429.01	MTDR	253	1,375,252	0.018%	$ 26.51	$ 0.33	115.69
BMY	6,220	6,858,944	0.091%	$ 56.85	$ 0.37	63.67	SE	235	1,215,332	0.019%	$ 23.66	$ 0.16	119.60
CAT	5,487	4,307,581	0.127%	$ 130.63	$ 1.79	137.18	MON	332	1,554,968	0.021%	$ 119.09	$ 1.30	115.70
CELG	6,561	4,772,371	0.137%	$ 102.65	$ 1.19	123.39	CTXS	163	1,260,537	0.013%	$ 92.06	$ 0.91	94.57
CHK	24,960	32,603,625	0.077%	$ 4.31	$ 0.03	50.88	EWH	175	3,987,617	0.004%	$ 24.18	$ 0.02	7.48
CLSN	4,875	1,241,307	0.393%	$ 2.86	$ 0.12	716.66	INVN	64	828,461	0.008%	$ 12.69	$ 0.04	33.44
CMCSA	6,112	18,127,151	0.034%	$ 37.17	$ 0.12	31.49	EWG	210	3,510,465	0.006%	$ 30.43	$ 0.02	7.73
COP	5,829	5,825,648	0.100%	$ 54.01	$ 0.42	69.40	AET	446	1,933,012	0.023%	$ 171.08	$ 1.72	98.50
CTL	6,118	9,429,069	0.065%	$ 19.71	$ 0.06	28.66	SLW	656	1,510,152	0.043%	$ 20.73	$ 0.06	31.43
CVS	8,086	6,647,472	0.122%	$ 73.99	$ 0.59	80.86	DD	528	1,447,341	0.036%	$ 79.68	$ 0.64	80.84
DGAZ	10,932	9,084,225	0.120%	$ 11.36	$ 0.54	190.26	FANG	286	1,454,441	0.020%	$ 110.58	$ 1.22	107.18
DIS	7,882	6,491,364	0.121%	$ 107.13	$ 0.70	64.15	BTU	63	883,231	0.007%	$ 34.10	$ 0.60	166.13
FTR	5,315	10,659,192	0.050%	$ 3.16	$ 0.12	97.46	BRCD	365	4,881,730	0.007%	$ 12.39	$ 0.01	9.27
GM	7,860	10,945,311	0.072%	$ 37.81	$ 0.26	65.44	LNC	357	1,350,545	0.026%	$ 68.62	$ 0.43	63.09
HAL	5,129	7,839,425	0.065%	$ 43.58	$ 0.46	103.12	EPI	144	1,944,146	0.007%	$ 25.01	$ 0.02	9.90
HD	5,818	3,924,834	0.148%	$ 174.08	$ 1.38	77.10	BHI	235	1,150,440	0.020%	$ 58.98	$ 0.32	53.74
HTZ	6,018	4,353,477	0.138%	$ 16.90	$ 0.20	109.28	MPEL	142	950,705	0.015%	$ 17.26	$ 0.06	35.40
KMI	5,849	11,512,513	0.051%	$ 18.01	$ 0.06	28.21	MMC	426	1,497,086	0.028%	$ 79.43	$ 0.38	47.18
KR	6,466	9,751,318	0.066%	$ 26.33	$ 0.15	55.89	JBL	393	1,629,101	0.024%	$ 27.67	$ 0.09	32.67
M	5,197	8,755,161	0.059%	$ 27.38	$ 0.21	74.57	ITB	222	2,667,541	0.008%	$ 35.66	$ 0.05	12.91
MNKD	8,320	3,723,798	0.223%	$ 2.36	$ 0.09	252.80	SNV	130	869,544	0.015%	$ 45.01	$ 0.26	57.09
MO	6,910	6,350,096	0.109%	$ 63.69	$ 0.36	57.08	EWC	230	2,576,525	0.009%	$ 27.79	$ 0.02	6.03
MRO	7,197	11,747,548	0.061%	$ 16.29	$ 0.05	26.15	ARIA	209	1,724,630	0.012%	$ 23.55	$ 0.02	11.39
NKE	5,730	7,314,237	0.078%	$ 61.48	$ 0.47	70.55	FFIV	164	620,758	0.026%	$ 145.45	$ 1.87	125.53
NVDA	31,762	14,116,672	0.225%	$ 183.69	$ 2.59	129.18	RRD	294	907,658	0.032%	$ 9.49	$ 0.06	64.95
PG	5,893	6,751,513	0.087%	$ 86.03	$ 0.32	38.07	IYR	255	6,565,856	0.004%	$ 78.85	$ 0.07	8.53
QID	7,896	3,469,547	0.228%	$ 20.71	$ 0.19	49.75	PAY	252	1,265,358	0.020%	$ 20.07	$ 0.06	32.97
QLD	5,289	1,350,765	0.392%	$ 84.13	$ 1.54	175.92	TSO	508	1,175,360	0.043%	$ 85.31	$ 0.42	49.83
RIG	6,268	13,126,392	0.048%	$ 10.78	$ 0.07	56.84	KLAC	403	1,195,514	0.034%	$ 101.69	$ 1.11	107.81
SLB	6,582	6,978,354	0.094%	$ 65.53	$ 0.55	83.05	HLF	322	1,063,746	0.030%	$ 66.37	$ 0.88	132.50
SPXL	25,345	2,934,698	0.864%	$ 45.26	$ 0.56	115.96	IVW	74	760,113	0.010%	$ 153.06	$ 0.45	27.96
SPXS	8,473	3,533,077	0.240%	$ 24.60	$ 0.08	29.27	JEF	90	1,081,974	0.008%	$ 21.57	$ 0.08	35.25
SQQQ	37,752	13,391,485	0.282%	$ 16.71	$ 0.04	21.02	BMRN	298	1,048,100	0.028%	$ 90.29	$ 1.14	125.94
SVXY	7,971	6,797,318	0.117%	$ 32.22	$ 0.35	36.24	WLK	118	739,423	0.016%	$ 86.28	$ 0.74	82.98
SWN	6,333	17,373,481	0.036%	$ 5.55	$ 0.02	32.31	EWA	173	2,067,011	0.008%	$ 22.16	$ 0.02	7.65
TEVA	8,457	13,635,469	0.062%	$ 19.94	$ 0.23	96.53	CRUS	384	977,604	0.039%	$ 49.30	$ 0.92	205.13
TGT	6,651	5,606,069	0.119%	$ 66.84	$ 0.62	91.46	SYK	447	1,026,348	0.044%	$ 153.83	$ 1.17	73.75
TQQQ	28,012	6,914,269	0.405%	$ 86.59	$ 0.96	127.19	ADT	708	3,111,301	0.023%	$ 9.01	$ 0.10	100.29
UA	4,822	3,780,807	0.128%	$ 16.71	$ 0.11	67.91	ILMN	298	811,645	0.037%	$ 233.26	$ 4.74	192.78
UGAZ	6,854	6,988,878	0.098%	$ 23.54	$ 1.33	211.34	SCHX	230	939,059	0.024%	$ 63.23	$ 0.08	12.19
UPRO	7,626	2,507,297	0.304%	$ 81.05	$ 1.09	168.20	TDC	142	1,162,863	0.012%	$ 34.31	$ 0.22	59.05
V	6,258	6,321,460	0.099%	$ 116.08	$ 0.98	79.13	IWF	344	1,626,114	0.021%	$ 133.18	$ 0.51	35.50
VRX	11,634	11,277,226	0.103%	$ 15.46	$ 0.14	75.04	DRI	461	1,347,432	0.034%	$ 91.86	$ 0.60	62.85
VSTM	5,046	1,342,946	0.376%	$ 5.40	$ 0.21	416.42	BANC	247	735,845	0.034%	$ 19.67	$ 0.12	65.50
WLL	6,482	9,789,906	0.066%	$ 10.32	$ 0.23	76.02	EMN	229	981,095	0.023%	$ 90.16	$ 0.59	65.41
Avg	9,177	8,299,745	0.154%	$ 43.99	$ 0.45	109.38	Avg	293	1,763,039	0.020%	$ 60.96	$ 0.50	62.94

IV. Less Active Stocks (CADV Between 50,000 and 500,000) and Post-Period = 2017–2018

For this sample, there were 34 matched pairs that emerged from this process. The pairs, along with values of selected variables, pre- and post-Program introduction, are shown as follows:

Table 4A: Retail Program Matched Sample CADV Between 50,000 and 500,000 (Oct-Nov 2012)									
Treatment Stocks					Control Stocks				
Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
ALT	11,289	$ 49.88	$ 0.83	166.53	SCJ	14,075	$ 43.20	$ 0.84	193.16
AWX	2,179	$ 3.72	$ 0.55	1363.05	MPAC	5,050	$ 6.63	$ 0.50	842.63
AXTI	148,034	$ 2.97	$ 0.05	178.64	LIOX	201,793	$ 3.73	$ 0.05	131.75
BBOX	41,839	$ 24.14	$ 0.74	297.15	AMU	38,519	$ 24.61	$ 0.69	275.58
BTX	83,164	$ 3.39	$ 0.16	447.46	MEG	73,776	$ 4.75	$ 0.16	376.40
CLMT	338,358	$ 30.87	$ 0.29	90.53	NSR	344,647	$ 39.94	$ 0.25	61.24
CLNT	267,697	$ 4.14	$ 0.25	780.34	SYRG	261,547	$ 4.42	$ 0.10	231.54
CPLP	233,355	$ 7.10	$ 0.11	152.45	TESO	273,224	$ 10.09	$ 0.10	97.15
CYCC	343,055	$ 6.17	$ 0.30	459.35	CORR	184,055	$ 5.94	$ 0.42	575.36
DEST	50,197	$ 20.58	$ 0.75	394.31	UFCS	47,666	$ 22.03	$ 0.78	345.78
FGP	239,295	$ 17.76	$ 0.27	146.41	MPWR	232,887	$ 19.84	$ 0.18	91.99
GCAP	46,088	$ 4.33	$ 0.22	506.75	PAM	53,193	$ 3.37	$ 0.23	672.11
GROW	22,346	$ 4.82	$ 0.37	708.36	SYUT	20,858	$ 4.51	$ 0.35	775.36
GTXI	63,123	$ 4.19	$ 0.27	751.91	ZLTQ	64,418	$ 5.19	$ 0.31	589.15
KNDI	58,910	$ 4.13	$ 0.21	524.97	SGU	66,946	$ 4.13	$ 0.18	427.76
KOPN	81,063	$ 3.47	$ 0.09	271.52	FLOW	98,862	$ 3.42	$ 0.08	251.71
LBIX	3,351	$ 4.12	$ 0.49	1160.60	ARGT	4,246	$ 8.04	$ 0.49	561.44
LGCY	370,879	$ 24.77	$ 0.32	121.36	ECON	254,618	$ 25.73	$ 0.33	136.23
LIFE	1,334,018	$ 49.36	$ 0.09	19.18	CSC	1,348,256	$ 35.84	$ 0.08	23.77
MITK	336,039	$ 2.98	$ 0.10	314.64	NLS	140,148	$ 3.11	$ 0.08	253.89
MTSL	110,498	$ 3.31	$ 0.21	696.07	CCRN	104,861	$ 4.44	$ 0.12	269.74
NMFC	223,844	$ 14.60	$ 0.15	102.69	OMCL	191,017	$ 14.59	$ 0.14	91.97
PTX	15,194	$ 7.59	$ 0.62	815.90	TRR	18,097	$ 7.32	$ 0.64	962.69
RCON	141,356	$ 2.14	$ 0.23	1513.68	PFSW	51,521	$ 2.59	$ 0.21	768.02
RWM	1,218,858	$ 25.48	$ 0.07	28.79	CLGX	913,531	$ 25.32	$ 0.09	36.65
SBLK	52,411	$ 5.10	$ 0.46	737.07	ADUS	30,365	$ 6.39	$ 0.45	727.17
SDLP	234,452	$ 24.56	$ 0.50	198.39	SIL	283,436	$ 24.23	$ 0.49	209.91
SINO	30,072	$ 2.05	$ 0.36	1746.57	IBCP	36,642	$ 3.31	$ 0.28	864.93
SORL	56,169	$ 2.25	$ 0.42	1412.09	HCKT	56,051	$ 3.84	$ 0.17	421.49
SSH	87,156	$ 7.05	$ 0.41	594.68	BXG	95,593	$ 8.79	$ 0.40	536.74
TEAR	148,896	$ 4.20	$ 0.11	257.52	FSS	148,600	$ 6.37	$ 0.09	152.47
TIS	23,989	$ 20.11	$ 1.01	506.79	PICK	23,687	$ 21.87	$ 0.88	421.50
VHC	930,026	$ 31.48	$ 0.41	131.78	RHP	806,048	$ 36.40	$ 0.40	107.44
YANG	27,219	$ 12.25	$ 0.52	416.81	NEWS	25,473	$ 12.31	$ 0.62	502.43
Avg	216,895	$ 12.80	$ 0.35	529.83	Avg	191,580	$ 13.42	$ 0.33	381.98

Table 4B: Retail Program Matched Sample CADV Between 50,000 and 500,000 (2017-2018)													
Treatment Stocks							Control Stocks						
Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)	Symbol	RPI ADV	CADV	RPI Volume as % of Symbol CADV	Avg. Price	Avg. Quoted Spread Across Exchanges ($)	Avg. Quoted Spread Across Exchanges (bps)
ALT	965	400,957	0.241%	$ 2.93	$ 0.11	477.49	SCJ	8	72,966	0.011%	$ 77.06	$ 0.81	108.20
AWX	990	199,539	0.496%	$ 5.21	$ 0.21	829.89	MPAC	21	156,057	0.013%	$ 9.98	$ 58.76	484.96
AXTI	1,071	480,311	0.223%	$ 7.36	$ 0.10	142.87	LIOX	20	94,790	0.021%	$ 5.73	$ 0.14	253.48
BBOX	1,337	465,766	0.287%	$ 3.48	$ 0.19	505.97	AMU	42	144,724	0.029%	$ 17.16	$ 0.17	68.53
BTX	744	390,174	0.191%	$ 2.47	$ 0.10	371.04	MEG	6	86,161	0.006%	$ 18.73	$ 0.52	275.63
CLMT	1,017	332,022	0.306%	$ 6.31	$ 0.13	220.73	NSR	71	321,382	0.022%	$ 33.23	$ 0.05	14.87
CLNT	1,116	212,669	0.525%	$ 6.19	$ 0.34	1188.10	SYRG	16	448,779	0.003%	$ 8.63	$ 0.03	32.80
CPLP	848	484,164	0.175%	$ 3.24	$ 6.45	138.12	TESO	89	364,133	0.024%	$ 5.08	$ 0.14	227.29
CYCC	1,185	328,044	0.361%	$ 3.65	$ 0.26	1087.94	CORR	42	80,703	0.053%	$ 35.85	$ 2.33	648.17
DEST	594	162,608	0.365%	$ 3.62	$ 0.14	396.76	UFCS	8	55,507	0.015%	$ 47.51	$ 5.12	1068.39
FGP	634	356,016	0.178%	$ 4.34	$ 0.11	304.26	MPWR	51	272,652	0.019%	$ 113.29	$ 2.14	194.44
GCAP	606	493,864	0.123%	$ 7.64	$ 0.17	241.92	PAM	40	337,466	0.012%	$ 47.59	$ 0.98	184.85
GROW	1,538	279,670	0.550%	$ 4.24	$ 0.12	667.96	SYUT	101	53,814	0.187%	$ 5.82	$ 0.11	193.14
GTXI	879	355,979	0.247%	$ 5.08	$ 0.92	1077.22	ZLTQ	56	423,162	0.013%	$ 54.29	$ 0.87	177.66
KNDI	1,161	333,572	0.348%	$ 5.74	$ 0.16	339.09	SGU	57	70,467	0.082%	$ 9.81	$ 0.62	627.90
KOPN	864	386,839	0.223%	$ 3.43	$ 0.07	238.11	FLOW	21	184,662	0.011%	$ 41.65	$ 1.49	381.18
LBIX	2,199	256,151	0.858%	$ 2.42	$ 0.16	1059.10	ARGT	24	91,142	0.026%	$ 31.00	$ 0.22	76.07
LGCY	1,267	440,250	0.288%	$ 3.65	$ 0.14	510.29	ECON	28	186,471	0.015%	$ 24.59	$ 0.21	87.70
LIFE	688	269,028	0.256%	$ 2.00	$ 0.09	423.37	CSC	47	402,296	0.012%	$ 66.46	$ 0.37	56.64
MITK	771	331,032	0.233%	$ 8.37	$ 0.19	222.84	NLS	42	279,129	0.015%	$ 15.11	$ 0.23	151.75
MTSL	1,268	291,021	0.436%	$ 2.85	$ 0.64	2437.34	CCRN	51	208,480	0.025%	$ 12.19	$ 0.44	374.95
NMFC	599	307,003	0.195%	$ 13.98	$ 0.13	91.51	OMCL	41	256,369	0.016%	$ 49.09	$ 1.42	264.83
PTX	1,067	301,105	0.354%	$ 3.17	$ 0.22	965.72	TRR	31	70,172	0.044%	$ 16.74	$ 0.18	159.25
RCON	1,268	358,763	0.353%	$ 2.42	$ 0.20	1640.59	PFSW	40	53,102	0.076%	$ 7.96	$ 0.89	1139.81
RWM	957	452,230	0.212%	$ 42.05	$ 0.11	25.10	CLGX	33	418,773	0.008%	$ 44.41	$ 0.38	84.71
SBLK	621	496,086	0.125%	$ 10.95	$ 0.31	287.91	ADUS	25	67,340	0.037%	$ 53.39	$ 3.32	739.85
SDLP	755	369,603	0.204%	$ 3.48	$ 0.08	224.16	SIL	38	121,588	0.031%	$ 32.82	$ 0.64	219.97
SINO	715	269,787	0.265%	$ 2.86	$ 0.18	1000.85	IBCP	33	81,738	0.040%	$ 22.95	$ 1.03	459.47
SORL	1,910	366,295	0.521%	$ 6.26	$ 0.25	615.80	HCKT	29	113,945	0.025%	$ 16.94	$ 1.19	695.26
SSH	1,261	259,871	0.485%	$ 2.47	$ 0.28	1078.26	BXG	12	54,872	0.021%	$ 18.11	$ 0.57	305.18
TEAR	1,293	255,960	0.505%	$ 2.54	$ 0.21	1134.24	FSS	32	218,361	0.014%	$ 20.07	$ 0.53	266.60
TIS	599	248,421	0.241%	$ 10.00	$ 0.96	867.87	PICK	16	177,123	0.009%	$ 31.85	$ 0.39	127.24
VHC	1,730	392,979	0.440%	$ 4.04	$ 0.12	347.36	RHP	47	223,232	0.021%	$ 71.53	$ 1.58	220.94
YANG	1,530	464,954	0.329%	$ 15.85	$ 0.83	179.60	NEWS	36	132,383	0.027%	$ 11.28	$ 0.29	272.36
Avg	1,060	346,845	0.328%	$ 6.30	$ 0.43	627.63	Avg	37	185,998	0.029%	$ 31.70	$ 2.59	313.06

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IV. Conclusion

When the Commission approved the initial retail price improvement pilot on the New York Stock Exchange LLC (''NYSE'') and NYSE Amex LLC (''Amex'') it stated that it was not concerned that such a program would ''cause a major shift in market structure.'' [30] Instead, the Commission explained that the program ''should closely replicate the trading dynamics that exist in the OTC markets'' and would ''simply present another competitive venue for retail order flow execution'' that is ''not likely to alter the incentives for market participants to post limit orders in a material way.'' [31] At the same time, the Commission saw fit to approve such programs on a pilot basis so that it would have the opportunity to monitor the operation of the Program and confirm its expectations about the impact on broader market structure before permanent approval. The Exchange believes that the Commission's expectations that the Program would not have any significant impact on broader market structure is both correct and confirmed by the data. Specifically, based on the Exchange's experience in operating the Program, and the data provided here and during the duration of the pilot, the Exchange believes that the Program has been a positive experiment in attracting retail order flow to a public exchange, and should thus be approved on a permanent basis so that retail investors can continue to reap its benefits.

The data provided by the Exchange describes a valuable service that delivers considerable price improvement to retail investors in a transparent and well-regulated environment. The Program represents just a fraction of retail orders, most of which are executed off-exchange by a wide range of order handling services that have considerably more market share, and which operate pursuant to different rules and regulatory requirements. Specifically, the majority of retail order flow is currently executed off-exchange by various wholesale market makers that are able to offer sub-penny price improvement to retail orders without running afoul of the Sub-Penny Rule under Regulation NMS.[32] Given that retail orders already trade off-exchange in increments of less than one penny, the Exchange believes that the primary impact of the Program is to provide an opportunity for retail investors to receive price improvement on a transparent, well-regulated, exchange venue.

The Exchange believes that this understanding is also supported by the data, which shows that the Program was not likely to have caused any significant harm to broader market quality. The order flow the Program attracted and continues to attract to the Exchange provides tangible price improvement to retail investors through a competitive and transparent pricing process unavailable in non-exchange venues. As such, despite relatively modest volumes, the Exchange believes that the Program has satisfied the twin goals of attracting retail order flow to the

[30] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (SR–NYSE–2011–55; SR–NYSEAmex–2011–84).

[31] *Id.*

[32] The Commission has itself has opined that OTC market makers appear to handle the vast majority of marketable retail order flow, with the eight retail broker-dealers with significant retail accounts whose Rule 606 order routing disclosures the Commission reviewed routing ''nearly 100%'' of their customer market orders to OTC market makers. *See* Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3593, 3600 (January 21, 2010) (Concept Release on Equity Market Structure).

Exchange and allowing such order flow to receive potential price improvement. Moreover, the Exchange believes that the data collected supports the conclusion that the Program did not have a negative impact on broader market quality. Although the results of the Program highlight the substantial advantages that broker-dealers retain when managing the benefits of retail order flow, the Exchange believes that the level of price improvement provided by the Program and the scant evidence that the Program negatively impacted the marketplace justifies making the Program permanent.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[33] in general, and Section 6(b)(5) of the Act,[34] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that making the pilot permanent is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. During the pilot period, the Exchange has provided data and analysis to the Commission. The Exchange believes that this data and analysis, as well as the further analysis provided in this filing, show that the Program has provided the intended benefits to the market, and retail investors in particular, and is therefore consistent with the Act. Furthermore, the Exchange notes that similar programs instituted by NYSE and Nasdaq BX have recently been approved by the Commission to operate on a permanent basis.[35] The Exchange believes that its analysis, as well as the analysis conducted by NYSE and Nasdaq BX in their proposals for permanent approval, show that retail price improvement programs do not negatively impact market structure, and can therefore provide benefits to retail investors without negatively impacting the broader market.

The proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because making the Program permanent would allow the Exchange to continue to attract retail order flow to a public exchange and allow such order flow to receive potential price improvement. The data provided by the Exchange to the Commission staff demonstrates that the Program provided tangible price improvement to retail investors through a competitive pricing process unavailable in non-exchange venues, and otherwise had an insignificant impact on the broader market. The Exchange believes that making the Program permanent would encourage the additional utilization of, and interaction with, the Exchange and provide retail customers with an additional venue for price discovery, liquidity, competitive quotes, and price improvement. For the same reasons, the Exchange believes that making the Program permanent would promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market.

Finally, the Exchange also believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For all of these reasons, the Exchange believes that the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that making the Program permanent would continue to promote competition for retail order flow among execution venues and contribute to the public price discovery process. The Exchange believes that the data supplied to the Commission, and experience gained over the life of the pilot, have demonstrated that the Program creates price improvement opportunities for retail orders that are similar to what would be provided under OTC internalization arrangements, thereby benefiting retail investors and increasing competition between execution venues. The Exchange also believes that making the Program permanent will promote competition between execution venues operating their own retail liquidity programs, including competition between the Program and a similar programs currently operated by NYSE and Nasdaq BX on a permanent basis pursuant to a recently approved rule changes.[36] Such competition will lead to innovation within the market, thereby increasing the quality of the national market system and allowing national securities exchanges to compete both with each other and with off-exchange venues for order flow. Such competition ultimately benefits investors, and in this case specifically retail investors by providing multiple potential trading venues for the execution of their order flow, consistent with the principles of Regulation NMS, which was premised on promoting fair competition among markets. Finally, the Exchange notes that it operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 up to 90 days (i) as the Commission may designate 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 will:

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.

[33] 15 U.S.C. 78f(b).

[34] 15 U.S.C. 78f(b)(5).

[35] *See* Securities Exchange Act Release No. 85160 (February 15, 2019), 84 FR 5754 (February 22, 2019) (SR–NYSE–2018–28); 86194 (June 25, 2019), 84 FR 31385 (July 1, 2019) (SR–BX–2019–011).

[36] *Id.*

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–2019–014 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–2019–014. 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 a.m. and 3 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–2019–014, and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–18636 Filed 8–28–19; 8:45 am]

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[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10675; 34–86750/August 23, 2019]

Order Making Fiscal Year 2020 Annual Adjustments to Registration Fee Rates

I. Background

The Commission collects fees under various provisions of the securities laws. Section 6(b) of the Securities Act of 1933 (''Securities Act'') requires the Commission to collect fees from issuers on the registration of securities.[1] Section 13(e) of the Securities Exchange Act of 1934 (''Exchange Act'') requires the Commission to collect fees on specified repurchases of securities.[2] Section 14(g) of the Exchange Act requires the Commission to collect fees on specified proxy solicitations and statements in corporate control transactions.[3] These provisions require the Commission to make annual adjustments to the applicable fee rates.

II. Fiscal Year 2020 Annual Adjustment to Fee Rates

Section 6(b)(2) of the Securities Act requires the Commission to make an annual adjustment to the fee rate applicable under Section 6(b).[4] The annual adjustment to the fee rate under Section 6(b) of the Securities Act also sets the annual adjustment to the fee rates under Sections 13(e) and 14(g) of the Exchange Act.[5]

Section 6(b)(2) sets forth the method for determining the annual adjustment to the fee rate under Section 6(b) for fiscal year 2020. Specifically, the Commission must adjust the fee rate under Section 6(b) to a ''rate that, when applied to the baseline estimate of the aggregate maximum offering prices for [fiscal year 2020], is reasonably likely to produce aggregate fee collections under [Section 6(b)] that are equal to the target fee collection amount for [fiscal year 2020].'' That is, the adjusted rate is determined by dividing the ''target fee collection amount'' for fiscal year 2020 by the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2020.

Section 6(b)(6)(A) specifies that the ''target fee collection amount'' for fiscal year 2020 is $705,000,000. Section 6(b)(6)(B) defines the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2020 as ''the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during [fiscal year 2020] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget. . . .''

To make the baseline estimate of the aggregate maximum offering price for fiscal year 2020, the Commission is using a methodology that has been used in prior fiscal years and that was developed in consultation with the Congressional Budget Office and Office of Management and Budget.[6] Using this methodology, the Commission determines the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2020 to be $5,429,883,452,897. Based on this estimate, the Commission calculates the fee rate for fiscal 2020 to be $129.80 per million. This adjusted fee rate applies to Section 6(b) of the Securities Act, as well as to Sections 13(e) and 14(g) of the Exchange Act.

III. Effective Dates of the Annual Adjustments

The fiscal year 2020 annual adjustments to the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act will be effective on October 1, 2019.[7]

IV. Conclusion

Accordingly, pursuant to Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act,[8]

It is hereby ordered that the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act shall be $129.80 per million effective on October 1, 2019.

[1] 15 U.S.C. 77f(b).

[2] 15 U.S.C. 78m(e).

[3] 15 U.S.C. 78n(g).

[4] 15 U.S.C. 77f(b)(2). The annual adjustments are designed to adjust the fee rate in a given fiscal year so that, when applied to the aggregate maximum offering price at which securities are proposed to be offered for the fiscal year, it is reasonably likely to produce total fee collections under Section 6(b) equal to the ''target fee collection amount'' specified in Section 6(b)(6)(A) for that fiscal year.

[5] 15 U.S.C. 78m(e)(4) and 15 U.S.C. 78n(g)(4).

[6] Appendix A explains how we determined the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2020 using our methodology, and then shows the arithmetical process of calculating the fiscal year 2020 annual adjustment based on that estimate. The appendix includes the data used by the Commission in making its ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2020.

[7] 15 U.S.C. 77f(b)(4), 15 U.S.C. 78m(e)(6) and 15 U.S.C. 78n(g)(6).

[8] 15 U.S.C. 77f(b), 78m(e) and 78n(g).

By the Commission.

Jill M. Peterson,

Assistant Secretary.

Appendix A

Congress has established a target amount of monies to be collected from fees charged to issuers based on the value of their registrations. This appendix provides the formula for determining such fees, which the Commission adjusts annually. Congress has mandated that the Commission determine these fees based on the ''aggregate maximum offering prices,'' which measures the aggregate dollar amount of securities registered with the Commission over the course of the year. In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected aggregate maximum offering prices. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected aggregate maximum offering prices.

For 2020, the Commission has estimated the aggregate maximum offering prices by projecting forward the trend established in the previous decade. More specifically, an ARIMA model was used to forecast the value of the aggregate maximum offering prices for months subsequent to July 2019, the last month for which the Commission has data on the aggregate maximum offering prices.

The following sections describe this process in detail.

A. Baseline Estimate of the Aggregate Maximum Offering Prices for Fiscal Year 2020

First, calculate the aggregate maximum offering prices (AMOP) for each month in the sample (July 2009–July 2019). Next, calculate the percentage change in the AMOP from month to month.

Model the monthly percentage change in AMOP as a first order moving average process. The moving average approach allows one to model the effect that an exceptionally high (or low) observation of AMOP tends to be followed by a more ''typical'' value of AMOP.

Use the estimated moving average model to forecast the monthly percent change in AMOP. These percent changes can then be applied to obtain forecasts of the total dollar value of registrations. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for AMOP. The sample spans ten years, from July 2009 to July 2019.

2. Divide each month's AMOP (column C) by the number of trading days in that month (column B) to obtain the average daily AMOP (AAMOP, column D).

3. For each month t, the natural logarithm of AAMOP is reported in column E.

4. Calculate the change in log(AAMOP) from the previous month as $\Delta_t = \log(AAMOP_t) - \log(AAMOP_{t-1})$. This approximates the percentage change.

5. Estimate the first order moving average model $\Delta_t = \alpha + \beta e_{t-1} + e_t$, where e_t denotes the forecast error for month t. The forecast error is simply the difference between the one-month ahead forecast and the actual realization of Δ_t. The forecast error is expressed as $e_t = \Delta_t - \alpha - \beta e_{t-1}$. The model can be estimated using standard commercially available software. Using least squares, the estimated parameter values are $\alpha = 0.00585851$ and $\beta = 0.88811274$.

6. For the month of August 2019 forecast $\Delta_{t = 8/2019} = \alpha + \beta e_{t = 7/2019}$. For all subsequent months, forecast $\Delta_t = \alpha$.

7. Calculate forecasts of log(AAMOP). For example, the forecast of log(AAMOP) for October 2019 is given by $FLAAMOP_{t = 10/2019} = \log(AAMOP_{t = 7/2019}) + \Delta_{t = 8/2019} + \Delta_{t = 9/2019} + \Delta_{t = 10/2019}$.

8. Under the assumption that e_t is normally distributed, the n-step ahead forecast of AAMOP is given by $\exp(FLAAMOP_t + \sigma_n^2/2)$, where σ_n denotes the standard error of the n-step ahead forecast.

9. For October 2019, this gives a forecast AAMOP of $20.703 billion (Column I), and a forecast AMOP of $476.161 billion (Column J).

10. Iterate this process through September 2020 to obtain a baseline estimate of the aggregate maximum offering prices for fiscal year 2020 of $5,429,883,452,897.

B. Using the Forecasts From A To Calculate the New Fee Rate

1. Using the data from Table A, estimate the aggregate maximum offering prices between 10/01/19 and 9/30/20 to be $5,429,883,452,897.

2. The rate necessary to collect the target $705,000,000 in fee revenues set by Congress is then calculated as: $705,000,000 ÷ $5,429,883,452,897 = 0.000129837.

3. Round the result to the seventh decimal point, yielding a rate of 0.0001298 (or $129.80 per million).

TABLE A—ESTIMATION OF BASELINE OF AGGREGATE MAXIMUM OFFERING PRICES

[Fee rate calculation]

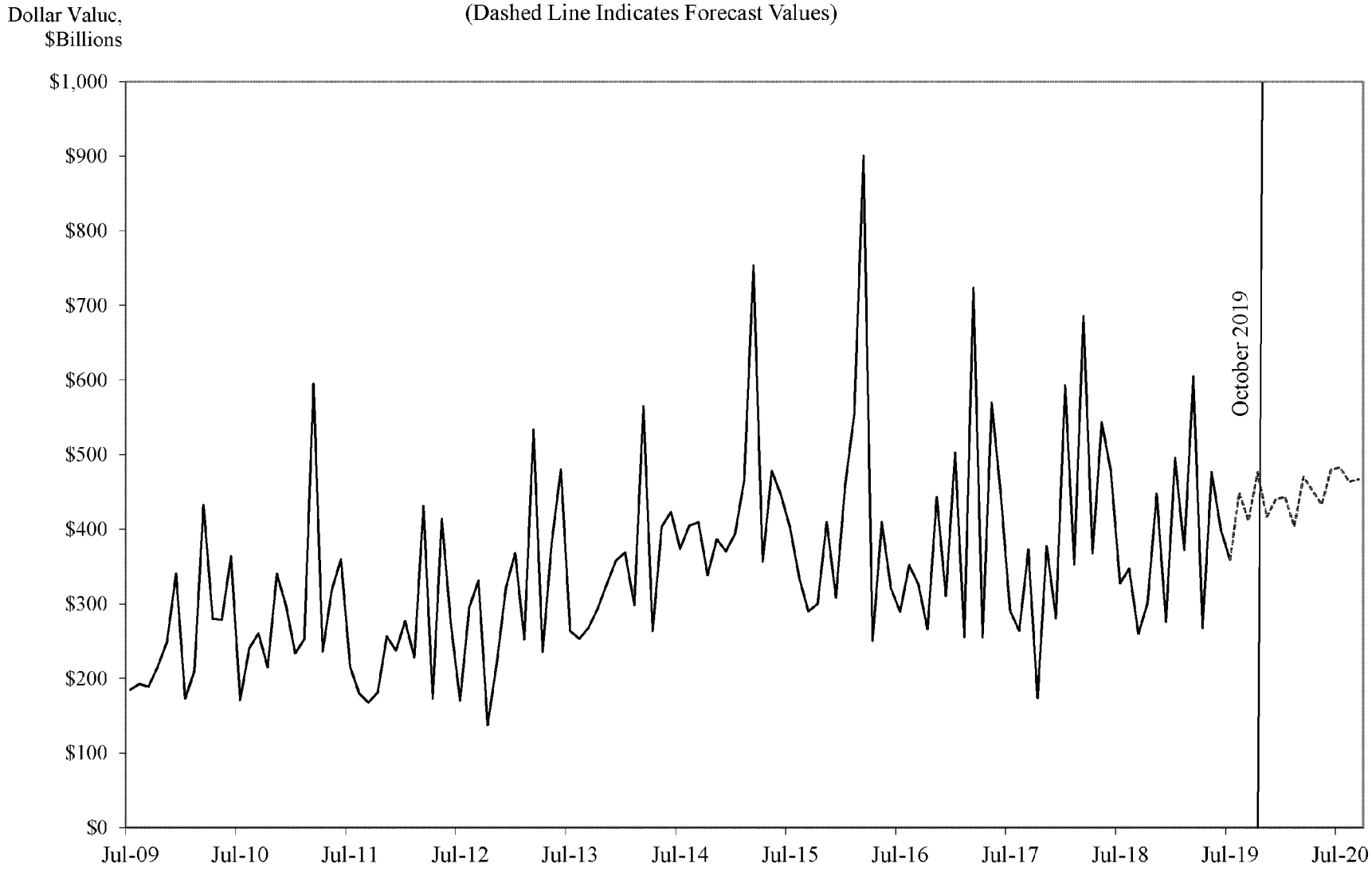
a. Baseline estimate of the aggregate maximum offering prices, 10/01/19 to 09/30/20 ($Millions)	5,429,883
b. Implied fee rate ($705 Million/a)	$129.80

Month (A)	Number of trading days in month (B)	Aggregate maximum offering prices, in $millions (C)	Average daily aggregate max. offering prices (AAMOP) in $millions (D)	log(AAMOP) (E)	Log (change in AAMOP) (F)	Forecast log(AAMOP) (G)	Standard error (H)	Forecast AAMOP, in $millions (I)	Forecast aggregate maximum offering prices, in $millions (J)
Jul-09	22	185,187	8,418	22.854					
Aug-09	21	192,726	9,177	22.940	0.086				
Sep-09	21	189,224	9,011	22.922	−0.018				
Oct-09	22	215,720	9,805	23.006	0.085				
Nov-09	20	248,353	12,418	23.242	0.236				
Dec-09	22	340,464	15,476	23.463	0.220				
Jan-10	19	173,235	9,118	22.933	−0.529				
Feb-10	19	209,963	11,051	23.126	0.192				
Mar-10	23	432,934	18,823	23.658	0.533				
Apr-10	21	280,188	13,342	23.314	−0.344				
May-10	20	278,611	13,931	23.357	0.043				
Jun-10	22	364,251	16,557	23.530	0.173				
Jul-10	21	171,191	8,152	22.822	−0.709				
Aug-10	22	240,793	10,945	23.116	0.295				
Sep-10	21	260,783	12,418	23.242	0.126				
Oct-10	21	214,988	10,238	23.049	−0.193				
Nov-10	21	340,112	16,196	23.508	0.459				
Dec-10	22	297,992	13,545	23.329	−0.179				
Jan-11	20	233,668	11,683	23.181	−0.148				
Feb-11	19	252,785	13,304	23.311	0.130				
Mar-11	23	595,198	25,878	23.977	0.665				

Month	Number of trading days in month	Aggregate maximum offering prices, in $millions	Average daily aggregate max. offering prices (AAMOP) in $millions	log(AAMOP)	Log (change in AAMOP)	Forecast log(AAMOP)	Standard error	Forecast AAMOP, in $millions	Forecast aggregate maximum offering prices, in $millions
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
Apr-11	20	236,355	11,818	23.193	−0.784				
May-11	21	319,053	15,193	23.444	0.251				
Jun-11	22	359,727	16,351	23.518	0.073				
Jul-11	20	215,391	10,770	23.100	−0.418				
Aug-11	23	179,870	7,820	22.780	−0.320				
Sep-11	21	168,005	8,000	22.803	0.023				
Oct-11	21	181,452	8,641	22.880	0.077				
Nov-11	21	256,418	12,210	23.226	0.346				
Dec-11	21	237,652	11,317	23.150	−0.076				
Jan-12	20	276,965	13,848	23.351	0.202				
Feb-12	20	228,419	11,421	23.159	−0.193				
Mar-12	22	430,806	19,582	23.698	0.539				
Apr-12	20	173,626	8,681	22.884	−0.813				
May-12	22	414,122	18,824	23.658	0.774				
Jun-12	21	272,218	12,963	23.285	−0.373				
Jul-12	21	170,462	8,117	22.817	−0.468				
Aug-12	23	295,472	12,847	23.276	0.459				
Sep-12	19	331,295	17,437	23.582	0.305				
Oct-12	21	137,562	6,551	22.603	−0.979				
Nov-12	21	221,521	10,549	23.079	0.476				
Dec-12	20	321,602	16,080	23.501	0.422				
Jan-13	21	368,488	17,547	23.588	0.087				
Feb-13	19	252,148	13,271	23.309	−0.279				
Mar-13	20	533,440	26,672	24.007	0.698				
Apr-13	22	235,779	10,717	23.095	−0.912				
May-13	22	382,950	17,407	23.580	0.485				
Jun-13	20	480,624	24,031	23.903	0.322				
Jul-13	22	263,869	11,994	23.208	−0.695				
Aug-13	22	253,305	11,514	23.167	−0.041				
Sep-13	20	267,923	13,396	23.318	0.151				
Oct-13	23	293,847	12,776	23.271	−0.047				
Nov-13	20	326,257	16,313	23.515	0.244				
Dec-13	21	358,169	17,056	23.560	0.045				
Jan-14	21	369,067	17,575	23.590	0.030				
Feb-14	19	298,376	15,704	23.477	−0.113				
Mar-14	21	564,840	26,897	24.015	0.538				
Apr-14	21	263,401	12,543	23.252	−0.763				
May-14	21	403,700	19,224	23.679	0.427				
Jun-14	21	423,075	20,146	23.726	0.047				
Jul-14	22	373,811	16,991	23.556	−0.170				
Aug-14	21	405,017	19,287	23.683	0.127				
Sep-14	21	409,349	19,493	23.693	0.011				
Oct-14	23	338,832	14,732	23.413	−0.280				
Nov-14	19	386,898	20,363	23.737	0.324				
Dec-14	22	370,760	16,853	23.548	−0.189				
Jan-15	20	394,127	19,706	23.704	0.156				
Feb-15	19	466,138	24,534	23.923	0.219				
Mar-15	22	753,747	34,261	24.257	0.334				
Apr-15	21	356,560	16,979	23.555	−0.702				
May-15	20	478,591	23,930	23.898	0.343				
Jun-15	22	446,102	20,277	23.733	−0.166				
Jul-15	22	402,062	18,276	23.629	−0.104				
Aug-15	21	334,746	15,940	23.492	−0.137				
Sep-15	21	289,872	13,803	23.348	−0.144				
Oct-15	22	300,276	13,649	23.337	−0.011				
Nov-15	20	409,690	20,485	23.743	0.406				
Dec-15	22	308,569	14,026	23.364	−0.379				
Jan-16	19	457,411	24,074	23.904	0.540				
Feb-16	20	554,343	27,717	24.045	0.141				
Mar-16	22	900,301	40,923	24.435	0.390				
Apr-16	21	250,716	11,939	23.203	−1.232				
May-16	21	409,992	19,523	23.695	0.492				
Jun-16	22	321,219	14,601	23.404	−0.291				
Jul-16	20	289,671	14,484	23.396	−0.008				
Aug-16	23	352,068	15,307	23.452	0.055				
Sep-16	21	326,116	15,529	23.466	0.014				
Oct-16	21	266,115	12,672	23.263	−0.203				
Nov-16	21	443,034	21,097	23.772	0.510				
Dec-16	21	310,614	14,791	23.417	−0.355				
Jan-17	20	503,030	25,152	23.948	0.531				
Feb-17	19	255,815	13,464	23.323	−0.625				
Mar-17	23	723,870	31,473	24.172	0.849				
Apr-17	19	255,275	13,436	23.321	−0.851				
May-17	22	569,965	25,908	23.978	0.657				
Jun-17	22	445,081	20,231	23.730	−0.247				

Month	Number of trading days in month	Aggregate maximum offering prices, in $millions	Average daily aggregate max. offering prices (AAMOP) in $millions	log(AAMOP)	Log (change in AAMOP)	Forecast log(AAMOP)	Standard error	Forecast AAMOP, in $millions	Forecast aggregate maximum offering prices, in $millions
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
Jul-17	20	291,167	14,558	23.401	−0.329				
Aug-17	23	263,981	11,477	23.164	−0.238				
Sep-17	20	372,705	18,635	23.648	0.485				
Oct-17	22	173,749	7,898	22.790	−0.858				
Nov-17	21	377,262	17,965	23.612	0.822				
Dec-17	20	281,126	14,056	23.366	−0.245				
Jan-18	21	593,025	28,239	24.064	0.698				
Feb-18	19	353,182	18,589	23.646	−0.418				
Mar-18	21	685,784	32,656	24.209	0.563				
Apr-18	21	367,569	17,503	23.586	−0.624				
May-18	22	543,840	24,720	23.931	0.345				
Jun-18	21	477,967	22,760	23.848	−0.083				
Jul-18	21	327,710	15,605	23.471	−0.377				
Aug-18	23	347,239	15,097	23.438	−0.033				
Sep-18	19	259,874	13,678	23.339	−0.099				
Oct-18	23	300,814	13,079	23.294	−0.045				
Nov-18	21	447,767	21,322	23.783	0.489				
Dec-18	19	276,130	14,533	23.400	−0.383				
Jan-19	21	495,624	23,601	23.885	0.485				
Feb-19	19	372,166	19,588	23.698	−0.186				
Mar-19	21	604,813	28,801	24.084	0.385				
Apr-19	21	267,737	12,749	23.269	−0.815				
May-19	22	476,892	21,677	23.800	0.531				
Jun-19	20	399,178	19,959	23.717	−0.083				
Jul-19	22	359,438	16,338	23.517	−0.200				
Aug-19	22					23.689	0.320	20,435	449,575
Sep-19	20					23.695	0.322	20,568	411,370
Oct-19	23					23.701	0.324	20,703	476,161
Nov-19	20					23.707	0.326	20,838	416,753
Dec-19	21					23.713	0.328	20,974	440,445
Jan-20	21					23.719	0.330	21,110	443,317
Feb-20	19					23.724	0.332	21,248	403,713
Mar-20	22					23.730	0.334	21,387	470,505
Apr-20	21					23.736	0.336	21,526	452,048
May-20	20					23.742	0.338	21,666	433,330
Jun-20	22					23.748	0.340	21,808	479,772
Jul-20	22					23.754	0.342	21,950	482,901
Aug-20	21					23.760	0.344	22,093	463,957
Sep-20	21					23.765	0.345	22,237	466,983

Figure A
Aggregate Maximum Offering Prices Subject to Securities Act Section 6(b)
(Dashed Line Indicates Forecast Values)



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BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86743; File No. SR–CboeEDGX–2019–052]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend the Fee Schedule Applicable to Members and Non-Members of the Exchange Pursuant to EDGX Rules 15.1(a) and (c)

August 23, 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 August 16, 2019, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fee schedule applicable to Members and non-Members [3] of the Exchange pursuant to EDGX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing. The text of the proposed rule change is attached [sic] as Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to its options trading platform (''EDGX Options'') to adopt a fee for the equity leg of a stock-option order, which orders would yield fee code ''EQ'', effective August 16, 2019.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 20% of the market share.[4] Thus, in such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. In response to competitive pricing, the Exchange, like other options exchanges, offers rebates and assesses fees for certain order types executed on or routed through the Exchange.

Pursuant to rule filing SR–2019–CboeEDGX–039,[5] the Exchange will implement stock-option order functionality on August 16, 2019. Stock-option orders are complex instruments that constitute the purchase or sale of a stated number of units of an underlying stock or a security convertible into the underlying stock coupled with the purchase or sale of an option contract(s) on the opposite side of the market and execute in the same manner as complex orders. Through this new functionality, the stock portions of stock-option strategy orders will be electronically communicated by the Exchange to a designated broker-dealer, who will then manage the execution of such stock portions. In connection with the new functionality, the Exchange proposes to adopt a stock handling fee of $0.0010 per share for the processing and routing by the Exchange of the stock portion of stock-option strategy orders executed through those mechanisms. The purpose of the proposed stock handling fee is to cover the fees charges by the outside venue that prints the trade, as well as assist in covering the Exchange's costs in matching these stock-option orders against other stock option orders on the complex book. Additionally, the Exchange will also largely pass through to Members the fees assessed to the Exchange by the designated broker that will be managing the execution of these stock portions of stock-option strategy orders. The Exchange notes that other exchanges have likewise implemented fees for stock portions of stock-option strategy order in response to their respective implementations of stock-option strategy order functionality.[6] Moreover, the proposed fee is identical to fees assessed by other options exchanges, including that of its affiliated exchange, Cboe Options, for stock legs executed as a part of stock-option strategy orders.[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[4] *See* Cboe Global Markets U.S. Options Market Volume Summary (August 15, 2019), available at *https://markets.cboe.com/us/options/market_statistics/*.

[5] *See* Securities Exchange Act Release No. 86353 (July 11, 2019), 84 FR 34230 (July 17, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add Stock-Option Order Functionality and Complex Qualified Contingent Cross (''QCC'') Order With Stock Functionality, and To Make Other Changes to its Rules) (SR–CboeEDGX–2019–039).

[6] *See* Securities Exchange Act Release No. 85909 (May 21, 2019), 84 FR 24587 (May 28, 2019) (SR–EMERALD–2019–21); Securities Exchange Act Release No. 83788 (August 7, 2018), 83 FR 40110 (August 13, 2018) (SR–MIAX–2018–18); *and* Securities Exchange Act Release No. 67383 (July 10, 2012), 77 FR 41841 (July 16, 2012) (SR–CBOE–2012–063).

[7] *See* NASDAQ ISE Options Pricing Schedule, Section 4.12; NASDAQ MRX Options Pricing Schedule, Section 4(1); MIAX Emerald Fee Schedule, Section 1(a)(vi); MIAX Options Fee Schedule, Section 1(a)(x); *and* Cboe Options Fees Schedule, Stock Portion of Stock-Option Strategy Orders (each exchange charges the same fee of $0.0010 per share and capped at $50 per order). The Exchange notes that at this time it does not have the functionality available to impose a cap per order. The Exchange intends to have this functionality in place by Quarter 1 of 2020. The Exchange also does not believe that the absence of a cap prior to this timeframe will impact market

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[8] in general, and furthers the requirements of Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) 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, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposed change to assess a charge for stock portions of stock-option strategy orders processed and routed through the Exchange transactions is consistent with Section 6(b)(4) of the Act in that the proposal is reasonable, equitable and not unfairly discriminatory. The Exchange believes the proposed stock handling fee for stock-option orders is reasonable and equitable as the proposed fee will cover the costs of developing and maintaining the systems that allow for the matching and processing of the stock legs of stock-option orders executed in the complex order book, as well as all fees charged by the outside venue that prints the trade. The Exchange also believes it is reasonable and equitable to largely pass through to the Member any fees assessed by the routing broker-dealer utilized by the Exchange with respect to the execution of the stock leg of any such order. The Exchange notes that other exchanges assess the same fee for stock components of stock option strategies for the purposes of covering similar costs.[10]

The Exchange also believes that the proposed fee for the stock legs of a stock-option strategy order is equitable and not unfairly discriminatory because it will be uniformly applied to all Members that execute stock-option orders in the complex order book on the Exchange. As noted, the proposed fee is identical to fees assessed by other options exchanges for stock legs executed as a part of stock-option strategy orders.[11] As such, stock-option strategy orders are available on other options exchanges and participants can readily direct order flow to another exchange if they deem other exchanges' fees to be more favorable.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe 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. Specifically, the Exchange does not believe that the proposed change will impose any burden on intramarket competitions that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change will apply uniformly to the stock portions of all market participants' stock-option strategy orders.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 15 other options exchanges. Based on publicly available information, no single options exchange has more than 20% of the market share.[12] Therefore, no exchange possesses significant pricing power in the execution of option order flow. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. The proposed fee is substantially similar to fees charged for stock components of stock-option strategy orders by the Exchange's affiliate, Cboe Options, and other competing exchanges,[13] therefore, the Exchange believes that the proposed rule change appropriately reflects this competitive environment. Indeed, participants can readily choose to send their orders to other exchanges, and, additionally off-exchange venues, if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [14] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . ..''.[15] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)

participants as the stock-option strategy functionality will be new, thus large trades and large volume executed through such orders will take some time to gain traction on the Exchange, and, the Exchange notes that a majority of large complex orders executed on the Exchange are currently executed through its complex order auctions and QCC (including QCC with stock). The fee codes appended to these order types do not impose a cap.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] *See supra* note 6.

[11] *See supra* note 7.

[12] *See supra* note 4.

[13] *See supra* note 6.

[14] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[15] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

of the Act [16] and paragraph (f) of Rule 19b–4[17] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2019–052 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–2019–052. 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 a.m. and 3 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–2019–052 and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

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BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–86745; File No. SR–FICC–2019–004]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the GSD Rulebook To Establish a Process To Address Liquidity Needs in Certain Situations in the GCF Repo and CCIT Services and Make Other Changes

August 23, 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 August 9, 2019, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the FICC Government Securities Division (''GSD'') Rulebook (the ''Rules'') [4] to: (i) Establish a new deadline and associated late fees for satisfaction of net cash obligations in GCF Repo Transaction [5] and CCIT Transaction [6] activity (hereinafter ''GCF Repo/CCIT activity'') [7] and remove the current 6 p.m. Collateral Allocation Obligation [8] deadline; (ii) establish a process to provide liquidity to FICC in situations where a Netting Member or CCIT Member [9] with a net cash obligation in GCF Repo/CCIT activity, that is otherwise in good standing, is either (1) delayed in satisfying or (2) unable to satisfy its cash obligation (in whole or in part); and (iii) make a clarification, certain technical changes and corrections, all as further described below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On August 9, 2019, FICC filed this proposed rule change as an advance notice (SR–FICC–2019–801) with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) under the Act, 17 CFR 240.19b–4(n)(1)(i). A copy of the advance notice is *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

[4] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/legal/rules-and-procedures.*

[5] ''GCF Repo Transaction'' means a Repo Transaction involving Generic CUSIP Numbers the data on which are submitted to FICC on a Locked-In-Trade basis pursuant to the provisions of Rule 6C, for netting and settlement by FICC pursuant to the provisions of Rule 20. Rule 1, *supra* note 4.

[6] ''CCIT Transaction'' means a transaction that is processed by FICC in the CCIT Service. Because the CCIT Service leverages the infrastructure and processes of the GCF Repo Service, a CCIT Transaction must be: (i) In a Generic CUSIP Number approved for the GCF Repo Service and (ii) between a CCIT Member and a Netting Member who participates in the GCF Repo Service where the CCIT Member is the cash lender in the transaction. Rule 1, *supra* note 4.

[7] The GCF Repo Service is primarily governed by Rule 20 and enables Netting Members to trade general collateral finance repurchase agreement transactions based on rate, term, and underlying product throughout the day with brokers on a blind basis. The CCIT Service is governed by Rule 3B and enables tri-party repurchase agreement transactions in GCF Repo Securities between Netting Members that participate in the GCF Repo Service and institutional cash lenders (other than investment companies registered under the Investment Company Act of 1940, as amended). Rule 20 and Rule 3B, *supra* note 4.

[8] ''Collateral Allocation Obligation'' means the obligation of a Netting Member to allocate securities or cash for the benefit of FICC to secure such Member's GCF Net Funds Borrower Position. Rule 1, *supra* note 4.

[9] ''CCIT™'' means Centrally Cleared Institutional Triparty. The terms ''Centrally Cleared Institutional Triparty Member'' and ''CCIT Member'' mean a legal entity other than a Registered Investment Company approved to participate in the FICC's CCIT Service as a cash lender. Rule 1, *supra* note 4. Eligibility to become a CCIT Member is described in Section 2 of Rule 3B. Rule 3B, Section 2, *supra* note 4.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend the Rules to: (i) Establish a new deadline and associated late fees for satisfaction of net cash obligations in GCF Repo/CCIT activity and remove the current 6 p.m. Collateral Allocation Obligation deadline; (ii) establish a process to provide liquidity to FICC in situations where a Netting Member or CCIT Member with a net cash obligation in GCF Repo/CCIT activity, that is otherwise in good standing, is either (1) delayed in satisfying or (2) unable to satisfy its cash obligation (in whole or in part); and (iii) make a clarification, certain technical changes and corrections, all as further described below.

(i) Proposed Change To Establish a New Deadline and Associated Late Fees for Satisfaction of Net Cash Obligations in GCF Repo/CCIT Activity and Remove the Current 6 p.m. Collateral Allocation Obligation Deadline

Securities Obligations (Collateral Allocation Obligations)

The Rules (Section 3 of Rule 20, the Schedule of GCF Timeframes and the Fee Structure) currently address a Netting Member's failure to satisfy its Collateral Allocation Obligation on a timely basis.[10] Specifically, Section 3 of Rule 20 states that Collateral Allocation Obligations must be satisfied by a Netting Member within the timeframes established for such by FICC.[11] The current deadline in the Schedule of GCF Timeframes for Netting Member allocation of collateral to satisfy securities obligations is 4:30 p.m.[12] This 4:30 p.m. deadline is the first deadline by which Netting Members that have Collateral Allocation Obligations must allocate their securities collateral or be subject to a late fee of $500 (the late fee is set forth in the Fee Structure of the Rules).[13] In addition, the Schedule of GCF Timeframes includes a second deadline of 6 p.m. by which Netting Members that have Collateral Allocation Obligations must allocate their securities collateral; after 6 p.m., FICC will process such collateral allocations on a good faith basis only.[14] These provisions are mirrored in Section 3 of Rule 20, which also references the ''final cutoff'' (*i.e.,* the 6 p.m. deadline).[15] Section 3 of Rule 20 also provides FICC's processing of such late allocations is on a good faith basis only.[16] Furthermore, Section 3 of Rule 20 states that Netting Members that do not satisfy their Collateral Allocation Obligations by the close of the Fedwire Funds Service shall be deemed to have failed on such Position (the consequence of which shall be that such Netting Member would not be entitled to receive the funds borrowed, but shall owe interest on such funds amount).[17]

With respect to the foregoing regarding allocation of securities collateral on a timely basis, FICC proposes to establish 4:30 p.m. as the only deadline for Netting Member allocation of collateral.[18] In other words, FICC proposes to remove the current second deadline (*i.e.,* 6 p.m.) by which Netting Members that have Collateral Allocation Obligations must allocate their securities obligations. This proposed change would align the deadline for allocating securities obligations with the proposed deadline for satisfying cash obligations (*i.e.,* 4:30 p.m. or one hour after the close of the Fedwire Securities Service reversals, if later). Netting Members typically have obligations to satisfy outside of FICC after the collateral allocations occur at FICC. FICC believes that all parties (including FICC) would benefit from securities settlement occurring by 4:30 p.m. This is because the more settlements that complete earlier, the more potential operational risk is removed from the market. Specifically, there is interconnectivity between the GCF Repo market and the tri-party market outside of FICC. The securities collateral that is used to settle GCF Repo positions can be subsequently used by Netting Members to complete tri-party transactions outside of FICC. Therefore, the earlier that securities settlement occurs in the GCF Repo Service, the less potential operational risk of incomplete tri-party transactions outside of FICC. Under the current Rules, the second deadline of 6 p.m. creates an environment of later settlement both at FICC and outside of FICC. Even though Netting Members are generally abiding by the 4:30 p.m. securities allocation deadline, FICC would like to address the possibility of later settlement by deleting the 6 p.m. deadline. Therefore, by imposing 4:30 p.m. as the only deadline, FICC believes it would be lowering potential operational risk in the market that could arise if Netting Members chose to avail themselves of the current 6:00 p.m. deadline. This risk is the risk of disorder if firms are attempting to fulfill GCF Repo settlement and tri-party transaction settlement at the same time later in the day. Under the proposal, FICC would continue to process collateral allocations after the 4:30 p.m. deadline on a good faith basis only (like it currently does for collateral allocations after the current 6 p.m. deadline). Netting Members would remain subject to the $500 late fee if they do not meet the 4:30 p.m. deadline unless FICC determines, in its sole discretion, that failure to meet this timeframe is not primarily the fault of the Netting Member, as currently stated in Section IX of the Fee Structure. This determination would be made by FICC Product Management based on input from the GCF Clearing Agent Bank, internal FICC Operations staff and the Netting Member. The Netting Member would not be charged if the lateness is due to the GCF Clearing Agent Bank or FICC.

Cash Obligations

The Rules do not currently contain a deadline for a Netting Member's or CCIT Member's satisfaction of cash obligations in the GCF Repo Service and the CCIT Service. FICC proposes to establish 4:30 p.m. (or one hour after the close of the Fedwire Securities Service reversals, if later) as the deadline for a ''Net Funds Payor'' (as defined by this

[10] Rule 20, Section 3, Schedule of GCF Timeframes, and Fee Structure, *supra* note 4. Collateral Allocation Obligations do not apply to CCIT Members because they can only be cash lenders in the CCIT Transactions.

[11] Rule 20, Section 3, *supra* note 4.

[12] Schedule of GCF Timeframes, *supra* note 4.

[13] Fee Structure, *supra* note 4.

[14] Schedule of GCF Timeframes, *supra* note 4. Today, after 6:00 p.m., FICC will process collateral allocations on a good faith basis, namely if FICC is able to contact both affected Netting Members and such Netting Members agree to settle such transaction, then FICC and its GCF Clearing Agent Bank will settle such transaction.

[15] Rule 20, Section 3, *supra* note 4.

[16] *Id.*

[17] *Id.*

[18] *See* Schedule of GCF Timeframes, *supra* note 4. Currently, the Schedule of GCF Timeframes provides that the first deadline for collateral allocation is 4:30 p.m. or one hour after the close of the securities FedWire, if later. The reference regarding one hour after the FedWire close would remain, subject to a correction discussed below in Item II(A)1(iii) of this filing.

proposed rule change)[19] to satisfy their cash obligations after which a late fee of $500 would be imposed unless FICC determines that failure to meet this timeframe is not the fault of the Net Funds Payor. This determination would be made by FICC Product Management based on input from the GCF Clearing Agent Bank, internal FICC Operations staff and the Netting Member. The Net Funds Payor would not be charged if the lateness is due to the GCF Clearing Agent Bank or FICC. To encourage Netting Members and CCIT Members that are Net Funds Payors to satisfy their cash obligations by the 4:30 p.m. deadline, the proposed rule change would provide for progressive increases in the amount of the late fee for additional late occurrences. Specifically, the late fees would apply as follows: (a) $500 for the first occurrence (within 30 calendar days), (b) $1,000 for the second occurrence (within 30 calendar days), (c) $2,000 for the third occurrence (within 30 calendar days), and (d) $3,000 for the fourth occurrence (within 30 calendar days) or additional occurrences (within the 30 calendar days). The Rules currently set forth a late fee of $500 for late securities settlement. As such, for late cash settlement, FICC is also proposing to establish $500 as the initial late fee; however, as described above, there would be progressive increases in the amount of the late fee for additional late occurrences. FICC derived these amounts by starting with the equivalent late fee of $500 that is currently imposed with respect to late securities settlement and then increased the late fee amounts to provide a disincentive effect.[20]

In addition, FICC proposes to establish additional late fees that would be imposed on Netting Members and CCIT Members that are Net Funds Payors that fail to make the required payment of cash by the close of the Fedwire Funds Service. Specifically, the following additional late fees would be imposed if cash obligations are not satisfied by the close of the Fedwire Funds Service (unless FICC determines that the failure to meet this timeframe is not primarily the fault of the Net Funds Payors):[21] (a) 100 basis points on the unsatisfied cash obligation amount for the first occurrence (within 90 calendar days),[22] (b) 200 basis points on the unsatisfied cash obligation amount for the second occurrence (within 90 calendar days), (c) 300 basis points on the unsatisfied cash obligation amount for the third occurrence (within 90 calendar days), and (d) 400 basis points on the unsatisfied cash obligation amount for the fourth occurrence (within 90 calendar days) or additional occurrences (within the 90 calendar days). As there is no comparative data, FICC believes these amounts in this section represent reasonable and scaling incentives for Netting Members and CCIT Members that are Net Funds Payors to satisfy their cash obligations in a timely manner. The proposed late fees related to the 4:30 p.m. deadline are in flat dollar amounts whereas the proposed late fees related to cash obligations not being satisfied by the close of the Fedwire Funds Service are in basis points and based on the amount of unsettled cash obligations. FICC has structured its proposal in this way because the proposed late fees related to the 4:30 p.m. deadline would address lateness whereas the proposed late fee related to cash obligations not being satisfied by the close of the Fedwire Funds Service would charge for the amount of cash that was not settled.

(ii) Proposed Change To Establish a Process To Provide Liquidity to FICC in Situations Where a Netting Member or CCIT Member With a Net Cash Obligation in GCF Repo/CCIT Activity, That is Otherwise in Good Standing, is Either (1) Delayed in Satisfying Or (2) Unable To Satisfy its Cash Obligation (in Whole or in Part)

Proposed Process

FICC is proposing to establish a process to address FICC's liquidity needs in situations in which a Netting Member or CCIT Member that is a Net Funds Payor, that is otherwise in good standing with FICC, is delayed or unable to satisfy (either in whole or in part) its GCF Repo/CCIT activity cash obligations.[23] The proposed process would not apply if FICC ceases to act for the Netting Member or CCIT Member, in which case the close-out rules would apply.[24] Because settlement of GCF Repo/CCIT activity occurs late in the day, having an established process to handle a non-default related liquidity need would benefit FICC and its members by improving FICC's ability to complete settlement and thereby reduce risk to FICC and the industry. This proposal would provide FICC with the tools to replace failed settlement with a financing transaction with FICC, as further described below.

FICC would first evaluate whether to recommend to the Board's Risk Committee that FICC cease to act for such Net Funds Payor. FICC would consider, but would not be limited to, the following factors in its evaluation: (i) The Net Funds Payor's current financial position, (ii) the amount of the outstanding payment, (iii) the cause of the late payment, (iv) current market conditions, and (v) the size of the potential overnight reverse repurchase transactions under the GCF Repo Allocation Waterfall MRAs (as defined below) on the GSD membership.[25]

Pursuant to the proposal, once FICC determines that a Net Funds Payor is in good standing with GSD but is experiencing an issue, such as an operational issue, that may result in a late payment, partial payment or non-payment of its cash obligation on the settlement date, the following process would occur:

- In the case where the Net Funds Payor only satisfies part of its cash obligation, the GCF Clearing Agent Bank would settle the cash it received pursuant to such GCF Clearing Agent Bank's settlement algorithm (as is done today). The GCF Clearing Agent Bank has its own settlement algorithm, which would allocate the partial amount of cash received from the Net Funds Payor among the various Net Funds Receivers.[26]
- FICC would evaluate whether FICC will provide liquidity (in the form of end-of-day borrowing of Clearing Fund cash (''EOD Clearing Fund Cash,'' which is a new definition proposed to be added by this filing) and/or GCF

[19] FICC is proposing to add ''Net Funds Payor'' as a new definition as explained in Item II(A)1(iii) below.

[20] Because the deadline for cash settlement is newly proposed, FICC would like to provide a disincentive for cash lateness and, therefore, is proposing fee increases.

[21] This determination would be made by FICC Product Management based on input from the GCF Clearing Agent Bank, internal FICC Operations staff and the Netting Member. The Net Funds Payor would not be charged if the lateness is due to the GCF Clearing Agent Bank or FICC.

[22] The late fee is based on the ACT/360 day count convention, where ''ACT'' represents the actual number of days in the period. For example, assuming a first occurrence unsatisfied cash obligation of $100 million, the late fee would be $100 million * 100/3600000 = $2,777.78. This example uses the first occurrence amount. This calculation would apply to the rest of the proposed late fees in this section.

[23] Such delay could, for example, be due to operational issues experienced by the Net Funds Payor. If a Netting Member with a collateral obligation does not deliver its securities, FICC considers it a fail. However, if a Netting Member or CCIT Member with a cash obligation is unable to deliver its cash (and is in good standing), FICC intends to employ the proposed process.

[24] *See* Rule 22A, *supra* note 4.

[25] FICC already has the authority to cease to act for a member that does not fulfill an obligation to FICC and will continually evaluate throughout the proposed process whether FICC will cease to act.

[26] An example of how the satisfaction of a partial cash obligation may be allocated among the Net Funds Receivers is provided in the third paragraph under ''Example'' in this section of this filing.

Clearing Agent Bank loans) to satisfy any remaining unsettled cash obligation of a Net Funds Payor on a pro rata basis based upon such Net Funds Receivers' percentage of the entire remaining amount of the unsettled cash obligation.

• FICC would first consider whether its GCF Clearing Agent Bank will provide overnight financing. Because FICC's overnight financing arrangements with its GCF Clearing Agent Bank are uncommitted, such arrangements are subject to the GCF Clearing Agent Bank's discretion. Financing extended by the GCF Clearing Agent Bank would use such bank's haircut schedule, and Clearing Fund securities would be used to satisfy the haircut.[27] FICC would not set a priority between the Clearing Fund cash and the overnight financing arrangements from its GCF Clearing Agent Bank (if any) because GSD's decision to use either or both resources would be influenced on a case-by-case basis by factors such as the specific circumstances, availability of a bank loan, market conditions, commercial considerations and ease of operational execution.[28]

• FICC's use of EOD Clearing Fund Cash for this situation would be subject to certain internal limitations. Specifically, GSD would establish a cap on the amount of EOD Clearing Fund Cash that may be used for this purpose to the lesser of $1 billion or 20 percent of available Clearing Fund Cash. GSD reviewed GCF and CCIT settlement activity for the period from July 2, 2018 through February 28, 2019 and noted that the average cash amount required across all 71 Members was between zero and $23.7 billion. Over this period, there were 27 Members with no cash amount required and 18 Members with an average cash amount of less than $1 billion. Therefore, FICC believes that the proposed cap would provide resources to facilitate settlement for a typical cash amount at a level that would not materially impact its liquidity resources in the event that there is a simultaneous need for liquidity both under the scenario this proposal is seeking to address and another Member-related default. GSD would not set a priority between Clearing Fund cash and overnight financing by the GCF Clearing Agent Bank (if any) because GSD's decision to use either or both resources would be influenced on a case-by-case basis by various factors, as described in the previous bullet.

• The cash amount that FICC would be able to raise from EOD Clearing Fund Cash and/or GCF Clearing Agent Bank loans would be applied to unsettled cash obligations of the Net Funds Receivers on a pro rata basis. The pro-ration would be based upon the percentage of each Net Fund Receiver's unsettled obligation versus the total amount of all unsettled obligations.

For example, assume the unsettled obligations totaled $1 billion and the liquidity raised is $800 million. In this case, FICC would instruct the GCF Clearing Agent Bank(s) to apply the liquidity amount ($800 million) to the remaining unsettled GCF Repo/CCIT obligations. Assume there are two Net Funds Receivers with unsettled obligations (one Netting/CCIT Member is short $600 million and the other is short $400 million). In this case, the first Net Funds Receiver would receive 60 percent of the $800 million ($480 million) and the second Net Funds Receiver would receive 40 percent of the $800 million ($320 million). The remaining unfunded $200 million would be distributed via overnight reverse repurchase transactions.[29]

• To the extent that the amount from the application of the Clearing Fund cash and overnight financing arrangement (if any) is insufficient to cover the outstanding cash obligations, FICC would enter into overnight repurchase agreements with Net Funds Receivers that are in unsettled Net Funds Receiver Positions. These repos would be done pursuant to the ''GCF Repo Allocation Waterfall MRA'' (as proposed to be added by this filing) and would be Rules-based.

• FICC would notify each unsettled Net Funds Receiver at the GCF Clearing Agent Bank that did not satisfy its cash obligation, and each such Net Funds Receiver would be required to enter into an overnight reverse repurchase agreement at the applicable Generic CUSIP Number with FICC. The amount of such reverse repurchase agreement would be at the remaining unsettled amount per Net Funds Receiver. Therefore, amounts received by FICC from these overnight reverse repurchase agreements would be used to satisfy remaining unsettled cash obligations.

• Such reverse repurchase agreements would be entered into pursuant to the terms of a 1996 SIFMA Master Repurchase Agreement,[30] which would be incorporated into the Rules, subject to specific changes set forth in the Rules. Such reverse repurchase transactions would be overnight trades at a market rate.[31] The associated overnight interest of the reverse repurchase agreement would be debited from the Net Funds Payor that did not satisfy its cash obligation and credited to the affected Net Funds Receivers in the funds-only settlement process as a Miscellaneous Adjustment Amount.[32]

• Any resulting costs incurred by the Net Funds Receivers would be debited from the Net Funds Payor whose shortfall raised the need for the reverse repurchase agreement. The Net Funds Receivers requesting compensation in this regard would need to submit a formal claim to FICC. Upon review and approval by FICC, the Net Funds Receiver would receive a credit that would be processed in the funds-only settlement process as a Miscellaneous Adjustment Amount.[33] The debit of the Net Funds Payor would be processed in the same way.

• Unless FICC has restricted the Member's access to services pursuant to Rule 21 or Rule 21A or has ceased to act for the Member pursuant to Rule 21 or Rule 21A, the Net Funds Payor shall be permitted to continue to submit activity to FICC.

Example

The following example illustrates the application of the proposed rule changes described above:

Assume that Dealer A has a cash payment obligation for $100 million and Dealers B, C, D and E are in GCF Net Funds Receiver Positions for $25 million each. Assume further that by 4:30 p.m., Dealer A satisfies only $60 million of its cash obligation thereby leaving $40 million outstanding. Dealer A would be subject to a late fee of $500.

The GCF Clearing Agent Bank satisfies transactions based upon its own settlement algorithms. As such, assume that the $60 million was settled as follows: (i) $25 million was settled with Dealer B, (ii) $10 million was settled with Dealer C, (iii) $25 million was settled with Dealer D, and (iv) $0 was settled with Dealer E.

As such, $40 million remains unfunded. Assume FICC uses its liquidity resources (EOD Clearing Fund

[27] *See* Rule 4, Section 5, *supra* note 4.

[28] The specific circumstances that FICC would consider are the time of day and the size of the shortfall. Regarding the market conditions, FICC would consider whether there are stress events occurring in the market. With respect to commercial considerations, FICC would consider the current loan rates.

[29] All pro-ration calculations would be rounded to the nearest million unless a smaller denomination is required to complete settlement.

[30] The September 1996 Securities Industry and Financial Markets Association Master Repurchase Agreement is *available at http://www.sifma.org/services/standard-forms-and-documentation/mra,-gmra,-msla-and-msftas/.*

[31] The market rate would be the overnight par weighted average rate at the Generic CUSIP Number level.

[32] *See* Rule 13, Section 1(m) and Rule 3B, Section 13(a)(ii), *supra* note 4.

[33] *Id.*

Cash and financing arrangements with the GCF Clearing Agent Bank (if available)) and is only able to raise $30 million. Dealer A would be responsible for the financing costs incurred by FICC. The $30 million borrowed by FICC would be prorated among the Netting Members in GCF Net Funds Receiver Positions that still have unsettled obligations. In this example, Dealer C has an unsettled obligation of $15 million and Dealer E has an unsettled obligation of $25 million. The proration calculation would be the percentage of the dealer's unsettled obligation versus the entire unsettled amount. In Dealer C's case, the $15 million unsettled amount is 38 percent of the $40 million total unsettled amount and in Dealer E's case, the $25 million unsettled amount is 62 percent of the $40 million. Dealer C would receive 38 percent of the $30 million that was raised by FICC (*i.e.,* $11,400,000), and Dealer E would receive 62 percent of the $30 million that was raised by FICC (*i.e.,* $18,600,000).

At this point, $10 million remains unsettled. This is the amount that would need to be satisfied using overnight reverse repos under the GCF Repo Allocation Waterfall MRA and would be distributed between the two remaining unsettled amounts with Dealer C (*i.e.,* $3,600,000) and Dealer E (*i.e.,* $6,400,000). FICC would notify these dealers and initiate the GCF Repo Allocation Waterfall MRA requirement with each of them. Dealer A would be subject to a late fee for failing to settle by the close of the Fedwire Funds Service. Such late fee of 100 basis points would be calculated based on the $40 million that Dealer A did not fund. In addition, the reverse repurchase agreements would be overnight trades at a market rate;[34] the associated overnight interest of the reverse repurchase agreement would be debited from Dealer A and credited to Dealers C and E in funds-only settlement. If Dealers C and/or E incurred any damages from the cost of securing alternate financing, FICC would determine if such costs are sufficiently demonstrated and would charge Dealer A for such costs to the extent that they do not include special, consequential, or punitive damages.

Throughout the foregoing process, Dealer A is subject to disciplinary action, up to and including termination of its GSD membership. Moreover, FICC retains its right to cease to act for Dealer A.

[34] *Supra* note 31.

(iii) Clarification, Technical Changes and Corrections

FICC proposes to make a clarification to Section 3 of Rule 20 by adding a descriptive parenthetical regarding net-of-net settlement.

FICC also proposes to make a technical change to the title of the ''Schedule of GCF Timeframes,'' which would be amended to ''Schedule of GCF Repo Timeframes'' to enhance accuracy. References to ''Schedule of GCF Timeframes'' in Section 3 of Rule 20 would also be updated to ''Schedule of GCF Repo Timeframes.''

FICC also proposes to make a correction by revising the language in ''Late Fee Related to GCF Repo Transactions'' in Section IX (Late Fees) of the Fee Structure from ''Fedwire reversals'' to ''Fedwire Securities Service reversals.'' FICC also proposes to revise ''securities FedWire'' to ''Fedwire Securities Service reversals'' in the Schedule of GCF Timeframes to be consistent with the proposed change in ''Late Fee Related to GCF Repo Transactions'' in Section IX (Late Fees) of the Fee Structure. FICC also proposes to revise the title from ''Late Fee Related to GCF Repo Transactions'' to ''Late Fees Related to GCF Repo Transactions.'' FICC believes these proposed changes would enhance consistency, clarity, and accuracy.

FICC also proposes to update the current references to ''dealer,'' ''dealers,'' or ''GCF Counterparties (''dealers'')'' in the ''Schedule of GCF Timeframes'' and ''Fee Structure'' to ''Netting Member'' or ''Netting Members'' for additional clarity and consistency because the GCF Repo Service is not only available to Dealer Netting Members and FICC believes that the references to ''dealers'' may cause confusion.

In addition, FICC proposes to update the descriptions for 3 p.m. and 3:30 p.m. in the Schedule of GCF Timeframes to correct certain descriptions that appear to have been reversed in error. Specifically, the description for 3 p.m. currently states that collateral allocations begin. However, collateral allocations actually begin at 3:30 p.m. and therefore, FICC proposes to correct this error by deleting the reference to collateral allocations beginning in the 3 p.m. description and adding a reference to the 3:30 p.m. description that would state that collateral allocations begin. Furthermore, the current 3 p.m. description states that notifications by FICC to banks and dealers of final positions occurs at this time, which is incorrect. There is not a strict established time for notifications by FICC to Members of final positions. FICC believes that it is reasonably and fairly implied that output would follow the cut-off for trade submission and therefore, does not believe the phrase ''notification by FICC to banks and dealers of final positions'' is necessary in the Schedule of GCF Timeframes. As such, FICC proposes to correct this error by deleting the reference to notifications by FICC to banks and dealers of final positions from the 3 p.m. description.

Furthermore, in connection with the proposed changes described herein, FICC also proposes to revise four relevant defined terms that indicate whether a Netting Member's obligation is a cash obligation or a securities obligation with respect to GCF Repo/CCIT activity (*i.e.,* ''GCF Net Funds Borrower Position,'' ''GCF Net Funds Borrower,'' ''GCF Net Funds Lender Position,'' and ''GCF Net Funds Lender''). In addition, FICC would add two new defined terms (*i.e.,* ''Net Funds Payor Position'' and ''Net Funds Receiver Position'') to distinguish the foregoing defined terms from a Netting Member's or CCIT Member's *after* net-of-net settlement.[35]

Specifically, there are currently four relevant defined terms that indicate whether a Netting Member's obligation is a cash obligation or a securities obligation with respect to GCF Repo/CCIT activity. These terms are: ''GCF Net Funds Borrower Position,''[36] ''GCF Net Funds Borrower,'' ''GCF Net Funds Lender Position,''[37] and ''GCF Net

[35] A Netting Member's or CCIT Member's obligation prior to net-of-net settlement describes such Netting Member's or CCIT Member's obligation for that particular Business Day. A Netting Member's or CCIT Member's obligation *after* net-of-net settlement describes such Netting Member's or CCIT Member's obligation after its obligation from the previous Business Day has been netted with its obligation for that particular Business Day.

[36] The term ''GCF Net Funds Borrower Position'' means, with respect to a particular Generic CUSIP Number, both the amount of funds that a Netting Member has borrowed as the net result of its outstanding GCF Repo Transactions and CCIT Transactions and the equivalent amount of Eligible Netting Securities and/or cash that such Netting Member is obligated, pursuant to Rule 20, to allocate to the Corporation to secure such borrowing (such Netting Member holding a GCF Net Funds Borrower Position, a ''GCF Net Funds Borrower''). *See* Rule 1, *supra* note 4.

[37] The term ''GCF Net Funds Lender Position'' means, with respect to a particular Generic CUSIP Number, both the amount of funds that a Netting Member or CCIT Member has lent as the result of its outstanding GCF Repo Transactions or its outstanding CCIT Transactions, as applicable, and the equivalent amount of Eligible Netting Securities and/or cash that such Netting Member or CCIT Member, as applicable, is entitled, pursuant to Rule 20, to be allocated for its benefit to secure such loan (such Netting Member or CCIT Member holding a GCF Net Funds Lender Position, a ''GCF Net Funds Lender''). *See* Rule 1, *supra* note 4.

Funds Lender.'' With respect to CCIT Members, which are only permitted to initiate transactions as cash lenders for submission to GSD, the applicable definitions are ''GCF Net Funds Lender Position'' and ''GCF Net Funds Lender.'' The four existing terms represent a Netting Member's and CCIT Member's position with respect to GCF Repo/CCIT activity that is processed by GSD on a particular Business Day *prior to* net-of-net settlement [38] and the proposed rule change would add language in the definitions of ''GCF Net Funds Borrower Position'' and ''GCF Net Funds Lender Position'' to make this clear.

To distinguish the foregoing from a Netting Member's or CCIT Member's position *after* net-of-net settlement, FICC proposes to amend Rule 1 (Definitions) to add two new defined terms, ''Net Funds Payor Position'' and ''Net Funds Receiver Position'' with two additional defined terms embedded within these definitions, ''Net Funds Payor'' and ''Net Funds Receiver,'' respectively. These defined terms would represent a Netting Member's and CCIT Member's, as applicable, position in GCF Repo/CCIT activity *as a result of* net-of-net settlement. Specifically, as a result of net-of-net settlement, a Netting Member or CCIT Member may be either in a cash debit position (*i.e.,* in a ''Net Funds Payor Position'' or a ''Net Funds Payor'') or cash credit position (*i.e.,* in a ''Net Funds Receiver Position'' or a ''Net Funds Receiver'').[39]

(iv) Implementation Timeframe

Subject to the approval of this proposed rule change and no objection to the related advance notice filing (the ''Advance Notice Filing'') [40] by the Commission, FICC would implement the proposed changes no later than 60 days after the later of the approval of the proposed rule change and no objection to the Advance Notice Filing by the Commission. FICC would announce the effective date of the proposed changes by Important Notice posted to its website.

2. Statutory Basis

FICC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, FICC believes that the proposed rule change is consistent with Sections 17A(b)(3)(F) and 17A(b)(3)(D) of the Act [41] and Rule 17Ad–22(e)(7)(i), (ii), and (viii),[42] as promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[43] FICC believes that the proposed rule changes described in Item II(A)1(i) of this filing regarding the establishment of a new deadline and associated late fees and the removal of a current deadline would help promote the prompt and accurate clearance and settlement of securities transactions.[44] FICC believes that the proposed rule changes would incent Netting Members and CCIT Members to meet their settlement obligations on a more timely basis and thereby better enable FICC to settle on a timely basis. As described above, under the current Rules, the second deadline of 6 p.m. creates an environment of later settlement both at FICC and outside of FICC. Even though Netting Members are generally abiding by the 4:30 p.m. securities allocation deadline, FICC would like to address the possibility of later settlement by deleting the 6 p.m. deadline. FICC believes that the proposed removal of the 6 p.m. deadline for satisfaction of Collateral Allocation Obligations would also incent members to satisfy their securities obligations earlier in the day because after the 4:30 p.m. deadline, FICC would process Collateral Allocation Obligations on a good faith basis only. As such, FICC believes imposing 4:30 p.m. as the only deadline would help enable FICC to complete settlement on a more timely basis. In addition, as noted above, Netting Members typically have obligations to satisfy outside of FICC after the collateral allocations occur at FICC. As described above, specifically, there is interconnectivity between the GCF Repo market and the tri-party market outside of FICC. The securities collateral that is used to settle GCF Repo positions can be subsequently used by Netting Members to complete tri-party transactions outside of FICC. Therefore, FICC believes that the earlier that securities settlement occurs in the GCF Repo Service, the less potential operational risk of incomplete tri-party transactions outside of FICC. By imposing 4:30 p.m. as the only deadline, FICC believes it would be lowering potential operational risk in the market that could arise if Netting Members chose to avail themselves of the current 6 p.m. deadline. This risk is the risk of disorder if firms are attempting to fulfill settlement and tri-party transaction settlement at the same time later in the day. As such, FICC believes that timely settlement at FICC would help with the timely completion of onward processing outside FICC. Therefore, FICC believes that these proposed changes are designed to help promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[45]

FICC also believes that the proposed rule changes to make a clarification, technical changes and corrections described in Item II(A)1(iii) of this filing are designed to provide technical accuracy and additional clarity to Members, which would then help Members to better understand the functioning of the Rules and thereby are designed to help promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[46]

Section 17A(b)(3)(F) of the Act requires that the Rules be designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.[47] FICC believes that the proposed changes described in Item II(A)1(ii) above to establish a process to provide liquidity to FICC in situations where a Netting Member or CCIT Member with a net cash obligation in GCF Repo/CCIT activity, that is otherwise in good standing, is either (1) delayed in satisfying or (2) unable to satisfy its cash obligation (in whole or in part) would help assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.[48] This is because the proposed rule changes would provide a process for FICC to raise liquidity to complete settlement. By enabling FICC to complete settlement, FICC and its members would be less likely to be faced with the uncertainty of unsettled obligations and the risks related thereto.

[38] Net-of-net settlement is described in Section 3 of Rule 20 and the proposal would add a parenthetical to clarify that such applicable paragraph in this section refers to net-of-net settlement, as described further below.

[39] Even though CCIT Members can only initiate cash lending transactions, they could be Net Funds Receivers. For example, assume that on Monday, a CCIT Member entered into a CCIT Transaction to lend $125 million and on Tuesday, the same CCIT Member entered into a CCIT Transaction to lend $50 million in the same Generic CUSIP Number. On Tuesday, after net-of-net settlement, the CCIT Member would be in a Net Funds Receiver Position of $75 million.

[40] *Supra* note 3.

[41] 15 U.S.C. 78q–1(b)(3)(D) and (F).

[42] 17 CFR 240.17Ad–22(e)(7)(i), (ii), and (viii).

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] *Id.*

[48] *Id.*

As such, FICC believes that these proposed rule changes are designed to assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.[49]

Section 17A(b)(3)(D) of the Act, which requires, in part, that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among participants.[50] As described above, FICC proposes to establish (1) late fees for Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. and (2) additional late fees for Net Funds Payors that do not satisfy their cash obligations by the close of the Fedwire Funds Service. FICC believes these proposed changes to establish late fees for satisfaction of net cash obligations in GCF Repo/CCIT activity is consistent with Section 17A(b)(3)(D) of the Act.[51]

As described above, FICC would establish an initial late fee of $500 for Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. To encourage Netting Members and CCIT Members that are Net Funds Payors to satisfy their cash obligations by the proposed 4:30 p.m. deadline, FICC would also establish progressive increases in the amount of the late fee for additional late occurrences (*i.e.,* $1,000 for the second occurrence (within 30 calendar days), $2,000 for the third occurrence (within 30 calendar days), and $3,0000 for the fourth occurrence (within 30 calendar days) or additional occurrences (within the 30 calendar days)). FICC believes these proposed late fees for failure to satisfy cash obligations by the proposed deadline of 4:30 p.m. would provide for the equitable allocation of reasonable fees among participants. Specifically, FICC believes these proposed late fees are equitably allocated because they would apply to all Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. FICC also believes that the proposed initial late fee for late cash settlement of $500 is reasonable because it would be aligned with the current late fee of $500 for late securities settlement. FICC derived the initial late fee for late cash settlement from the late fee of $500 that is currently imposed for late securities settlement. FICC also believes that the progressive increases in the amount of the late fee for additional late occurrences are reasonable because FICC believes these progressive increases would encourage Net Funds Payors to satisfy their cash obligations by the proposed 4:30 p.m. deadline and would provide a disincentive for cash lateness. Furthermore, Net Funds Payor would not be charged the proposed late fee if the lateness is due to the GCF Clearing Agent Bank or FICC. As such, FICC believes these proposed late fees for Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. are consistent with Section 17A(b)(3)(D) of the Act.[52]

In addition, as described above, FICC proposes to establish additional late fees that would be imposed on Net Funds Payors that fail to make the required payment of cash by the close of the Fedwire Funds Service. Specifically, FICC proposes to establish the following additional late fees: (i) 100 Basis points on the unsatisfied cash obligation amount for the first occurrence (within 90 calendar days), (ii) 200 basis points on the unsatisfied cash obligation amount for the second occurrence (within 90 calendar days), (iii) 300 basis points on the unsatisfied cash obligation amount for the third occurrence (within 90 calendar days), and (iv) 400 basis points on the unsatisfied cash obligation amount for the fourth occurrence (within 90 days) or additional occurrences (within the 90 calendar days). FICC believes these proposed changes to establish additional late fees for failure to make the required payment of cash by the close of the Fedwire Funds Service would provide for the equitable allocation of reasonable fees among participants because the proposal would apply to all Net Funds Payors that have failed to make such cash payment by the close of the Fedwire Funds Service. FICC also believes these proposed additional late fees are reasonable. Specifically, FICC believes that, as there is no comparative data, these proposed additional late fees represent reasonable and scaling incentives for Net Funds Payors to satisfy their cash obligations in a timely manner. Furthermore, Net Funds Payors would not be charged the proposed additional fee if the lateness is due to the GCF Clearing Bank or FICC. Also, these proposed additional late fees are in basis points and applied to the amount of the unsettled cash obligations in order to charge for the amount of cash that was not settled. As such, FICC believes these proposed late fees for Net Funds Payors that fail to make the required payment of cash by the close of the Fedwire Funds Service are consistent with Section 17A(b)(3)(D) of the Act.[53]

Rule 17Ad–22(e)(7)(i) requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by maintaining sufficient liquid resources to effect same-day settlement of payment obligations in the event of a default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.[54] FICC believes that the proposal would be consistent with Rule 17Ad–22(e)(7)(i) because the GCF Repo Allocation Waterfall MRA would help FICC maintain sufficient liquid resources to settle the same-day cash obligations of a Netting Member or CCIT Member that is otherwise in good standing with FICC but (i) is delayed in satisfying its cash obligation related to its GCF Repo/CCIT activity or (ii) does not fulfill, or only partially fulfills, such cash obligation.[55] FICC believes that the proposal would be consistent with Rule 17Ad–22(e)(7)(i) because the GCF Repo Allocation Waterfall MRA would be sized based on the actual liquidity need which would help FICC maintain sufficient liquid resources to settle the cash obligations of a Netting Member.[56] The GCF Repo Allocation Waterfall MRA would be a committed arrangement that would be available to avoid unwinding, revoking, or delaying same-day settlement obligations. All transactions entered into pursuant to the GCF Allocation Waterfall MRA are designed to be readily available to meet the cash obligations owed to non-defaulting Netting Members in instances where existing resources (i) may not be readily available after 4:30 p.m. to permit timely settlement or (ii) are maintained primarily to settle the outstanding transactions in the event of a default of a Member and its entire affiliated family.

Rule 17Ad–22(e)(7)(ii) requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency,

[49] *Id.*

[50] 15 U.S.C. 78q–1(b)(3)(D).

[51] *Id.*

[52] *Id.*

[53] *Id.*

[54] 17 CFR 240.17Ad–22(e)(7)(i).

[55] *Id.*

[56] *Id.*

including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by holding qualifying liquid resources [57] sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i) in each relevant currency for which the covered clearing agency has payment obligations owed to clearing Members.[58] FICC believes that the proposed rule change would be consistent with Rule 17Ad–22(e)(7)(ii) because the GCF Repo Allocation Waterfall MRA would be a committed arrangement,[59] and all transactions entered into pursuant to the GCF Repo Allocation Waterfall MRA are designed to be readily available to meet the cash obligations owed to Netting Members.[60]

Rule 17Ad–22(e)(7)(viii) requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by addressing foreseeable liquidity shortfalls that would not be covered by the covered clearing agency's liquid resources and seek to avoid unwinding, revoking, or delaying the same-day settlement of payment obligations.[61] FICC believes that the proposed rule change would be consistent with Rule 17Ad–22(e)(7)(viii) because the GCF Repo Allocation Waterfall MRA would be a committed arrangement, and all transactions entered into pursuant to the GCF Repo Allocation Waterfall MRA are designed to be readily available to settle same-day cash obligations owed to non-defaulting Netting Members.[62]

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that the proposed rule changes described in Item II(A)1(i) of this filing to establish a new deadline and associated late fees for satisfaction of net cash obligations in GCF Repo/CCIT activity could impose a burden on competition. Specifically, Members that do not meet the applicable deadlines would be subject to late fees and this could burden Members with lower operating costs. However, FICC does not believe that this would in and of itself create a significant burden on competition because FICC believes that Members would need to violate the deadlines numerous times for the fees to have a significant burden on their operating costs. Whether the proposed basis point fees would create a significant burden on competition would depend on the financial status of each individual firm and the amount of the fee. Regardless of whether the burden on competition resulting from the proposed rule changes referenced in this paragraph would be significant, FICC believes that such burden on competition would be necessary and appropriate in furtherance of the Act.[63]

Specifically, FICC believes that the proposed rule changes described in the previous paragraph would be necessary in furtherance of the Act in order to incent Netting Members and CCIT Members, as applicable, to meet their obligations on a timely basis.[64] Timely satisfaction of settlement obligations on the part of Members would better enable FICC to complete its settlement process in a more timely manner and not have FICC and its Members left with the uncertainty of unsettled obligations and the risks associated thereto. This, FICC believes, would thereby promote the prompt and accurate clearance and settlement of securities transactions in furtherance of the Act.[65]

FICC also believes that the proposed changes described above would be appropriate in furtherance of the Act.[66] Specifically, the proposed changes discussed in the previous paragraph track the GCF Repo/CCIT processing day including applicable external deadlines such as the close of the Fedwire Funds Service, to which all Netting Members and CCIT Members participating in FICC's services are accustomed.

Furthermore, FICC believes that: (i) The proposed late fees for Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. and (ii) the proposed additional late fees for Net Funds Payors that do not satisfy their cash obligations by the close of Fedwire Funds Service are appropriate in furtherance of the Act because such amounts should serve as a deterrent to lateness in settlement and thereby would allow these services to settle timely, again promoting the prompt and accurate clearance and settlement of securities transactions in furtherance of the Act.[67] FICC believes the progressive increases in the amount of the late fee for both the late fee associated with the 4:30 p.m. deadline and the late fees associated with the close of the Fedwire Funds Service would provide disincentives for cash lateness. With respect to the proposed late fees for Net Funds Payors that do not satisfy their cash obligations by the proposed 4:30 p.m. deadline, FICC derived these late fees by starting with the equivalent late fee of $500 that is currently imposed for late securities settlement and then, increased the late fee amounts for each additional occurrence. Similarly, with respect to the proposed additional late fees for Net Funds Payors that do fail to make the required payment of cash by the close of the Fedwire Funds Service, the proposed additional late fees would be in basis points, based on the amount of the unsettled cash obligations, and would also increase with additional occurrences. Therefore, FICC believes these represent reasonable and scaling incentives for Net Funds Payors to satisfy their cash obligations in a timely manner. As such, FICC believes these proposed late fees would better allow these services to settle timely, and therefore, promote the prompt and accurate clearance and settlement of securities transactions in furtherance of the Act.[68]

In addition, as described above, FICC believes that (i) the proposed late fees for Net Funds Payors that do not satisfy their cash obligations by the proposed deadline of 4:30 p.m. and (ii) the proposed additional late fees for Net Funds Payors that do not satisfy their cash obligations by the close of Fedwire Funds Service are appropriate in furtherance of the Act because they would provide for the equitable allocation of reasonable fees among

[57] "Qualifying liquid resources" means, for any covered clearing agency, the following, in each relevant currency: (i) Cash held either at the central bank of issue or at creditworthy commercial banks; (ii) Assets that are readily available and convertible into cash through prearranged funding arrangements, such as: (A) Committed arrangements without material adverse change provisions, including (1) Lines of credit; (2) Foreign exchange swaps; and (3) Repurchase agreements; or (B) Other prearranged funding arrangements determined to be highly reliable even in extreme but plausible market conditions by the board of directors of the covered clearing agency following a review conducted for this purpose not less than annually; and (iii) Other assets that are readily available and eligible for pledging to (or conducting other appropriate forms of transactions with) a relevant central bank, if the covered clearing agency has access to routine credit at such central bank in a jurisdiction that permits said pledges or other transactions by the covered clearing agency. 17 CFR 240.17Ad–22(a)(14).

[58] 17 CFR 240.17Ad–22(e)(7)(ii).

[59] *See* 17 CFR 240.17Ad–22(a)(14).

[60] *Id.*

[61] 17 CFR 240.17Ad–22(e)(7)(viii).

[62] *Id.*

[63] 15 U.S.C. 78q–1(b)(3)(I).

[64] *Id.*

[65] 15 U.S.C. 78q–1(b)(3)(F).

[66] 15 U.S.C. 78q–1(b)(3)(I).

[67] 15 U.S.C. 78q–1(b)(3)(F).

[68] *Id.*

participants, in furtherance of the Act.[69] As described above, FICC believes that these proposed fees provide for the equitable allocation of reasonable fees among Net Funds Payors because they would apply to all Net Funds Payors and would not be imposed if the lateness is due to the GCF Clearing Agent Bank or FICC. Furthermore, FICC believes that the proposed fees are reasonable because FICC has structured these proposed fees so that the proposed late fees associated with the 4:30 p.m. deadline would address lateness whereas the proposed additional late fees associated with the close of the Fedwire Funds Service would charge for the amount of cash that was not settled. For both of these proposed fees, Net Funds Payors would not be charged if the lateness is due to the GCF Clearing Agent Bank or FICC. As described in greater detail above, FICC also believes these proposed late fees would encourage Net Funds Payors to satisfy their cash obligations in a timely manner. Therefore, FICC believes these proposed late fees are appropriate in furtherance of the Act.[70]

FICC believes that the proposal to delete the current 6 p.m. deadline for Collateral Allocation Obligations (which functions as the second deadline for Collateral Allocation Obligations after which such allocations are processed by FICC on a good faith basis only [71]) and to instead provide that FICC would process such Allocations on a good faith basis only after 4:30 p.m. could impose a burden on competition because it would remove the option of having additional time. Specifically, under the current Rules, Members have an hour and half more.

FICC does not believe that this proposed rule change would result in a significant burden on competition because Members today are generally not availing themselves of the 6 p.m. deadline and most allocations are occurring by 4:30 p.m.[72] Regardless of whether the burden on competition resulting from the proposed rule change referenced in this paragraph would be significant, FICC believes that such burden on competition would be necessary and appropriate in furtherance of the Act.[73] Specifically, FICC believes the proposed change to delete the 6 p.m. deadline for Collateral Allocation Obligations and process such allocations on a good faith basis only from 4:30 p.m. on is necessary in order to further encourage timely securities settlement earlier in the processing day. Such timely settlement at FICC would enable FICC to better promote the prompt and accurate clearance and settlement of securities transactions as required by the Act.[74] In addition, such timely settlement would facilitate the processing of securities movements that could occur outside of FICC once FICC completes settlement.

FICC also believes that this proposed change would be appropriate in furtherance of the Act [75] because all participating Netting Members are subject and accustomed to the 4:30 p.m. deadline today, which is the deadline to which the current late fee applies.[76] As such, FICC is already encouraging Netting Members to satisfy their Collateral Allocation Obligations by 4:30 p.m. In addition, under the proposed rule change, FICC would continue to process such allocations after 4:30 p.m., as long as both counterparties can be reached to assist FICC in doing so, and FICC would do so after 6 p.m. as well. As such, FICC believes that any burden of competition caused by the proposed removal of the 6 p.m. deadline and the processing of Collateral Allocation Obligations after 4:30 p.m. would be necessary and appropriate in furtherance of the Act.[77]

FICC believes that the proposed rule changes described in Item II(A)1(ii) of this filing to establish a process to provide liquidity to FICC in situations where a Netting Member or CCIT Member with a net cash obligation in GCF Repo/CCIT activity, that is otherwise in good standing, is either (1) delayed in satisfying or (2) unable to satisfy its cash obligation (in whole or in part) could impose a burden on competition. Specifically, affected Members that would be required to enter into reverse repos with FICC under the proposal could incur financing costs and this could negatively affect their operating costs. Whether such burden could be significant would depend on the facts surrounding each affected Member's circumstances, including the amount of the required reverse repo and the associated financing costs and how this figure compares to the Member's financial position. Regardless of whether the burden on competition is deemed significant, FICC believes these proposed rule changes would be necessary and appropriate in furtherance of the Act.[78]

Specifically, FICC believes that the proposed rule changes referenced in the previous paragraph would be necessary in furtherance of the Act because the use of the proposed reverse repo would better enable FICC to complete GCF Repo/CCIT settlement.[79] This is because the proposed rule changes would better enable FICC to obtain requisite liquidity to complete settlement by the end of the business day by establishing a committed, rules-based arrangement that is readily available to cover remaining unsettled amounts. As such, the proposed rule changes would help FICC to promote the prompt and accurate clearance and settlement of securities transactions in furtherance of the Act.[80]

FICC also believes that the proposed rule changes described in the previous paragraph would be appropriate in furtherance of the Act.[81] This is because the amount of the reverse repo for each Netting Member and CCIT Member would be limited to the remaining unsettled amount of each such Netting Member and CCIT Member; this means that a Netting Member and CCIT Member would only need to cover liquidity up to the amount of their own outstanding positions. Moreover, employing a reverse repo is an effective means for FICC to raise liquidity because it would be operationally efficient to require affected Members to hold their securities deliveries and thereby provide FICC with the requisite liquidity to compete settlement. In addition, any resulting costs incurred by FICC and/or Net Funds Receivers from employing the reverse repo would be debited from the Net Funds Payor whose shortfall caused the liquidity need. The Net Funds Receivers requesting compensation in this regard would be required to provide proof of commercially reasonable expenses and would need to submit a formal claim to FICC. Upon approval by FICC, the Net Funds Receiver would receive a credit that would be processed in the Funds-Only Settlement process as a Miscellaneous Adjustment Amount and the debit for the Net Funds Payor would be processed in the same way. As such, FICC believes that any burden on competition imposed by the proposed rule changes referenced in the previous

[69] 15 U.S.C. 78q–1(b)(3)(D) and 15 U.S.C. 78q–1(b)(3)(I).

[70] 15 U.S.C. 78q–1(b)(3)(I).

[71] Rule 20, Section 3 and Schedule of GCF Timeframes, *supra* note 4.

[72] As stated above, it is the risk that Members could use the 6:00 p.m. deadline that FICC is proposing to eliminate.

[73] 15 U.S.C. 78q–1(b)(3)(I).

[74] 15 U.S.C. 78q–1(b)(3)(F).

[75] 15 U.S.C. 78q–1(b)(3)(I).

[76] Schedule of GCF Timeframes, *supra* note 4.

[77] 15 U.S.C. 78q–1(b)(3)(I).

[78] *Id.*

[79] *Id.*

[80] 15 U.S.C. 78q–1(b)(3)(F).

[81] 15 U.S.C. 78q–1(b)(3)(I).

paragraph would be necessary and appropriate in furtherance of the Act.[82]

FICC does not believe that the proposed clarification and technical changes and corrections described in Item II(A)1(iii) of this filing would impose a burden on competition because these are all non-substantive clarifying changes and corrections that would not change or affect Members' substantive rights or obligations.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule changes have not been solicited or received. FICC will notify the Commission of any written comments received by FICC.

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 up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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–FICC–2019–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2019–004. 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 FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2019–004 and should be submitted on or before September 19, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[83]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–18632 Filed 8–28–19; 8:45 am]

BILLING CODE 8011–01–P

[82] *Id.*

[83] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 10857]

30-Day Notice of Proposed Information Collection: Supplemental Questionnaire To Determine Entitlement for a U.S. Passport

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to September 30, 2019.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Supplemental Questionnaire to Determine Entitlement for a U.S. Passport.
- *OMB Control Number:* 1405–0214.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Passport Services (CA/PPT).
- *Form Number:* DS–5513.
- *Respondents:* United States Citizens and Noncitizen Nationals.
- *Estimated Number of Respondents:* 4,076.
- *Estimated Number of Responses:* 4,076.
- *Average Time per Response:* 85 minutes.
- *Total Estimated Burden Time:* 5,774 annual hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed

personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The primary purpose for soliciting this information is to establish entitlement for a U.S. Passport Book or Passport Card. The information may also be used in connection with issuing other travel documents or evidence of citizenship, and in furtherance of the Secretary's responsibility for the protection of U.S. nationals abroad and to administer the passport program.

Methodology

The supplemental Questionnaire to Determine Entitlement for a U.S. Passport is used to supplement an existing passport application and solicits information relating to the respondent's family and birth circumstances that is needed prior to passport issuance. The form is available in hard copy from the Department and is not available on the Department's website.

Rachel Arndt,

Deputy Assistant Secretary for Passport Services.

[FR Doc. 2019–18613 Filed 8–28–19; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1272X]

Central Texas & Colorado River Railway, LLC—Abandonment Exemption—in McCulloch, San Saba, Mills, and Lampasas Counties, Tex.

On August 9, 2019, Central Texas & Colorado River Railway, LLC (CTXR), filed with the Board a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon a railroad line covering approximately 67.5 miles of track in McCulloch, San Saba, Mills, and Lampasas Counties, Tex., (the Line), which constitutes CTXR's entire railroad system. The Line extends from a connection with BNSF Railway Company at milepost 0.0 at Lometa, Tex., to the end of the Line at milepost 67.5 near Brady, Tex. The Line traverses U.S. Postal Service Zip Codes 76825, 76872, 76871, 76877, and 76853.

CTXR states that the Line is predominately single-tracked, is stub-ended at Brady, and has no overhead traffic. According to CTXR, to the best of its knowledge, the Line does not contain any federally granted rights-of-way. CTXR states that any documentation in its possession concerning title will be made available promptly to those requesting it.

According to CTXR, it acquired the Line in 2016. *See Central Tex. & Colo. River Ry.—Acquis. & Operation Exemption—Line of Heart of Tex. R.R.,* FD 36018 (STB served July 14, 2016). However, CTXR states that the Line, which is embargoed as of July 25, 2019, due to bridge problems and unsafe track conditions, has become a burden to CTXR and interstate commerce. The petition states that CTXR has incurred millions of dollars of losses since acquiring the Line and CTXR asserts that the costs of maintaining and operating the Line heavily outweigh the potential annual revenue that could be generated from shippers remaining on the Line. CTXR also states that despite its good faith efforts to work with potential and existing customers to generate sufficient operating revenues, and despite its capital investments, the anticipated traffic increases that motivated the purchase of the Line have not materialized.

Citing *Knox & Kane Railroad—Abandonment Exemption—McKean County, Pa.,* AB 551 (Sub-No. 2X) (STB served July 24, 2015), CTXR asserts that, because it proposes to abandon its entire railroad system, the imposition of employee protective conditions is not appropriate.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 27, 2019.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must file a formal expression of intent to file an offer by September 9, 2019, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminary financially responsible. *See* 49 CFR 1152.27(c)(1)(i).

Following authorization for abandonment, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 18, 2019.[1]

All pleadings, referring to Docket No. AB 1272X, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CTXR's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606. Replies to the petition are due on or before September 18, 2019.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at *www.stb.gov.*

Decided: August 23, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2019–18647 Filed 8–28–19; 8:45 am]

BILLING CODE 4915–01–P

[1] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Permanent Closure; Sloulin Field International Airport, Williston, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) received written notice, July 26, 2019, from the City of Williston advising that on October 10, 2019, it will permanently close Sloulin Field International Airport (ISN),

Williston, ND. The notice was in excess of 30 days before the closure in accordance with federal law.

DATES: The permanent closure of the airport is effective as of October 10, 2019.

FOR FURTHER INFORMATION CONTACT: James G. Keefer, Deputy Director, Airports Division, Great Lakes Region, (847) 294–7272.

SUPPLEMENTARY INFORMATION: The City of Williston is constructing a replacement airport for Sloulin Field International Airport. The replacement airport, Williston Basin International Airport (XWA) will open on October 10, 2019 and coincide with the closing of Sloulin Field International Airport. The FAA hereby publishes the City of Williston's notice of permanent closure of Sloulin Field International Airport in accordance with 49 U.S.C. 46319(b).

Issued in Des Plaines, IL, on August 22, 2019.

Birkely M. Rhodes,

Acting Director, Airports Division, Great Lakes Region.

[FR Doc. 2019–18577 Filed 8–28–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–51]

Petition for Exemption; Summary of Petition Received; Boeing Defense Space & Security

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 18, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0551 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 23, 2019.

John Linsenmeyer,

Acting Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0551.

Petitioner: Boeing Defense Space & Security.

Section(s) of 14 CFR Affected: §§ 133.19(a)(1) & (3); 133.23(c); 133.27(b); 133.37(a)(1); 133.43(a) & (b); & 133.49(a).

Description of Relief Sought: The proposed exemption, if granted, would permit operation of the Cargo Air Vehicle (CV2), fully autonomous unmanned aircraft system, above 55 pounds, in external-load operations for research, development, crew training, and exhibition of the external load capability, performed in a sterile and controlled environment under the provisions of a Special Airworthiness Certificate in the Experimental category.

[FR Doc. 2019–18723 Filed 8–28–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–49]

Petition for Exemption; Summary of Petition Received; Envoy Air Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 18, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0489 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Hanan Romodan (202) 267–2778, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 23, 2019.

John Linsenmeyer,

Acting Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0489.

Petitioner: Envoy Air Inc.

Section(s) of 14 CFR Affected: § 91.209(b).

Description of Relief Sought: Envoy Air Inc. requests an exemption for the anti-collision light system in the ERJ 170–200 aircraft. The proposed exemption, if granted, would allow the petitioner to operate an aircraft during daylight, even if the anti-collision light system is inoperative.

[FR Doc. 2019–18724 Filed 8–28–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2019–0027]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; State Notification to Consumers of Motor Vehicle Recall Status

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for review, and requests comments on the ICR. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 7, 2019. Three comments were received and a summary of those comments, and NHTSA's response, can be found in the Abstract portion of this notice.

DATES: Comments must be submitted on or before September 30, 2019.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Office for the National Highway Traffic Safety Administration, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Alexander Ansley, Program Support Division, Office of Defects Investigation (NEF–110), (202) 493–0481, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, W48–336, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. The OMB has promulgated regulations describing what must be included in such a document. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title of Collection: State Notification to Consumers of Motor Vehicle Recall Status.

OMB Control Number: New.

Type of Request: New information collection request.

Type of Review: Regular.

Form Number: OMB SF 424, OMB SF 424A, and OMB SF 424B.

Requested Expiration Date of Approval: 3 years from date of approval.

Abstract: NHTSA is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. This is accomplished by, among other things, setting safety performance standards for motor vehicles and motor vehicle equipment, investigating safety defects, and taking appropriate enforcement action when motor vehicles and motor vehicle equipment are noncompliant or contain safety defects.

The National Traffic and Motor Vehicle Safety Act, 49 U.S.C. 30101, *et. seq.,* as amended (the Safety Act), requires a motor vehicle manufacturer to notify the owners and purchasers of its vehicles of a safety-related defect, or that the vehicle does not comply with an applicable Federal motor vehicle safety standard.[1] A vehicle manufacturer must provide notice of a recall, in a manner prescribed through regulation by NHTSA, to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources or, if a registered owner is not notified through State registration information, to the most recent purchaser known to the manufacturer.[2]

In order to identify owners of vehicles subject to a safety-related recall and provide notification to them, a motor vehicle manufacturer typically contracts with a third party that obtains vehicle registration data for the affected vehicles from State motor vehicle administrations. The motor vehicle manufacturer then notifies owners and purchasers by U.S. Mail about the safety recall and, among other things, how to obtain a remedy to fix the defect or noncompliance.[3] To obtain a remedy, the consumer must then present the recalled motor vehicle to an authorized dealer for the dealer to remedy the defect or noncompliance. 49 U.S.C. 30120.

Recall completion rates can and do vary widely depending on a variety of factors such as the age and type of vehicle, as well as owners' perception of relative risk.[4] Considering this wide range, regardless of completion averages, there are at any time tens of millions of vehicles on the road with unremedied safety defects or noncompliances, each one creating a safety risk. NHTSA and the motor vehicle industry have sought to improve notice of safety-related defects to owners and to develop ways to increase the rate at which owners complete the remedy identified in the notice.

In 2016, in accordance with Section 24105 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94, NHTSA announced a pilot

[1] 49 U.S.C. 30118.

[2] 49 U.S.C. 30119(d).

[3] 49 U.S.C. 30119(d) and 49 CFR part 577.

[4] NHTSA, Report to Congress: ''Vehicle Safety Recall Completion Rates Report'' (2018). A copy of the Vehicle Safety Recall Completion Rates Report is located on NHTSA's website at: *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/18-3122_vehicle_safety_recall_completion_rates_report_to_congress-tag.pdf.*

program to evaluate the feasibility and effectiveness of a State process to inform consumers of open motor vehicle recalls at the time of motor vehicle registration. The grant was conditioned upon a State having the capability to use a vehicle identification number (VIN) to identify whether the specific vehicle was subject to an open safety recall. In 2017, NHTSA awarded the Maryland Motor Vehicle Administration a grant to provide vehicle owners and lessees notice of open safety related recalls on their vehicles. Maryland began notifying vehicle owners and lessees in the Spring of 2018.

Since the start of the Maryland notification program, several States have expressed an interest in partnering with NHTSA to provide similar recall notification to consumers in their states. The Maryland Pilot Program offers a promising effort to increase consumer awareness to repair open safety recalls (and an opportunity to measure the effectiveness of such notification) and NHTSA believes that additional notification by State DMVs would increase consumer awareness of open safety recalls and increase the repair rate of recalled vehicles, thereby reducing the risk of a crash or injury due to a noncompliance or safety defect. Under its existing authority provided in the Safety Act, NHTSA is offering this opportunity to further develop this State to consumer notification to increase awareness of open recalls.

NHTSA encourages applicants to be creative and innovative when developing a proposal (application) for this grant. NHTSA is interested in proposals that provide vehicle owners and lessees with frequent notifications at touchpoints between the State and the vehicle. For example, NHTSA is interested in proposals that may offer options at the time of vehicle registration and other unique notification methods (or even follow-up notification). One potential option is to have notification at the time of registration and at motor vehicle emissions and/or safety inspection stations. A State is free to propose a process to make use of the functionality that may exist through its inspection stations or other intersection between the State and the consumer's vehicle. NHTSA does not want to discourage innovative approaches, provided they satisfy the program requirements of notification at the intersection of a vehicle owner or lessee and the State.

NHTSA is also interested in proposals that provide an analysis of recall completion data on an ongoing basis to assist in program evaluation, or assessment of owners' attitudes toward a particular recall notification protocol. In particular, NHTSA is interested in ways for a State to identify the motor vehicles that were remedied following notification of an open recall by the State. NHTSA looks forward to reviewing resourceful approaches that will motivate owners to remedy open recalls.

While this funding opportunity will be made available to all states, NHTSA anticipates an estimated twenty (20) state applications. NHTSA will require these applications not exceed 25 pages (not including resumes or appendices). NHTSA will also require OMB Standard Form (SF) 424 (including 424 ''Application for Federal Assistance,'' 424A ''Budget Information for Non-Construction Programs,'' and 424B ''Assurances for Non-Construction Programs''), with the required information filled in and certified assurances signed. NHTSA estimates the burden for completing these applications at 3,200 hours total (160 hours × 20 state applicants = 3,200 hours) to allow each applicant thirty (30) days to conduct the necessary research, design their program, and complete the application package.

In response to its 60-day notice posted on May 7, 2019, NHTSA received three (3) comments related to this proposed collection. The Ohio Department of Public Safety, Bureau of Motor Vehicles (BMV) commented in support of the proposed funding opportunity noting that they have ''begun exploratory phases for implementing such a program and are hoping to have a pilot project operational by January 1, 2020.'' Ohio's BMV briefly outlined its intended program to notify both new registrants and owners renewing their registrations of outstanding safety recalls. While Ohio's BMV did not specifically comment on the proposed burden of applying for such a funding opportunity, it did note that the long-term feasibility of such a program may be dependent of the availability of Federal funds.

The National Automobile Dealers Association (NADA) also filed a comment in support of the proposed funding opportunity, stating that it ''supports NHTSA's intent to solicit a new round of applications for state recall notification pilot programs, especially given the ''attention-getting'' nature of state registration notices and the fact that registration renewals cover almost all vehicles with open recalls.'' Considering NHTSA only issued one (1) voluntary grant to the state of Maryland during a similar program in 2016, NADA did specify three concerns regarding the burden estimated for states to apply for such a grant program.

(1) NADA suggested NHTSA should review, and, where possible reduce, the burdens related to the funding opportunity.

(2) NADA suggested NHTSA contact all state DMVs to inform them of the available voluntary funding opportunity.

(3) NADA suggested that NHTSA should discuss solutions to any potential barriers with the American Association of Motor Vehicle Administrators (AAMVA).

NHTSA thanks NADA for its comment in support of the proposed funding opportunity for a state recall notification program. NHTSA notes, however, that the proposed application forms outlined in the 60-day notice are the forms required by OMB for all funding opportunities, in accordance with 2 CFR part 200. NHTSA intends to publish the Request for Applications (RFA) for this opportunity to *www.grants.gov* and will ensure stakeholders are notified about its availability, once posted. NHTSA appreciates all comments from stakeholders concerning application barriers, as requested in this notice. During the application process, NHTSA may address questions from applicants.

The third comment was filed by The Center for Auto Safety (CAS) who stated ''The Center is fully supportive of this funding opportunity and agrees the proposed collection of information is necessary for the Department's ability to fulfil its statutory mission of keeping consumers safe on the road. CAS outlined the standard recall notification process, carried-out by vehicle manufacturers, and noted that the state of Maryland, under a similar funding opportunity issued in 2016, has seen over 150,000 recall remedies performed since initiating their state recall notification program. CAS did not comment on the proposed burden estimates for applying for such a funding opportunity.

Affected Public: State vehicle registration authorities.

Estimated Number of Respondents: 20.

Frequency: One-time.

Number of Responses: 20.

While this funding opportunity will be made available to all states, NHTSA anticipates an estimated twenty (20) state applications.

Estimated Total Annual Burden Hours: 3,200.

NHTSA estimates the burden for completing these applications at 3,200 hours total (160 hours × 20 state applicants = 3,200 hours) to allow each

applicant thirty (30) days to conduct the necessary research, design their program, and complete the application package.

Estimated Total Annual Burden Cost: $96,153.85.

NHTSA estimated the total annual cost associated with the labor hours using the Bureau of Labor Statistics' mean wage estimate for Office and Administrative Support Occupations (Standard Occupational Classification #43–0000 from May 2018) of $18.75.[5] Therefore, NHTSA estimates the hourly wage associated with the estimated 3,200 burden hours to be $60,000 (3,200 hours × $18.75 per hour = $60,000). The Bureau of Labor Statistics estimates that for State and local government workers, wages represent 62.4% of total compensation.[6] Therefore, the total cost associated with this collection is estimated to be $96,153.85. NHTSA does not expect respondents to incur any other costs in responding to this information collection.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance, including whether the information will have practical utility; (b) the accuracy of the Department's estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, *as amended;* and 49 CFR 1.95.

Stephen A. Ridella,

Director, Office of Defects Investigation.

[FR Doc. 2019–18705 Filed 8–28–19; 8:45 am]

BILLING CODE 4910–59–P

[5] Occupational Employment and Wages, May 2018, 43–0009 Office and Administrative Support Occupations (Major Group), Bureau of Labor Statistics, U.S. Department of Labor, *https://www.bls.gov/oes/current/oes430000.htm,* last accessed August 14, 2019.

[6] Employer Costs for Employee Compensation-March 2019, Bureau of Labor Statistics, U.S. Department of Labor, *https://www.bls.gov/news.release/pdf/ecec.pdf,* last accessed August 14, 2019.

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before September 30, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Tax and Trade Bureau (TTB)

1. Title: Personnel Questionnaire—Alcohol and Tobacco Products.

OMB Control Number: 1513–0002.

Type of Review: Revision of a currently approved collection.

Description: Provisions of chapters 51 and 52 of the Internal Revenue Code (IRC, 26 U.S.C. chapters 51 and 52) and the Federal Alcohol Administration Act (FAA Act; 27 U.S.C. 201 *et seq.*) require persons wishing to engage in certain alcohol and tobacco activities to obtain a permit, or approval of a notice or registration, from the Secretary of the Treasury before beginning operations. The IRC and FAA Act provide that an applicant is not eligible for such permits or approvals if the Secretary finds that the applicant, (including company officers, directors, or principal investors) is not likely to lawfully operate or has certain criminal convictions. Under its delegated IRC and FAA Act authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations authorize the collection of information from applicants so that TTB can determine if they meet the minimum statutory and regulatory qualifications for alcohol and tobacco permits, notices, or registrations. To assist TTB in making such determinations, applicants use form TTB F 5000.9, Personnel Questionnaire—Alcohol and Tobacco, or its web-based Permits Online (PONL) equivalent, to provide TTB with information regarding their identity, business history and financing, and criminal record, if any.

Form: TTB F 5000.9.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 9,350.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 9,350.

Estimated Time per Response: 51 minutes.

Estimated Total Annual Burden Hours: 7,958.

2. Title: Inventory—Export Warehouse Proprietor.

OMB Control Number: 1513–0035.

Type of Review: Extension without change of a currently approved collection.

Description: In general, chapter 52 of the Internal Revenue Code (IRC, 26 U.S.C. chapter 52) imposes Federal excise tax on all tobacco products and cigarette papers and tubes manufactured in, or imported into, the United States, while exempting such articles removed for export, as well as all processed tobacco, from that tax. Export warehouses receive and store such non-taxpaid articles until they are removed without payment of tax for export to a foreign country, Puerto Rico, or the U.S. Virgin Islands, or for consumption beyond the internal revenue laws of the United States. In addition, the IRC, at 26 U.S.C. 5721, requires export warehouse proprietors to take an inventory of all tobacco products, cigarette papers and tubes, and processed tobacco on hand at the commencement of business, the conclusion of business, and at other times as the Secretary of the Treasury shall prescribe by regulation. Under that IRC authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 44 require export warehouse proprietors to make opening and closing inventories, as well as inventories at the time of certain

changes in ownership and control of the business. The regulations also require export warehouse proprietors to make a special inventory when required by the appropriate TTB officer. Export warehouse proprietors report inventories on TTB F 5220.3, Inventory—Export Warehouse Proprietor. Proprietors supply one copy of the report to TTB and keep one copy at their business premises. As authorized by 26 U.S.C. 5741, the TTB regulations require proprietors to retain their copies of these inventory reports for 3 years following the close of the calendar year in which the inventory was taken, and they must make these reports available for inspection by any appropriate TTB officer upon request. TTB uses the collected information to protect the revenue. Because export warehouse proprietors hold untaxed tobacco products and cigarette papers and tubes until such articles are exported without payment of tax, transferred in bond to another export warehouse, or returned to the manufacturer, TTB uses these inventories to establish a contingent Federal excise tax liability on such articles held by a proprietor. These inventories also aid TTB in detecting diversion of untaxed articles into the taxable domestic market. In addition, inventories of processed tobacco, which is not subject to tax, help TTB detect and prevent diversion of materials used for making tobacco products to unauthorized manufacturers who would not be accountable to TTB.

Form: TTB F 5220.3.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 80.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 80.

Estimated Time per Response: 5 hours.

Estimated Total Annual Burden Hours: 400.

3. Title: Distilled Spirits Plants—Excise Taxes.

OMB Control Number: 1513–0045.

Type of Review: Extension without change of a currently approved collection.

Description: Under chapter 51 of the Internal Revenue Code (IRC), distilled spirits produced or imported into the United States are subject to Federal excise tax, which is determined at the time the spirits are withdrawn from bond and which is paid by return, subject to regulations prescribed by the Secretary of the Treasury. In addition, a credit may be taken against that tax for the portion of a distilled spirits product's alcohol content derived from wine or flavors. The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 19 and 26 require distilled spirits excise taxpayers to keep certain records in support of the information provided on their excise tax returns, including information on the distilled spirits removed from their premises and the products' applicable tax rates, as well as records related to nontaxable removals, shortages, and losses. The required records are necessary to protect the revenue as TTB uses the data collected to ensure the appropriate amount of tax is paid, to verify claims for refunds or remission of tax, and to account for the transfer of certain distilled spirits excise taxes to the governments of Puerto Rico and the U.S. Virgin Islands.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,160.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 43,660.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 43,660.

4. Title: Formula for Distilled Spirits under The Federal Alcohol Administration Act.

OMB Control Number: 1513–0046.

Type of Review: Extension without change of a currently approved collection.

Description: The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) authorizes the Secretary of the Treasury to issue regulations regarding the labeling of distilled spirits products to prevent consumer deception, to provide the consumer with adequate information as to the identity and quality of such products, and to require a statement of composition in certain cases of distilled spirits produced by blending or rectification or if neutral spirits were used in the product's production. In addition, the Internal Revenue Code (IRC) at 26 U.S.C. 5222(c), 5223, and 5232, authorizes the Secretary of the Treasury to issue regulations regarding the removal and addition of extraneous substances to distilling materials or the redistillation of domestic and imported spirits. Under those authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 5, 19, and 26 require proprietors to obtain TTB approval of formulas for distilled spirits products when operations such as blending, mixing, purifying, refining, compounding, or treating, change the character, composition, class, or type of the spirits. Most respondents now use TTB's Formulas Online (FONL) online system, or its paper equivalent, TTB F 5100.51, to file such formulas, but TTB continues to allow respondents to file distilled spirits formulas using the legacy form, TTB F 5110.38, which is approved under this control number. Respondents use this form to list ingredients, and, in some cases, the process used to produce the product. TTB uses the collected information to determine if a distilled spirits product meets the applicable statutory and regulatory requirements.

Form: TTB F 5110.38.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 50.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50.

5. Title: Stills: Notices, Registration, and Records.

OMB Control Number: 1513–0063.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC), at 26 U.S.C. 5101 and 5179, allows the Secretary of the Treasury to issue regulations to require manufacturers of stills to submit notices regarding the manufacture and setup of stills, and it requires all persons who possess or have custody of a still to register it with the Secretary and provide information as to its location, type, capacity, ownership, and the purpose for which it will be used. Under those authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 29 require still manufacturers to provide certain notices and keep certain records regarding the manufacture and setup of stills. Those regulations also require still owners to register their stills with TTB and provide certain notices and keep certain records regarding such registrations and changes in ownership or location of stills. The required information is necessary to protect the revenue as TTB uses the information to identify persons who possess stills used to produce distilled spirits, which are, in general, subject to Federal excise tax under the IRC.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 10.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 40.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 40.

6. Title: Records of Operations—Manufacturer of Tobacco Products or Processed Tobacco.

OMB Control Number: 1513–0068.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5741 requires manufacturers of tobacco products, cigarette papers or tubes, or processed tobacco to keep records, subject to Government inspection, as the Secretary of the Treasury prescribes by regulation. Under that authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 40 require such manufacturers to keep daily records regarding raw materials received and products manufactured, removed, returned, consumed, transferred, destroyed, lost, or disclosed as shortages. Those regulations provide that manufacturers may use usual and customary commercial records, where possible, to keep and maintain the required data, provided that TTB may readily ascertain the information. Also, manufacturers must maintain the required records for 3 years and make them available for TTB inspection upon request. This information collection is necessary to protect the revenue as it provides accountability over the receipt, production, and disposition of taxable tobacco products and cigarette papers and tubes, and over processed tobacco that, while not subject to tax, may be diverted to the illegal manufacture of taxable tobacco products.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 235.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 235.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 470.

7. Title: Tobacco Export Warehouse—Record of Operations.

OMB Control Number: 1513–0070.

Type of Review: Extension without change of a currently approved collection.

Description: In general, chapter 52 of the Internal Revenue Code (IRC, 26 U.S.C. chapter 52) imposes Federal excise tax on all tobacco products and cigarette papers and tubes manufactured in, or imported into, the United States, while exempting such articles removed for export, as well as all processed tobacco, from that tax. Export warehouses receive and store such non-taxpaid articles until they are removed without payment of tax for export to a foreign country, Puerto Rico, or the U.S. Virgin Islands, or for consumption beyond the internal revenue laws of the United States. To protect the revenue, the IRC at 26 U.S.C. 5741 requires tobacco industry members, including export warehouse proprietors, to keep records as the Secretary of the Treasury prescribes by regulation. Under that IRC authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 44 require export warehouse proprietors to keep records showing the date, kind, quantity, and manufacturer of all tobacco products, cigarette papers and tubes, and processed tobacco received, removed, transferred, destroyed, lost, or returned to the manufacturer or to a customs bonded warehouse proprietor. The required records are necessary to protect the revenue as they allow transactions involving non-taxpaid articles to be traced and verified to ensure that no Federal excise tax liabilities were incurred through the diversion of such articles to taxable uses.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 80.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 80.

Estimated Time per Response: 0 hours. The burden consists only of customary and usual business practices.

Estimated Total Annual Burden Hours: 0.

8. Title: Applications and Notices—Manufacturers of Nonbeverage Products.

OMB Control Number: 1513–0072.

Type of Review: Extension without change of a currently approved collection.

Description: In general, the Internal Revenue Code (IRC) at 26 U.S.C. 5001 imposes Federal excise tax on each proof gallon of distilled spirits produced in or imported into the United States. However, under the IRC at 26 U.S.C. 5111–5114, persons using distilled spirits to produce certain nonbeverage products (medicines, medicinal preparations, food products, flavors, flavoring extracts, or perfume) may claim drawback (refund) of all but $1.00 per proof gallon of the Federal excise tax paid on the distilled spirits used to make such products, subject to regulations issued by the Secretary ''to secure the Treasury against frauds.'' Under those IRC authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 17 require manufacturers to submit certain applications and notices to TTB regarding their use of distilled spirits in the production of nonbeverage products eligible for drawback. The required applications, which require TTB approval, cover nonbeverage activities that present significant jeopardy to the revenue, while the required notices, which do not require TTB approval, cover activities that present less jeopardy to the revenue. This information collection is necessary to protect the revenue as it helps prevent diversion of distilled spirits to beverage use and ensures that nonbeverage product activities comply with the law and TTB regulations.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 350.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 700.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 350.

9. Title: Records of Things of Value to Retailers, and Occasional Letter Reports from Industry Members Regarding Information on Sponsorships, Advertisements, Promotions, etc., under the FAA Act.

OMB Control Number: 1513–0077.

Type of Review: Extension without change of a currently approved collection.

Description: The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205 generally prohibits alcohol beverage producers, importers, or wholesalers from offering inducements to alcohol retailers—giving things of value or conducting certain types of advertisements, promotions, or sponsorships—unless such an action is specifically exempted by regulation. Under that FAA Act authority, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 6, ''Tied-House,'' describe exceptions to the general FAA Act prohibition on offering inducements to retailers and also describe things that are considered to be ''things of value'' for purposes of determining whether an inducement has been offered. Among other provisions, those regulations require alcohol beverage industry members to keep records concerning things of value furnished to retailers, identifying the item and the retailer receiving it, along with the industry member's cost and any charges to the retailer for the item. Industry members may use usual and

customary business records to satisfy that recordkeeping requirement, and such records must be retained for 3 years, available for TTB inspection. In addition, the part 6 regulations provide that TTB may require, as part of a trade practice investigation, a letterhead report from an alcohol industry member regarding any advertisements, promotions, sponsorships, or other activities conducted by, on behalf of, or benefiting the industry member. This information collection is necessary to detect and prevent unfair trade practices as defined by the FAA Act, and ensure compliance with the Act's trade practice exceptions and limitations.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 59,950.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 59,950.

Estimated Time per Response: 8 hours for occasional letter reports, 0 hours for records of things of value.

Estimated Total Annual Burden Hours: 80.

10. Title: Application for Permit to Manufacture or Import Tobacco Products or Processed Tobacco or to Operate an Export Warehouse and Applications to Amend Such Permits.

OMB Control Number: 1513–0078.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5712 and 5713 requires that importers and manufacturers of tobacco products or processed tobacco and export warehouse proprietors apply for and obtain a permit before engaging in such operations, or at such other times, as the Secretary of the Treasury may prescribe by regulation. In addition, 26 U.S.C. 5712 sets forth certain circumstances under which a permit application may be denied, such as if the applicant, including any corporate officer, director, or principle stockholder, is ineligible to obtain a permit by reason of business experience, financial standing, or certain criminal convictions. Under those IRC authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 40, 41, and 44 require tobacco industry members to submit applications using the prescribed TTB forms for new permits or, under certain circumstances, amended permits. Applicants use those forms and any required supporting documents to identify themselves and their business, along with its location, organization, financing, and major investors. Once TTB issues a permit, the permittee must retain a copy of their application package for as long as they continue in business, available for TTB inspection upon request. This information collection is necessary to protect the revenue by ensuring that only persons eligible the law are provided a permit to engage in such tobacco-related businesses.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 470.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 470.

Estimated Time per Response: Varies from 1–2 hours per response.

Estimated Total Annual Burden Hours: 630.

11. Title: Distilled Spirits Plant Equipment and Structures.

OMB Control Number: 1513–0080.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5178 and 5180 authorizes the Secretary of the Treasury to issue regulations regarding the location, construction, and arrangement of distilled spirits plants (DSPs), the identification of DSP structures, equipment, pipes, and tanks, and the posting of an exterior sign at their place of business. The IRC at 26 U.S.C. 5206 also requires DSP proprietors to mark containers of distilled spirits, subject to regulations prescribed by the Secretary. The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations concerning the identification of DSP plants, equipment, structures, and bulk containers are contained in 27 CFR part 19. Those regulations describe the exterior identification sign required at DSPs and the identification signs or marks on DSP structures, cookers, fermenters, stills, tanks, and other major equipment. The regulations also require tank cars and tank trucks used by DSPs as bulk conveyances for distilled spirits to be permanently and legibly marked with identifying information and capacity. The information set forth under this information collection is necessary to protect the revenue and facilitate inspections, as TTB uses the required signs and marks to identify the location, use, and capacity of a DSP's structures, equipment, and conveyances.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,160.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 3,160.

Estimated Time per Response: 0 hours. The burden consists only of customary and usual business practices.

Estimated Total Annual Burden Hours: 0.

12. Title: Labeling of Sulfites in Alcohol Beverages.

OMB Control Number: 1513–0084.

Type of Review: Extension without change of a currently approved collection.

Description: The U.S. Food and Drug Administration (FDA) has determined that sulfating agents are human allergens that can have serious health implications for persons who are allergic to sulfites, particularly asthmatics, and, as a result, FDA regulations require food labels to declare the presence of sulfites if there are 10 parts per million (ppm) or more of a sulfating agent in a finished food product. Under the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e), the Secretary of the Treasury is authorized to issue regulations requiring alcohol beverage labels to provide ''adequate information'' to consumers regarding the identity and quality of such products. Under that FAA Act authority and consistent with FDA's food labeling requirements, the Alcohol and Tobacco Tax and Trade Bureau (TTB) alcohol beverage labeling regulations in 27 CFR part 4 (wine), part 5 (distilled spirits), and part 7 (beer) require a declaration of sulfites on the labels of alcohol beverages released from domestic bottling premises or customs custody when sulfites are present in such products at levels of 10 or more ppm. This label disclosure is necessary to protect sulfite-sensitive consumers from products that potentially could be harmful to them.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 24,700.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 24,700.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 16,476.

Authority: 44 U.S.C. 3501 et seq.

Dated: August 26, 2019.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2019–18718 Filed 8–28–19; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities will be held on September 24–25, 2019, in Room 6W.306, 425 I Street NW, Washington, DC. The meeting sessions will begin and end as follows:

Date	Time
September 24, 2019	9:00 a.m.–5:00 p.m.
September 25, 2019	9:00 a.m.–3:00 p.m.

The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on matters of structural safety in the construction and remodeling of VA facilities and to recommend standards for use by VA in the construction and alteration of its facilities.

On September 24–25, the Committee will receive appropriate briefings and presentations on current seismic, natural hazards, and fire safety issues that are particularly relevant to facilities owned and leased by the Department. The Committee will also discuss appropriate structural and fire safety recommendations for inclusion in VA's construction standards.

No time will be allocated for receiving oral presentations from the public. However, the Committee will accept written comments. Comments should be sent to Donald Myers, Director, Facilities Standards Service, Office of Construction & Facilities Management (003C2B), Department of Veterans Affairs, 425 I Street NW, Washington, DC 20001, or emailed to *donald.myers@va.gov.* Because the meeting will be held in a Government building, anyone attending must be prepared to show a valid photo ID. Please allow 15 minutes before the meeting begins for this process. Those wishing to attend should or seeking additional information should contact Mr. Myers at (202) 632–5388.

Dated: August 26, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–18657 Filed 8–28–19; 8:45 am]

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